

January 4, 2024

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
January 4, 2024

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

Edwin Fryer, Chairman
Joe Schmitt, Vice Chair
Robert L. Klucik, Jr.
Paul Shea
Randy Sparrazza
Chuck Schumacher
Christopher T. Vernon

ABSENT:

Amy Lockhart, Collier County School Board Representative

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Mike Bosi, Planning and Zoning Director
Derek Perry, County Attorney's Office

PROCEEDINGS 8

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

CHAIRMAN FRYER: Thank you, Mr. Bosi.

Ladies and gentlemen, please take your seats and accept from the Planning Commission our wishes to you for a Happy New Year.

This is the January 4, 2024, 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: I'll ask the secretary kindly to take the roll.

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?

CHAIRMAN FRYER: Commissioner Klucik called, and he is en route; says he'll be about five minutes late, so we're expecting him.

COMMISSIONER SHEA: Commissioner Sparrazza?

COMMISSIONER SPARRAZZA: Here.

COMMISSIONER SHEA: Commissioner Schumacher?

COMMISSIONER SCHUMACHER: Here.

CHAIRMAN FRYER: We have a quorum.

COMMISSIONER SHEA: Quorum of six.

CHAIRMAN FRYER: And also Ms. Lockhart's absence is excused.

Okay. Let's see. Addenda to the agenda. Mr. Bellows.

MR. BELLOWES: Good morning, Commissioners. Happy New Year.

We have no changes to the agenda.

CHAIRMAN FRYER: Thank you very much.

Planning Commission absences. Our next meeting -- and, boy, looking at the lookahead that you sent us, Mr. Bellows, we're going to be busy the next few meetings.

So with that in mind, our next meeting is on January 18, 2024. Does anyone know if he or she will not be able to attend that meeting?

COMMISSIONER SCHMITT: I'll be here.

CHAIRMAN FRYER: I'm sorry?

COMMISSIONER SCHMITT: I will be here.

CHAIRMAN FRYER: Okay. Excellent. All right.

COMMISSIONER VERNON: I will not.

CHAIRMAN FRYER: Okay. It sounds like we're going to have a quorum nonetheless.

Same question for the February 1, 2024, meeting. Anyone know if he or she won't be here?

(No response.)

CHAIRMAN FRYER: All right. That augurs well for a quorum there as well.

Let's see. Approval of minutes. We've got really one meeting, two sessions, so

two sets of minutes, the morning and afternoon sessions of our December 7, 2023, meeting. Are there any corrections, changes, or additions to either of those minutes?

(No response.)

CHAIRMAN FRYER: If not, I'd entertain a motion to approve both of them jointly.

COMMISSIONER SCHUMACHER: Moved.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: Any discussion?

(No response.)

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

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: They pass unanimously. Both sessions of minutes of December 7 have been approved unanimously.

BC [sic] report, recap, Mr. Bellows.

MR. BELLOWS: For the record, Ray Bellows. I was just back from vacation, so I don't personally have one, unless Mike does.

MR. BOSI: Yeah. And, Mike Bosi, the zoning director.

The 13th Street storage facility, the GMP and PUD, was approved by the Board of County Commissioners on their regular agenda as well as the Capital -- the Capital Improvement Element and AUIR that was on the regular agenda.

The Marco Shores golf course was approved by the Board of County Commissioners based upon the recommendations of the Planning Commission, as well, on the advertised public hearing. And on the summary agenda, we approved -- one second -- the Monterey Planned Unit Development scrivener's error, which was pretty procedural, as well as the GMP amendment that extended out our Future Land Use Map which had a 2025 prospective, and obviously that was not long enough for our Future Land Use Map to have that, so we extended it out to 2045, as was recommended for approval by the Board of -- by the Planning Commission, and that's all the items that they heard.

CHAIRMAN FRYER: Thank you, Mr. Bosi.

Chairman's report, none today.

Consent agenda, none today.

***Public hearings, advertised. The first to be heard today is PL20230014143, a Land Development Code amendment addressing flood damage prevention. The matter is legislative only, so no need for swearing in of witnesses or ex parte disclosures.

We've got Mr. Johnson, who's in the batter's box. Go ahead, sir.

MR. JOHNSON: Good morning, Mr. Chair, Commissioners. Thank you. For the record, Eric Johnson, planning manager. Excuse my voice. I've been under the weather for a couple days, but we'll get through this. And I recognize that we're first on

the agenda, and I appreciate that. We'll make it quick.

This Land Development Code amendment seeks to modify or update several sections/chapters in the Land Development Code; Chapters 1, 2 -- several sections in Chapter 1, 2, 3, 4, 9, and 10, and the idea here is that we're looking to remove any language that's in the LDC that's -- that pertains to flood damage prevention regulations that are either duplicative to those which are already in Chapter 62 of the Code of Laws and Ordinances or in conflict with the Florida Building Code.

I'm joined together by my fellow staff members. We have William Lang, who is the floodplain coordinator for the county, and his director is Chris Mason, who's the director of Community Planning and Resiliency.

So the county has been approached by a consultant who's working on behalf of the State of Florida that was advising jurisdictions throughout the state of Florida to do this effort to remove any duplicative language because FEMA wants to -- because of FEMA implications.

So what we're trying to do is recognize that Chapter 62 of the Code of Laws and Ordinances is the main repository for flood damage prevention regulations and so migrating the problematic language from the LDC into Chapter 62 of the Code of Laws and Ordinances.

Now, I will, in all transparency, highlight that there is one definition that is in the LDC that we're proposing to delete. That would be proposed in a separate effort, a separate draft ordinance that will be presented to the Board of County Commissioners as far -- as part of Mr. Mason's initiative.

So I wouldn't say that -- so today you have jurisdiction over the Land Development Code amendment. We want you to see this, recognize it, recognize that -- what we're doing. We're removing the duplicative language, the language in conflict and, for the record, that flood elevation determination definition would be removed from the LDC and placed in the Code of Laws and Ordinances.

I'll be happy to answer any questions. I have Mr. Lang here who could speak more about the changes that we're clarifying, the mobile home regulations that are in the code, and also recognize that as part of a county staff, we do not do any staff-initiated amendments. This is driven by a consultant from the State of Florida.

Do you have any questions?

CHAIRMAN FRYER: Thank you. No one is signaling at this time. I'll -- well, go ahead, Vice Chairman.

COMMISSIONER SCHMITT: Yeah. Just -- William, as I asked in the back of the room, and just for clarification with my colleagues on the Board, just because you eliminated, like, firm and flood insurance rate maps, they are still applicable. Everything has been migrated over to the Code of Laws and Ordinances. So it's not that they're eliminated. It's just the fact that you're eliminating them from the LDC, and the language will be now carried in the Code of Laws and Ordinances. I guess I'd need your affirmation on that, number one.

(Commissioner Klucik is now present in the boardroom.)

MR. LANG: For the record, William Lang, L-a-n-g, floodplain coordinator with Community Planning and Resiliency under Growth Management. Thank you, Commissioners, for having me. Thank you, Commissioner Schmitt, for that question.

You are exactly on point. In blue skies or normal operations, but specifically in

disasters or gray skies, we run into situations where, with the Land Development Code and our flood ordinances, which Chapter 62, sometimes if you have duplicative language it can cause some confusion, specifically with the state and feds. So you're right on point.

We're moving duplicative language out of the LDCA, moving it strictly to Chapter 62, Code of Laws and Ordinances, our flood ordinance, and -- so, yeah, that's pretty much it.

CHAIRMAN FRYER: To follow my question, will -- is there going to be a required amendment now to Chapter 62 that goes to the Board of County Commissioners.

MR. LANG: There will be. We have some -- with our consultant with Florida Division of Emergency Management, Rebecca Quinn, we have some items that we're going to be -- that we identified within the work here that we'll be either adding or removing as well from Chapter 62. So that will eventually go to the Board of County Commissioners.

COMMISSIONER SCHMITT: But this was strictly driven by the state just to clean up the language in the LDC.

I'm just curious as -- did the state do this statewide to look at all LDC language and specifically to Collier County saying you need to amend this?

MR. LANG: I can't speak to that specifically. I would say, in general, yes, and we were one of the later ones. So to put things into context, this has been -- we've been putting this off for about two years with the state and feds. So, in generality, yes, they have been working with multiple jurisdictions within the state of Florida, and they've been very patient with us, so that's why we're here today.

COMMISSIONER SCHMITT: No. I just will let the rest of the folks know between William and Chris, who's sitting back there -- of course, this goes back to when Jamie French was, in fact, running some of this program. Collier County's been probably one of the leaders in regards to floodplain management and the insurance programs to reduce the cost of insurance in Collier County through the amendment of the various LDCs.

So, you know, I don't see anything wrong with this. It appears to be directive in nature from the standpoint the state mandated it, and it's -- and the language is being migrated over to Chapter 62, and that will eventually go to the Board of County Commissioners.

MR. LANG: That's correct, Commissioner.

COMMISSIONER SCHMITT: Okay.

MR. LANG: Appreciate it.

CHAIRMAN FRYER: Thank you. And that's a good segue for my comment, so thank you. But before I make my comment, I want the record to show that Commissioner Klucik arrived at 9:08 a.m., a little late due to weather and traffic. So welcome, Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Now, for my comment, and then after that I'll come to you, Commissioner Schumacher, if you don't mind.

COMMISSIONER SCHUMACHER: Yes.

CHAIRMAN FRYER: I am wanting to look at Section 3.02.09, which is the regulations for mobile homes and recreational vehicles. And there's a Section B -- a new Section B in there that contains some blue underlined language, and it's a bit of a

non-sequitur because, as the Vice Chairman pointed out and staff confirmed, the purpose of this exercise is to move all flood-related matters out of the LDC and into Chapter 62 of the ordinances generally, and yet there's a phrase that says that existing mobile homes shall not be required to comply with the requirements of Chapter 62, which kind of defeats the whole purpose.

We want 62 to be not only the senior document but free standing to have all the rules respecting flood. So it would seem to me that we want to take that out, that blue language, and put it into Chapter 62. Your comments, please.

MR. LANG: Thank you for that comment, Chair.

To your point, this particular provision, the new B, if you want to refer to it, in 3.02.09 is dealing with, and if you look at it specifically, the 50 percent rule or substantial improvement/substantial damage, whichever way you're dealing with it, for streets, utilities, pads, basically anything not the structure of the mobile home itself. To that point, it was unique in the Land Development Code where it was not duplicative in 62 where 62 dealt with substantial improvements/substantial damage for the structure specifically.

And so to that point, we actually went over this quite a bit. We're willing to either remove it or see if there's some way that we can incorporate it into 62. But to Mr. Johnson's point previously, we don't want to do anything staff initiated. So any direction from the Commission, or the committee, we'll take that into consideration.

CHAIRMAN FRYER: Well, my comment, of course, is directed toward achieving the executive -- achieving the objective that you set out for yourselves, which is basically to move everything pertaining to flooding into Chapter 62 and out of the LDC so that there's no question about which document or which part of the ordinances governs. And so here we're creating an exception to Chapter 62 by language in 3.02.09, which I think is at war with our objectives.

I'm going to ask Mr. Bosi if he would comment on that. What's your view?

COMMISSIONER SCHMITT: Just one more clarification, and I'll follow up on yours.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER SCHMITT: But isn't the 50 percent rule part of the Building Code as well?

MR. LANG: It is. It is. Again, it's just this one is specific to -- and it was before our time. I'm not sure which floodplain administrator. We've been in the program since 1979. But this was -- it goes a little further, and it deals with the entirety, for example, of a manufactured home park, mobile park, however you want to refer to it.

But to answer your question, Commissioner Schmitt, yes, the SISD 50 percent provisions are covered in not only Chapter 62 but in the Florida Building Code. They were incorporated in 2017, so yes.

CHAIRMAN FRYER: Mr. Bosi.

MR. BOSI: And specifically your question was would -- would the staff recognize --

CHAIRMAN FRYER: I don't know if your mic's on; is it?

MR. BOSI: I'm sorry. Could you -- what is the specificity of your question?

CHAIRMAN FRYER: I want to know what staff's position is. I understand that you've established a self-imposed restriction that staff was not going to initiate changes,

but we're not staff.

MR. BOSI: No. And as I think we spoke early, that if the Planning Commission recommended to the Board of County Commissioners that the 3.02.09 be -- as proposed, be moved to Chapter 62 as well with the other changes being proposed, I think that would be more than appropriate.

One of the bodies that initiates LDC changes is the Planning Commission. You guys are the -- are the local LPA. So any amendments to the LDC is something that is underneath your purview. So that recommendation most certainly is appropriate.

CHAIRMAN FRYER: Okay. So is my idea a good idea or a bad idea?

MR. BOSI: I would say it would be a good idea --

CHAIRMAN FRYER: Okay.

MR. BOSI: -- because it -- as you said, the objective is to get everything in one place.

MR. LANG: I concur.

CHAIRMAN FRYER: Okay. Thank you.

Commissioner Schumacher, and then Vice Chairman.

COMMISSIONER SCHUMACHER: Thank you. Thank you, Mr. Lang.

How does the Florida Building Code recognize a letter of map amendment? The reason I ask that is because we do have so many areas that when FEMA does these flood maps, you pick communities that they say are underwater, basically, and then they have a letter of map amendment done. So in those instances of a disaster where it comes through and that property is over that 50 percent but their height is actually above the floodplain, how does that play into this?

MR. LANG: It's a good question. Thank you for the question.

It's no different than the generality of the National Flood Insurance Program on how they look at that. They manage that through a division of FEMA called the Letter of Map Change Clearinghouse.

But to your point, if they come in -- if an applicant comes in for a renovation, for example, and they have to go through the 50 percent rule and they maybe have to provide calculations, we always encourage that they provide an elevation certificate generally completed by a land surveyor.

And a lot of times we will let them know that if they are eligible -- if it's a problem, that they have the opportunity, potentially, to pursue a letter of map change, and that does do a couple of things. It removes them from the special flood hazard area, which is a zone that starts with A or V. It puts them in what's called an X or X500 zone, which is low to moderate risk and generally does not require a flood -- or the mandatory purchase of flood insurance through an FDIC mortgage lender.

So a lot of times it can remove that structure, and a lot of times, specifically right now for residential, for example, the requirement is base flood elevation plus one for the finished floor. So what it actually can do is remove a structure, and then those provisions don't necessarily apply because it's not technically in the special flood hazard area.

Does that answer your question, Commissioner?

COMMISSIONER SCHUMACHER: Yes. Yes, it does. Thank you, Mr. Lang.

CHAIRMAN FRYER: Thank you.

Vice Chair Schmitt.

COMMISSIONER SCHMITT: Yeah. As far as the recommendation to remove

that language, again, I don't see any problem leaving it in, but if it is deemed to sort of negate the intent -- I just want to make sure that somehow we don't cover up the fact that the mobile homes still have to meet this requirement, and if it's clearly defined in Chapter 62, then the -- well, the language could be removed.

MR. LANG: You're exactly correct in your assumption. The provisions to the structure are still in Chapter 62 and the Florida Building Code.

COMMISSIONER SCHMITT: Okay.

MR. LANG: Thank you. Any other questions?

CHAIRMAN FRYER: Okay. Good. No one else is -- oh, Mr. Perry?

MR. PERRY: As a point of clarity, because the blue language is the added, or the entire Section B, including the existing language, would be moved to the Code of Ordinances?

CHAIRMAN FRYER: I think as much as is logically appropriate, and I would defer to staff to determine -- the point has to do with creating an exception to 62 in the Land Development Code. I just want to get away from that.

MR. PERRY: That's, I think, the --

CHAIRMAN FRYER: How you accomplish it is -- doesn't matter to me. Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I thought we were just talking about removing the last sentence that starts, "if the repair or reconstruction," because I assume you would leave the first sentence in that says "complies with Chapter 62."

COMMISSIONER SCHMITT: Yeah, I would --

COMMISSIONER VERNON: And Chapter 62 covers that second sentence, so you really don't need that second sentence. In fact, you're defeating the purpose of -- you don't want -- you want them to work well together, so you don't need to say the same thing twice. That was my understanding.

CHAIRMAN FRYER: And that, I think, is exactly right. The part that Commissioner Vernon mentioned that should stay in should stay in.

MR. LANG: Agreed.

CHAIRMAN FRYER: Okay. Anyone else want to be heard?

COMMISSIONER SCHMITT: So the recommendation would be the -- just eliminate starting with "if" all the way through "damaged," that --

CHAIRMAN FRYER: Yes.

COMMISSIONER SCHMITT: -- entire sentence? Fine.

MR. LANG: Thank you, Commissioner. We'll take that into consideration --

COMMISSIONER SCHMITT: That would be the recommendation.

MR. LANG: -- and work with the language.

CHAIRMAN FRYER: Yes. Yeah. I think that's where we are up here.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Okay. And that's all I had on these. And no one else is signaling at this time.

Mr. Bosi, did you want to say anything?

MR. BOSI: (Shakes head.)

CHAIRMAN FRYER: All right. Mr. Perry, anything further?

MR. PERRY: That's exactly what we needed, yep.

CHAIRMAN FRYER: Okay. Thank you.

Commissioner -- Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Well, I'd make a motion to approve as just amended on that Section B -- Paragraph B, and I'd make a motion to recommend approval.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER VERNON: Vernon seconds.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER KLUCIK: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, staff.

MR. LANG: Thank you very much.

CHAIRMAN FRYER: Thank you, Planning Commission.

MR. JOHNSON: Thank you, gentlemen.

COMMISSIONER SCHMITT: Mr. Johnson, thank you.

CHAIRMAN FRYER: Yes, indeed.

We will move smartly along.

***Okay. The second and last matter for hearing today are companions, PL20220003804, which is the JLM Living East Residential Overlay Small-Scale Growth Management Plan, and PL20220003805, the JLM Living East Residential PUDZ.

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.

Ex parte disclosures, starting with Commissioner Klucik.

COMMISSIONER KLUCIK: I just spoke -- I have the staff materials, and I spoke with a nearby resident, Mark McLean.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: No disclosures.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Matters of public record, meeting with staff, communication with the applicant's representative.

COMMISSIONER SCHMITT: All I had was -- other than the information provided by staff, a communication with Mr. Yovanovich in regards to the petition.

CHAIRMAN FRYER: Thank you.

And, Mr. Yovanovich, before I ask you to proceed, I'm just going to make quick

reference to this document that has been produced by staff and the County Attorney in response to a request of mine, and I think that some other people wanted to see as well.

We're -- when the time comes, and the time is not ripe now. But when the time comes, possibly when we have the staff report, we may take a break to -- so that we can study it and be sure we know what it is we're looking at.

And with that, I'll turn it over to you, Mr. Yovanovich.

COMMISSIONER SCHMITT: The rest of the disclosures.

COMMISSIONER SPARRAZZA: Us too.

CHAIRMAN FRYER: Oh, sorry.

COMMISSIONER SPARRAZZA: That's all right.

Thank you, Mr. Chairman.

Staff materials and a very brief conversation with Mr. Yovanovich.

COMMISSIONER SCHUMACHER: Staff materials, emails with staff, communication with neighboring residents, and a conversation with Yovanovich.

CHAIRMAN FRYER: Thank you. Sorry for short-shrifting you down there.

COMMISSIONER SCHUMACHER: That's all right. It happens at home all the time.

CHAIRMAN FRYER: Go ahead, Mr. Yovanovich.

MR. YOVANOVICH: Good morning. For the record, Rich Yovanovich, on behalf of the applicant. And Happy New Year to everybody.

With me today, the applicant, JLM Living, LLC; Dan Deichert is the chief executive officer and is the representative of the entity; myself; Wayne Arnold is our professional planner; Mike Delate is our civil engineering; Jim Banks is our traffic engineer; and Marco Espinar is our environmental consultant.

As we typically do, I'll do a brief overview of the petition and the request, and then I'll have Mr. Arnold -- actually, I'll have Mr. Deichert introduce the company and explain a little further what the project's going to be, and then have Mr. Arnold go through the master plan and the changes that were made to the master plan as a result of the neighborhood information meeting to hopefully address some of the concerns that were brought up at that time.

The property is 37.2 acres. It's on Immokalee Road. Richard Street is to our right, and over here to the left, which would be west, is Woodcrest and Massey -- and Woodcrest connects to Massey and ultimately connects all the way down to Vanderbilt Beach Road.

So I know traffic has always been a concern on Immokalee Road and specifically the intersection at Collier Boulevard and Immokalee Road. So there are opportunities to bypass that intersection by using Woodcrest/Massey either all the way down to Vanderbilt Beach Road or down to Tree Farm Road and then back over to Collier Boulevard if you want to do that. And that parallel road came to fruition many, many years ago in recognition that we needed a parallel road to Collier Boulevard. And there was a consortium of property owners that worked to put that road in place.

COMMISSIONER KLUCIK: Which road?

MR. YOVANOVICH: Woodcrest/Massey all the way down to Vanderbilt Beach Road.

COMMISSIONER KLUCIK: Can you put that slide back up and point to it.

MR. YOVANOVICH: Oh, I'm sorry. Right here, Commissioner Klucik,

Woodcrest/Massey.

COMMISSIONER KLUCIK: Is that the one that goes all the way down to Vanderbilt?

MR. YOVANOVICH: It does.

COMMISSIONER KLUCIK: Okay. And with the little circle halfway --

MR. YOVANOVICH: And that will take you -- that's -- Tree Farm is where the circle is.

COMMISSIONER KLUCIK: That's the shortcut to mass at Saint Agnes for me.

MR. YOVANOVICH: Okay. So you know you can avoid that whole intersection.

COMMISSIONER KLUCIK: Yep, yep.

MR. YOVANOVICH: So you have two petitions before you. We have an amendment to the Growth Management Plan, and we have a proposed rezone of the property.

The property under the FLUE is currently within the Rural Fringe Mixed-Use District, and the Board recently amended the Growth Management Plan to allow for increases in density related to affordable housing projects in the Rural Fringe Mixed-Use District. And we're proposing an overlay called the JLM Livingston East -- Living -- JLM Living East Residential Overlay to address an amendment to the Growth Management Plan because the current Growth Management Plan sends you to 2.06 in the Land Development Code, which is the matrix, that exists.

And under the matrix, the density bonus related to the 80-percent-and-below units, the 15 percent of those is covered by the matrix and would allow for an increase in density through that, but the 100-percent-and-below category currently would be required to be owner occupied in order to get a density bonus under the matrix.

So what our amendment does is allow for those additional units per acre to qualify as a density bonus because they're going to be rental -- a rental project.

And then the rezone is to go ahead and implement the residential PUD. One of the other provisions in the Growth Management Plan amendment is to address the open space. Currently, there is a reduction in open space for affordable housing projects within the Rural Fringe Mixed-Use District; however, it also referencing the Section 2.06 in the Land Development Code, so we have to reconcile that, and that's why we've included also a revision to the open space.

The project is a 305-unit multifamily residential dwelling project which has 30 percent of the units income restricted. Fifteen percent of those units would be 80 percent and below the AMI, and 15 percent of the units would be at 100 percent and below the AMI.

It's a unique type of multifamily community because it's a horizontal multifamily community where you have some buildings that just look like it's just a little smaller home, and then you have some other buildings that they're attached. But there's no -- nobody's living above each other. So it's -- it looks very similar to a -- either a single-family or a single-family and kind of a duplex type of community, which is -- which is unique to the multifamily market in Collier County. There are some projects that have a similar concept, but I don't think any of them are out of the ground yet at this point.

Wayne will address the changes we made as the -- as part of the master plan, and he'll show you exactly where this is on the master plan. But the -- when we met with the

project to our west, La Morada, there are some homes that were in pretty close proximity to some of the units within this project. They had a concern about having two-story homes in that area, so we have restricted -- and we'll show you on the master plan where we are limiting ourselves to just one story to address those homes because they were in pretty close proximity to the homes in La Morada.

I've already kind of summarized all of the text changes as a result of the proposed overlay. I know that at some point, Mr. Fryer and staff, you'll want to talk about some essential services language. I don't know if you want to do that now or if you want to wait till when we complete our presentation. But at this point I'm going to introduce Dan to you to let him talk about the proposed project and JLM in particular and then, with that, I'll have Mr. Arnold come up.

CHAIRMAN FRYER: Thank you. Before you step down, just to be sure that I caught all the significant changes and the other members of the Planning Commission, I want to outline what I think is different from what we saw the first time we were exposed to this, and then tell me if I'm not stating it correctly or if I've forgotten something.

First of all, you're going from 350 to 305 dwelling units.

MR. YOVANOVICH: Correct.

CHAIRMAN FRYER: You are going from 25 percent of 350 for affordable, which would have been 88 units, to 30 percent of 305, which is 92 units, correct?

MR. YOVANOVICH: Correct.

CHAIRMAN FRYER: Okay. The open space goes down from 60 percent to 50 percent, but that's provided for as a result of affordable housing, correct?

MR. YOVANOVICH: Correct.

CHAIRMAN FRYER: And the dwelling units per acre goes from 9.4 to 8.2, correct?

MR. YOVANOVICH: Correct.

CHAIRMAN FRYER: And there's going to be a CAT stop easement provided to the county at no charge.

MR. YOVANOVICH: Correct.

CHAIRMAN FRYER: Okay. Have I omitted any material changes?

MR. YOVANOVICH: No, sir.

COMMISSIONER KLUCIK: What was the last -- the last one was a bus stop?

CHAIRMAN FRYER: Yeah, Collier Area Transport.

MR. YOVANOVICH: That's going to be a little later in the presentation to explain where that commitment came from.

CHAIRMAN FRYER: Yeah. I just wanted to --

MR. YOVANOVICH: That's fine.

CHAIRMAN FRYER: As we continue with your presentation, I wanted to be sure that I have captured all --

MR. YOVANOVICH: You've caught them all, and hopefully Mr. Arnold will --

CHAIRMAN FRYER: Okay. Thank you.

MR. YOVANOVICH: Dan, are you ready?

MR. DEICHERT: Yes. Thanks, Rich.

MR. YOVANOVICH: You're welcome.

MR. DEICHERT: Thanks, Mr. Chairman, Commissioners. I'm also a little under the weather, so I'll be brief. My name's Dan Deichert. I'm from Dallas, Texas, the CEO

of JLM Living.

We -- JLM is an Austin-based company that was started in 1992. We invest in operating companies and develop real estate nationwide. We started JLM Living in 2021 to develop this specific product because we recognized there's a gap in affordability of housing. There's also a large number of folks who, you know, don't want to live in an apartment anymore but can't afford a house, and this provides kind of a bridge between those two products.

Presently, we are developing projects in Albuquerque, New Mexico; Daytona Beach; Savannah, Georgia; and San Antonio. We are not merchant builders. We build these projects to hold them. We want to own them. Our goal is to develop upwards of 10,000 units nationwide.

The product is very high end. These units will cost north of \$300,000 apiece to build. We will provide resort-style amenities in the project: Pool, fitness center, walking trails, et cetera, et cetera.

The principals of JLM, myself included, have more experience in the real estate business than we like to admit. I've been doing this since 1981. My partner, Larry Meyer, has been in this business since the late '70s. So, you know, we're thoughtful developers. We hope that we've addressed the concerns of the adjacent neighborhood. If we haven't, we -- you know, we'd like to hear more concerns if they have them.

With that, I'll turn it back to Rich or Wayne -- Wayne Arnold. Thank you.

CHAIRMAN FRYER: Thank you.

MR. ARNOLD: Good morning. Wayne Arnold, certified planner with Grady Minor & Associates.

And I'll pick up where Rich left off. A lot of these slides Rich has already discussed in some form. This is just a simple exhibit showing you the property and the Future Land Use Map change that will occur if you approve the project.

Our proposed master plan has taken on a few changes since we originally started. Obviously, we have reduced the unit count, but when we first initiated our neighborhood information meeting with the neighbors, we heard from residents of Ventana Pointe to our east that they didn't like the proximity of our units to some of their homes and wanted us to -- one of the suggestions was to extend our preservation area along our entire eastern perimeter.

So on this master plan, you can see that the entire eastern boundary now has a preserve area, wider at the top, which reflects a wetland jurisdictional line, and then it extends all the Way South down to Sundance road to our southern perimeter. And at its narrowest point, that's just a little over 50 feet wide for our preservation area. It exceeds your preservation standards and presents a nice separation between us and some of the homes at Ventana Pointe.

COMMISSIONER SHEA: What's the extension on the bottom that's not on our map in our package? You have an arrow on our screen. There's something blocking the words. It points -- it's not in the package. It's something additional.

MR. ARNOLD: Okay. One of the things that staff had asked for -- as we had gone through the process, we show a potential interconnection up here to the adjacent charter school right here, and we've been working with them. Mr. Deichert and Rich attended school board meetings with the school district and are trying to negotiate an interconnection there that would require some necessary changes to traffic circulation.

But in lieu of that, we've added a note down here that's an emergency access that would get us to Sundance. It's not a public road and not intended to be improved, but it would be an emergency-access only for the project.

And I'll just continue to work from the aerial here just to orient you to what we're doing. So Immokalee Road -- and our primary entrance will be on Immokalee Road. The amenity center and leasing office, et cetera, is part of the AA designation, amenity area, and then you see the R tracts, which are where all the residential structures would be located.

And then as Rich mentioned, this area that's crosshatched -- and that's something new to staff, and I don't think they have an objection because they heard some of the discussion between us and the neighbors at La Morada. They asked for the tier of homes that were adjacent here in La Morada to have a single-family-only allowance for these homesites. So we have committed to them and on the master plan with adding a condition to the PUD document that only single-story structures could be built in that crosshatched area because we don't have preservation area separating us from those homes.

But they do have a wide setback and part of their common element open space over there. So we end up achieving 120-plus-foot separation from single-family to single-family, if you will, even though these structures -- and let me just go back and say that, that we've presented these as multifamily because it's not really a single-family by definition. They're not really duplexes by definition because they're not built on individual lots. These are rental units, and they're single owned. So we've kind of crafted a definition that defines these as multifamily that could consist of detached and attached dwelling units, and I'll show you some images of those in a moment.

So the master plan features, obviously, talked about the preservation area. We have our lake system. If you have any questions on drainage, Mike Delate's here. He's been working with the Water Management District and Marco Espinar to define the wetland jurisdictional line, which we have done, had meetings in the field with Water Management District. So we feel very confident about the water management aspect and the environmental aspect of the project design.

And I think from staff's perspective, you can see our northeast reserve abuts Ventana Pointe's northwestern preserve. So that contiguity of preserve area is something that's encouraged by your Comp Plan and the Land Development Code, and we've achieved that.

Here highlighting changes from the neighborhood information meeting. Again, to the east we extended our preservation area along --

CHAIRMAN FRYER: Mr. Arnold, just a moment, please, sir. We have a question.

Commissioner.

COMMISSIONER SHEA: Another quick question. On the proposed potential interconnection for vehicular and pedestrian --

MR. ARNOLD: Yes.

COMMISSIONER SHEA: -- if they make that -- what's the egress onto Immokalee from that adjacent property? Is there a light there?

MR. ARNOLD: There is.

COMMISSIONER SHEA: Is it the same right-hand turn or --

MR. ARNOLD: It's a signalized intersection today --

COMMISSIONER SHEA: Okay.

MR. ARNOLD: -- which would be an advantage, we think, obviously, for our residents and probably -- and that's something that the school's concerned about just because their traffic flow is heavy. We've talked to them about how we could restrict it to egress only, so only accessing that for our exiting movements, and that would be of benefit.

I don't think they've said no. I don't think they're very encouraged at the moment, but -- I'll let Rich -- Rich was in attendance at the meeting. I'll let Rich tell you exactly what they said.

MR. YOVANOVICH: Yeah. I don't want -- I don't want -- at this point, I don't want the Planning Commission to either impose that as a requirement or get the impression that that's a done deal.

We have been -- we've had correspondence back and forth and discussions back and forth. Right now, candidly, I think the school is leaning towards no because of their concerns about traffic interfering with the operation of the school both during normal school hours and after-hour events.

So I just want to make sure, you know, the Planning Commission understands that. We're still talking to them hoping that we can address those concerns. But right now I'd have to say, if I'm a betting man, we're probably not going to get that access, but we wanted to leave it on the master plan in case things changed.

CHAIRMAN FRYER: Understood. Thank you.

MR. ARNOLD: So I discussed the change on the eastern boundary to extend the preserve, and then on the western boundary this reflects the change that we committed to the La Morada folks to have a single-story-only commitment for the structure types in that area. So those were the two major changes we made from the neighborhood meeting.

Then, as you mentioned, Mr. Fryer, that as we have discussed this with staff, we increased the affordable component, and we decreased the number of overall units in the project and brought us and staff together, and thankfully we're all together, and they're recommending approval of the project.

Our permitted uses, pretty straightforward with regard to the rental project. We have these detached and attached structures. No -- as Rich mentioned, no dwelling units located above another, which is the unique style of living that JLM Living is trying to accomplish. These types of projects, you haven't seen them come out of the ground largely yet in Southwest Florida. Several have moved through.

You-all approved a change a couple of years ago at Ave Maria that allowed something called a cottage court, which is a similar style of detached rental. We just got one approved in Lee County, a similar project. These are growing throughout Arizona, Texas, and now in Florida as sort of an alternative to homeownership and/or alternative to the vertical stacked.

CHAIRMAN FRYER: I'm going to remind everyone to please put your phone on mute.

MR. ARNOLD: So one of the things that Rich mentioned, the CAT stop, which I didn't highlight -- let me go back and point that out on the master plan. The CAT bus commitment that we're making is located just west of our entrance on Immokalee Road, and that grew out of a request to vacate what is essentially a driveway connection for the existing homes that are on that property. Mr. Deichert and their group are under contract

to purchase those. We have an easement vacation application that's pending with the county.

And as part of the public benefit, since -- I mean, it's a 10-foot-wide easement. It's hardly something that the public is going to accept or use, but it was dedicated to the public but probably not accepted by the public. They've asked us for some public commitment, so we -- they asked for and we committed to provide an easement for a CAT bus stop in the future should they need it.

Just some conceptual renderings. This gives you the one-story rendering. It doesn't show up as well on this image but, I mean, you get the concept that these are small detached homes.

CHAIRMAN FRYER: Is that second-floor window, is that decorative only?

MR. ARNOLD: It is. It's just a dormer window. There's no living space there.

CHAIRMAN FRYER: Okay.

MR. ARNOLD: This is an example of the two-story, and you can see that there's a full second living level on some of those units.

And some of these units will have garages, some will not. There's on-street parking that would be offered in parts of the community. So you start to see a streetscape that's a little different than we see in many of our rental communities because there's going to be some parallel parking along the streetscape, and then there will be also garage parking for some of those units that opt for the garage package.

And then, as Mr. Deichert mentioned, we have a full array of amenities on site, the resort pool and -- et cetera. This will be a gated, you know, luxury apartment community, and we will have with that 30 percent of our units that will meet the affordable standards that we've included in our Comprehensive Plan language.

Street images here. You get the idea that these, you know, I'll call them cottages, get constructed along a typical residential streetscape, although, they're not platted streets. They're essentially driveways. And that's it, so --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Can you go back? Yeah. So does that mean there's street parking based on the picture, or is that a car that's driving through?

MR. ARNOLD: That's driving. Some portions of the site will have on-street parking and not all because some of these areas are going to have garage homes, which won't have a parallel space in front of them and others will.

COMMISSIONER KLUCIK: Will the garage homes -- okay. So will the driveways actually be long enough to park a car?

MR. YOVANOVICH: Yes.

MR. ARNOLD: Yes, they will be.

COMMISSIONER KLUCIK: Okay. Without blocking the sidewalk?

MR. ARNOLD: Correct.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: Thank you.

MR. ARNOLD: Thank you.

CHAIRMAN FRYER: I have a traffic question.

MR. ARNOLD: Okay.

CHAIRMAN FRYER: Would now be an appropriate time to ask that?

MR. ARNOLD: Sure.

CHAIRMAN FRYER: Do you want to ask your traffic person to come up?

MR. ARNOLD: Would you like to hear from our traffic person, Jim Banks, or staff?

CHAIRMAN FRYER: Yeah, I'd like to hear from Mr. Banks.

MR. ARNOLD: Okay, great.

CHAIRMAN FRYER: I've just got a question. I don't think there will be an issue on it but, I mean, anybody from the applicant's team can speak to this.

The number of dwelling units has been reduced from 350 to 305. I didn't see a similar reduction in the peak p.m. parking [sic]. And it seems to me, after consultation with Mr. Sawyer on staff, that that number should go from 314 peak p.m. to 274. Any objection to that?

MR. BANKS: It's 295. It should be -- 295 would be the reduction. The trip cap would be 295.

CHAIRMAN FRYER: All right. Well, staff has a different number.

MR. BANKS: Yeah. So let me just explain what the difference was.

As Mr. Arnold described to you, the -- well, first I want to start off, for the record, Jim Banks here on behalf of the applicant, and Happy New Year to the Board.

As Mr. Arnold explained, the type of units that they're proposing are basically multifamily-type units, but some of the units, maybe even a substantial amount of the units, might even be stand-alone. So when we go through the SDP process, I don't have to get into a situation where I'm explaining to staff -- because I ran those units as single-family units based upon the way the traffic engineers look at things, is because it's a single stand-alone unit. We don't treat it as a multifamily, even though that's the way it's going to function.

So when we go through the SDP process and I have a stand-alone unit, the SD -- or the development service engineers are going to expect me to run the traffic based upon a single-family unit, which overstates the amount of traffic that's going to be generated, but that's what they're going to expect.

So when Mr. Sawyer was looking at it, he was running it as all -- if it's all multifamily, and I never presented it as all multifamily. I always ran the traffic numbers based upon the way a single-family unit would generate simply because I knew that my next step, when I go to SDP time, they're going to ask that it be analyzed as if it's a single-family unit.

So that's why we have a difference in our calculations. I'm at 295 trips. I provided that information to Mr. Sawyer before this hearing, and he agrees with that, so -- that that would be the trip cap.

CHAIRMAN FRYER: All right. Okay. I'm going to, if you don't mind, ask Mr. Sawyer to come up here real quickly and just confirm that the number is 291, and then we can move on.

COMMISSIONER SHEA: 295.

CHAIRMAN FRYER: 295, I mean.

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

Yes, when I looked at the original calculation, it was based on just units, and I had neglected to look at the difference between parts of them being single-family, some of them being multifamily.

CHAIRMAN FRYER: Okay. Fair enough.

MR. SAWYER: Okay.

CHAIRMAN FRYER: So, basically, you're in agreement with what Mr. Banks said based upon the way this divides out between single and multi?

MR. SAWYER: Correct.

CHAIRMAN FRYER: Thank you. Thank you. Thank you so much.

MR. SAWYER: Okay.

CHAIRMAN FRYER: Okay. So that takes that issue off the table. In other words, I assume the 295, Mr. Yovanovich, is going to be agreeable with the applicant?

MR. YOVANOVICH: Yes, and I -- just for your convenience, I put the calculation up on the visualizer just to show you how Mr. Banks did it. But, yes, we'll make that modification to 295.

CHAIRMAN FRYER: Okay. Thank you very much. Then, further presentation, Mr. Yovanovich?

MR. YOVANOVICH: No, Mr. Chairman. We're available to answer any specific questions you may have.

CHAIRMAN FRYER: All right. No one is signaling at this time. Does anyone have any questions for the applicant?

COMMISSIONER SHEA: No. For staff; mine are for staff.

CHAIRMAN FRYER: Okay. Commissioner Schumacher.

COMMISSIONER SCHUMACHER: I have questions for staff on the traffic.

CHAIRMAN FRYER: Well, let's wait until staff has its presentation and then, of course, the applicant can come back afterward if it desires, if you don't mind.

COMMISSIONER SCHUMACHER: Yes, sir.

CHAIRMAN FRYER: All right. Commissioner Vernon.

COMMISSIONER VERNON: Going back to -- can you go back to Slide No. 3. There you go. One more. So you said there's a back way to go so you don't have to do the Collier Boulevard/Immokalee intersection.

MR. YOVANOVICH: Yeah. There actually -- and I can have Mr. Banks come back up here if you want to talk about all of the back ways to go along Immokalee Road. But right here -- right here is -- I believe it's a lighted intersection for Woodcrest/Massey.

COMMISSIONER VERNON: You still have to go to Immokalee Road.

MR. YOVANOVICH: Yes, but you can avoid -- what I was --

COMMISSIONER VERNON: Right, go past Collier Boulevard.

MR. YOVANOVICH: You don't have to go to Collier Boulevard to get into --

COMMISSIONER VERNON: But you have to get on Immokalee Road?

MR. YOVANOVICH: Yes. The access is on Immokalee Road.

COMMISSIONER VERNON: Okay. And then go to Slide 14 and 15. And at most these will be what I would call duplexes, right?

MR. YOVANOVICH: Right.

MR. DEICHERT: Ten percent duplexes.

MR. YOVANOVICH: What he was saying is you won't have more than a duplex.

COMMISSIONER VERNON: That is -- he's correct.

MR. YOVANOVICH: It will either be detached or a duplex.

MR. DEICHERT: Only 10 percent.

COMMISSIONER VERNON: I understand what --

MR. YOVANOVICH: Well, let me put that on the record. He said at the most 10 percent will be the duplex type.

COMMISSIONER VERNON: Right. And then were one of these the -- what I would call the duplex?

COMMISSIONER SHEA: No.

MR. YOVANOVICH: I don't think we have an example of the duplex.

COMMISSIONER VERNON: Do you have any renderings of what the duplex will look like?

MR. YOVANOVICH: I don't have an example of that. Just imagine two of them right next to each other.

CHAIRMAN FRYER: Two of the two stories?

MR. YOVANOVICH: Or one stories. It could be either option, yes.

COMMISSIONER VERNON: It will be one structure?

MR. YOVANOVICH: It will be one structure with two units.

COMMISSIONER VERNON: Okay.

CHAIRMAN FRYER: Okay. Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. Regarding your discourse -- or the petitioner's discourse with the school, the charter school, I'm assuming, right there --

MR. YOVANOVICH: Yes, sir.

COMMISSIONER KLUCIK: -- it's -- I'm just trying to understand the exact nature of the discussions and the exact nature of their response.

MR. YOVANOVICH: Let me go back just a -- the discussion was we had discussed with them the possibility of interconnection to the project where you can see on the -- right here -- interconnecting the project to their entry road which would allow us to get to the traffic signal for people who wanted to go west. Because that's their entrance road to their school, they had concerns about how would that traffic interface with each other.

We had proposed making additional improvements to their entry road to hopefully address their concerns. We had discussed limiting it to egress only so they didn't have to worry about people coming home and, you know, interfering with the operations of their road.

We've presented all of that to their board. As of right now, the word I got back is they still have concerns about having those -- that interaction between our trips and the operation of the school.

COMMISSIONER KLUCIK: Yeah. I mean, I'm just, like, thinking, like, if -- if you were a decision-maker and you were concerned about the convenience and the operation of your institution, that seems like it's just such an obvious no. So, you know, I mean, it just seems unreasonable to think that they would allow you to participate in that -- you know, that avenue just because it would really tie it up. So I guess I'm just thinking that that seems unreasonable, and it seems like something we should just kind of take off on the table because it's --

MR. YOVANOVICH: I'd like to just leave the interconnection. They may continue to say no. It wasn't as obvious a no.

COMMISSIONER KLUCIK: No, I think the interconnection for emergency purposes makes sense, but not for common use every day.

MR. YOVANOVICH: Well, we still have to get their permission. If they change

their mind that we are able to ingress their operations, I don't want to have to come back amend the master plan.

COMMISSIONER KLUCIK: Yeah, I don't want our decision to be assuming --

MR. YOVANOVICH: Right.

COMMISSIONER KLUCIK: I think that in all -- the likelihood is that's not really --

MR. YOVANOVICH: Right.

COMMISSIONER KLUCIK: -- a reasonable outcome that there would be a full access to use that as an egress and ingress or even just egress. Maybe you could get it, like, hey, at certain hours of the day, you know, after 7 o'clock at night, fine. Something like that, maybe.

MR. YOVANOVICH: Right.

COMMISSIONER KLUCIK: But I just don't think our decisions and our contemplation -- you know, I don't think it's reasonable that we should rest it on that being a full-fledged entry and egress point.

MR. YOVANOVICH: And I appreciate that, and that's why I got up when I got up and said, hey, please don't --

COMMISSIONER KLUCIK: No. And you've been very candid, and I appreciate that. You let us know that it was an unresolved issue and that they definitely have not said yes, and they are likely to not say yes.

CHAIRMAN FRYER: A little bit more of the back story here. I'm sure you know this, Commissioner Klucik, but it's a policy of the county to encourage interconnectivity. So the applicant was attempting to endeavor to accomplish that. It may or may not work because it takes two parties to make an agreement like that.

COMMISSIONER KLUCIK: Right. No, no. And I certainly think, for emergency-based purposes, that makes sense.

CHAIRMAN FRYER: Oh, completely different, yeah.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah, just a curiosity question, and your client may have to answer this. But I'm just curious, on your other projects that are coming out of the ground, you mentioned, I think, three or four of them, are you finding that the local communities are wanting to give preference to essential services personnel? Has that been a request? You can answer, if you know.

MR. YOVANOVICH: I don't know the answer, that's why I asked him to come up.

MR. DEICHERT: Let me think. We've had to accommodate different governmental authorities in different manners. For example, in Savannah, we've -- we've -- we made a deal with the city to give them a fire station site, but we haven't had any request for the affordable component or essential service personnel.

COMMISSIONER VERNON: No preference -- nobody else you've seen that says --

MR. DEICHERT: No.

COMMISSIONER VERNON: Okay. Thank you.

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

Anything further, Mr. Yovanovich?

MR. YOVANOVICH: No, sir.

CHAIRMAN FRYER: All right. Let's hear from staff. And I think -- I know a couple of people want to hear from Mr. Sawyer as well, but go ahead, Mr. Bosi.

MR. BOSI: Mike Bosi, zoning director.

In the effort to give the Planning Commission a little further exposure to my staff, I'm going to ask Parker Klopf to come up and do the brief presentation related to the Comprehensive Planning review of the petition, and then after Parker, Mr. Eric Ortman will finalize the zoning review for us.

CHAIRMAN FRYER: Okay. And then we can expect Mr. Sawyer after that?

MR. BOSI: And then after that's the heavy hitter, Mr. Sawyer.

CHAIRMAN FRYER: Okay. Thank you.

Go ahead, sir.

MR. KLOPF: Good morning, Commissioners. Parker Klopf with the Planning and Zoning department here to represent the small-scale amendment for the JLM Living East.

The submittal has been looked at as supportable by staff. They're providing affordable housing. That gets them the density that would be eligible under the Rural Fringe Mixed-Use District.

As Rich had discussed, the open-space requirement as well as the owner-occupied requirement as listed in LDC 2.06 are going to be amended as part of this overlay, and staff supports it.

Is there any questions that I can answer for you gentlemen?

CHAIRMAN FRYER: Thank you. No one is signaling at this time, so I take it -- Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Thank you.

Under the notes from the County Attorney official review, there is a request for a building separation to eight feet from the 10, which is designated by the county.

MR. KLOPF: That was more of a fire code question, I believe, and I think that Eric is going to be addressing that. That wasn't going to be addressed in the FLUE change.

COMMISSIONER SCHUMACHER: I'll wait for Eric. Thank you.

MR. KLOPF: All right. Thank you, gentlemen.

CHAIRMAN FRYER: Thank you so much.

MR. ORTMAN: Good morning, Commissioners. For the record, Eric Ortman, principal planner in the zoning division.

Mr. Chair, you highlighted the essential changes that took place between the first time this came before you and now.

The applicant did increase affordable housing. Actually, the first submittal was at 22.6 percent. They increased it to 25 and then to 30. The density, they originally asked for 350, and that was reduced to 305 units. And though 2.06 is not directly applicable because of the requirement for homeownership, staff did use 2.06 to try and calculate the density. And with using 2.06, the 30 TDR credits that they have purchased and the permit -- units permitted by right from the underlying zoning, they would be allowed a maximum of 316 units, which is slightly more than they are requesting.

And, Mr. Schumacher, you mentioned the 8-foot separation. Originally the applicant wanted a 5-foot separation, which staff would not sign off on, and we wanted to have a 10-foot separation. And as a condition of approval, staff is okay with the 8-foot

separation provided at the time of SDP. The applicant can provide proof from the Florida Building Code or similar document that an 8-foot separation will provide sufficient separation in case of a fire.

CHAIRMAN FRYER: And you need North Collier to sign off on it?

MR. ORTMAN: The -- it would -- if they're the -- yeah, it would be North Collier Fire Department.

CHAIRMAN FRYER: Okay. Thank you.

MR. ORTMAN: And the last thing, the applicant has agreed for the easement for the bus stop. And the sum of these changes has allowed staff to change its recommendation from denial to approval.

And I can answer any questions if you have them.

CHAIRMAN FRYER: Okay. Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Well, first of all, in the staff report, thank you for laying out what they could have gotten and what they're asking for. I think that was very clear.

And I'm going to ask the question about the building separation. The side-yard setbacks are five feet now or between -- side-yard setbacks that would be -- you said you were only eight feet between homes?

MR. BOSI: Vice Chair, there are no -- there are no lots.

COMMISSIONER SCHMITT: There are no lots.

MR. BOSI: So there are no side yards. I mean, this is a multifamily development that's on a single parcel that's going to be arranged. And so what they're seeking is the 10-foot standard separation requirement to be reduced to eight feet.

COMMISSIONER SCHMITT: Okay. Because the building -- I was going to say the building code says 10 feet. Whether you're a zero lot line, you're still -- it's still 10 feet separation of the building. They're asking for eight feet.

MR. BOSI: Yes, correct.

COMMISSIONER SCHMITT: And so is that a --

MR. BOSI: I don't believe that --

COMMISSIONER SCHMITT: -- deviation, or is that a fire code issue?

MR. ORTMAN: If I may.

COMMISSIONER SCHMITT: Yeah.

MR. ORTMAN: I'm not familiar with the Florida Building Code extensively, but I don't believe that it requires a 10-foot separation. It depends upon the materials that are being used in the building, and that is what determines the necessary separation. The county has long maintained a 10-foot separation for reasons just for -- for multiple reasons.

COMMISSIONER SCHMITT: Okay. Because my recollection was 10 feet, and it seemed to have been the standard.

MR. ORTMAN: It is a standard in the county, or has been the standard in the county.

COMMISSIONER SCHMITT: So as long as the appropriate and proper materials prevent migration of a fire between one building and the next. Also, there has -- there's -- typically where the openings are in the building. Like, if you have zero lot line in a building next to it, it depends on where the windows are, all those kind of things that have to be -- meet the requirements for the -- for the fire -- fire review.

So the bottom line is this will meet the fire review criteria.

MR. ORTMAN: Yes.

COMMISSIONER SCHMITT: Okay.

MR. ORTMAN: And as far as you're specific about where the openings are, et cetera, I cannot speak to that.

COMMISSIONER SCHMITT: Very familiar with it, so okay.

CHAIRMAN FRYER: North Collier hasn't weighed in yet, and it's my understanding that the county is basically deferring to its determination.

COMMISSIONER SCHMITT: Well, wait a minute. North Collier -- the fire review is conducted now as part of county staff. They'll do the fire review.

CHAIRMAN FRYER: I believe it's North Collier.

Mr. Bosi?

COMMISSIONER SCHMITT: Why North Collier? I mean, the fire review is now conducted, it has been for, what, 10, 12 years now, in the county.

MR. BOSI: There is an embedded personnel from North Collier within our review process.

COMMISSIONER SCHMITT: Okay.

MR. BOSI: So, yeah, we do it, but it's performed by an individual who is actually employed by North Collier.

COMMISSIONER SCHMITT: Okay. I thought they migrated over to the county staff. Okay. My -- either -- regardless, it will be officially reviewed in the Building Department for fire code compliance.

MR. ORTMAN: Correct.

CHAIRMAN FRYER: Is -- I'm sorry. Is -- should we engraft a condition of North Collier's approval, or is it already in this material?

MR. BOSI: That's inherent with the SDP and the building permit process.

CHAIRMAN FRYER: Okay. So we don't need to do anything?

MR. ORTMAN: It is also one of the conditions of approval.

CHAIRMAN FRYER: It is a condition of approval?

MR. ORTMAN: It is a condition of approval, yes.

CHAIRMAN FRYER: Okay. Good. Thank you.

COMMISSIONER SCHMITT: Well, that's a duplication. It has to be approved by the fire review.

MR. ORTMAN: Correct.

COMMISSIONER SCHMITT: You can state it. That's irrelevant because in order to get the permit to construct, it has to be reviewed.

MR. ORTMAN: That's correct.

COMMISSIONER SCHMITT: Both the SDP and the building structure itself.

MR. ORTMAN: Correct.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah, I think Commissioner Schmitt's discussion gave me the answer, but just to be clear, the primary reason for the 10-foot separation in our county is more aesthetics really, right?

MR. BOSI: I think the 10-foot separation would -- I think is more dated back to how close for individual single-family lots that structures would be arranged. For multifamily, I think the 10-foot structure has been more -- maybe for aesthetics and for

open-space purposes, so to speak. I don't think the 10-foot separation was specifically designed -- when it was incorporated and it became policy, was related to fire prevention or the fire code.

COMMISSIONER VERNON: Right.

MR. BOSI: I think it was more related to, like you said, aesthetics open space.

COMMISSIONER VERNON: Yeah, because obviously the fire issue's a huge issue, but the way I'm looking at it is this -- an alternative to this would be one big building with zero -- it's just one big building.

MR. BOSI: Correct.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. Can you just confirm with me -- all right. So, obviously, the petitioner is asking for the changes, but they're not asking for, you know -- like, their design is -- like, this is the kind of thing we like to do. So I'm wondering, like, what is actually possible with -- you know, with what they're -- if we make the change, something very different would be possible, isn't that right?

MR. ORTMAN: This is -- this petition is to approve the number of units, approve a change to the Growth Management Plan. The actual design of the buildings will come during the SDP but will be guided by the number of units that they have.

COMMISSIONER KLUCIK: Yeah, no. I guess it's just like we should -- again, you know, as we make our -- you know, weigh the factors, you know, that impact, you know, the way we vote on this -- you know, we're not approving a specific project. And the design based on the market might be totally different than the buildings.

Obviously, you know, they might be convinced that's what they're going to do. It's going to look just like that, and I don't -- you know, I don't doubt that.

I'm just saying what we're approving are very, very minimal requirements for -- you know, and restrictions on what they're going to build, not anything to do with what it's going to look like. It's going to be the spacing, the density, the -- what the streets look like.

MR. BOSI: And that's correct, Commissioner Klucik. We don't get to that level of site development --

COMMISSIONER KLUCIK: Yeah. I mean, it's no different than most of the stuff that comes before us, yeah.

CHAIRMAN FRYER: If it's not in any of the exhibits to the ordinance, such as the master plan, then it is not, you know, part of what the legal requirement is to proceed.

COMMISSIONER KLUCIK: And I do -- I mean, I like the concepts. They're -- it seems like a nice -- a nice place to live.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: Yeah. Just for clarity on side-yard setback, again, the norm has been in the county -- or the preponderance of the side-yard setback developments were seven-and-a-half feet side-yard setback, which would be 15 feet between each home.

We've had requests, many, to reduce it to 5-foot setback or 10 feet between homes. But this will be, as you stated, one single SDP, and the requirement is to eight feet. So any other requirements as mandated by the building code, which is -- the chapter of the building code is the fire code, would have -- the developer still has to meet those

requirements --

MR. BOSI: And that's --

COMMISSIONER SCHMITT: -- regardless if it's -- if it's the -- what building material or other type of things, it's clearly specified in the building code, which is the international building code adopted by the State of Florida, but also if there's any fire alarms or other types of things that are required, that will all be specified at the building review.

MR. BOSI: Yeah.

COMMISSIONER SCHMITT: So it's not part of the zoning. The only thing that's good here is the concept of the potential for 8-foot setbacks -- or 8-foot separation.

CHAIRMAN FRYER: Separation.

MR. ORTMAN: Correct.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. And on that point, Commissioner Schmitt, I guess one of the things that's interesting to me -- and I think we should at least think about it conceptually as -- you know, as planning commissioners because it kind of sets the tone and it also -- you know, we've got to think about the future.

What I could see, right now it's very simple. There aren't lots. We're going to have all of these individual units. And, you know, it's not farfetched to think in 10 years or 30 years or, you know, whatever, somebody else owns the business and has a different idea, you know, down the road and they're like, hey, we want to segment these back into lots, and now whatever it is that we've approved, it might -- you know, we might be really wanting -- you know, whoever the public officials are at that point might really want to turn these into individual, you know, homes that people could buy or, you know, whatever, and then whatever it is is there, we have to accept that.

You know, so we can say now, well, you know, we don't have to follow this because of -- you know, I think it's very wise of us to think about the implications. Even though it's only -- it's not individual lots, we need to think about the potential that this could be segmented into lots because that might be, you know, a really desirable thing that, you know, both the owner, who wants to sell it, and as public officials think that would be a good idea to have more individual homes.

So we can't sell ourselves short on at least thinking that through. I don't know if that -- if we even can, you know, weigh that as to how we vote because, you know, if it meets the four corners of, you know, whatever, we have certain things that weigh on -- factors that weigh on our decision-making, but at least we can suggest imposing or building certain things into it precisely in case, you know, that's where things end up. And I don't know if you've already thought that through and --

MR. BOSI: Mike Bosi, again, zoning director.

I haven't thought of it in that regard, but if they wanted to go that route, they would have to amend their PUD -- then they'd have to amend their PUD with the specifics that would allow for them to go forward with that concept.

COMMISSIONER KLUCIK: No, no. I mean -- I mean after it's done.

MR. BOSI: And that's what -- and I mean that as well. I mean, if it's a 30-year-old -- 30-year project and they want to change it to -- they want to condominiumize, they want individual ownership, they would need to amend the PUD

regardless, if that's --

COMMISSIONER SHEA: His point is, you can't move the house.

(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: Right. The house is already there, so -- yeah. So whatever we're approving, even if everybody agrees, hey, these should be individual lots at some point down the road, we just need to be keeping that in mind. And maybe everybody, you know, would think, oh, yeah, wait, maybe we should build -- build some other requirement in there just to factor it in for future situations. But --

CHAIRMAN FRYER: Vice Chair.

COMMISSIONER KLUCIK: -- I'm just thinking out loud about that. I just think it's an important thing to -- you know, to keep in mind.

COMMISSIONER SCHMITT: Well, the issue is totally moot because it's irrelevant. If these were to be single-family homes, they would have to do a fee-simple lot. They'd have to be re-platted. They'd have to go through the PUD process. It would have to be re-platted. It's -- it's, frankly, not conceivable to easily convert.

So -- but in the second piece, since these are not fee simple -- this is in condominium. These are -- this is treated just like a condominium; is that correct? It's one development.

MR. BOSI: It is one development.

COMMISSIONER SCHMITT: And it's -- so it's platted in condominium. It's not fee-simple lots, so it's -- the point of trying to restrict it is irrelevant. It just simply can't be done without going through all the legal maneuvers to do that, and the law already is there to prevent that from happening unless they come in through a rezoning or other -- other process.

So I don't think it's necessary for us to put any language in there to disallow it because it -- the process is there now that would have to be required to go through all the legal maneuvers, and I'll leave that up to the attorney to describe to go from -- into some kind of a fee simple.

CHAIRMAN FRYER: Do you want Mr. Yovanovich to --

COMMISSIONER SCHMITT: No. I don't think it's necessary even to -- it's just irrelevant. The whole topic is irrelevant.

COMMISSIONER SCHUMACHER: Chair, I believe Mr. Perry has a comment.

CHAIRMAN FRYER: Oh. Mr. Perry.

MR. PERRY: In the county, there are examples of some divisions that are condominiumized, and I'd defer to Mr. Bosi of the specific ones. They look a lot like subdivisions but -- and they were done in the '90s and '80s. So there is a path. I would agree that it would have to be amended. I don't know that it would be a comprehensive amendment. To me, if they'd struck "rental," they could convert it to condominium and --

CHAIRMAN FRYER: It would be a public hearing path.

COMMISSIONER SCHMITT: Correct.

MR. PERRY: Sure.

MR. YOVANOVICH: For the record, Rich Yovanovich. The hoops that we'd have to go through is we'd have to amend the Growth Management Plan amendment because right now it says we can only do rental.

So we would go through, you know, a pretty intense public-hearing process to go to a form of owner-occupied units. And you know what -- and that's a discussion for some

day if someone wants to do that, and the decision-makers at that time can decide whether or not they want to allow for that option. But right now, that's not our request. It's not a possibility without going through the whole process we're going through today to have that happen.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: The only reason I bring it up, Mr. Yovanovich, is that I can see you pleading for your client, 20 years from now, who wants to do it and saying, wow, look, you know, yeah, it might not meet this or that, but, you know, they -- you know it's this beautiful thing, and everyone could be homeowners and, you know -- and that's all I'm saying is that that's --

MR. YOVANOVICH: Sure.

COMMISSIONER KLUCIK: -- not a -- it's not what they're proposing, I get it, but at least it's something to think about, and even from your perspective to think about, you know, from your petitioner's perspective, as to the flexibility. Are they killing themselves or shooting themselves in the foot by missing some important thing that we should -- that the petitioner might want to factor in?

MR. YOVANOVICH: Of course. And hopefully I'm not still doing this in 20 years, but if --

COMMISSIONER KLUCIK: You're good and you love it, so you will be, I can tell.

MR. YOVANOVICH: Sorry. You got me all choked up. But I will -- I've told my clients, guess what, we get to go through this whole process again. If you want to have an option for owner occupied, we should have -- we should have left it in the documents in front of you. That's not -- but, you know, the world -- things could change, you're right. But in 20 years -- we have a 30-year commitment. So in 30 years, I'm fairly certain somebody else will be making that -- will be pleading that case and not me.

CHAIRMAN FRYER: Thank you. Further from staff?

MR. BOSI: Nothing further from Eric, I believe. I think you wanted to hear from Mr. Sawyer.

CHAIRMAN FRYER: Yes, we do.

And Commissioner Vernon is signaling, but we had -- who else wanted to talk about traffic? Someone did.

COMMISSIONER VERNON: Well, I just -- I just had a quick question about this CAT bus stop. I'm not sure who answers this and whether it can be used as a Collier County Public School bus stop also, if needed.

MR. SAWYER: Yes. For the record again, Mike Sawyer, Transportation Planning.

Certainly -- the provision that we've got is specifically for CAT, Collier Area Transit. There have been a number of times where we've tried coordinating with the school district. The challenge that the school district has is that every year the mix of students changes. And so, periodically, how they pick those students up and how they drop them off also changes. And so my understanding, the last discussions that we've had with them is that they certainly want to have as many pedestrian interconnections as they possibly can with schools; however, no designated school bus stops established.

COMMISSIONER VERNON: Let me ask it another way. Are there any situations in the county in which both CAT and Collier County school buses use the same

area for stops? Is that --

MR. SAWYER: Honestly, Commissioners, I do not know. I really don't have that information available.

COMMISSIONER VERNON: Mr. Banks knows.

MR. SAWYER: Mr. Banks knows a lot.

MR. BANKS: The answer is no.

MR. YOVANOVICH: To save poor Jim, the answer is we're not aware of any situation where you have a combination of CAT and school bus.

COMMISSIONER VERNON: Okay.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Mike, we talked about this earlier but, for the record, a lot of the concern from the NIM meeting is the right-turn only and then what load that might generate. In terms of Immokalee, the people that want to go west having to make a U-turn, that's a lot of potential impact, and there was a lot of safety concerns mentioned about that. Can you comment on that a little?

MR. SAWYER: Absolutely. Thank you, Commissioner.

Collier County believes in U-turn movements simply because those turning movements are much safer, for instance, than a direct left-out. Direct left-outs tend to be where you have the most conflict points and the most potential for accidents.

That's why you'll see for the last number of years we have been reducing the number of left-outs on all of our four- and six-lane segmented roads.

COMMISSIONER SHEA: And you get the control to get out by the fact you have a light I don't know how -- quarter mile, half mile west that gives you the gap for the people to go out and go right.

MR. SAWYER: Absolutely, yes.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: Anything further now from -- Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Thank you.

I had emailed with Mike, and you were on that email as well yesterday. When we talk about the improvements to Immokalee and the reduction of the amount of cars on that road now -- and Vanderbilt seems to be the -- I don't want to say scapegoat, but that's where we think everybody's going to go. Having just approved two projects through this commission, and those will go in front of the commissioners. But from the calculations just from the last report, Vanderbilt only had a trip cap of 226 and 204 in between Airport and Livingston and then Livingston to Logan.

It seems like if we're making improvements to Immokalee, there should be some type of improvements to Vanderbilt because Vanderbilt now is a parking lot, as we have heard from the communities there, and Immokalee isn't even better.

So what is the plan -- this project would take until probably 2026/2027 to come online, correct, maybe? Yeah?

MR. YOVANOVICH: (Nods head.)

COMMISSIONER SCHUMACHER: So what type of improvements are planned over the next two years that will alleviate some of that load?

MR. SAWYER: Thank you. Just to get you up to speed a bit on an update quick on VBR itself. The extension, we're about halfway through that three-year construction

process for Phase 1. Phase 2 will be a one-year project following that.

We are -- coincidentally, also we've just gotten through looking at a new modeling of the VBR extension and seeing how that is going to be improving the network.

Right now, primarily what we're looking at from this particular segment of Immokalee is about a 6,200-plus-or-minus improvement in capacity on Immokalee once VBR comes online. That's about a 9 percent increase -- or decrease, if you will, just because VBR's going to be taking that traffic. Network-wise, we're seeing some additional improvements in the network once VBR does come online.

As far as VBR itself, you know, certainly we're currently looking at a number of projects. There's a study that we're going to be doing specifically at VBR, Airport going up to Vanderbilt looking specifically at those intersections, as well as the section in between as far as potential improvements.

We are also -- on an ongoing basis, also looking at other intersection improvements along VBR itself.

So to answer your question we're always looking at those types of improvements. Certainly, once VBR opens up, we're certainly going to be needing to look at what that actually does on a day-to-day basis and a year-to-year basis for the entire network.

As we proceed forward, those network improvements are really what is going to help the system itself improve from what we currently have. And it's -- quite honestly, it's a moving target, and we do as much as we possibly can to move it and anticipate it, more importantly.

COMMISSIONER SCHUMACHER: All right.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: I was going to save it more for the end, but since you're up here...

I guess I've been sitting on here for three years, and we are approving developments along Immokalee like crazy. And when you do the analysis that we see, we only look at the individual impact. We've had this discussion before.

I don't have confidence that we have control of the cumulative impact of what's going on out there. We've talked about having some form of a presentation to help us, as board members, feel like there's more control. Right now my gut is that we're promoting growth faster than our infrastructure planning can keep up with it and deliver projects, but I don't know because I don't know how you do it. And I've just never seen anything that says we've got 60,000 homes that have been approved. Because to me you don't count it until you -- until they come in with a Site Development Plan. I count it when you give them approval because, odds are, it's going to come in. It's not going to look exactly the same, but it's going to be the same size community.

I'd love to see a map that shows everything we've approved and with some time frames of when it might be hitting and see the model that shows what the roads look like then. And I'm not expecting an answer. I know we've talked about it. But I'm just very concerned that we just keep looking at these as one-offs, and we approved them because this meets everything we're trying to incentivize in the county.

CHAIRMAN FRYER: Commissioner, you are exactly right, and this is a battle that I started off seven years ago trying to go fight, and Trinity Scott brought me along to the point where I realized that Tallahassee has severely tied our hands, and there's just

very, very little we can do to put up any kind of a barrier to explosive growth and all the burdens that puts on infrastructure. And it's a damn shame because it should be -- it should be within our purview, but that's been taken away from us.

COMMISSIONER SHEA: But I'm not talking about that. I'm talking about the county having a plan. Forget the regulations in Tallahassee. What do you think's going to happen on that road -- on Immokalee? Let's pick Immokalee. It couldn't be Pine Ridge. What's going to happen with that in 10 years, five years, four years? We have enough information to do a model and show that. I mean, we have sections that are already at Ds, Es, and that's just looking at -- it's not accumulating everything. It's like we'll address it later, but we won't have any options later.

To me it seems like we should have a cumulative plan for pick -- Immokalee Road. We can't just keep approving them on a case-by-case basis, to me.

CHAIRMAN FRYER: Well, the trouble is, I think our hands are tied. And if I'm wrong, please correct me.

COMMISSIONER SHEA: Well, wait. I'm talking about a planning study. I'm not talking about the law.

CHAIRMAN FRYER: My point is is you can plan all you want, but you're not going to be able to execute on that plan by disapproval. You're going to end up with litigation.

COMMISSIONER SHEA: But you don't know what the problem you're reacting to is until you do the plan and look at the impacts.

MR. SAWYER: Commissioners, if I may. The Regional 1 plan that we've got, the Regional 1 model that we refer to as "the model," that does project out what populations are going to be coming on the system, basically, right now between 2035 and 2045. So we are looking at, overall, the general growth within the -- within the county, and specifically on those road segments that we're studying.

So when we talk about the model, that's what we're talking about is that we do look at it. We look at how traffic changes year to year on a quarterly basis. We do traffic counts, and we take those quarterly counts. We average them, and we use those in the AUIR. We also use the information that we've got as far as of the projects coming through the county and getting approved when they come in with their SDPs, when they come in with their plats. Those are also downloaded and goes into that AUIR that you see each year.

COMMISSIONER SHEA: I'm going back farther.

MR. SAWYER: So it basically winds up being -- if you will, it's almost a circle. We go through. We approve a project. That project leads to growth. That growth goes into impacts on the roadway system. We look at the trends that we've got on those roadways and project those out into the future.

Once we see that there's a potential problem, that there's going to be a potential deficit, then we look at what we can do planning-wise to address that. And once we look at that, that goes into our plans as far as road improvements. Those road improvements, once they come online, encourages additional new growth so that once we get additional new growth potential, then that's where the developers decide, oh, that's where I'm going to be going next because there's road capacity. And so you wind up with basically what winds up being a circle of road improvements, leads to growth, leads to, you know, additional impacts on the road systems and right on through back to the original starting

point, again, if you will.

COMMISSIONER SHEA: So if I asked you right now --

MR. SAWYER: Yes.

COMMISSIONER SHEA: -- what does Immokalee Road look like if you add in the 15 huge developments that we've approved in the last few years, you can tell me what the traffic situation will look like there in two, three, four, five, six, seven, eight years?

MR. SAWYER: Right now, Commissioner, that's what I'm trying to tell you. Right now what -- the information that we just modeled, like I told you, as far as of the impacts on VBR being extended, those are calculated using the model, which is looking at additional new trends moving forward, and that's -- that's -- right now, that's our best guess.

COMMISSIONER SHEA: And I understand the guess -- planning is a little bit of guessing. But as a commissioner, in three years I feel so inadequate because I don't know what you have. You may have everything that I'm thinking you don't have right now. And I had suggested maybe a working session with transportation to go through and explain to us how you handle the bigger picture and all of the developments that we keep approving.

MR. SAWYER: Absolutely, Commissioner. We would -- we would encourage a workshop to do that. We're certainly -- we have a presentation that we could tailor make just for the Commission itself.

COMMISSIONER SHEA: I would appreciate you improving my confidence that we have a handle on this.

MR. SAWYER: I would certainly appreciate the opportunity.

CHAIRMAN FRYER: I'm not sure that the answer will enhance your confidence in the process --

COMMISSIONER SHEA: I know.

CHAIRMAN FRYER: -- because, frankly, of state preemption, partial preemption.

Now, it's almost 10:30. It is time for our midmorning recess. We've got two commissioners signaling, Commissioner Vernon and Commissioner Schumacher. When we come back, we'll go directly to them for questions.

We stand in recess until 10:45, and I ask people to try to read at least Subsection B in this material during our elongated recess. We're in recess.

(A brief recess was had from 10:30 a.m. to 10:45 a.m.)

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

CHAIRMAN FRYER: Thank you, Mr. Bosi.

Ladies and gentlemen, please take your seats so that we can reconvene.

Where we are at this point is we have two commissioners who wish to be heard, and we'll start with Commissioner Vernon.

COMMISSIONER VERNON: Okay. So I lit up as I was listening to Paul. And I do understand the Chairman's point about -- we're talking about the traffic and what I would call a macro view of the traffic situation. And I trust that Chairman Fryer's right, and I understand that the Vice Chair probably knows this stuff inside and out.

But I haven't been on the panel as long as -- or on the Commission as long as you have, Paul. And it seems like -- and I know they have to get through staff to get there, but I don't think I've ever seen a project where somebody said this is -- we're going to deny -- I shouldn't say never. Rarely seen a project where we're going to deny approval because of

traffic.

And it's always looking at that specific project, and there's always good experts who are coming in, including staff, saying this is okay to do, and I understand because of what you're saying, Mr. Chairman.

But I do believe knowledge is power, and I don't believe I have a real understanding of what the county's going to look like in terms of traffic in 15 years, 10 years. And I think that our decisions here are going to impact what it's going to look like in 10 years.

So I would love to have -- like, I think that's what you're requesting -- a very specific date when we have a light agenda and spend three hours and, you know, the staff, and maybe Mr. Banks can join us. And, you know, I'd love to just hear from everybody and talk about the macro situation so at least I have a better sense of that knowledge.

Because I do look at -- and, candidly, I think it's the way -- it's the only way I know how to look at it. I do look at these projects individually and not as a pattern. And so exactly what Paul's worried about I'm worried about. And we're approving these individual projects because they're in compliance. And I'm not saying we can't -- we have the right to deny them, but I think I would be more comfortable making decisions and hearing from the public if I understood the big picture, and I don't, as much as I'd like to.

And so I concur with Paul, and I'd just love to have a specific date for, I'd say, a three-hour workshop.

CHAIRMAN FRYER: Thank you.

I had a conversation with Mr. Sawyer during the break on exactly that point. And in the past when there was a request for a workshop, there was some resistance from senior management. And I don't know the details or exactly why that was the case, but the way we resolved it is we took a meeting where we didn't have a heavy agenda, and we just put that on as an agenda item rather than everyone coming in for a workshop.

Either way, it's a good idea, and it's high time we do it because we've got new folks on here. And I would encourage -- well, let's -- without objection -- and if anybody objects to this then they can, but otherwise it will be the consensus of the Planning Commission that we're asking staff to run it up the flagpole and find out if there is any objection within senior management for us holding a workshop, and if there is no objection, we do so and include in that workshop the people who have expertise in the areas that Commissioner Vernon, Commissioner Shea, and others have raised as well as Trinity Scott, if she's available. I think she'd be a very important player in this because -- although it took her a pretty long time to get my thick head around it, I finally did, and came away unhappily seeing that our hands are largely tied.

So that would be -- without objection, I think that's the consensus of the Planning Commission.

COMMISSIONER VERNON: I just -- if I could, one clarification.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER VERNON: I used the term "workshop." What I would prefer -- just because I'm working and some of us are working, I'd prefer to do -- I think you mentioned it. When we have a light agenda, just to do it on a day we're going to be here anyway rather than a second day.

CHAIRMAN FRYER: Okay. And that may not require running it up the flagpole. I think we can probably do that ourselves.

COMMISSIONER VERNON: That would be easier for all of us, I think.

CHAIRMAN FRYER: All right. So, you know, looking at the lookahead, boy, it's going to be a while before we have a light agenda.

Mr. Bosi.

MR. BOSI: And I would say that's probably not a bad thing, because it's going to take staff a little bit of time. Transportation Planning is putting together an arrangement right now in anticipation of the second meeting in January, the 23rd, that moratorium discussion. Transportation's going to have a lot of these issues that you're talking about of how we go about planning.

As that discussion before the break was going, I was a little -- I was jumping out of my -- I wanted to add a little bit of commentary to the statements of do we have a big plan, and we do have a big plan. It's our Future Land Use Element, and it coordinates with the Long-Range Transportation Plan.

We also have developed -- and it's been around for almost a decade and a half. It's the Collier Interactive Growth Model. So what we do is we model our Future Land Use Element and the components of it in terms of the type of land uses that it promotes, the density that it promotes, the wide arrangement of employment centers, of goods and services, of housing types, of residential dwellings. That's all incorporated withinto that Collier Interactive Growth Model which is based upon the allowances within our Future Land Use Map.

That Collier Interactive Growth Model is utilized to provide the modeling that is incorporated withinto our Long-Range Transportation Plan. So our Long-Range Transportation Plan is based upon the anticipation of what our GMP is promoting in terms of long-range planning and sustainability.

And what we're trying to do, because of the limited transportation systems that we have within this county, because of the preponderance of gated communities that have -- and it's not a dig on gated communities, but the outcome of gated communities means that there's very little interconnectivity withinto this county. There's four or five east/west corridors, there's four or five north/south corridors. There's some cut-betweens in between, but it's not consistent in terms of how we have interconnectivity.

So what we tried to do from a land-use planning standpoint is to add high-intensity density within the appropriate areas, goods and services, employment opportunities, to try to shorten some of these trip lengths because we recognize that the transportation within the urbanized area is always going to be a challenge based upon these limited land uses.

But I think we will -- staff will take that advice. We'll look at a -- or the request. Look at a time frame that's going to provide for where we have a day where there's only one or two petitions that we can schedule that, coordinate with Transportation and put together a program that hopefully gives a little bit more answers and specificity towards how we go about -- from a long-range planning standpoint to bring that back to how does that affect and how does that influence what the staff's perspective is, staff's review is for each individual petition.

Because you're right, you get locked onto the petition. What does it do, and what is it doing to that local area? But if you don't have that context of how that all brings about from a long-range standpoint, I could understand the concerns that would be expressed.

So we'll take that, coordinate with our Transportation staff, and coordinate with the

Chair to make sure that we're placing it on the right agenda so we can give you what you want. And we can also share the methodology of how we go about and how we arrive upon our recommendations and provide that information to the Planning Commission as well.

CHAIRMAN FRYER: Thank you.

All right. Let's get back to the matter at hand.

And, Commissioner Shea, you're next up.

COMMISSIONER SHEA: Oh, I was just going to -- Mike had suggested -- he and I have been trying to hook up and do something at least to get me more confident, and that's when we talked about that there are more people on the Board. I don't know on the Sunshine whether you can have a workshop with more than one of us.

CHAIRMAN FRYER: Well, it's a publicly called meeting.

COMMISSIONER SHEA: So it's -- but I'm wondering -- I would volunteer to work with Mike ahead of time to try and at least hone it down to something that I think we're looking to see here and work with him.

CHAIRMAN FRYER: That --

COMMISSIONER SHEA: But I was going to set up something with Mike to see what they do in terms of their modeling and understand it better.

CHAIRMAN FRYER: I am fine with that. In fact, I'm fine with any planning commissioner giving their input to Mr. Bosi to tell him what we're looking for, this either workshop or agenda item.

From my perspective, I think it's going to be important to hear the constraints that have been imposed upon us in Tallahassee such as -- and I'm going to summarize it, and at the risk of error in my summary.

Basically, if you have an applicant in front of you who is asking for trips on the road and the road is scheduled to become deficient anyway regardless of that applicant, you can't penalize the applicant for that.

COMMISSIONER SHEA: I understand. But you need to know what's going to happen on that road to figure out how to solve it. You can't just give it up and say the state's going to not let me do anything.

CHAIRMAN FRYER: Well -- and I think -- I think the staff, people who are doing the planning, like the Vanderbilt Beach extension and the various other plans, are aimed at trying to resolve these problems that are foreseen in the future. But there's a limit to what can be done for -- not only for the intervention on the part of the state government, but also finances and, you know, eminent domain to widen roads. Gosh, that would be hugely expensive.

COMMISSIONER SHEA: Yeah.

CHAIRMAN FRYER: And with that, Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. I just had a question at some point for the petitioner, but it's not too late.

CHAIRMAN FRYER: Well, no. Go right ahead. Let's get back to this petition.

COMMISSIONER KLUCIK: Yeah. It was -- we have one of the --

COMMISSIONER SCHMITT: Make sure you use your microphone.

COMMISSIONER KLUCIK: Oh, yeah. Sorry.

We had some residents approach me -- and they have to leave -- and they were just wondering specifically what is the buffer along the -- there's a development south of the

school on the west side. What is the buffer along that area going to look like?

MR. YOVANOVICH: For the record, Rich Yovanovich. And staff can confirm this. But I think I spoke to the same gentleman in the hallway. It's a -- it's a Type B -- 15-foot-wide Type B buffer which requires either a hedge or a wall to be opaque up to six feet in height, and then it also has trees along -- you know, I think it was --

COMMISSIONER KLUCIK: External of the wall or internal of the wall?

MR. YOVANOVICH: You don't have to have a wall. You have to have either or a wall or a hedge that is opaque to six feet in height and then trees within that same 15-foot buffer, a space.

And is it 25 feet or 30 feet?

I'm going to let Jaime tell you the exact.

COMMISSIONER KLUCIK: Well, I guess I could ask, you know, like, maybe the petitioner himself, you know, what he actually thinks they're planning to do there.

MR. DEICHERT: Dan Deichert.

I think that originally there's going to be a wall with planting behind it, and the planting will grow in to completely screen the two lots from each other.

COMMISSIONER KLUCIK: So the planting will be on the outer side of the fence?

MR. DEICHERT: It can be. It doesn't matter to us.

COMMISSIONER KLUCIK: Okay. All right. Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: A question for Rich. I did not see it or hear the mix of units, one-bedroom, two-bedroom, three-bedroom, the percentage it's going to be --

MR. YOVANOVICH: The percentages?

COMMISSIONER SCHUMACHER: -- of --

MR. YOVANOVICH: Do you know, Dan?

COMMISSIONER SCHUMACHER: -- what you're --

MR. YOVANOVICH: I don't think we've come up with the exact percentages of ones, twos, and threes at this point, Commissioner Schumacher.

COMMISSIONER SCHUMACHER: But that would be spread out --

MR. YOVANOVICH: Thirty percent --

COMMISSIONER SCHUMACHER: -- of whatever units you have?

MR. YOVANOVICH: -- is spread over unit types.

MR. DEICHERT: Typically, in our projects we do 35 percent one-bedroom, 35 percent two-bedrooms, and 30 percent threes, but it depends on the market. The three-bedroom ones -- the three-bedroom units are the ones that are the most difficult to lease, so we have to adjust that mix for each market.

COMMISSIONER SCHUMACHER: Thank you.

CHAIRMAN FRYER: Thank you.

No one else is signaling at this point.

What I would like to do is to take up the subject of essential services personnel. There's been a fair amount of work done and background on this by staff in communications. I've had conversations with Mr. Yovanovich and working with the County Attorney's Office, particularly Mr. Perry, and Mr. Bosi from staff.

We have in front of us for consideration a staff and County Attorney approved proposed essential services personnel provision. And let me -- let me preface the discussion by saying, at least in my experience, from my perspective, there are usually three interest groups involved in coming before us when we have a development -- residential development that is going to involve affordable housing. We've got the applicant and what it wants, we've got the neighbors and what they want, and then we've got the county and what it would like to see.

And in this particular case -- and I'm not going to put words in Mr. Yovanovich's mouth, but based upon the conversations I have had -- and certainly before he saw this specific language, he was generally amenable to adopting the concept, recognizing that under the Fair Housing laws there may be an interpretation down the line that would override what we're doing under the -- well, under the Supremacy Clause of the U.S. Constitution.

But -- so he's been pretty open minded about this and may have some specific comments, may not. But -- so you've got the developer's interest. Then you've got the residents who come in, the neighbors, and pretty much they unanimously don't want affordable housing of any kind. And, you know, that's sort of the NIMBY approach. And I don't mean that be to critical, because probably in my heart of hearts I've thought that way as well when confronted in the same circumstances. So that's a second group.

And then the third group is the interest of the county, which has been pretty well stated, I think, not only publicly outside of particular applications but within applications like Ascend and some others, that there is a preference for somehow attracting essential services personnel to this county if it can possibly be done.

So with that background, I'm going to turn it over to Mr. Bosi and Mr. Perry to explain. And primarily, I think, Section B, because Sections A and C are really bracketing information. But would you explain what we have before you in Section B?

COMMISSIONER VERNON: Can I jump in?

CHAIRMAN FRYER: Yes.

COMMISSIONER VERNON: I've got to take a call, so I'm going to have to step out, so I want to give you my thoughts --

CHAIRMAN FRYER: Go ahead.

COMMISSIONER VERNON: -- in case I miss the discussion.

So affordable housing, big picture, I think, you know, it's great to see this affordable housing. I think it's not just affordable housing, but we really need creative housing, and I think this is a little bit of a step in that direction to really try to solve this problem.

I do worry that we're approving so many affordable housing projects now, in 30 years, when Rich is no longer here and we're no longer here, all of a sudden there's a -- after 30 -- in 31 years, there's going to be a bunch of big adjustments. So I don't know what we do about that, but just to be aware of it.

I'm a little bit concerned about the -- and I just looked at this this morning during the meeting, so I haven't really studied it, but it looks like there's three or four different definitions of what we're calcu- -- what we're considering essential personnel.

And the last one, on Number B6, it looks to me -- I don't know. It may be covered. You covered municipalities -- and I know I'm going fast here, but I've just got to jump. You covered municipalities in 6, but I don't know whether that covers city police,

like Marco Island Police, Naples Police, because you do have the Sheriff's Department separate from just county employees.

So those are my comments. You know, I'm -- I'm not objecting to any of this. I just was giving you my thoughts.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: And I'll try to get back.

Okay. Thank you. Mr. Bosi and Mr. Perry.

MR. BOSI: Chair, Mike Bosi again.

And to kind of round out this discussion, as part of the authors of this, I would invite Mr. Cormac Giblin, our housing director, who was a strong role.

But just to give you the origins of where this came from -- and December 7th we had a pretty robust discussion in terms of ESP providers for Matson, the project that was on Vanderbilt. And this was -- we took the language that's proposed in that PUD, which is going to be heard by the Board of County Commissioners on the 23rd of January, so it has not been approved by the Board yet.

But this was based upon what was crafted as part of that PUD with some modifications that were suggested from some comments that we had from the Chair as well as some comments from Cormac.

And with that, I would turn it over to Cormac.

CHAIRMAN FRYER: Thank you.

MR. GIBLIN: Sure. For the record, Cormac Giblin, your director of Housing, Policy, and Economic Development.

I'll go even a little further back than Mike did on the origins of the ESP concept. This dates back to the early 2000s. State Representative Mike Davis from Collier County here put something forward in Florida Statutes called the CWHIP. It was Community Workforce Housing Innovation Pilot Project. And that cemented into state statute -- the citation is here in B1 -- the concept of what essential services personnel is. And it was basically a preferential treatment or a targeting of affordable units towards those employees that are essential to the makeup and the functioning of Collier County: Teachers, firemen, government service. Those types of professions.

The state statute outlines in broad terms the employment classifications that are to be included in the ESP definition, but then it gives further direction to each county to adopt a specific definition of essential services personnel in their Local Housing Assistance Plan. Collier County's done that. They've done that since the early 2000s. This is the Local Housing Assistance Plan. And in B2, it is an exact copy of the already existing definition that the Board of County Commissioners has adopted and the state has then subsequently signed off on of what ESP housing means here in Collier County, and it broadly is among the same categories that we've previously identified.

So that's the first step in -- that we approached the -- in this approach was to use a consistent definition of ESP because up until now, each one of these ESP provisions has used maybe one that included certain professions, not others without the concept of "we already have a county-adopted definition of what ESP housing is." So that brings that into the fold for this one and perhaps future ones.

It then sets out what the advertising -- priority advertising would be for the ESP units. That's 90 days prior to and leading up to the leasing of the first non-set-aside unit. And then each time a new -- a set-aside unit is then vacated, there are notice requirements

to those -- to those mentioned in B6.

To the question of is the city police department or the Marco Police Department part of the City of Naples or City of Marco, yes, they are. So unlike in Collier County where the Sheriff is a separate constitutional officer, in the city -- notice to the city HR Department handles the city's police department, same with City of Marco.

And with that, any questions?

CHAIRMAN FRYER: If not, Mr. Perry, did you want to say a word or two?

MR. PERRY: Not specifically. This is just the latest iteration and evolution of language that we are collectively trying to get right.

CHAIRMAN FRYER: Okay. Is it a fair statement that the County Attorney's Office supports this or at least is comfortable with this?

MR. PERRY: We -- absolutely. We deem this legally sufficient.

CHAIRMAN FRYER: Okay. Good. Is it also fair that the county staff supports or at least does not oppose this concept.

MR. BOSI: We're not opposed, and we do support it.

CHAIRMAN FRYER: Okay. Thank you.

So we've got some commissioners who would like to be heard, starting with Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you, Chair.

It's my understanding that this is a guideline and that any petitioner bringing a project to us may agree to none, some, or all of this. And the one point I want to make is I thought we had a project recently where just due to being confined with time, energy, and cost, they would only be doing an initial offering of the set-aside units. After those units were fully rented, the next time a property was up to be rented again, they would not be going through the procedure because that would require them -- every single time a unit comes up, they may only have had 30 days', 60-day notice. Now they have to try to get that set-aside information out to the public and that it just wasn't feasibly possible.

My statement is, then, that we -- I believe we have to be cautious with every time a unit comes up that there will be a procedure put in place where the set-aside units go to ESP where it's looked at project by project; is that correct?

CHAIRMAN FRYER: If I may, Commissioner, this proposal only imposes an initial notification at the time of the CO. And the hope behind this is is that once the word gets out within the essential services employers, be they fire departments, EMS, whatever, once the word gets out, that word of mouth will make the subsequent renters aware of the availability of these units. And even though we initially had -- or not initially -- but not too long ago we had an applicant who was willing to give notification to every succeeding renter. We can see why that is pretty cumbersome and would get in the way of the return on the investment in an unfair way. So this is just a one-shot, one-notice deal.

MR. GIBLIN: Mr. Chair, just if I could point out B5, which the pointer is pointed at, does require that every initial vacancy -- or every subsequent vacancy, I should say, requires the advertisement to ESP -- to the ESP partners listed in 6, but it does not limit it from being rented to the general public who qualifies.

CHAIRMAN FRYER: Right, right. It's not a preference after the first -- the initial renter.

COMMISSIONER SPARRAZZA: Okay. Thank you for the clarification. I didn't read it that way, but I appreciate the clarification from both of you.

CHAIRMAN FRYER: Sure.

COMMISSIONER SPARRAZZA: Thank you.

CHAIRMAN FRYER: All right. Commissioner Schmitt, Vice Chairman.

COMMISSIONER SCHMITT: Cormac, the only thing I don't see in here is military personnel, and I'm assuming that they would fall under "other government employees." I know Collier County, you know, we don't have military bases here, but we do have active-duty military who end up getting stationed in this area, either through JR -- Junior -- JR -- ROTC or recruiters, but we also have reservists who may live here and drive elsewhere for reserve duty. So I'm assuming that they would fall under government employees; is that correct?

MR. GIBLIN: We can interpret government employees to mean active-duty military or reservists. There was a project that was approved a few months ago with a similar provision that actually added veterans as well.

COMMISSIONER SCHMITT: Yeah, because I -- typically, though, if there were -- if there was a military base here, there's a local housing office. I don't know who you would contact other than just some kind of a blast to -- email blast to a housing office, you know, whether it's Miami or Tampa or whatever. But I would just -- I just want to make sure that we identify those personnel as well.

MR. YOVANOVICH: I'm sorry. I was involved in that. That's why I popped up.

COMMISSIONER SCHMITT: Yeah.

MR. YOVANOVICH: And it came up at the BCC, not in front of you-all. What we did is we added veterans to essential service personnel. We did not add additional notice requirements because, frankly, we didn't know who to notify after the subsequent. But we did add veterans in the preference for the initial lease-up.

COMMISSIONER SCHMITT: Yeah. I mean, veterans, it would be difficult to notify. But my concern was -- were active-duty personnel. We have an E5 sergeant come down here who's posted in this area for -- as a recruiter. Those are the type of guys that I -- they're few and far between. I just want to make sure that they're not -- they're identified. But I just don't know who you would contact unless -- and I know who you would contact. I mean, it would be recruiting command or the reserve organization. But that puts the burden on the -- on the developer.

MR. YOVANOVICH: I think that would be unfair to make us notify --

COMMISSIONER SCHMITT: Yeah.

MR. YOVANOVICH: -- but, certainly, I don't think it would be unreasonable to add them in the preference, active military reservists and veterans in the initial lease-up. But I just -- a notice requirement, I think, would become too burdensome and too risky for my client to have somehow missed somebody.

COMMISSIONER SCHMITT: I understand. I just want to make sure that -- at least the topic that they're identified. Okay.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. Regarding B2, when it says teacher/educators, then it says other school district employees, which seems to imply that it really is school district teachers and school district educators.

CHAIRMAN FRYER: The word "other" needs to be deleted, doesn't it?

COMMISSIONER KLUCIK: Yes, or other school or education employees, you know, education institution employees, because otherwise what you're saying is it only applies to public schoolteachers. And same thing, you know, I guess with university. You know, what about the, you know, administrative assistant at the law school in town? Is that a university --

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER KLUCIK: -- or not? Because it's actually an independent, you know, graduate school. It's not necessarily a university. But, obviously, that's already defined. I'm just asking what the definition is.

CHAIRMAN FRYER: You know what may more effectively address your concern is to strike the word "district."

COMMISSIONER KLUCIK: Yeah.

CHAIRMAN FRYER: Because that has a public sound to it, and we're not limiting it to public.

COMMISSIONER KLUCIK: Yeah.

CHAIRMAN FRYER: Leave "other" in but strike "district."

COMMISSIONER KLUCIK: But I guess right now that, too, seems to be repeating what already exists as a definition. And so we either need to say we're going to adopt that existing definition -- we can't change somebody else's definition -- or we're going to -- you know, we can't refer to it as the LHAP definition if we're going to change it.

CHAIRMAN FRYER: The statutes and the ordinances, I think, both say "including without limitation," which sort of offers up the responsibility for us or the Board of County Commissioners to add additional ones.

COMMISSIONER KLUCIK: Okay. Well, I trust that you can wordsmith it to address my concern.

CHAIRMAN FRYER: Yeah. Well, absolutely. Maybe we can do it right now. Does it work for you if we just delete the word "district"?

COMMISSIONER KLUCIK: District, yeah.

CHAIRMAN FRYER: Yeah, let's do that. I mean, without objection from the Planning Commission?

COMMISSIONER SCHMITT: Agreed.

CHAIRMAN FRYER: Okay. District is out.

Any other comments? No one is --

MR. GIBLIN: Mr. Chairman.

CHAIRMAN FRYER: Go ahead.

MR. GIBLIN: I understand the goal of the Planning Commission in that regard; however, the definition was -- as written, was approved by the Board of County Commissioners, and that is the official definition of ESP.

This document is updated every few years by the Board. It may be more appropriate -- and I agree with the change to remove the word "district" from the county's official definition. I'm not sure that -- again, we might fall back into the trap of creating a different definition of ESP with every PUD.

CHAIRMAN FRYER: Well, we don't want to do that. We're looking for one that we can use going forward, and it's my understanding -- I don't have the text in front of me, but I read it as recently as yesterday or the day before, that the Land Development

Code provision says "including but without limitation." So there's an invitation, I think, to groups like us to do what we're proposing to do.

MR. GIBLIN: There's an invitation to the Board of County Commissioners in their review of this document to interpret State Statute 420.9075 to include those categories that are included in 420 and any additional categories the Board sees fit. That's the --

CHAIRMAN FRYER: Yeah. I mean, we're advisory only.

MR. GIBLIN: Correct.

COMMISSIONER KLUCIK: And that's what we're doing is we're --

CHAIRMAN FRYER: Yeah.

COMMISSIONER KLUCIK: -- actually saying this is the language we are recommending you adopt --

CHAIRMAN FRYER: Yes.

COMMISSIONER KLUCIK: -- which, obviously -- I do think we need to be careful. If we're going to say this is the ESP language. Then we need to use the ESP language, if we're saying the ESP language as amended -- amended as follows or modified as follows.

MR. YOVANOVICH: I think this is probably a joint drafting process right now.

CHAIRMAN FRYER: What?

MR. YOVANOVICH: It's a joint drafting process. Can I give my two cents?

CHAIRMAN FRYER: Yeah, sure.

MR. YOVANOVICH: Okay. What I would do is I would delete Paragraph No. 1, and then I would define -- I'd get rid of the Collier County LHAP, define essential -- I would then say, essential service personnel are defined as follows. Then you craft whoever you want to be in that group, take you the word "district" out, because then I think you're consistent -- you're no longer tying yourself to a Board of County Commissioners approved document that may or may not need to be amended, and then add who you want to be in there, veterans, active military, et cetera, and then continue on and just take out the reference to this Collier County Local Housing Assistance Plan in the first place, because I think that's where we're starting to get tripped up. We've never done that before.

CHAIRMAN FRYER: I have no problem with that.

MR. YOVANOVICH: We've never specifically referenced in the prior iterations.

CHAIRMAN FRYER: I think it's actually a cleaner bit drafting to do it the way you suggest, Mr. Yovanovich. Does anyone object to that?

MR. GIBLIN: Commissioners, I would just say that then we get -- fall back into the same trap of having the same term defined two different ways depending on which document you're reading.

CHAIRMAN FRYER: Well, I think that the state statute and the Land Development Code both permit us -- permit the Board of County Commissioners, acting on our recommendation, to adopt it the way Mr. Yovanovich attenuated it somewhat. And then, as a matter of staff policy, when it -- we're asked to consider affordable housing preferences for essential service personnel, we're going to relate back to this language. We're not going to try to reinvent this wheel each application.

MR. GIBLIN: I understand what the position of the Board is. I still have the same concern, though, of adopting a separate ESP definition. It would be like adopting a

different definition of building height in a specific PUD. And we've done it, but it leads to confusion.

COMMISSIONER KLUCIK: Why don't we call it essential community personnel, and then it's clearly a different term.

CHAIRMAN FRYER: That kind of scares me a little bit.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: Yeah. The intent is for this language to be in your PUD, correct, Mr. Yovanovich?

CHAIRMAN FRYER: For openers.

MR. YOVANOVICH: I wish I actually owned the document, but yes. And this is -- it's been evolving. It's been in most of the -- most of the PUDs that include --

COMMISSIONER SCHMITT: I understand --

MR. YOVANOVICH: -- income-restricted units.

COMMISSIONER SCHMITT: -- Cormac's concern about dual language, but if this is going to be in your document -- in the document for the PUD, I would agree with your proposal: Eliminate Paragraph 1, and we define Paragraph 2 and leave it in the PUD. And if there's a conflict, that's between the staff and the Board of County Commissioners. But that would be my recommendation if we want to expand the definition. Eliminate the term "district" and "any other."

CHAIRMAN FRYER: I think that's right.

COMMISSIONER SCHMITT: And then if staff wants to go to the Board and say we disagree with the Planning Commission on the proposal, so be it, but I think we have the broad ability to amend it, the language, and clarify it in this PUD.

CHAIRMAN FRYER: Does anyone up here object to the Yovanovich proposal?

MR. YOVANOVICH: I know it's hard for Mr. Schumacher to agree with me.

COMMISSIONER SCHUMACHER: I'm going to say no anyway, Rich. I'm just kidding. I don't disagree with it.

CHAIRMAN FRYER: I think that's where the consensus is ending up.

COMMISSIONER SCHMITT: But let's craft the language, then, for Paragraph 2, which will now become Paragraph 1 because we're going to eliminate.

CHAIRMAN FRYER: Yeah, yeah. I --

MR. YOVANOVICH: I thought you were going to use the Yovanovich language for Paragraph 2.

CHAIRMAN FRYER: Well, Paragraph 2 would become Paragraph 1 because the Yovanovich language involved striking Paragraph 1.

MR. YOVANOVICH: So that's what I thought you meant.

COMMISSIONER SCHMITT: We strike the word "district."

CHAIRMAN FRYER: And strike "district."

COMMISSIONER SCHMITT: And then government employees, if you wanted -- I'm not concerned about veterans as much because I just don't think it's -- there's an avenue to widely advertise for veterans. But if you want to put government -- military -- "active-duty military personnel and other governmental employees," I think that would be acceptable.

COMMISSIONER KLUCIK: And I think instead of "community college and universities," you say "higher education."

CHAIRMAN FRYER: Good change. Good idea.

COMMISSIONER KLUCIK: "Higher education employees."

CHAIRMAN FRYER: Why don't -- may I -- may I volunteer to look at this; that staff and the County Attorney draft it; I take a look at it before it goes to the Board of County Commissioners?

COMMISSIONER SCHMITT: I make that recommendation --

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: -- that you be given the authority to make the final determination on the language.

CHAIRMAN FRYER: Okay. Thank you.

COMMISSIONER SPARRAZZA: Question for the team here. Are we totally eliminating LHAP?

CHAIRMAN FRYER: Yes.

COMMISSIONER SPARRAZZA: Yes. So it can't come back to what previously has been referred to as that definition, correct?

COMMISSIONER KLUCIK: We're defining for -- I think if you have a document and you use a term that seems to be a term of art or a legally defined term elsewhere but you provide a unique definition, that unique definition, because it's in the document --

COMMISSIONER SPARRAZZA: Stands.

COMMISSIONER KLUCIK: -- it's very clear what your intent is, and there's no confusion, even though people might, you know, mistake it if they're familiar with the other definition. And, obviously, the idea would be we sort of, you know, move around and maybe convince the LHAP definition, you know, to get changed.

COMMISSIONER SPARRAZZA: Right, but we're removing that. So we're just going to have a clean sentence.

COMMISSIONER KLUCIK: Yeah. We're saying we're not going to rely on some external definition. We're defining it here.

COMMISSIONER SPARRAZZA: Okay. Very good. Thank you.

CHAIRMAN FRYER: Perhaps you put that on the visualizer. My chicken scratching may not be legible. I'll apologize in advance.

So when I review -- down a little bit so it picks up 1. So when I review this, I'm going to be looking for the following things: Under B, that 1 is going to be deleted, that 2 will become 1, and the numbering will change sequentially after that, and that we will change the first sentence of the new 1 to read, "essential services personnel means," and then those categories. We'll delete the word "district," and we'll add "active-duty military and government employees." Any --

COMMISSIONER SCHMITT: And higher education, the other.

CHAIRMAN FRYER: Oh. I didn't get that one. So pass that back to me, if you will, and I'll put in "higher education," and then I think I've got it covered or, Mike, you can. In fact, Mike why don't you -- Mr. Bosi, why don't you keep that and get me a copy just so that -- okay? Mike, you're going to keep a copy of that, and then you're going to email me a copy so that when I review it, I can be sure it's been faithful to those changes.

MR. BOSI: Understood.

CHAIRMAN FRYER: Thank you. Good. Okay.

All right. Anything further on essential services personnel?

(No response.)

CHAIRMAN FRYER: It sounds like we've gone a long way, and the applicant -- I'm going to ask Mr. Yovanovich to approach the podium, please, and confirm that -- and if you want to see it first, that's fine. But what we agreed to is acceptable to this applicant?

MR. YOVANOVICH: Yes, I would like to see it first to verify.

CHAIRMAN FRYER: Okay. All right. Well, then send it to me and Mr. Yovanovich, and he and I will have a conversation, okay?

MR. BOSI: Understood.

MR. GIBLIN: Mr. Chair?

CHAIRMAN FRYER: Yes.

MR. GIBLIN: Is it the Planning Commission's desire, then, that this language, when it is ultimately crafted and approved, be included in future affordable housing --

CHAIRMAN FRYER: Well, we're not committing ourselves to insist upon essential services personnel. And, you know, the need -- supply and demand may change, but what we're doing is we've got a template here that if it seems -- here's what I'm going to do as an individual planning commissioner. If it seems to me that essential services personnel should get a preference and the applicant's not offering it, I'm going to hold up this language and say, this is what I'd like to see.

MR. YOVANOVICH: I'm going to -- whatever the Planning Commission's desire is, I'd like it to be on a case-by-case basis.

CHAIRMAN FRYER: Oh, it certainly will, yeah. We're not -- we're not creating a requirement that there be essential services personnel notification in all cases, because we do operate on a case-by-case basis. But it's nice to have a template, particularly one that's been blessed by the County Attorney's Office, that we can use, and negotiate from there on a case-by-case. All right?

Okay. Now, anything further from staff?

MR. BOSI: Nothing further from staff.

CHAIRMAN FRYER: All right. Then it's time for public comment. Mr. Sabo? Ms. Padron?

MR. SABO: Mr. Chairman, there are two public speakers in the room, and then we have about six or seven on Zoom.

CHAIRMAN FRYER: All right. Let's start with the ones in the room.

MR. SABO: Judy [sic] Ressler and then Doug Brown, you can step up to each podium.

CHAIRMAN FRYER: All right. And we've got two podiums up here and two speakers. And I'm going to start by asking you if you've been sworn in.

MS. RESSLER-TATRO: I have not.

CHAIRMAN FRYER: All right. And the other speaker?

MR. BROWN: I have not.

CHAIRMAN FRYER: All right. Will both of you rise, and the court reporter will swear you in, please.

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?

MS. RESSLER-TATRO: I do.

MR. BROWN: I do.

CHAIRMAN FRYER: All right. Thank you.

Please state your name, and then you have five minutes.

MS. RESSLER-TATRO: My name is Jody Ressler-Tatro. I actually don't live at one of the neighboring communities adjacent to this property but I actually live at The Quarry just down the road.

Just a couple of comments. One, I applaud the developer for bringing additional affordable housing to Naples. I know it's long been needed, so thank you for doing that.

My other comment is I've got to tell you, I felt really encouraged after hearing the discussion that was initiated by Commissioner Shea about the need to understand what's going on with traffic because, since I've been here and attended many of these Planning Commission meetings as well as the County Commissioner meetings, I keep hearing all of these traffic reports being shared, and at one point I remember at the development of Collier and Immokalee a comment being made that there was capacity for 27 more cars.

So when I hear about all of these communities being developed east of that activity center, I keep thinking -- and as someone who drives that road all the time -- what happens that there keep -- all of these traffic studies keep suggesting that there's more capacity? So understanding that would be really helpful. I can't wait to see it on the advertisement when it occurs.

But the other comment I really want to make and ask you to think seriously about is, with no disrespect to your comment about there's other roads that people with use like Woodcrest, Woodcrest is great, but Massey is not great. And I thought at one point in time I heard that was not even a public road, but I can't speak to that.

But the issue is, is that's -- and everything that you're doing with Vanderbilt is great as long as you're going south, okay. If you want to go north, if you're going to the airport, and everybody that's coming from the airport that's heading out towards Ave Maria and all of the growth out there, they're going to be using Immokalee Road until some, probably, other adjustments are made off of I-75, so just take that into consideration, because I've got to tell you, it takes me over 30 minutes just to get to 75 in the morning. And we only talk about the peak hours, but the peak hours and the peak season, which used to be three months, is now six months. And when we talk about essential workers and affordable housing, we're talking about full-time residents. That's it.

CHAIRMAN FRYER: Thank you so much.

Next registered speaker, please.

MR. SABO: Mr. Chairman, it's Doug Brown, and then we have Zoom speakers.

CHAIRMAN FRYER: Mr. Brown, go ahead, sir.

MR. BROWN: She about -- she about stated everything that I wanted to state. I'm Doug Brown. I've been in this town for 32 years. I've seen a lot. I knew Mr. Yovanovich a long time ago.

So I actually don't even live in this proximity, but I work at Heritage Bay, which is actually right next door to The Quarry. I know JLMS [sic] has a western property. I'm not sure where the development is of that or if that's even on the table, but it really has to do with traffic.

I highly support low-income housing and the ability to take any one of my 170 employees and find a place within an hour of our establishment, and that's really where it is.

Going forward with what Commissioner Shea said. And you're approving to do this -- I don't know what you want to call it -- workshop or talk about the future, that road

is as congested as I've ever seen, and I know there's so much going on towards the east that, like you said, you don't have control other than just being able to stamp these to say they will be developed and these homes will go in.

So, supportive of the development side of it. We'd love to have a light out in front of our place. That's a whole different topic we can't go to. So thank you very much, sir.

CHAIRMAN FRYER: Thank you very much.

Now I guess we go to the telephone?

MR. SABO: Correct. Mr. Chairman, Felicia Saraceno is the first speaker.

CHAIRMAN FRYER: All right. Ms. Saraceno, are you there?

MR. SABO: We're asking her to unmute right now, yep.

MS. SARACENO: Hi, there. Yes, I'm here.

CHAIRMAN FRYER: Would you spell your last name for us.

MS. SARACENO: Sure. It is S-a-r-a-c-e-n-o.

CHAIRMAN FRYER: Thank you. Go ahead.

MS. SARACENO: My question is, is what type of traffic study has been done? Because I travel to get to my home in Ventana Pointe down Massey and Woodcrest on a daily basis during rush hour traffic, and at night I sit at that light for a good 15 minutes before I can turn right onto Immokalee.

And with this new project going in, opposed -- you know, you're adding in the one right next to Ventana Pointe, the one right next to La Morada, and then you also have the other properties that are being added in off of Oil Well, off of Terreno and Sky Sail. Everyone's using the same flow of traffic.

How is this going to help, adding in another, you know -- what is it going to be? You said 300 cars, but there's going to be more because we have the other building that was just approved on the other side of Naples Classical.

CHAIRMAN FRYER: Okay. Thank you for your comment.

Who's next?

MR. SABO: Mr. Chairman, Krysta Sylvester is next. We're asking her to unmute now.

MS. SYLVESTER: Hi. I have a couple of questions. I also live in Ventana Pointe. And I want to bring up a few things that I don't know if a lot of people are thinking about, and if you are, any of us residents in Ventana can probably speak to this.

But I understand where you're trying to put the entrance into this community, which would put it right after the light that's at the classical academic, if I'm not mistaken.

If that's the case, I can tell you that driving that road every day and going 50, 55 miles an hour, which is what the speed limit is at that point, and trying to get into our deceleration lane into Ventana Pointe is a trip in itself. The traffic is flowing very fast and a high amount, and you almost get hit in the back end just trying to get into our deceleration lane into Ventana Pointe.

At the point where you're trying to put an entrance into this community right after that light, several things are going to happen. I don't know how you're going to get people to decelerate fast enough into a deceleration lane that's going to allow proper traffic flow, and what's going to end up happening is you're going to bottleneck. You're going to bottleneck at the light, the light that is already a problem for the school and for everybody that's trying to get home and heading eastward mostly at the end of the day. But, also, the traffic is built up more than I've ever seen it, and I've lived in North Naples for 10 years

now. So that is a big issue. I don't know how you intend to have a really good access point into the community at that point. And if you push it any further, how are you going to build a deceleration lane?

The other question is regarding the single-story-only buildings that you're allowing to be put up against La Morada. I understand those homes there sell between 1.2, 1.3, and \$1.4 million. And I'm in real estate, so I could see that. And they have a really nice buffer there, and now you're agreeing to do single-story only, which is really great for them, but you're not agreeing to do that for us, and we only have a 25-foot buffer. And even if it's a 50-foot buffer, they still have 120 feet between the back of their homes to you.

And I want to know why our homes that are mostly single story on that side of our development in Ventana Lane, we're going to be looking at someone, while we're trying to take a shower, into somebody's second story. I don't think that that's adequate. I don't think that's going to work for us.

And privacy-wise, even if you put up a couple of trees, a two-story home is still going to be a problem. So I request that we have a larger buffer and that there are only single-story units over there, if that's what you need to do. I understand that's going to change the layout, but I don't think it's going to hurt you that bad.

Also, you know, I want to know when is -- if this whole plan gets approved, hypothetically, when are you looking to break ground? Because that's something very important for us. And, also, just going right back real quick to that preserve that I'm asking that -- that buffer to be built up, are you planning on building that before you start construction, or are we going to have to see people all day long through our very, very lackluster wall that we have? Our wall can get blown over by a strong wind.

I would -- we would want it to be rebuilt, more structurally sound, and not have the gaps in it that we have. We have about a 2-foot, 3-foot gap behind our house. So we could see what's going on under the fence, and we could see what's going on on top of it. So if you start building, we're going to have to look at that all the time, and that's not what we paid for these homes for.

We understand some of us aren't \$1.3 million homes, but some of us worked our whole lives to buy these properties. So it's important for us to have the privacy that we think that we deserve if you're going to be putting this type of community behind us.

CHAIRMAN FRYER: Thank you very much.

Next speaker.

MR. SABO: Mr. Chairman, we're -- next speaker's David Nee. He'll be here momentarily.

CHAIRMAN FRYER: Would you say that last name again.

MR. SABO: David Nee, N-e-e.

CHAIRMAN FRYER: N-e-e, thank you.

MR. NEE: Yes, can you hear me?

CHAIRMAN FRYER: Yes, we can.

MR. NEE: Hello. Yes, she touched on most of the points that I was going to note as well. I'm also a Ventana resident.

And just a couple other things to note on is, has there been any studies in regards to the animal population being affected by, you know, all this hyperdevelopment in the area? That's just, you know, obviously, one concern with, you know, more accidents on the road with animals running out and also animals interacting with people. So that was one

concern that I had.

And, obviously, traffic is going to be one of the biggest problems that I can see just putting, you know, over 300 units in there. So those would be my biggest concerns.

And then she had touched on the -- you know, obviously having two-story units looking down into the small buffer that we have. So they would obviously be able to see into our homes, and we would be able to see into theirs.

So those are my biggest concerns overall about this project, so I just wanted to see if you have any, you know, information you could provide on that.

CHAIRMAN FRYER: Thank you very much.

Next speaker.

MR. SABO: Mr. Chairman, Anthony Cheng is the next speaker.

CHAIRMAN FRYER: Okay. Mr. Cheng.

MR. CHENG: Hi. Good morning, everyone.

I just wanted to touch on some of the points. I'm actually a resident in Ventana Pointe as well, and I have two young children, one at the age of 6, one at the age of 2. And, obviously, the three things that I really want to touch upon are basically what other residents have touched upon as well, which is the privacy and safety of our community, the traffic, as well as the school zone.

So for the first point, privacy and safety, my other neighbors have touched upon it, but I just wanted to ask JLM on how they're going to screen the residents, just because it seems like there's going to be -- between the two communities that are being built, it's about 600 residents that are -- or more that are going to be coming in. How are they going to be screened? Because I know that, you know, especially in the past couple weeks or so, there's been a lot of safety concerns to children, especially in the attempts of, like, kidnappings in the area recently.

So I just want to make sure that this doesn't expose the kids that are in our community and at the Naples Classical Academy to transient renters who don't necessarily have ties to the area. So I just wanted to really touch upon that.

And the other thing that concerns me is that bus stop that's in front because, again, that would bring more transient people into the area.

The second thing is the traffic. So 600 people -- or 600 [sic] residences will be built, so it's going to be probably about -- if every unit has one car or two cars, it's going to be probably about a thousand cars. The traffic in that area, as I think one of the other residents at The Quarry maintains, that it was about a half hour to get to the highway.

So in order for me to just make that U-turn, it's probably about a 10-minute U-turn -- wait for that U-turn just to start driving towards The Quarry and then onto the -- to the I-75. So it's about a 40-minute drive for me just to get to the highway.

So I think, just trying to address the concerns about that U-turn at Wildwood right in front of Bonita Bay, that must be, I guess, brought up, because adding, basically, a thousand cars to make that U-turn is going to be a very hazardous thing.

And then the last thing I wanted to discuss is school zoning. So one of the main reasons we bought in this community was because it was zoned for Laurel Oak for the middle school over on Collier. I forget the name of it. And then Gulf Coast -- Gulf Coast High School.

I just wanted to make sure that, if it's possible, to have our community basically grandfathered into those schools, because one of the major things and the major reasons I

bought in this community and moved from Bonita Springs was to get into these school districts. So I did not want to, you know, then get rezoned to another school that's all the way west towards Orangetree or near Oil Well, because that is going to add, you know, to my commute as well, because I work all the way in Fort Myers. So making that commute and dropping off my kids is going to add extra stress to, basically, me and my family and I know other families in my community.

Thank you.

CHAIRMAN FRYER: Thank you very much. And, parenthetically, I want to say that just because we're moving quickly serially from one speaker to the next doesn't mean that we're done talking about this.

Mr. Yovanovich is going to have an opportunity for rebuttal, and I know he's been taking notes, and we've got staff resources here as well. So these thoughts will be dealt with.

Vice Chair Schmitt.

COMMISSIONER SCHMITT: Is this -- I'll wait till the last speaker. Is this -- was he the last speaker --

MR. SABO: No, we have a couple more.

COMMISSIONER SCHMITT: -- Anthony? Because I've taken notes. I just want to review all of the comments. I'll hold off.

CHAIRMAN FRYER: Okay. Next speaker, please.

MR. SABO: Next speaker is Michael Saraceno.

CHAIRMAN FRYER: All right. Sir, if you --

MR. SARACENO: Can you hear me?

CHAIRMAN FRYER: Yes. Would you mind spelling your name for us?

MR. SARACENO: Yep. It's S-a-r-a-c-e-n-o.

CHAIRMAN FRYER: Thank you. Go ahead, sir.

MR. SARACENO: So I am a resident at Ventana Pointe, and I'm also a parent that has a child in the Naples Classical School, so I'm dealing with both the school issue for traffic and my residence for traffic.

My concern is this: This company is now presenting this application for 305 homes next to our community, but what's not being spoken about is this same company is currently in application phase for two other locations within a half a mile of this location. So they're looking to put 305 homes on the left of Naples Classical, then they're looking -- and correct me if I have the numbers wrong -- 250 to another 300 homes on the right of Naples Classical, and they're also currently looking at putting 150 homes off of Richards, which is a quarter mile to the left of, you know, this school.

So you're talking -- I mean, I'm assuming when residents rent these facilities, we're not assuming it's just one person. It would be, you know, two people or more. So that's 700-plus homes within a quarter mile of one another surrounding a school, which would lead me to believe it would be upwards of over a thousand vehicles if two people own cars in each rental unit.

So right now taking my child to the school, the school already has a major traffic issue, and it bottlenecks up onto Immokalee. Every day when we go to the school, morning or afternoon, the traffic is backing up onto Immokalee, causing a traffic jam.

And now you're looking at adding, over the next four or five years, over 700 homes, which I believe would generate over a thousand cars. How is that traffic going to

be mitigated, and how is the safety of the children in that school going to be mitigated for an accident?

And then every one of these communities, all these rentals communities, including Ventana Pointe, all cannot make a left turn out of the community. Everyone has to make a right turn and go up to the turnaround to make a U-turn. Right now, it is almost impossible on busy hours just to get out of the community and cross over three lanes to the far-left lane to make that U-turn. Now we're going to add over 700 rental community -- rental homes, generating at least a thousand more cars. How is the safety and the traffic study showing that all these cars can make a right turn, merge three lanes, and then make a U-turn?

And my last question, on the separation for the rental community, what wasn't spoken about is if Collier County stuck to the 10-foot separation, how would that impact the rental communities? Would that be less homes? They're proposing 305, and you gave them the 8-foot separation. If it was increased where it should be to the 10-foot separation, would that reduce the amount of rental homes in that community?

CHAIRMAN FRYER: Thank you very much for your comments.

Next speaker, please.

MR. SABO: Next and last speaker is Kristen Perez.

MS. PEREZ: Hello. Thank you so much for taking the time to listen to all of our opinions on this matter.

As you can tell, the residents of Ventana Pointe are very concerned about these subdivisions.

As a recruiter who has done search in the Naples area, I do understand the need for affordable housing. I don't necessarily think that adding more units is the solution, but that's a topic for another day.

My concern, in addition to what my neighbors have talked about, is also to the kids. Anthony mentioned the zoning issue. Laurel Oak Elementary School is a very good elementary school. It is maxed out at capacity.

If there are more houses put in, making us closer or farther away from the school, it's going to hurt our children.

We're already seeing a serious impact to the transportation for the children. You may not be aware, not only do we have serious shortages of bus drivers in Collier County, but the school buses are arriving to the elementary school late every morning to the point that they have had to move back my daughter's pickup times by 10 minutes just to barely get them to school on time, and this is because of the traffic that we have. I cannot imagine that adding another 300, 600 homes is going to be helpful for our children in this situation.

The traffic is unbelievable. And if you have -- if you are making a decision on this and you have not been exiting our neighborhood at 8:00 in the morning, 9:00 in the morning, 4:00 in the afternoon, please do before you make the decision, because you could not, in good conscience, approve this if you had experienced the type of traffic we are dealing with on a daily basis, in addition to being forced to make a U-turn every time we exit the neighborhood.

The suggestion about the Massey Road, completely irrelevant here. We would not -- it would not benefit us at all to use that road. We still have to get on Immokalee and make the U-turn. Maybe once in a blue moon could we also then take Massey. Yes, but

it's not going to save us any time. It's not going to really mitigate the problem that we have with the traffic on Immokalee.

That's really all I wanted to say, but I'm begging you, for our children, please do not approve these housings.

CHAIRMAN FRYER: Thank you.

Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Was that the last speaker?

MR. SABO: Mr. Chairman, we got another speaker just now.

CHAIRMAN FRYER: Okay.

MR. SABO: Sorry about that. Lindsay Krcelic, please.

MS. KRCELIC: Yeah. Yes, you said it correctly. It's Krcelic. Thank you.

CHAIRMAN FRYER: Can you spell it for me, please?

MS. KRCELIC: Sure, happy to. K-r-c-e-l-i-c.

CHAIRMAN FRYER: Thank you. Go ahead.

MS. KRCELIC: Great. Thank you so much.

I am also a resident at Ventana Pointe and just wanted to touch on a few -- one thing that I don't think was brought up. You know, my concerns, of course, are traffic. My daughter goes to daycare. I go down -- east down Immokalee towards 75 and back every day, so I have the same experiences that many of my neighbors have with sitting in extended traffic morning and evening commuting there -- or west, I apologize. I mean west on Immokalee.

But the main thing that I wanted to bring up is I am not opposed to affordable housing in the area, but I would ask the committee to review what has already been approved. I know there is an affordable housing community at Collier Boulevard extending north on Immokalee that has already been approved. I don't think that's broken ground yet, so there are already approvals for affordable housing in that area.

I also know that many of the surrounding apartment complexes, while might not include affordable housing or only have a small percentage, are not at capacity currently, and that is all within two miles of where this is being proposed.

So I think that a bigger picture of looking at what has been built for housing, what has been approved for affordable housing is needed prior to approval of this proposal.

CHAIRMAN FRYER: Thank you very much.

Mr. Sabo, that's it?

MR. SABO: (Indicating.)

CHAIRMAN FRYER: That's it. Thank you.

We'll start with Vice Chair Schmitt.

COMMISSIONER SCHMITT: Yeah. First of all, all the speakers who spoke about issues with the school board and rezoning, that has nothing to do with this -- the Planning Commission. The school board is a separate constitutional; have separate elected officials.

As far as the rezoning to accommodate schools and location of where children go, that is certainly -- that's not an issue that we deal with. So I just want to make sure -- the folks who raised that issue, we certainly understand it, but it's -- that is an issue that would have to be brought to the school board which is, of course, a separate -- or separately elected officials.

I have several questions regard -- but one of the concerns brought up was Anthony

Cheng talked about some kind of an interview. With all due respect to Mr. Cheng, there are federal laws that prohibit -- prohibiting choice of housing. So I don't want to get into anything further than that, but I don't know what he was looking at or what he expected the petitioner to do. Again, I'm not defending this petition, but there were issues brought up about the federal laws. There are laws that -- you have to have fair -- there's a Fair Housing Act. There's other laws that definitely provide for housing.

And, again, the folks talked a lot about affordable housing. Well, only 30 percent of the units are affordable. The rest of them are at market. So I just really am puzzled by, again, what I've just heard from the public.

I ask Rich if you would -- first of all, there were -- two speakers spoke about the screening and the fence, the fence at -- is it along the -- is it Latana or -- what is that, Vatana Pointe?

MR. YOVANOVICH: Ventana.

COMMISSIONER SCHMITT: Ventana Pointe. The fence issue may be an issue with their community, not certainly with this petition. So, I mean, that's something that would have to be taken up with that community. But what -- can you pull up on the screen where we're talking about where they want the additional screening or additional -- what the concern is there?

MR. YOVANOVICH: I'm assuming they want it here.

COMMISSIONER SCHMITT: Okay. Those are the homes to the east of the development, then?

MR. YOVANOVICH: Correct.

COMMISSIONER SCHMITT: And that -- the screening and buffering right there is -- what's the total distance? It says 25 between -- oh, no, that's the -- is that the -- that's the easement. What's the buffer distance? Twenty-five?

MR. YOVANOVICH: Yeah. If you'll allow me --

COMMISSIONER SCHMITT: Yeah, please.

MR. YOVANOVICH: -- I've got some comments that may address some of your questions, and if I do -- can I just do some of my --

COMMISSIONER SCHMITT: Yeah, okay. Go ahead.

MR. YOVANOVICH: We listened to the public comments, and we have some --

CHAIRMAN FRYER: Before you -- before you launch into that, if you don't mind, I want to see if Commissioner Klucik wants to be heard first.

COMMISSIONER KLUCIK: Yes. Thank you. Thank you.

I would just ask Mr. Bosi, so right now the owner of this land, by right, they can -- it could be RFMUD, mixed-use?

MR. BOSI: It is in the Rural Fringe Mixed-Use District. It's also zoned agricultural.

COMMISSIONER KLUCIK: But they could -- they have a right now to put a mixed-use project there?

MR. BOSI: We couldn't put a mixed-use project in by the Rural Fringe Mixed-Use District regulations because of the size of the parcel.

COMMISSIONER KLUCIK: Okay.

MR. BOSI: The parcel wasn't large enough to accommodate --

COMMISSIONER KLUCIK: So it's agriculture. And so what do they have a right to do, just without any changes?

MR. BOSI: With no changes, they have the right for one unit per acre -- one unit per five acres in the agricultural zoning district.

COMMISSIONER KLUCIK: Okay. But then if they put in a petition -- let's say they put in a petition and it was just normal density, no -- what could they -- what could they actually put here?

MR. BOSI: By the -- by the Growth Management Plan and the LDC, they need to utilize TDRs to entitle that one unit per acre, which they are proposing to do, and they are allowed to seek an affordable housing density bonus up to 12.2 units per acre. So they're allowed 12.2 units per acre if they utilized the Affordable Housing Density Bonus Agreement.

COMMISSIONER KLUCIK: And that's under the existing Land Development Code, they have a right --

CHAIRMAN FRYER: GMP.

COMMISSIONER KLUCIK: -- to bring that project in?

MR. BOSI: Correct.

COMMISSIONER KLUCIK: Okay. So -- and that would be, generally speaking, all along Immokalee Road there or, no, in that general area?

MR. BOSI: If it's in the receiving area, the Rural Fringe Mixed-Use District Receiving Area, that's the allowance that's provided by the Growth Management Plan.

COMMISSIONER KLUCIK: And I -- you know, I mean, I hear the concerns about so many people and the traffic and the schools, and hoodlums are going to be -- or, you know, whatever, degenerate people who are going to kidnap our children and all of this, and all I can say is that, obviously, this is an area that's going to be built up, and it could be built up much more densely than what's being proposed. And I just throw that out there to remind people that, you know, people have a right, landowners have a right to develop their land under the code.

And this is a very creative proposal that addresses all sorts of things, I think, in a very desirable way. And I like the proposal. And it's very sad to hear people throw out something like, you know, our kids are going to be kidnapped.

I get it. I'm a dad. I had seven kids, okay. I have grandchildren now. I'm very concerned about children's welfare. But, like, that doesn't help us to hear. You know, to throw something out like that is not useful. And what's useful is to hear the concerns, but what's -- you know, in reality, those concerns, they can only go so far in governing, you know, the way we, you know, end up coming down on these proposals. Because they put a proposal forward, this proposal -- like I said, we could say -- I suppose there's reasons you could vote no, you know, and it could be disapproved by the county commissioners, but this is -- like I said, this is a very creative proposal that actually seems to me, and I think to many people who wouldn't live right next to -- I think if I lived next to it, I would also think it was a creative proposal.

It is a -- and I don't know how you would get much that's better than this unless you said, oh you know, one home per five acres, which is not going to be developed that way.

So I just -- I hear all of the concerns that people raised. I, myself, at the behest of someone during our break -- you know, they wanted to hear about the buffer on the other side. You know, I brought that up. I'm concerned about those things. I would like to -- you know, sometimes we get commitments from the petitioner, you know, to do certain things, and those are all things, you know, that we can consider.

But there's only so far we can go. And, you know, Commissioner Schmitt already raised the fact that we can't really -- you know, we can't factor in school districts and things like that. And we have to go with the traffic -- you know, what our traffic experts tell us, you know, whether, you know, it meets the code or doesn't, and it meets the code.

So we can't really do anything about a lot of these things. It's not because we're callous. It's because, you know, people have a right to develop the land that they own, just like where your house is, someone had the right to do that and go up to the edge, you know, as far as the code allows on the buffer.

And I look at that line there, and I think that's all preserve. Like, that's a great buffer. You know, if I was on the other side, I would be, like, wow, we're so lucky we're on this side of the property if you're in Ventana, because there's -- all that hatched area is going to be vegetation.

CHAIRMAN FRYER: Thank you.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Two things real quick, Mike, because I'm the rookie up here, so I need clarification. This is zoned agriculture right now?

MR. BOSI: Correct.

COMMISSIONER SCHUMACHER: So, technically, Rich and his client could come up here without coming before us and do 12-plus units per acre on that, or they have to go through --

MR. BOSI: No, no. They would have to go through -- they have to go through the process to zone the property. It's currently zoned agricultural.

COMMISSIONER SCHUMACHER: Okay. Out of the one unit per five acres?

COMMISSIONER SCHMITT: Wait a minute. Wait a minute. But the GMP -- this is Rural Fringe Mixed-Use. So the GMP, it's zoned Rural Fringe Mixed-Use.

MR. BOSI: Correct.

COMMISSIONER SCHMITT: It's ag designated, but it's technically Rural Fringe Mixed-Use District.

MR. BOSI: It's ag zoned with the limitation of one unit per five acres. The GMP promotes up to 12.2 units per acre if it has an affordable housing component within that Rural Fringe Mixed-Use District.

CHAIRMAN FRYER: That's right.

COMMISSIONER SCHMITT: But if they didn't do affordable housing, they could have TDRs and develop this?

MR. BOSI: If they didn't utilize any of the provisions for affordable housing, they could go one to one. It would be one unit per acre if they utilized their TDRs. That's what the Rural Fringe Mixed-Use District allows. That's the height -- the Rural Fringe Mixed-Use District allows one unit per acre with the utilization of TDRs, and if you want to do a village within a -- within the Rural Fringe Mixed-Use District, there is a cap of three units per acre, but there's also a requirement for mixed use and a number of different other components that have to be within it.

CHAIRMAN FRYER: The Growth Management Plan is designed to alert the public of what the aspirations and hopes and things to be encouraged are within the county, but until you get a rezone in an area like the RFMUD, it's still agricultural, which is one unit per five acres. So any other configuration besides that would still have to come in for a rezone.

COMMISSIONER SCHUMACHER: My second question went to one of the callers, and I'll ask Rich this. That preserve area that's already indicated on the east side of that property, with that area that's already matured in itself, that preserve would be left as-is with just removal of the exotics that are there, or are you going to clear the whole thing down and then --

MR. YOVANOVICH: No.

COMMISSIONER SCHUMACHER: -- replant? It will be left as-is with exotics removed.

MR. YOVANOVICH: Correct. And I put up an exhibit that shows you some of the distances from -- and these distances are not to the house on the east. It's to the property line for the house on the east. So I haven't taken advantage of the setback of where the house actually is. And you can see the distances. You know, you have 124 feet is almost where the yellow arrow is, and then 109 feet kind of where that -- where the buffer gets -- and then it gets a little bit skinnier, but it's still 54 feet wide at the narrowest point, plus they have their own 25-foot buffer. So that's 79 feet before you go -- and that's at their property line. I don't know how far back their house is. It's -- and then we're going to have a setback on the front. So there's significant distance between the residences in Ventana Pointe and this project.

Those distances were not the same on the west side. It was a much narrower -- I think it was roughly half that distance, and that's why we agreed to the one-story on that side of the project. That was -- that was the reasoning for bringing the heights down, because it was much narrower and not quite -- obviously, the buffer was significantly different on the west side of the property.

COMMISSIONER SCHUMACHER: And I just wanted clarity, because I know on the east side when you pulled just an aerial off of Google Earth, you can see you've got matured slash pine, a bunch of other. So seeing into the second floor of another unit is going to be hard to come by.

MR. YOVANOVICH: You know, we hear that all the time. I mean, realistically, I don't think you have a bunch of peeping toms moving into these units who are trying to --

COMMISSIONER SCHUMACHER: I think the caller's concern was that that foliage would all come down and, therefore, it would just be a barren construction site.

MR. YOVANOVICH: The preserve stays.

COMMISSIONER SCHUMACHER: Thank you.

CHAIRMAN FRYER: Thank you.

And to this point, I mean, the last 20 minutes or so, the applicant has been answering questions from the Planning Commission. Now I'm going to close the public comment segment of this hearing and then call upon the applicant to provide rebuttal.

COMMISSIONER SCHMITT: Well, I wanted --

CHAIRMAN FRYER: Go ahead.

COMMISSIONER SCHMITT: -- Mr. Yovanovich to address some of the issues, but I still have a couple questions to clarify.

MR. YOVANOVICH: If I -- let me -- hopefully I'll -- hopefully I'll do most of them. If not -- I'm going to bring Jim Banks up here actually to talk about the traffic because, you know, I could tell you what I think, but he's the professional. And I'll have him up here in a second.

A couple of comments -- and one of the benefits of this project, and it's not -- we

are both buying TDRs, and we're providing income-restricted units. So we're helping out the people who got a sending lands designation, and we're also providing income-restricted houses for essential service personnel. I didn't hit that at the beginning, but that is one of the things that we are also doing.

I think we've talked about the types of people that are going to live in these communities. But just so the people know, the family of four median income is roughly \$105,000. That's -- that's a significant income. I'm assuming the speakers were not aware of that when they -- hopefully were not aware of that when they made their comments. Plus, if you've heard, over the many projects we've done for apartments, you do a background check. They do a background check on everybody who's going to move in there. You don't do background checks on who's moving into Ventana Pointe. So you are actually probably getting a better review of who's going to be near you through the approval of this project.

This is a creative and innovative project. You're talking about either a standalone one-unit building or a standalone two-unit building that -- I don't think you've seen that yet. I mean, every other project that's come through with an income-restricted cap has been your typical three- or four-story apartment complex. That's not what we're proposing here.

There is a tremendous need for people -- forget about income-restricted. There's a tremendous need for people who are not interested -- they're not going to use the income-restricted units for the types of housing we're proposing. Not everybody can afford a single-family home, but they're getting the opportunity to have, basically, a single-family home or will live on one half of a duplex with a tremendous amount of amenities that you wouldn't otherwise have if you had to wait to buy a house in a community, in a subdivision.

There are a host of other things I could say about the project, but I want -- I want to have -- yes, there was a study done for plants and critters, and that's been all addressed in our project.

I want Jim to come up and talk about the traffic and the decel lane, because I think that's important to the people in Ventana as well as in the other community. The one speaker who said that we've got three projects going on this corridor is not correct. What we call JLM West, a project -- we're not under contract. That project's going to be withdrawn. So JLM West, which is on the other side of La Morada, is not going forward.

My client doesn't own or have a contract on the property on the other side of Richards. So this is the only project my client has along Immokalee Road.

I think that's the highlights of what was said. I want Jim to come up, and we'll answer any other questions you may have.

CHAIRMAN FRYER: Thank you. And we'll certainly hear him, but before we do, I want to look at the clock. Ordinarily we would be breaking for lunch, which provides a court reporter break, as well as a lunch break. If we -- I'll look to the court reporter, if we go another 30 minutes, are we okay without a break?

THE COURT REPORTER: (Nods head.)

CHAIRMAN FRYER: Okay. Thank you. So if we can wrap it up --

MR. YOVANOVICH: Sure.

CHAIRMAN FRYER: -- in 30 minutes, then we will simply postpone our lunch; otherwise, we'll take a lunch break.

MR. YOVANOVICH: Before Jim comes up, there was -- my client, during the comment period, you know, they asked, can we have one-story along the Ventana Pointe, which is our east property line. This is my attempt, a very crude attempt, at modifying our master plan. I don't know if you can see. Put it up first. Hopefully you can see the blue line when this comes up, right above the R right here. That's where the preserve gets its narrowest. My client will agree, from that point south, to single-story units. The rest of that area has got a huge preserve. I don't think -- my client is doing that in good faith. I mean, I don't think that there is a compatibility issue, but heard what the people said. And hopefully that will bring them some comfort as to what may happen on that border with their property.

And then with that, I'll just -- I'll bring Jim up, if that's okay.

CHAIRMAN FRYER: Okay. Thank you.

COMMISSIONER SCHMITT: Well, let me ask a couple of questions, then, just to clarify. One of the petitioners [sic] brought up all these other petitions. None of them -- you stated that there's none in the works right now --

MR. YOVANOVICH: I told you --

COMMISSIONER SCHMITT: -- other than --

MR. YOVANOVICH: -- JLM --

COMMISSIONER SCHMITT: Yes.

MR. YOVANOVICH: -- this is the only petition.

COMMISSIONER SCHMITT: Okay. I am baffled by the fact that somehow this person has knowledge of these other developments. Were they advertised somewhere?

MR. YOVANOVICH: There was a petition originally submitted for what I told you was JLM West, which was on the other side of La Morada. It's out of contract. That petition's going to be withdrawn.

COMMISSIONER SCHMITT: Okay.

MR. YOVANOVICH: It's a great project. It's basically the sister project to this, but it's going to be withdrawn.

CHAIRMAN FRYER: It's been a matter of public record.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Anything else?

COMMISSIONER SCHMITT: The other thing is for Jim. I heard a lot about school buses, school buses not being able to make it on time to the schools. I -- from a transportation aspect, part of this is exacerbated by the fact that many parents choose to drive their children to and from school rather than use school buses. That's their prerogative. But I assume -- and, again, that's a question I had for the petitioner as well, that this area will be serviced by school buses? Will school buses be allowed to enter the community --

MR. YOVANOVICH: Yeah.

COMMISSIONER SCHMITT: -- and pick up children if a family chooses to use the school bus rather than take their -- use their own transportation? Because if a parent chooses that option, they choose that option with the understanding that they're not, they're not putting their children on the school bus for whatever reason, and they want to transport it, but they're going to put up with the traffic that is created because everybody wants to take their kid to school.

MR. YOVANOVICH: School buses will come into the site to pick up kids.

COMMISSIONER SCHMITT: Okay. So no prohibition of school buses entering the area?

MR. YOVANOVICH: No.

COMMISSIONER SCHMITT: So, Jim, from the standpoint -- we heard about the deceleration lane and the traffic. Is there an issue from a traffic management standpoint that you've identified?

MR. BANKS: My apologies. For the record again, Jim Banks.

Yeah. So one of the questions -- or one of the residents brought up the right turn, how will people enter the right-turn lane to get access to our project? So the right-turn lane is going to be required to be designed based upon a 55-mile-per-hour design speed. So that means that the length of the turn lane will allow you to exit off of Immokalee Road and get into the turn lane, and that's where you begin your deceleration.

In this case, the right-turn lane is a free-flow situation. So they also suggested that we would back our traffic up into the school signal where they said their -- at times their traffic backs onto Immokalee Road.

Well, I submit to you that our turn lane is a free-flow situation. No one is stopping to come into our project. They have a free flow. There's no other conflict with their access. And our inbound traffic at the highest peak hour of the day is 100 -- because there was a lot of numbers thrown around about a thousand cars or whatever. The inbound traffic during p.m. peak hours is 186 cars. That's three every minute. So it's been 20 seconds' separation between each car coming into our project during the highest peak hour of the day in a free-flow right-turn lane.

So our traffic will not back out onto Immokalee, and it certainly will not back up into the traffic signal at the school. Now, any deficiencies that the school has in their design is not our responsibility to solve. But I know that when we were talking to them about possibly using their access, we did volunteer our services to help them come up with maybe a better plan, but that's not gone any further.

But, again, I've not witnessed any deficiencies at the school. I'm not saying that there aren't -- that there aren't any, but I'm not aware of them. But whatever deficiency the school has in their access, that's for them to solve. And they do have a signalized access out onto Immokalee Road. So they are controlling their traffic safely coming in and out of that school.

So there is not a threat to those children that are arriving in cars/buses due to the traffic because it is under a signalized traffic control. So they do have a very safe means of ingress and egress into the school site. And, again, our project will not impact that.

Also, there was questions about somebody saying making a U-turn takes them 10 minutes. I drive on Immokalee Road very often. My parents live in Waterways Estates, and I live to the southwest of that. I live near Pine Ridge and Collier, so I drive this segment quite often, and I've never seen a situation where there's been a significant queue at any of these left-turn lanes where these U-turns are being made. But as a part of our SDP application, we're going to be required to analyze those turn lanes that we're going to impact that we're going to be making U-turns at, and if they need to be extended, then it's going to be an obligation on us, because that's going to be considered a site-related improvement.

And there's also several opportunities down the Immokalee Road corridor to make U-turns. So if one U-turn -- if the queue is starting to build up, you have the opportunity

to go down to the next intersection to make a U-turn. You don't have to make a U-turn at the nearest left-turn lane to you. So there's other opportunities.

There's also traffic signals now; the school just to the east -- just to the west of our site, and there's two other traffic signals -- maybe -- maybe the third one went up -- to the west or -- I'm sorry -- to the east of this location, and that's what creates the gap in the Immokalee Road traffic that allows people to make these U-turns. And most of those traffic signals are running on 90-second to two-minute cycle lengths. So you're creating these gaps every two minutes.

So to suggest that you're waiting 10 minutes to make a U-turn on Immokalee Road when you have these traffic signals cycling the traffic every 90 seconds to two minutes to create these gaps, you know, I'll just leave it at that whether that sounds like that's a true event or not that could occur. But, again, because of the way these signals are timed out there, that's what creates these gaps.

And as Mike Sawyer said, it's much safer on these four-lane and six-lane roads to have somebody turn out -- make the -- they negotiate -- in this situation, they negotiate the eastbound traffic first, and then -- and then they get the opportunity to wait until they can make the U-turn, and then they negotiate the westbound traffic versus trying to do them both at the same time.

So that's why the U-turn situation is more desirable, and that's why the county's gone to these designs because they're much safer than having somebody trying to turn left out on these four- and six-lane roads where there's not a traffic signal.

So, again, the U-turn situation is the safest way for these communities to access Immokalee Road unless they have a traffic signal.

COMMISSIONER SHEA: Can I ask you a question on that?

MR. BANKS: Yes.

COMMISSIONER SHEA: So what is the criteria for when the safer approach is overloaded? Obviously, there's a queuing distance, and it starts to back up into the moving lanes. It's kind of the reverse situation where you're talking about the entrance to the school or the entrance to the --

MR. BANKS: Right.

COMMISSIONER SHEA: When does it get to the point that it's unsafe? I guess when it exceeds -- the queuing distance isn't there for the traffic load. But is there a number or --

MR. BANKS: If the queuing distance is exceeded, then we have failed in our design of extending these turn lanes. Now, I -- I don't -- I've never -- I'm very conservative, so when I go through the SDP process and we determine how long these left-turn lanes need to be for our U-turns, we're going to go out there and count the traffic that's make those U-turns and see what the queue length is, and then we're going to determine what our demand is on that left-turn lane, and we're going to extend that left-turn lane accordingly to make sure.

But I will remind you, there's other locations down the corridor where you can also make a U-turn. And so some people will choose, if they see that the queue is, say, four or five cars, well, I can just drive down to the next intersection that's a quarter mile down and where there's not a queuing issue, and then I'll be able to make my U-turn quicker.

So there are other opportunities. We're not impacting a single left-turn lane because we have the opportunity to make U-turns at other locations. But we are

responsible to make sure -- the traffic engineers and your staff are responsible in making sure that these left-turn lanes are long enough and they're extended to the length that they need to be. So that's on us.

COMMISSIONER SHEA: Is there enough space there to extend it?

MR. BANKS: There is, and there's also the Krape Road intersection that's just further to the east, that that left-turn lane could be extended as well if it's necessary. So, again, there's opportunities to do these locations where you can make these improvements to accommodate the U-turn demand.

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHUMACHER: I think the concern is that classical school doesn't have buses. They have some private buses, but it's -- a majority of it's pickup and dropoff. So depending on the amount of students at that school -- I don't know if anybody's seeing the backup onto Immokalee, but I believe that's what those residents were complaining about. It's how are you going to get over to the right to make a right-in when that traffic is already backed up down Immokalee Road? I think that was the concern. I'm not asking a question. I'm just trying to state the obvious; that's where the concern is coming from. But, again, that's pickup and dropoff, which is off your peak times. It could be 8:30 in the morning and 4:00 in the afternoon.

MR. BANKS: Yeah. And to your point -- the only thing I've ever heard -- and I've not observed it myself -- is they queue up into their right-turn lane coming in. They're not actually out on Immokalee Road. But if somebody says that they've seen them out on Immokalee Road, I can't contradict that. I've just never seen it. But they do have a right-turn lane coming into their school.

And, again, if the school has a deficiency in their design -- because I can tell you what the stacking queue is supposed to be. It's the number of students. Every -- for every four students, you need -- you need to queue a car. And I wasn't involved in designing that school. I did the one further out east, and you can see there is no stacking problem at that school because we put in a substantial queuing situation for what we're talking about where most -- where they don't have school buses, and they come and pick up their -- the parents want to pick up their kids.

So, again, we can't solve the school's deficiency. That was -- that's on them. But, again, I've not seen vehicles stacking out onto Immokalee Road. I've seen occasionally where there's one or two cars stacked out into the right-turn lane.

There was also a question -- I don't know if you want me to get into this or not -- about the overall traffic demand on Immokalee Road and how these improvements that are -- that staff has in order that is going to alleviate -- it's going to make a substantial reduction in traffic that's on Immokalee Road today. If you guys want me to expand upon that about VBR and the fact that we're making the connection to Randall Boulevard so we're going to pull all that -- we're going to have the opportunity for people that are coming on Randall Boulevard to avoid that whole Immokalee intersection.

They can come down and get on Vanderbilt Beach Road and use that to travel east and west where also eventually that Vanderbilt Beach Road goes out to Everglades and DeSoto, and that gives the opportunity for all that traffic on Oil Well Road to come down to get on Vanderbilt Beach Road. So there is going to be a substantial shift in the volume of traffic, and that's what Mike Sawyer was trying to -- well, he did explain to you that the model is showing that they're rerunning for this January 23rd meeting which had been

called about --

CHAIRMAN FRYER: Does any Planning Commissioner need any further information on traffic?

(No response.)

MR. BANKS: Okay. Sit down. Give me the hook.

CHAIRMAN FRYER: Go ahead, Vice Chairman.

COMMISSIONER SCHMITT: I don't have a question for Jim, but I have a follow-up question on schools. I don't know -- Rich, did you want to say something now?

MR. YOVANOVICH: No, I was waiting for your question.

COMMISSIONER SCHMITT: All right. I know Amy Taylor is not here. She's our school board representative, and she -- though she's not a voting member, she usually comments on school capacity. But I'm going to throw the staff a question and -- for the public standpoint. Could you describe the process that was raised about school overloading that this -- the school board had reviewed this and that capacity was deemed sufficient to allow for this zoning? If you could explain, please.

MR. BOSI: Sure. Mike Bosi, zoning director.

In the way that we conduct our Concurrency Management System, the school board and the school district is part of that Concurrency Management System. At the rezoning level, they will review the application, look at the number of units that are being proposed, and they'll have a generation of students that are associated with it. They'll look at the existing school district, the school capacity zones, and they'll make an evaluation if there was adequate capacity within the existing designated school as well as the adjacent schools, and they will provide a determination as to whether there's adequacy within that capacity.

So for the rezoning, it's only a courtesy. It gets applied at the SDP stage, but they have indicated that there is capacity within the -- within the school zone to be able to accommodate the anticipated load.

COMMISSIONER SCHMITT: So, bottom line, no issue with capacity at the existing schools?

MR. BOSI: The school district has not provided us any indication they had an objection to the proposed density and the number of units that were associated with this proposal.

COMMISSIONER SCHMITT: Okay. Thanks.

CHAIRMAN FRYER: Thank you.

Mr. Yovanovich, anything further?

MR. YOVANOVICH: Yeah, just a couple things.

During the break, Mr. Perry and I had a brief discussion about making it very clear that we can only have either a standalone unit or duplex or two-unit building. I think there could be some improvements to the language in number -- on the -- in the PUD. And if I could put it on the visualizer. I have not shared this with Mr. Perry because I was doing it while other people were speaking.

His concern was the Growth Management Plan clearly says I can only have one-unit or two-unit buildings. I don't know that that language was prescriptive enough to say that. So I suggest that we say, "rental units limited to single-family detached and attached and duplex-type structures," which would hopefully clarify that those are my only options.

The "which may include" could have been interpreted to mean I could have three-unit buildings, four-unit buildings. So we suggest that we clarify that.

CHAIRMAN FRYER: Without objection?

COMMISSIONER SCHUMACHER: No objection.

COMMISSIONER SPARRAZZA: No objection.

CHAIRMAN FRYER: Go ahead, sir.

MR. YOVANOVICH: And then, also, I think we should add a footnote on Page 4, which is the Development Standards Table, that says that we are required to be 23 feet -- or the building has to be back 23 feet from any sidewalk -- garage. The garage has to be 23 feet back from any -- because that was the concern of making sure the cars can't go over a sidewalk if there's a sidewalk.

CHAIRMAN FRYER: Okay. Without objection.

COMMISSIONER SCHMITT: Without objection, but that is clearly defined in the LDC, so regardless, you have to have enough space that you can't have a car on the -- blocking the sidewalk.

MR. YOVANOVICH: Yeah.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: That's language that's typically in the LDC, but apparently it doesn't apply to an SDP.

MR. BOSI: And the only thing staff would request is the modification that's proposed on the screen, would that apply to the GMP language as well?

MR. YOVANOVICH: If you need to clarify it there, too, yes. I mean, that was -- I think that's what it kind of says, but if you want to clarify it, that's fine with us.

CHAIRMAN FRYER: All right. And I don't think there are any objections to any of that.

No one is signaling at this point.

Anything further, Mr. Yovanovich?

MR. YOVANOVICH: I think we've hit all the comments we wanted to hit. Hopefully we've answered all of your questions, and we respectfully request that you follow staff's recommendation of approval for both the GMPA and the PUD.

CHAIRMAN FRYER: Were you about to make a motion? Can I try to state the conditions first, or you got them?

COMMISSIONER SCHMITT: Yeah. I wrote them down as well, but --

CHAIRMAN FRYER: Well, you go ahead.

COMMISSIONER SCHMITT: I'm going to make a motion to approve Petition 20220003804 and the companion item, 3805, subject to the changes that were identified: The language for the essential services personnel in the PUD document as noted during the meeting; as described by the petitioner, no two-story units as shown on the -- and you just took it off -- the diagram that you --

MR. YOVANOVICH: We'll modify it.

COMMISSIONER SCHMITT: -- on the east side as shown on the document that you had on the visualizer -- that was the master plan -- and subject to the changes of the language you just identified; and, lastly, the requirement for the required distance between the garage and the sidewalk or the set -- the front of the building and the sidewalk for adequate parking. I think those were the four I caught.

CHAIRMAN FRYER: Okay. One more would be reducing the peak p.m. to 295.

COMMISSIONER SCHMITT: Oh, thank you. I thought we had already done that, so thank you.

CHAIRMAN FRYER: Yeah. And as an overlay to this -- I mean, we're getting very close to a point where we probably ought to bring the whole thing back to consent, but we've got such huge agendas coming forward that I'm going to propose that these conditions, all five of them, be worked up by staff, the language worked up by staff, then Mr. Yovanovich and I will take a look at them, and if we can agree, no need to bring anything back on consent. Is that --

COMMISSIONER SCHMITT: I would occur that, of course, they -- subject to the review also of the staff attorney.

CHAIRMAN FRYER: Oh, yeah. I would include that, yeah.

So is that acceptable to the movant?

COMMISSIONER SCHMITT: That's acceptable.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHMITT: So acceptable --

COMMISSIONER SHEA: Second.

COMMISSIONER SCHMITT: -- and as proposed. And my -- I amend my petition or my -- or what do you want to call it? I lost --

COMMISSIONER VERNON: Motion.

COMMISSIONER SCHMITT: My motion. Thank you.

CHAIRMAN FRYER: We've got five conditions.

COMMISSIONER SCHMITT: Yes, five conditions.

CHAIRMAN FRYER: And that's okay with the seconder?

COMMISSIONER SHEA: (Nods head.)

CHAIRMAN FRYER: All right. Any further discussion from the Planning Commission?

(No response.)

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

COMMISSIONER KLUCIK: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER SCHUMACHER: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, applicant, members of the public, Planning Commission, staff.

All right. I'm not aware of any old business. Is there any, Mr. Bosi? No.

MR. BOSI: No.

CHAIRMAN FRYER: Or I'm not aware of any new --

COMMISSIONER SCHMITT: Can I make a comment?

CHAIRMAN FRYER: By all means.

COMMISSIONER SCHMITT: We had a lot of discussion about the workshops. Over the years I was the administrator of Community Development, which was a precursor

of what is now Growth Management. In my years working with the Planning Commission, I don't recall my time as a planning commissioner ever been in a workshop, but many, many times we had workshops, and they're -- the Board really doesn't have to approve those. We can ask for the workshop.

Typically -- and I recall several times that, Ray, didn't we have workshops with the Planning Commission? And oftentimes they were held right at the -- in the Growth Management building, in the room there, to avoid any conflict here.

It's -- they were typically publicly advertised, and they're a workshop format. So that's not an issue. We can -- if you-all want to do it, it's a matter of scheduling. I prefer to do it here as part of an agenda item, that way if we don't have a busy -- but if we want to have a workshop to talk about traffic or how they count traffic or those type of things, we can -- we typically have done that in the past with the Planning Commission.

COMMISSIONER VERNON: Well, I would -- I would -- I know I'm the one who brought this up or used the word "workshop." So I would -- I'll do either. I'll do a workshop, but I would prefer, as the Vice Chair just said, on a day like today when Mike thinks we'll be done by noon or the Chair thinks we'll be done by noon, then we'll just have an afternoon session, and we'll be here, and it will be more convenient for us.

CHAIRMAN FRYER: Thank you.

Responding to the Vice Chairman, I certainly see no reason why we shouldn't be the ones to determine whether we have a workshop or not, but there's a little bit of history that has changed, frankly, based upon a change of the Board of County Commissioners.

And so I was going to suggest that if we do a free-standing workshop, just to cover ourselves, we run it up through the -- but, I mean, you're right, it ought to be the way you said.

So I guess -- I guess the way we leave this is, if you don't mind just checking with senior management to be sure that there is no strong opposition with senior management or the Board of County Commissioners if we decide we want to call a workshop. And I think we should have that authority, but -- and the only reason I'm raising this is because it was questioned a couple of years ago.

MR. BOSI: And I most certainly will, but what I've heard, the preference, though, would be to identify a light agenda towards where we could have that -- tack that on. Because you're here, you get the efficiencies associated with it.

CHAIRMAN FRYER: That is true unless this is -- this is something that is going to be triggered by the near-term applications such that we should put on a workshop as a special meeting before we hear all these others, and I defer to you on that.

COMMISSIONER SCHMITT: You know, if we talk transportation, I mean, we've got two -- two folks involved in -- Norm Trebilcock and Jim Banks are the two preeminent engineers who do traffic studies here in the county, and certainly it would -- each of them may be interested in attending as well, so it would just -- we would just have to notice it so that --

CHAIRMAN FRYER: Yeah.

COMMISSIONER SCHMITT: -- so that anybody that had an interest in --

CHAIRMAN FRYER: Oh, clearly. It would be noticed as a meeting either as an agenda item or a separate free-standing workshop. It would get the full-notice treatment.

I just -- I'm not -- I don't want a special meeting, but on the other hand, I don't want us to have to deal with the details of traffic in some, let's say, controversial applications

that are coming up where we piecemeal instead of having a workshop. And I defer to you. I don't know what the issues are. I haven't looked at the matters yet, but if we need to -- if we need to talk about and think through and have presentations, you know, from people like Trinity before we hear some of these matters, I think, perhaps, we do need a special workshop.

MR. BOSI: And that may be the case. I'm not sure if we could make a determination of that right now. I would suggest tune into the January 23rd presentation from Trinity in Growth Management who are going to address these very issues that you're concerned about.

CHAIRMAN FRYER: On the 23rd?

MR. BOSI: Twenty-third. It's -- when they speak about the moratorium, we are designing a -- we're designing a presentation to start hitting some of these issues, because primarily traffic is the ones that -- traffic on Vanderbilt Beach Road and Immokalee Road are the two areas that are being contemplated for a potential moratorium.

CHAIRMAN FRYER: Well, that 23rd of January agenda -- is that our date, the 23rd of January? Board of County Commissioners.

MR. BOSI: Board of County Commissioners.

CHAIRMAN FRYER: Oh, okay.

COMMISSIONER SHEA: That's a Tuesday.

CHAIRMAN FRYER: All right. So, I mean, we can always -- we can watch that presentation, and maybe that will give us sufficient education.

MR. BOSI: Well, why I was suggesting that is then we could have some further conversation with you as to whether you think that you need that as a workshop or an agenda item or -- you know, just to see if that maybe addresses some of the issues.

CHAIRMAN FRYER: Well, let's -- if you wouldn't mind sending an email out to the Planning Commission reminding them that that is going to be coming up in the moratorium discussion on the 23rd so people who want to be educated on it or to be refreshed can watch it, and then we can see whether we need to have a separate free-standing agenda item or workshop on our level.

COMMISSIONER SCHMITT: Mike, is that anticipated to be a time-certain issue?

MR. BOSI: That I don't know, but I would not be surprised if it is. I can't -- I'll find that out, and as I put -- send a notification, I'll let you know if there is a time-certain specificity.

COMMISSIONER SHEA: These are recorded, right, Mike?

MR. BOSI: Excuse me?

COMMISSIONER SHEA: They're recorded, so I could come the next day and watch it.

MR. BOSI: Oh, you'll be able to -- Collier TV, and it skips right to that agenda item without having to go -- to hear the rest of the Planning -- or Board of County Commissioners.

CHAIRMAN FRYER: Okay. I'm sorry?

COMMISSIONER SCHUMACHER: I'm sorry, Chair.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER SCHUMACHER: That contemplation of the moratorium, does that affect what's already been approved, or is that only moving forward?

CHAIRMAN FRYER: Moving forward.

MR. BOSI: Moving forward.

CHAIRMAN FRYER: It's like a -- what do they call it? -- a rezone in place, or what is --

MR. BOSI: Zoning in progress.

CHAIRMAN FRYER: Zoning in progress.

MR. BOSI: But the original discussion was it would only apply to new applications, not applications that are already in-house, but that could change. I'm not -- they haven't indicated that they are going. They just want to talk about the issue as to whether they think there's merit within the idea of advertising for a moratorium to have another public hearing to actually adopt one.

So it's really kind of -- so we're trying to give them some background information related to transportation and land-use planning to provide the Board of County Commissioners some additional factors on top of what they hear from the public to see if they want to take that next step.

CHAIRMAN FRYER: Okay. Anything further under new business?

(No response.)

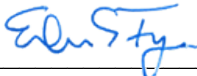
CHAIRMAN FRYER: If not, public comment. I'm just guessing, since there's hardly anyone here, that there's no public -- member of the public who wants to be heard on a matter not on our agenda.

So we'll go right to, without objection, adjournment. We're adjourned.

January 4, 2024

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 12:37 p.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

2/1/24



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.