

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, September 6, 2018

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:

CHAIRMAN: Mark Strain
Stan Chrzanowski
Patrick Dearborn
Diane Ebert
Edwin Fryer
Karen Homiak
Joe Schmitt

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Jeffrey Klatzkow, County Attorney
Heidi Ashton-Cicko, Managing Assistant County Attorney
Tom Eastman, School District Representative

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the September 6th meeting of the Collier County Planning Commission.

If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Will the secretary please do the roll call.

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mr. Fryer?

COMMISSIONER FRYER: Here.

COMMISSIONER EBERT: Mrs. Ebert's here.

Mr. Strain?

CHAIRMAN STRAIN: Not here.

COMMISSIONER EBERT: Mrs. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER EBERT: And, Mr. Dearborn?

COMMISSIONER SCHMITT: Here.

CHAIRMAN STRAIN: Wishing.

Addenda to the agenda. The applicant has requested on the Grey Oaks PUD and the DRI to be continued to the October 4th meeting. That's the stretch along Livingston Road where they were proposing a couple new accessways for a landscaping nursery. Items 9C and 9D.

So if you're here for that today, we will not be hearing it. We'll be hearing it on October 4th. I'll read them into the record. It's PL20170001729 and PL20170001548. Both are for the Grey Oaks development.

Is there a motion to continue those to October 4th?

COMMISSIONER EBERT: I make that motion.

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: Motion made and seconded.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

The other item to the agenda I want to mention, if any of you are here for the stormwater issue -- I had one -- someone had told me there were people coming in for -- that that's going to be heard tonight at 5 o'clock not by this Board, but the Board of County Commissioners, thankfully. So if you're here for that today, it's not part of our agenda, just in case.

That takes us to Planning Commission absences. Our next meeting is September 20th, 2018. Does anybody know if they're not going to make it on September 20th? Joe?

COMMISSIONER SCHMITT: I will not be here on the 20th or the 4th.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. That takes us to the approval of minutes. We were electronically distributed the minutes for the August 2nd meeting. Is there any changes or corrections?

COMMISSIONER FRYER: I'll move approval of the minutes as distributed.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Motion made and seconded. Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

BCC reports and recaps, Ray.

MR. BELLOWS: The Board of County Commissioners did not meet in August, so we have no recaps.

CHAIRMAN STRAIN: That's a really short report, Ray, thank you.

Chairman's report. I had a couple issues. I'm down to one now. The only -- I noticed something, and I think I understand why it has occurred. But for the first time in nearly 18 years, I have received staff reports that didn't have signatures on them. So I don't know if staff signed them off. I don't know if the various managers and directors above the staff signed them off.

I was told that's because we flipped over to the Accela system and they don't get signed off like we used to anymore. Is that -- just for the record, is that what's happening?

MR. BELLOWS: For the record, Ray Bellows. Yes, we have electronic review and approval now through the Accela system that is on your computers and desktops.

CHAIRMAN STRAIN: Okay. So when we receive the packet, even though there's no signatures in there, we wouldn't have received it until everybody's signed off?

MR. BELLOWS: That is correct.

CHAIRMAN STRAIN: And that includes legal?

MR. BELLOWS: That includes legal. Legal is a component of the sign-off process.

CHAIRMAN STRAIN: Right. I just want to make sure, because their review has been really important. Go ahead, Joe.

MR. BELLOWS: It definitely has.

COMMISSIONER SCHMITT: Doesn't Accela provide a signature sheet that indicates that it's been staffed through the appropriate staff?

MR. BELLOWS: Well, the Board of County Commissioners has a sheet like that. I'm not sure if we do that for this. I'll check into that.

COMMISSIONER SCHMITT: All right. Well, that would seem to be the appropriate method is to provide an indication in the file that indicates that they were reviewed and signed off on.

MR. BELLOWS: Electronically it's done that way, but I don't know if they attach a sheet or not. We can look into that.

CHAIRMAN STRAIN: Jamie, did you have something you wanted to add? And you are the director of the Developmental Services group.

MR. FRENCH: Deputy department head, Jamie French, for the record.

Joe, you're correct. It follows the same path as the Board of County Commissioners. It would not require a physical signature, and based off their permission. So, for me, I would not sign off on that

document until after, let's say, Ray or Mike would have done it, and then it goes off to the County Attorney's Office for their final markup or -- and then all of the members or all of the staff members that are included within that routing, they would be -- the system would update them that changes may or may not have occurred.

COMMISSIONER SCHMITT: Well, you provide a summary sheet. Let's take, for instance, 9A today. There's a summary sheet "prepared by," and it has "submitted by" and "approved by."

MR. KLATZKOW: Hold on. Hold on. Guys, you can sign this and scan it in, right?

Would the Planning Commission be more comfortable if staff signed it off and just scanned it in?

COMMISSIONER SCHMITT: The approval sheet is in there, and it says, "complete, complete, complete." I'm assuming, when I see this sheet, that they've reviewed it.

CHAIRMAN STRAIN: I think --

MR. KLATZKOW: That's what we do with the Board.

CHAIRMAN STRAIN: It's easier for the record to be clear when you see the signatures and names are right there and you know that those people had to review it to put their name on. And I thought that was valuable, and I missed it, so --

MR. KLATZKOW: So just sign off on it and scan it in.

MR. FRENCH: No problem.

CHAIRMAN STRAIN: Okay.

MR. FRENCH: Thank you.

COMMISSIONER SCHMITT: That's an easy solution, too.

COMMISSIONER EBERT: I am so glad we have a County Attorney.

CHAIRMAN STRAIN: And he's so glad to be here.

There's nothing on the consent agenda today.

***We'll move first right into our first advertised public hearing. It's PL20170001733. It's the Regal Acres Residential Planned Unit Development. This is on Greenway Road east of Collier/951 and north of U.S. 41.

All those wishing to testify on behalf of this item -- if you're going to speak on this item today, please rise to be sworn in by the court reporter.

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

CHAIRMAN STRAIN: And we'll start down with Tom for disclosures.

MR. EASTMAN: I spoke with Laura DeJohn regarding school capacity issues.

COMMISSIONER CHRZANOWSKI: Before I start, what's on the computer, the Board computer? That's an agenda that I should be able to access, right?

CHAIRMAN STRAIN: You're asking the wrong person.

COMMISSIONER FRYER: You need to reboot.

COMMISSIONER CHRZANOWSKI: I need to reboot? How do I reboot? Anyway, I couldn't access that, so I turned on my own computer. Now my computer seems to be talking to the other computer.

CHAIRMAN STRAIN: Well --

COMMISSIONER CHRZANOWSKI: It's bizarre. But, anyway, my only disclosure --

CHAIRMAN STRAIN: Let's go back to the subject. Let's start with disclosures first.

COMMISSIONER CHRZANOWSKI: Yeah. I'm just going to listen. I'm not going to try doing anything with anything electronic today. I'm just going to listen to what people say.

MR. KLATZKOW: We'll get the IT guy down here, Stan.

COMMISSIONER CHRZANOWSKI: I'll just work through it.

Yeah, I walked across the parking lot with Nick. That's about my only contact.

CHAIRMAN STRAIN: Ned?

COMMISSIONER FRYER: Nothing.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: Okay. And I met with the applicant's representatives a couple days ago and went over issues today that we'll be talking about. I also have received -- initially emails came to my office

with letters of no objection from two communities, and then I started receiving a couple of letters or more from one or two individuals in Reflection Lakes, and I've also met with staff and had a long conversation with staff.

With that, Karen?

COMMISSIONER HOMIAK: I have had conversations with Commissioner Fiala and other residents in East Naples.

CHAIRMAN STRAIN: Thank you. I did talk to Commissioner Fiala as well.

Go ahead. Joe?

COMMISSIONER EBERT: I did also.

COMMISSIONER SCHMITT: I had an email from Laura DeJohn. I sent some questions in which she responded. I have numerous letters that were sent by separate emails by the staff that were not part of the packet but obviously came in after the packets were sent to us, and I did speak with Commissioner Fiala about this request as well.

CHAIRMAN STRAIN: Patrick?

COMMISSIONER DEARBORN: None.

COMMISSIONER EBERT: I also did speak with Commissioner Fiala.

CHAIRMAN STRAIN: Okay. With that, we'll move right into the presentation by the applicant. So I don't know who wants to do that today.

MS. DeJOHN: I would like to do that today. My name is Laura DeJohn. I'm with Johnson Engineering. I'm a principal planner. I'm here today on behalf of Habitat for Humanity of Collier County.

I'm going to try to make sure, technically, we have what we need here. Bear with me. We're going to be giving presentation by PowerPoint. Does everyone have the PowerPoint?

CHAIRMAN STRAIN: No. Our systems aren't working up here for some reason.

Is there an IT person -- not in this audience, obviously. But if someone in IT's listening to the things going on in this room, could you send someone down.

MR. KLATZKOW: We're working on it.

CHAIRMAN STRAIN: We don't have a single one of our monitors working. Let's start -- we can follow on the screen. I'm comfortable with that for now, and then we'll see if IT shows up and take a break or two if they have to correct something.

MR. KLATZKOW: Just old school. We used to do it this way.

CHAIRMAN STRAIN: Right.

So go ahead, Laura. We're just going to use -- we'll use the same screens the public's using at this point.

MS. DeJOHN: Thank you.

Just to do quick introductions. Who you have before you is the applicant, Habitat for Humanity. President Nick Kouloheras is here. Pavese Law Firm, Neale Montgomery is the land-use attorney involved in the project. From Johnson Engineering you have planning, environmental, engineering, and transportation experts on hand. And a real estate appraisal expert, Matt Simmons, will also be part of our presentation.

First I'd like to just allow Nick a few brief minutes to give you an explanation on Habitat and what's proposed here.

MR. KOULOHERAS: Thank you.

Good morning, Commission. Nick Kouloheras, president of Habitat for Humanity.

Just very briefly. I know most of you up here are well aware of what Habitat for Humanity of Collier County does, but I just wanted to kind of recap. Habitat for Humanity is a non-profit ministry whose mission is to provide housing solutions for --

CHAIRMAN STRAIN: Nick, I'm sorry to interrupt, but the IT people have shown up, and she's fixing everything.

MS. ASHTON-CICKO: And I know nothing about computers.

CHAIRMAN STRAIN: You know, it's ironic because her office is next to mine, and she has difficulty with computers a lot, but today she's wired. This is great.

Thank you, Heidi.

MR. KOULOHERAS: Yeah. The County Attorney staff just knows no boundary.

CHAIRMAN STRAIN: Well -- and you know, they've got a variety of talent, and it's amazing.

MR. KLATZKOW: We're a full-service organization.

COMMISSIONER SCHMITT: Those are billable hours to IT, by the way.

CHAIRMAN STRAIN: That's a good point.

Okay. Please go ahead. Thank you, Nick.

MR. KOULOHERAS: Thank you, Mr. Chair.

So as I was saying, provide housing solutions for families in Collier County that make between 30 percent and 80 percent of the area median income. So just on average to tell you who that is, that's your family of four that collectively makes somewhere in the neighborhood of, you know, 40- to \$50,000 per year. It used to be Habitat Collier.

Back when we started in '78, it was very much catering to farmworkers and very low-income wage earners, but as we've developed over the years and as incomes have shifted and housing pricing has shifted, we find ourselves dealing with a lot more residents within Collier County that work for the school district, Arthrex, Collier County Government, Sheriff's Office, bankers, manufacturers. So we're finding ourselves in a different ballgame than where we were when we first started.

So it seems like housing is obviously a big topic within Collier County, and although, unfortunately, we're not able to address the entire income spectrum of need, we are trying to do our best to address the issues between 30 and 80 percent, which is what our charter does.

So if you have any questions for me, I'm, obviously, here, but I just wanted to briefly recap what Habitat does. Thank you.

CHAIRMAN STRAIN: Thank you.

MS. DeJOHN: Okay. And just to -- I know it's in front of you in your agenda item, but just to recap what is requested today. There's a 23.15-acre piece of land zoned -- currently zoned agriculture that Habitat is requesting to rezone to combine with its existing Regal Acres RPUD. This change will amend the master plan and include that additional land and will increase permissible dwelling units by 116 units.

The request includes a companion affordable housing density bonus agreement for the added 23.15 acres. That agreement, based on the formulas that the county has in place to incentivize affordable housing, will generate 46 bonus units. That's inclusive -- so the 116 includes 46 of those bonus units being awarded as an incentive for providing housing for low- and moderate-income residents of Collier County.

The project location is -- you know, generally is described in our industry as an infill site. It's lodged between the existing Regal Acres community to the east, the existing Reflection Lakes community to the west, the existing Naples Reserve community to the north, and the existing West Winds community to the south.

To give a little perspective, even wider view here, we're along the East Trail corridor east of the 951/41 intersection. The property is accessed via Greenway Road. It's north of U.S. 41.

And as you can see just from the graphic, that yellow property that's shown in the middle of the image here is a small piece within a much larger pie of residential development that exists and is continuing to grow in the East Trail corridor.

From a zoning standpoint, this just illustrates on your Collier County zoning map that the subject site is an agriculturally zoned site surrounded by residentially zoned sites, and the proposal to rezone this from agriculture, which would typically allow things like dairy farms or livestock and reptile breeding, would be more appropriately zoned residential planned use development like the communities surrounding it.

I do want to bring up a clarification because it came up in our neighborhood meetings. When you look at the aerial of the subject site, it is a wooded vegetative site. But this site is not a preserve. There was some beliefs among community members that what's being done here is the rezoning of a preserve. A preserve is a defined term where dedication of land is made through conservation easement to preserve in perpetuity some land.

This is not a preserve. This is just a vegetated site, which was formerly mainly abandoned agriculture now occupied with vegetation and exotics. Where there is a preserve -- this illustration just gives you a better lay of the land here. Where there is a preserve is the -- if you can see that dot. The dedicated

preserve area on Reflection Lakes property is about 151-foot-wide dedicated preserve area that exists on Reflection Lakes property.

What's proposed as a concept plan for the Regal Acres property shows that a preserve would also be dedicated abutting that Reflection Lakes property in addition to the future development that would be concentrated beyond the proposed preserve.

CHAIRMAN STRAIN: And, Laura, while you're on the slide before, just because it's relevant to this slide, there's a -- it looks like a no man's land in between the two preserves. Whose is that and what is it; do you know?

MS. DeJOHN: There's the skinny strip that you're referring to between the two preserves. That's on Regal Acres' property -- sorry. Reflection Lakes' property. Reflection Lakes has a platted 20-foot-wide drainage easement that creates that gap at the property line on Reflection Lakes' property.

CHAIRMAN STRAIN: Thank you.

MS. DeJOHN: Okay. I'm going to have Gary Nychyk jump up just for a brief explanation. Since we're talking preserves, I want him to give a quick prospective on the environmental data package that he prepared for the project.

MR. NYCHYK: Thank you, Laura.

Good morning. For the record, my name is Gary Nychyk, and I'm an ecologist for Johnson Engineering.

As Laura indicated, the Regal 2 site is one of the last sites in the area to be developed. There are existing residential developed on all four sides of the property, as she's shown already.

The existing habitat types found on Regal Acres right now include abandoned agriculture, palmetto prairie, some mixed hardwood conifer swale, and about six acres of wet prairie. Most of the site is heavily impacted by exotic vegetation, including earleaf acacia, Melaleuca, and Brazilian pepper.

As I said, there's about six acres of low-grade wetlands on the site, and those wetlands have been impacted through the construction of surface water management systems to the north and to the west associated with past developments. These structures have degraded the water environment and likely lowered the wet-season water table, because if you go out to the site, you can actually see upland indicative exotic vegetation moving into the wetlands. So these are certainly degraded wetlands on the area.

The zoning division staff report agrees that the project includes 22.46 acres of native vegetation, natural vegetation, requiring a total of 5.62 acres of vegetation preserve, and the master plan locates that preserve in compliance with Section 3.05.07 of the LDC.

The preserve area will include uplands and wetlands and is situated adjacent to existing preservation on the Reflection Lakes side. Where's the preserve map? Right there. So here you can kind of -- you can kind of see the location of the preserve is adjacent to the Reflection Lakes preserve, and that will maximum any benefit that there might be to wildlife species there.

Protected species surveys were conducted in accordance with the Land Development Code, and protected species management plans are included for -- where appropriate, including Florida black bear and wading birds.

During the survey, there were no signs of listed species observed; however, there were two leaf nests or stick nests observed along with one cavity tree that was observed, and those will be monitored in accordance with FWS and FWC guidelines as we move forward in the process.

The property is within the panther secondary and primary protection zones, and we're moving forward with U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service on calculating those habitat impacts, and the area's also within the consultation area for the Florida bonneted bat. So we'll be working through that process with Florida Fish and Wildlife as well -- or U.S. Fish and Wildlife; I'm sorry.

As I indicated, Regal 2 is currently being reviewed at the state level by the Fish and Wildlife Commission and the South Florida Water Management District. The wetland lines have been evaluated by South Florida Water Management District, and we're all in agreement, and the federal review is also underway by U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers.

I will be here available for questions as they come up, and I'll pass that back to Laura.

CHAIRMAN STRAIN: Okay. Go ahead, Joe.

COMMISSIONER SCHMITT: Reference Section 7 of the Endangered Species Act, which you're going through consultation, U.S. Fish and Wildlife, you just said you are still working on the calculation for PHUs?

MR. NYCHYK: We have a preliminary calculation for PHUs, but they haven't been reviewed by the agencies.

COMMISSIONER SCHMITT: You have a cost yet? Have you determined a cost that you're going to pay for panther habitat units?

MR. NYCHYK: A preliminary, yes, I can probably come up with that. I don't know if I have it right on the tip of my tongue.

COMMISSIONER SCHMITT: I'm curious what you're paying. The bonneted bat should be covered by the Comprehensive Plan that's being performed right now under the U.S. Fish and Wildlife. You may want to check that just --

MR. NYCHYK: Right.

COMMISSIONER SCHMITT: -- because they're doing a comprehensive analysis for all of South Florida. But I'm curious as to what you think you're going to be paying for --

MR. NYCHYK: Well, the total PHUs that we've calculated so far is 221 units.

COMMISSIONER SCHMITT: Okay.

MR. NYCHYK: And those are about \$900 per unit.

COMMISSIONER SCHMITT: Yeah, 900, 1,000 apiece.

MR. NYCHYK: Yeah, right. So that gives you an idea.

COMMISSIONER SCHMITT: Thanks.

CHAIRMAN STRAIN: Okay. Thank you.

MS. DeJOHN: Moving on to some other basic elements we consider when doing rezoning, traffic and access. It's worth noting that Habitat for Humanity did prepay for their contribution related to 60 dwelling units for this project. That was part of a 2008 developer's consortium agreement. That agreement helped fund some improvements including the intersection improvements at 951 and 41, six-laning road improvements to Henderson Creek, and four-lane road improvements to Henderson Creek from -- to about a quarter mile east of Naples Reserve Boulevard. So those contributions have already been made in addition to the dollars spent to -- and contribution associated with the first phase of Regal Acres, the first 184 units.

Access to the site is from Greenway Road. There will be no changes to traffic circulation patterns because the main access off Greenway through Majestic Circle is how you will access this site. And the TIS performed by Josh Hildebrand of Johnson Engineering found that there are no significant impacts on surrounding roadways, and he's here if there are questions on traffic.

Similarly, drainage was addressed in our application by the fact that there already is an existing water management system within the existing Regal Acres community, and this proposed addition will connect to that existing system. There's existing outfall locations and discharge that will not be changed and will just be updated to accommodate the flows associated with this additional development area.

There is an upgraded level of discharge rates that now apply due to some recent changes in county policy. So the Parcel B, this addition to the Regal Acres PUD, will be subject to and meet those new standards established by county policy. This will be consistent with what's currently applied to Parcel B.

Water and sewer is available from Collier County Utilities in this area. Habitat actually has already constructed the infrastructure needed to serve the site by doing improvements along Greenway Road as part of their initial Regal Acres development, and county -- the county additionally asked for a utility easement for a well site on this property, and that has been addressed and is provided for on the master plan. There's a 40-by-60-foot utility easement designated along the north property line.

Now getting into the layout of the site. First, because this is a proposed addition to an existing PUD, the PUD document you have is a strikethrough/underline format to reflect what changes are being proposed with this new addition. So the PUD document is kind of a combination of what's already approved for what's called Parcel A on the existing developed Regal Acres site, and then what's being proposed on what's called Parcel B on the 23.15 acres that are being proposed as additional acreage.

So the master concept plan includes a sheet depicting the Parcel A approved master plan for what's

already developed, and then what's proposed is the Parcel B master plan as shown here.

And I just kind of -- I want to walk you through some of the aspects of this proposed site plan. The site has a single loop road that has a short additional road that stubs out along where the site boundary jogs on the north side of Parcel A. The R that's depicted in the diagram, R indicates where residential areas are, where the homes will be located.

There's a recreation area shown near the proposed access point to the site. This space is dedicated for residents of the site to enjoy as well as being located so that residents of the existing Regal Acres Parcel A area could enjoy the recreation area as well.

Our master plan set includes detail sheets that also show the arrangement of how that core area in the middle of the roadway loop will be developed with alley access and homes that would front on common green spaces in that core area.

And I do want to point out there's a hatched area. I'm going to keep -- if you see where I pointed to, there's a hatched area labeled as an overlap area, and that overlap area is just an extra detail showing where proposed homes would back up to the existing Regal Acres lake that's on Parcel A. And this overlap area's just noted on the plan, and it's also referenced in the PUD document to indicate there would be a re-plat of that Parcel A area if and when development of this area gets done.

You can see here, again, we've told you already about the preserve location along the western half of the property. There's also a lake positioned along the north property line. By kind of framing the development area of the site, we've basically made a compact development area where the preserves and the lakes create substantial separation to that north and to the west of the site as it develops.

Some of the inspiration that went into how the laying out of the site works was from communities where you see houses being clustered around green spaces where this would be very suitable for a Habitat community where children are able to play out in front of their houses. That's kind of the concepts that we were following with that central core area design.

And an artistic rendering of how that development plan would work is shown here. This diagram is a computer-generated rendering of how development could be -- how the development could be laid out based on the concept plan. And this is helpful because you can see some of that green space that gets created when there's an existing preserve area already established behind the Reflection Lakes homes that are just to the west of this site, and then the preserve area that's added by the proposed preserve on the Regal Acres site.

You can kind of see the distance created to the north where there's a lake proposed between the Regal Acres homes providing several hundred feet to the nearest Naples Reserve home to the north.

And, again, to the south, there's -- the depiction also shows that there's preserve area between the proposed Regal Acres homes and the mobile home units of Westwinds to the south.

Looking inside the community, again, this is an artistic representation based on the initial plans for the project. You can see how sidewalks are provided along the streets. There's on-street parking proposed so that cars are accommodated along the street consistent with county on-street parking standards.

The homes are proposed to be fitting in kind of a compact space with a two-story housing model. And, again, this just kind of gives you the look and the feel of what Habitat's after as they work on this project.

There's a closer-up view of the proposed home, a model that Habitat seems to keep kind of raising the bar with their communities as they develop them, and this kind of shows a nice look of the proposed home.

That leads into discussion on density. This is designated per the Growth Management Plan as an urban mixed use/urban residential land use designated site. Within the density rating system of the Growth Management Plan, this site is eligible for up to 11 units per acre of development on the site. What's being proposed is five units per acre development, so over half the eligible density is being proposed because Habitat realizes this area is a neighborhood where densities range and are in the range of four to seven units per acre, and five units per acre is consistent with the existing Regal Acres development, and five units per acre is proposed here as well.

We don't need to go into development standards, but this is basically in this -- the slide is provided if we want to discuss any of these development standards. The PUD document contains these and shows, kind

of, the development standard for the different unit types that are part of the PUD request at this time.

So the biggest part of the presentation today is going to be on buffers. First of all, the buffers get depicted on the master concept plan, and we've done that. The buffers depicted on the master concept plan are 15-foot-wide Type B buffers, which is consistent with what's requested within this PUD request, which is a range of uses. There's a variety of uses requested including single-family, two-family, multifamily, and townhouse. That generates the requirement for a 15-foot-wide Type B buffer versus what would normally be required for single-family homes adjacent to single-family homes, a 10-foot-wide buffer with trees spaced only every 30 feet.

So Habitat has worked extensively because buffering became, you know, one of the major issues we heard during neighborhood meetings and with interactions within surrounding communities. So I'm going to walk you through the evaluations and the considerations that Habitat took into account as they worked with the neighbors on the question of buffers.

This is a view where Naples Reserve residents who are just to the north of the subject site view -- this is their view today looking towards the Regal Acres site.

Here's a second picture from a different angle of a vantage point of the Naples Reserve properties looking south into the Regal Acres site.

What was brought to Habitat's attention was that this wooded view, what's in front of you there, is existing vegetation that's been planted in conjunction with -- on Naples Reserve property, the palm trees, and the shrubs, and then beyond which is a chain-link fence which is on Naples Reserve property, and then a wooded area.

And it was brought to the attention of Habitat that this wooded area and this view is a concern to be -- if the Regal Acres project is going to cause that view and that vegetation to be removed.

And working with those neighbors, solutions were arrived at because Habitat came up with a buffering and tree planting and supplemental planting plan that achieved that look of a forested view as -- from the vantage point of the Naples Reserve homesites. And by working with those property owners, this, what we're calling an enhanced buffer condition, has been agreed to by both Habitat and the Naples Reserve owners who were concerned about the views that they would have from their vantage points.

We've also got -- Habitat has engaged with property owners in Reflection Lakes who have concerns about what they would see or hear or the potential security issues that they would -- might face as development goes on behind them or to the east of them with this project.

This is a view looking from Manchester Drive, which is within the Reflection Lakes community, toward the Reflection Lakes preserve. Beyond which I've described to you will be a Habitat for Humanity preserve that matches up to that preserve.

Here's another view. Again, just to give perspective of that same vantage point from Reflection Lakes looking east through -- looking at the Reflection Lakes preserve, again, beyond which will be Habitat for Humanity preserve, beyond which would be homes. There wasn't really a solution that Habitat could offer beyond -- to make this any more opaque or to make this look any different for the Reflection Lakes vantage point.

So in working with residents of that community, Habitat has offered to provide a fence to address the security concerns that Reflection Lakes residents expressed, but view and the distance that's being provided for with preserve vegetation does not lead to any more solutions, really, that Habitat could offer other than that fence.

So this was not in your packet because it's been -- there's been work going on in the past month to arrive at these solutions. The enhanced buffering plan shows exactly what has been worked out or discussed on Habitat's behalf with adjoining property owners. So to the north are those -- the representation of the proposed wall and additional plantings worked out with Naples Reserve. To the south there's been additional -- the addition of a wall worked out with the property owners who are just close to this site at Westwinds mobile home park, and then to the west, the proposed preserve and fencing is what's been committed to by Habitat as an enhanced buffer to the west.

That was one of the biggest issues that came out of the neighborhood information meeting, but I didn't want to neglect others. Just to list off, we had our neighborhood information meeting in early June.

Some things we heard about were concerns about the list of uses including not just single-family but multifamily, which we can talk about further.

Traffic on Greenway Road was brought up, and Habitat has engaged with the Sheriff's Office. The Sheriff's Office has done a traffic study on Greenway Road. In early July they did a study for a week and found no issues with speed and no issues with traffic.

So they will continue to do their normal operations that the Sheriff's Office does, but that was the finding as Habitat pursued that issue.

Again, we've heard about noise, views, and the potential for pedestrian traffic through Reflection Lakes, and I've kind of talked through what's been done to work on that issue, and the solution being providing the adequate distance of preserve and then fencing along the Reflection Lakes boundary.

And then views from Naples Reserve have been addressed, as I showed you.

School capacity was something that has been brought up, and part of your packet includes the evidence of the standard school district review that goes on for any residential development and the finding there that elementary, middle, and high school level of students are adequately served by the existing capacity within the system.

The question or the thoughts about saturation of affordable housing or concerns about affordable housing being in East Naples or being in proximity to neighborhoods that we've just discussed has also been an ongoing comment that we've heard. To address that, Matt Simmons is going to step up and talk to you. He's a professional real estate appraisal expert, and he'll be able to kind of talk through what it means to have affordable housing in any area.

MR. SIMMONS: Thank you, Laura.

I want to briefly --

CHAIRMAN STRAIN: Identify yourself for the record, please.

MR. SIMMONS: Matt Simmons. I'm a licensed real estate appraiser and broker in Florida. I'm a partner with Maxwell, Hendry, and Simmons. We're primarily an appraisal and consulting firm based in Fort Myers.

What we've done for Habitat is conducted a value impact and affordable housing study. And I want to just briefly summarize some of the results of that study with you today.

MS. MONTGOMERY: Matt, before you do that --

CHAIRMAN STRAIN: You'll have to go to the mike; identify yourself, first.

MS. MONTGOMERY: Yes. Neale Montgomery, for the record.

I just -- before Mr. Simmons started, I just wanted to ask him a question about whether he has testified as an expert in this capacity and other quasi-judicial hearings.

CHAIRMAN STRAIN: Thank you.

MR. SIMMONS: Yes, I have.

CHAIRMAN STRAIN: Okay.

MR. SIMMONS: So I'll move right into the presentation.

The page you're looking at now is a summary that others have already touched on, so I won't dwell on this. I'll get right into the meat of what we did here.

As I mentioned, one of the components that we looked at were affordable housing, demand versus affordability. The ZIP code of 34114, which is the ZIP code within Regal Acres, currently the median sales price there is \$480,000. If you condense that down to a potential purchase and look at what that mortgage price might -- mortgage payment on a monthly basis would look like, it's plus or minus \$2,400 a month.

The reason I bring that up is the table -- and I apologize, there's some smaller print over on the right-hand side. But what you're looking at there is a table reflecting the top 10 occupations within Collier County as it relates to the number of folks within that workforce, and these are figures from the Bureau of Labor Statistics.

And so the area of the workforce where we have the most employment, number one, is in food preparation and serving-related occupations where we have roughly 21,620 people employed. And, again, that -- this methodology carries down through the list. I won't name each of the occupations. But the annual mean wage, for example, among food prep workers is \$28,590.

Now, what we do from there is we look at HUD's affordability metrics. HUD identifies that in order to be affordable, a household shouldn't be paying, essentially, any more than 30 percent of their monthly household income toward housing expenses. If they're at 30 percent or above, they're considered cost burdened.

So, simply put, that final column that you're looking at is a reflection of 30 percent of the monthly gross income based on these occupations and the wages that they take home.

So as you can see, those -- the monthly income allocated for housing between these top 10 employment occupations stretch between \$700 a month all the way up to \$2,140 a month. There's one sector, healthcare practitioners. But the majority, nine of the 10 occupations, can afford according to HUD's guidelines, roughly \$1,100 or less per month allocated toward housing. And, again, I would ask you to consider that in conjunction with what we just reflected as the monthly mortgage payment for the median sale price within 34114.

Obviously, purchasing isn't the only option for getting housing, so we've taken a look also at rental properties. And what you see here is a list of all of the available annual rental properties within a five-mile radius of the subject property. And these are properties currently advertised within MLS. And we have rents ranging from \$1,150 a month up through \$6,250 a month, but the median rent is \$2,200 a month. Again, consider that in context of what we just looked at in terms of what's affordable to the highest sectors of the workforce.

I would note that on the low end you see 1,150. If we had a large number of units on the low-end side, that would stick out to me. We actually have six units currently offered for sale at \$1,600 a month or below. So the majority of these 57 rentals that are available are clustered around the \$2,200 range.

In addition to this -- and, again, this is only a summary, but I did want to touch on apartments. We looked at apartments within a five-mile radius as well because, again, that's another driver of where can workforce find housing. And we looked at the five closest projects. The average rent amount for the lowest unit available in those projects was \$1,111 a month. The problem is, while those projects exist and those rates are out there, occupancy is the big issue. Among the most affordable projects for apartments, which are Whistler's Cove and College Park, they're reporting 100 percent occupancy, and they have waiting lists for units there.

So supply has to be looked at not just in the context of what's the pricing of what's out there and what's available but in terms of what's available to be occupied by people right now, and that's where we're struggling.

Next thing I want to share for you is the five-mile radius of properties available for sale. Before we looked at just ZIP code 34114. Now we're looking at a five-mile radius of for-sale properties. The median price is 399,900, or \$202 a square foot. Again, if you run a mortgage payment on that calculation with a 20 percent down payment, all those assumptions built in, you get to a monthly payment of a little over \$2,000 a month.

There's a wide range among those 668 properties for sale. For example, on the low end, you can find condominiums listed for sale at or below the \$100,000 mark that are within this criteria; however, the problem is when you look at the details -- for example, the lowest price condo in this dataset had membership and condo fees that were nearly \$20,000 a year by the time you added them all up.

So on the surface, the price looks like it's affordable but, again, when you go back to HUD's metrics of total housing cost, you see that, really, to be in that property, it's astronomically larger than what the price alone would imply.

I want to touch briefly on the value impact component of what we did and just give you a couple of examples. There were more that we completed, but I want to highlight a few.

We conducted both an aggregate sales analysis and a paired sales analysis. One of the communities that we focused on was Charlee Estates, which is located pretty close to Regal Acres. It's just south off of U.S. 41, and it's another Habitat community.

And so what we did here is we took sales of properties in the neighborhood in Fiddler's Creek that's directly to the south, and the street is Aviamar, and we paired up sales with like factors where we were isolating the only variable being proximity to the Habitat community. And I want to show you how that

paired up on the following page here.

The property on the left is within 155 feet of affordable housing. It sold in February of 2018 for \$565,000; roughly \$252 a square foot.

The property on the right is nearly identical in all of its features, components, and characteristics. The only difference being that isolated variable of proximity to the Habitat community. This property is a little over a thousand feet away. Sold only a month earlier for 550,000 or roughly \$245 a square foot. Again, no real difference there when the only variable isolated is proximity.

In addition to paired sales, because sometimes paired sales can be only an individual indicator, we did an aggregate analysis looking at larger data sets. Again, we performed this analysis first in Charlee Estates because it's another Habitat community. And we took a number of sales, in this case 15 sales between two different zones, and analyzed their price per square foot.

Zone 1 is the section that's closest to the Habitat community. Zone 2 is the one that's furthest away. Again, remembering our example before of roughly 150 feet compared to 800 to 1,000 feet. And we have prices per square foot that are nearly equivalent. In fact, in this case, although I think it's kind of an outlier, the price per square foot in Zone 1 is actually a little bit higher than the price per square foot in Zone 2. So, again, no indication there that the properties proximate to Charlee Estates are being impacted by that project.

The next page, again, I reference -- this is just a part. I'm summarizing for you a lot of work that we did. We looked at these individual communities and performed these analyses on each of them as well, so I wanted to just show you those communities. Each of these communities demonstrated a similar pricing relationship to that which I just showed you.

I want to show you one more aggregate sales analysis. What you're looking at here is a map in South Naples here. Naples Manor is the triangle highlighted parcel toward the bottom of the page. There's more affordable housing within Naples Manor. The 10-year median price point within Naples Manor over the trailing 10 years is roughly \$85,000.

What we did here is we took Lely Golf Estates, which is reflected in Zones 1 through 4 going north, and we analyzed their 10-year median price points based on zones. Overall in Lely Golf Estates, the 10-year median price trend is 282,000. So when we look at 85- versus 282-, we're talking about something that is nearly a fourth, between a third and a fourth of the price for comparison purposes.

Zone 1 is the closest zone to Naples Manor. Zone 1 has a price per square foot of around \$151 per square foot. At this point you get the idea of what we're doing.

Zone 2 is further away; 149. Zone 3, roughly \$160 a square foot. Down to Zone 4, the furthest property away from Naples Manor, at 147 per square foot.

Again, large enough sample sizes in distribution over the period of time also for the analysis that we performed.

No difference being demonstrated in Lely Golf Estates for proximity to the areas closest to Naples Manor.

The last area I want to just highlight for you was proximate to Leawood Lakes. The Foxfire community is represented in Zones 1 and 2. The median 10-year price in Leawood Lakes is roughly \$123,000, and in Foxfire, over the past 10 years, it's about \$300,000. So a little less than three times the price difference between those communities.

Zone 1 is directly proximate to Leawood Lakes. In fact, the properties that are on the eastern side of Foxfire, there's very little buffer at all in distance between those properties.

Zone 1's price per square foot is \$177 based on 31 sales. Zone 2, \$170 per square foot.

In addition to the individual detailed primary data that we pulled, we also did a substantial amount of research for academic studies that have been done both locally and nationally. I included quotes here from the Minnesota Housing Finance Agency for the Center for Housing Policy and then also from the research arm of Trulia. Those firms, Trulia and Zillow, because of the data that they're aggregating, are developing research arms that are pretty substantial and able to address some of these issues.

Each of those studies indicated that there was no negative impact, none demonstrated as it relates to property values tied to their proximity to affordable housing.

And so, in closing, I want to summarize that -- and I think this is mostly understood. There's a clear

affordability issue as it relates to housing and serving the folks that make up the workforce here. I think market changes over time have necessitated the need to look at affordable housing and perhaps consider adding units.

And then, secondly, based on the research that we've conducted, and not just us but other firms across the country, there's no data that we see that suggests that the proposed change here and the addition of affordable housing in this area would have a negative impact on the neighboring properties and residential communities.

And with that, I will turn things back over to Laura DeJohn.

CHAIRMAN STRAIN: Before you do, just in case we have any questions pertinent to your -- anybody have any questions on the appraiser issues that were just presented?

(No response.)

CHAIRMAN STRAIN: Okay. I have one.

I understand what you did on a broad basis. You looked in different parts; I understand all that. But I think the issue probably for the people closest to the project would be those immediate values that that project has, that the projects around them have, and how it affects the average value of those areas. Did you do any research on the price points in the Windward (sic) mobile home park to the south, Reflection Lakes, Naples Reserve and Parcel A of Habitat to see how all those compare in price points?

MR. SIMMONS: The research that we conducted, I know off the top of my head the price per square foot in Windward to the south is actually roughly between 65 and \$70 a foot. For the few properties in Regal Acres that have transferred, they've been actually around 160, 170 a foot. I didn't focus so much on the price per square foot that currently exists within Reflection Lakes or within Naples Reserve because the focus of what we were doing was essentially trying to make sure we understood would there be damage to the property values there, and --

CHAIRMAN STRAIN: Well, see, and my understanding the way the Appraiser's office works is as new sales are allocated or come in, they change the market standing on the Appraiser's site for properties in that immediate area. And if you've got Parcel A established for whatever price points they have previously sold for -- I don't know what that is. I think it's around 130 maybe, somewhere in that neighborhood; and you've got the project to the north which has Naples Reserve and Reflection Lakes. You know where their price points are; and you also have the project to the south, which is the mobile home park, Windward Estates; and now you've got your new piece coming in.

So is your new piece going to change the average values in that area? Have you looked to see how -- because, basically, I think the mobile home park has less value than the Naples -- than the project you're dealing with, the Parcel A and Parcel B.

MR. SIMMONS: Yes. So, so far the sales have indicated that it's about two-and-a-half times less than the existing Regal Acres 1.

CHAIRMAN STRAIN: But then Reflection Lakes is about the same amount higher as, probably, Naples Reserve is. And I just -- I didn't see any statistics or data on that, and I thought, being most relevant to the neighborhood, that would have been something that would have been helpful to see. I just wanted to let you know I was looking for something like that when I heard you were going to speak.

MR. SIMMONS: Okay. A paired sale within Regal Acres 1?

CHAIRMAN STRAIN: In the immediate surrounding communities. People are always concerned, how is that going to affect my house value.

MR. SIMMONS: Well, right.

CHAIRMAN STRAIN: It's going to affect them because our appraiser looks at it in a local area on the current sales prices. So I appreciate all those data you went to, but you didn't hit the nail in the actual subject at hand today, and that's what I was looking for.

Neale?

MS. MONTGOMERY: Yeah. I just want to ask Matt a question. I appreciate your question.

But, Mr. Simmons, based on the data that you have, since this project isn't built yet, is there anything in the data that you looked at in Collier County and nationwide that would indicate that the Habitat project is going to have a negative impact on housing values in the surrounding community?

MR. SIMMONS: No, nothing at all.

CHAIRMAN STRAIN: I know. And I didn't -- you just missed my point. That's all.

MR. SIMMONS: Well, no. I think --

CHAIRMAN STRAIN: It would have been more helpful to know that you had the other communities and your averages and how your new numbers will affect those. I think you're actually going to -- probably your new numbers on your Parcel B will be higher than the mobile home park to the south.

MR. SIMMONS: I think there's sometimes --

CHAIRMAN STRAIN: That would have been advantageous to know in understanding this, that's all.

MR. SIMMONS: Okay. I think there's sometimes a misunderstanding about how assessments work, though. The comparable sales that will be used for assessment purposes between Naples Reserve and Reflection Lakes won't be coming from either Windward or from Regal Acres. Things aren't looked at in a macro level like either from a proximity standpoint for assessment purposes or not.

When they're developing assessments or developing comparable sales for comparison, for most properties within Naples -- because our properties tend to be insular and gated, those comparables come just from within. For the same reason that if any one of us had a property in Naples Reserve, we wouldn't suggest that one of the appropriate comparables be either from Windward or from Regal Acres, because they're not comparable projects. So I don't think there's any concern from that respect.

CHAIRMAN STRAIN: Okay. And, again, I don't think I made myself clear, so -- but that's okay. I don't think I'm going to be able to, so -- but thank you. Anybody else?

(No response.)

CHAIRMAN STRAIN: No. Okay. Go ahead, Nick.

MR. KOULOHERAS: Mr. Chair, just -- I think I might have understood a bit of your question there. But from a sales standpoint, you're absolutely correct, Regal Acres Phase A, if you will, the average sales price when Habitat was in there selling was somewhere in the 130- to 145- range. The proposed price at Regal Acres Phase B is going to be somewhere in the neighborhood of 180- to 205-. So that might help answer your question a little bit better.

CHAIRMAN STRAIN: Yeah, it does. Thank you.

MR. KOULOHERAS: You're welcome.

MS. DeJOHN: Okay. Now we're at the point we're going to wrap up our presentation. I'm just going to summarize by pointing out that we've worked hard on addressing the many criteria that must apply to rezones and to PUD rezonings, compatibility being one of the biggest.

We've worked with the surrounding communities, including, of course, Regal Acres Parcel A, who has its own HOA, Naples Reserve to the north, Reflection Lakes, and the Westwind mobile home park. The development standards have been crafted to be in alignment, generally, with what development standards apply within the surrounding area.

The open-space standards are aligned, generally, with what's in the surrounding area. Separation and buffering, as proposed in the enhanced buffering plan, greatly exceeds code standards and matches or exceeds any other conditions you might find in all of Collier County between communities that are adjacent to one another.

That being said, we hope our presentation helped demonstrate this project and this request are consistent and meet the criteria of PUD rezones and rezoning. We're consistent with the GMP. We've appreciated that the staff report states those facts as well. And we are available to any questions that you have.

CHAIRMAN STRAIN: Okay. And before we start asking questions from our panel, I just want to explain to the audience, the way this works is we will ask questions of the applicant, then we have to have what's a staff report, and staff will describe where their position is on this. We'll again ask questions of staff if need be, and then we'll turn to public speakers, and everybody will have a right to speak that wants to address this issue.

And that the applicant has a right for what's called rebuttal. He can address any issues raised, make his final statements. And then we will go into a discussion and then a vote for a recommendation from this

body to the Board of County Commissioners.

Now, every meeting has to have a break periodically. We break at 10:30. This young lady that's sitting here patiently hoping I don't talk too fast because I had a lot of coffee this morning needs her fingers rested. So we will break at 10:30 for about 15 minutes, then we'll resume right after that wherever we left off.

So with that, I'll turn to the panel first. Does anybody have any questions? And we'll start down my right with Stan.

COMMISSIONER CHRZANOWSKI: Yeah. Just a little clarification. I was distracted by my computer before. Under disclosures, I had an email exchange with Laura about buffers.

CHAIRMAN STRAIN: Okay. Thank you. Ned?

COMMISSIONER FRYER: I have a number of rather pointed questions and some serious concerns. But in fairness and in order to commend where commendation is due, I want to say a few good words about Habitat very briefly.

I do commend you for the work you've done in this area and elsewhere. You certainly in -- completely in support of the stated policy of this county to help bring about more workforce housing, and I commend you for that, and thank you for your work. My issues, though, involve this particular proposal, not the concept of affordable or workforce housing or the good work that Habitat for Humanity has done here and elsewhere.

Having said that, my first question has to do with single-family versus multiple family. The staff report on Page 18 -- and this is of 1,938 pages that we have in our electronic document. That's how I'll refer to what I'm quoting or referring to -- says that this is a single-family residential project and, of course, then if you look down at the uses that you're asking for, you ask for multiple family dwelling units as well. It appears to me that the work that was done to vet the proposal, traffic, utilities, and other infrastructure issues, assumed that this was to be a single-family development, but it's not at all, really, is it?

MS. DeJOHN: Well, I'm sure you're -- Laura DeJohn.

I'm sure you're familiar with the methods of getting PUD rezonings filed. The list of uses under the residential component of the PUD does include that variety. That variety allows a developer to use a corner of the property that's awkwardly shaped to put two units together, for example. That flexibility is what the developer looks for when he's launching the project, which this project launched by submittal to the county almost a year ago.

We have had the questions about how serious is this project intended to be multifamily project; we're not seriously trying to make this a multifamily project. Habitat is willing to take out the multifamily component of that list of uses to prove that this is not intended to be a multifamily project. It was only listed as an option because when laying out a site, starting a year ago, and then ultimately getting permits three years from now, there could be some flexibility that the developer wants there.

If it's concerning everyone because, as you've now worded, you consider this a multifamily project, we'll definitely take that out of the list of options so that you're not --

COMMISSIONER FRYER: Will you limit your occupancy to single-family?

MS. DeJOHN: Single-family is listed; two-family is listed. The existing Regal Acres project is a two-family development. I don't know if that's apparent.

COMMISSIONER FRYER: I take that as a no.

CHAIRMAN STRAIN: Well, before you --

MS. DeJOHN: So single-family --

CHAIRMAN STRAIN: Before you do, there might be a terminology that needs to be squared away. If you take out the multifamily dwelling units, that means you don't do the process by an SDP. You use fee simple.

MS. DeJOHN: Right.

CHAIRMAN STRAIN: If you hit fee simple, it's considered like a single-family. Attached townhouses are fee simple. Duplexes are fee simple.

MS. DeJOHN: Yes.

CHAIRMAN STRAIN: Is that -- I think that might be the question you're trying to get to, Ned?

COMMISSIONER FRYER: Let's see. The language in C3 of the uses -- and this is on Page 48 -- it

says, two-family and duplex dwelling units. So I -- that's not quite what I see in the flexibility that you're asking for and, therefore, I would ask that you limit it to single-family and duplex dwelling units, duplex single-family dwelling units.

MS. DeJOHN: We would limit it to fee simple single-family and two -- I mean, we're, again, just talking terminology. Two-family is actually the better definition of two units attached to one another.

COMMISSIONER FRYER: Well, I notice that all of the studies were done, and there's lots of rhetoric in the material both from Habitat and also from staff that just assumes that this is a single-family project, and it's -- we can't look at it that way because of what you're asking for. And I think that -- I think you should seriously consider -- and we'll see what other Planning Commissioners have to say. But from my viewpoint, I think you should seriously consider limiting it to single-family the way your studies -- these studies on this have apparently been limited. So that's my first comment.

CHAIRMAN STRAIN: Well -- and before we leave your comment --

COMMISSIONER FRYER: Please. Go ahead.

CHAIRMAN STRAIN: -- because I think it's relevant to stay on it while we're at it.

COMMISSIONER FRYER: Go ahead.

CHAIRMAN STRAIN: Laura, what was Parcel A developed as?

MS. DeJOHN: Two-family.

CHAIRMAN STRAIN: Okay. And two-family but still sold fee simple for each half of the unit. Is that correct or is it --

MS. DeJOHN: Correct.

CHAIRMAN STRAIN: Okay.

MS. DeJOHN: That's correct.

CHAIRMAN STRAIN: Okay. How does that differ from what you're proposing for what we have in front of us today?

MS. DeJOHN: All of that would be the same condition with the exception that I said we would take out the multifamily item.

CHAIRMAN STRAIN: No, no, no. Your intention to build today.

MS. DeJOHN: Single.

CHAIRMAN STRAIN: The plan that's in front of us on the screen --

MS. DeJOHN: Single.

CHAIRMAN STRAIN: -- is that the same methodology used for Parcel A which was two-family or duplex fee simple?

MS. DeJOHN: No.

CHAIRMAN STRAIN: Okay. That's kind of what I think may help us understand where the issue is and what type of uses you need beyond fee simple single-family.

So what is it you need that you would have to have for that parcel shown on this overhead right here out of that list of 1 through 6 to meet that criteria? And then we can kind of zero it down to what you're actually doing.

MS. DeJOHN: One through 3 match the diagram.

CHAIRMAN STRAIN: Okay. So those houses that we're showing here are a mix of single-family detached, which is fee simple; zero lot line detached, which is fee simple; two-family and duplex dwelling units, which will be fee simple?

MS. DeJOHN: Correct.

CHAIRMAN STRAIN: So you don't have a condominium?

MS. DeJOHN: Correct.

CHAIRMAN STRAIN: Which means you don't have an SDP?

MS. DeJOHN: Correct.

CHAIRMAN STRAIN: Which means you have a plat and lots, and they're all fee simple?

MS. DeJOHN: Correct.

CHAIRMAN STRAIN: Okay. Does that help?

COMMISSIONER FRYER: It helps me somewhat, but I do not take the point that simply because

you have two-family occupancy on Parcel A that you should automatically have it on Parcel B for reasons that I'm going to get into.

CHAIRMAN STRAIN: Okay. I just wanted to make sure we understood the --

COMMISSIONER FRYER: Thank you. That was helpful.

CHAIRMAN STRAIN: I was a little confused on what was being asked to be removed and --

COMMISSIONER FRYER: Okay. Thank you.

My next comment has to do with market value. And let me just say very briefly, my background of practicing law for 46 years, I've done countless advocacy pieces for clients on issues, and I know how they are done, and I know how selective resourcing of data can be compiled to really look, really, however you want it to look.

So I'm no stranger to that. And there's nothing unethical or inappropriate about it. It's just how advocacy pieces have done. But when I see something like this, and I see Section 10 -- or Subsection 10 of 10.02.13 of the Land Development Code which asks us to consider whether the proposed change will adversely affect property values in the adjacent areas, your advocacy piece comes to the conclusion that it won't. To me that defies common sense and common knowledge.

And I suspect that if -- if as much funding had been put behind a similar study to come to the opposite conclusion, that could well have happened. And I'll just leave it go with the fact that I find that as incredible, please.

The next thing that I want to bring out has to do with an email. We received a series of emails early this morning, and one was from a Mr. and Mrs. Livingston who made some points about the activities taking place on, I guess, Parcel A. And the Livingstons commented that there appear to be multiple families living in single-family units, multiple cars parked in front of units, including during working hours, roaming children. And I maybe shouldn't even bring that up, because we don't know where the roaming children came from, but that was mentioned in the email.

And all of this leads me to a conclusion that I have seen reached before with respect to aggregations of low-income housing. And, again, to me it's a matter of common sense and common knowledge that when you have large aggregations, you're going to potentially, not always, but potentially create the same kind of problems that I think Habitat was designed to remediate.

And the -- my research into this led me to an article in the Treasure Coast Palm newspaper that I think covers Vero Beach, and the headline of this was, "Some fear Habitat for Humanity creating ghetto neighborhoods." Well, that's a rather -- a rather, perhaps, slanted, unfair headline. But then I went down and read the article, and they quoted a fellow. Well, it says here, "Many people living in Winter Beach area say they support Habitat's mission of providing housing for low-income families but contend the homes should be built on scattered sites rather than concentrated in Habitat-only subdivisions. John Chilberg, who said he was one of the original board members for the local Habitat chapter, is among those who thinks clustering of homes in single neighborhoods is a bad idea. 'They are actually creating ghetto neighborhoods,' says Chilberg. Some residents also say that they're worried such a subdivision along this way would lead to increased crime and lower property values."

Again, no studies behind this stuff, but this was an article that was out there, and it seemed to ring more truly to at least my common knowledge and my common sense than the advocacy piece that you put forward, so I wanted to mention that.

Continuing with the concerns that I have here and the questions that I want to ask you, I notice that there was no data included in your materials showing the current areas either of workforce or affordable housing concentrations or Habitat concentrations, particularly in the East Trail area, the East Naples area. That would have been very useful, I think, for an objective analysis to have been made whether there is excessive concentration of low-income housing in a particular area that can be detrimental to the overall area and also detrimental to the people who dwell in those high concentrations of lower income housing, as noted by the article that I quoted.

So I'm sorry that we didn't have a map showing all the places where the Habitat is. I'm going to continue looking for that because I expect you'll be coming before us again, and I personally would like to know where they are.

I assume you don't have it available this morning, or do you?

MR. KOULOHERAS: Nick Kouloheras.

We don't have it available for you this morning; however, we did engage a third party to pull up all of Habitat for Humanity's building permits 2012 to two thousand current. And what it will show is in the 34113, 34114, kind of the East Naples area, that since the inception of Habitat for Humanity of Collier County in 1978, in that East Naples area Habitat for Humanity has built roughly 992 homes, of --

COMMISSIONER FRYER: Do you have, like, a pushpin thing to show where your concentrations are?

MR. KOULOHERAS: We can --

COMMISSIONER FRYER: I looked at your web site and didn't find what I was looking for.

MR. KOULOHERAS: We could certainly send it out.

COMMISSIONER FRYER: Thank you.

MR. KOULOHERAS: That's the rough number.

COMMISSIONER FRYER: All right.

CHAIRMAN STRAIN: Joe's got a followup.

COMMISSIONER SCHMITT: I want to follow up on that as well.

I would ask that after the break, Nick, you come back with a map, or at least put it up on the web. You can easily show the clustered Habitat communities on the Trail, very easily. I could tell you where they are. You know where they are.

MR. KOULOHERAS: Yes.

COMMISSIONER SCHMITT: And 2012 is certainly not the right metric. You go all the way back to 2001 and '2.

MR. KLATZKOW: Yes. And we have all that.

COMMISSIONER SCHMITT: And when Charlee Estates was built and all the other developments that are cluster developments down there, I think it's disingenuous that you show up at this meeting and not have that. I think you can easily do that during the break.

MR. KOULOHERAS: Yeah, certainly can. We have that information.

COMMISSIONER FRYER: Thank you.

There are really two complaints that we have heard about affordable or workforce housing, whatever you call it, that -- first of all, in order to be successful, the housing units really need to be integrated into communities, more diverse communities at large rather than bundled together in tight concentrations, that some of the very problems that sometimes people see in low income housing areas is that the closer they're pushed together, the more likelihood they're going to be for problems. I just say that anecdotally.

So I'm surprised that you're not out there building more houses that are to be integrated into a larger, more diverse community than having concentrations of affordable housing. That's the first complaint.

The second that we hear is that East Naples has become overwhelmed with affordable housing, that it has really more than its fair share of this kind of housing. And, again, that's only anecdotal, and I'm glad you're going to come back to show us exactly where your activities have been. And if you have something that also shows where all affordable housing is, that would also, I think, elucidate this for me. And it may well disprove the common belief, but the common belief is that there is just an unfair -- an unfair concentration of affordable housing in an area that should be focused upon as one that has potential to be a leading area in Collier County rather than a home for low-income housing, shall we say. So that's -- that is a second point that I wanted to make.

Now -- I'm going to get to a question here, believe me. On Page 404 of the material -- and again, Ms. Montgomery, is that your name?

MS. MONTGOMERY: Yes.

COMMISSIONER FRYER: Counsel, you adopted an interesting tact at the NIM. You were sort of asking rhetorical questions, but it did bring out useful information, and I appreciate that. It was somewhat unusual, but it worked.

And in the course of that someone said, someone advocating for Habitat said, "And we don't anticipate any significant impacts to the surrounding roadway network." Again, common sense and common

knowledge tells me it will have a significant impact, and particularly if you're going to get -- even if you limit it to single-family use and you get multiple families living in a single-family dwelling, there is going to be a negative impact on Greenway and possibly other streets as well. And I think to say otherwise really challenges credibility.

MR. NEALE: Yeah. Neale Montgomery, for the record.

What I would say to that is this project analyzes traffic impacts in the same manner that all projects analyze their traffic impacts under the county standards. And based on the county standards and county criteria, it's not a negative impact, and it's consistent with your regulations.

CHAIRMAN STRAIN: Well, I think the terminology's a little bit different. A significant impact is defined at a certain percentage hitting on the roadway system, and you don't reach that threshold. Any -- even one car added to a road could -- you theoretically could say, well, that's -- if you believe cars are negative, then that's a negative impact, and I think that's kind of what Ned's saying --

COMMISSIONER FRYER: It is. That's exactly --

CHAIRMAN STRAIN: -- is that you have a negative impact; you just don't have significant impact. There's probably a slight difference.

MR. NEALE: And I appreciate that clarification. I just wanted to point out that the project as proposed does meet the county criteria. But, you're right, traffic --

COMMISSIONER FRYER: It's bound to. And sort of like you're over-arguing your case, if I may respectfully suggest. And, again, same thing, quoting from the NIM, Ms. Montgomery, you're asking a rhetorical question. "Okay. So you've given us a lot of information," you said to your clients, "but the short answer is, is this going to have a negative impact on the property values?"

And the CEO -- and I apologize, sir, I can't pronounce your name.

MR. KOULOHERAS: Yeah, that was me, Nick.

COMMISSIONER FRYER: Yes, Nick.

MR. KOULOHERAS: It's a long last name.

COMMISSIONER FRYER: Nick said, "No, it will not." Again, a categorical, unequivocal and, in my humble opinion, unsupportable conclusion that challenges credibility that I think you reach too far, and I think your case would perhaps be more credible if you would acknowledge that statistics point to at least a probability of at least a marginal adverse impact on traffic and on adjacent property values. How much of an impact people can debate. So that was the point I wanted to make on that.

Now -- let's see. One of the neighbors asked for a commitment that the new homes on Parcel B be composed exclusively of single-family dwellings, and one of your representatives failed to give that assurance, and I understand where you are on that today; that you're willing to say single and two-family.

I -- let me use -- let me use your offer of compromise as a springing-off point to drill a little down into that. And, again, I commend you for a lot of the vetting that you do before you let people into your projects. I think you do a good job. You ask the right questions. You try to assess their ability to be viable under the circumstances of having a mortgage and a job whenever at all possible and a certain amount of longevity in Collier County before they can apply. All that is good.

But what I heard from the neighbors in the NIM is a concern repeatedly expressed that in spite of the good vetting afterward, things happen, such as multiple families moving into single-family dwellings and creating a crowding situation that even under the best of conditions is going to lead to problems that will invariably leak out of that dwelling unit into the neighborhood.

And so that's why I am reluctant to support the two-family option, and I think the single-family with better -- better control measures on your part to be sure that they remain single-family would be something that I would far prefer to see.

If you want to comment on that.

MR. KOULOHERAS: Yes, if you don't mind.

COMMISSIONER FRYER: Please.

MR. KOULOHERAS: The comments suggested there, the anecdotal comments about multiple families moving into a single-family home just not -- don't remember who this person was, but we had a discussion with someone with one of the adjoining property owners, and they said, "Well, I drove through

that Regal Acres community, and I saw eight cars in the driveway." And the problem was they didn't realize it was an attached house. They didn't -- I use duplex because I'm from Massachusetts. The Florida term is "attached villa." For all intents and purposes, a duplex. They didn't realize it was a duplex and the driveways adjoined each other with just a little divider down the middle.

So they made an assumption that because they saw eight cars in front of a home that there was two families living in there. They didn't -- and then when I clarified, "Well, you know that's a two-family home, correct?" the response I got was "Oh."

CHAIRMAN STRAIN: We don't take any comments from the audience until -- sir, that's fine. You can wait till your turn. Go ahead.

COMMISSIONER FRYER: I take your point. And you're right, it was based upon that observation. But are you, then, in a position to say that that -- that multiple families occupying a single-family dwelling is not a problem?

MR. KOULOHERAS: No, it's not, not within our communities.

COMMISSIONER FRYER: How do you verify that?

MR. KOULOHERAS: We verify that through deed restrictions, we verify it through mortgage restrictions, we verify that through having a very, very close relationship with both Code Enforcement and the Collier County Sheriff's Department.

We've started to implement certain things within our new mortgages starting July 1st. It goes back to comments Mr. Strain and I had years ago about, hey, how do we get back into these communities and make sure certain things aren't being done?

Within our mortgage documents now we have an inspection program. So we are allowed to walk into a home. First year we plan on doing it quarterly. Second year bi-annually, and bi-annually continually after to do spot visits on homes, to walk into the house and see what's going on, see if things have been modified illegally, see if -- see what we see. But, unfortunately, to be perfectly honest with you, we have not had -- can I sit up here and say, undoubtedly there's never been another family living in a house, of course not, because I cannot visit every house every day.

MR. KLATZKOW: You can't regulate this, because it gets to the definition of what's a family, all right. So -- and it doesn't matter if it's affordable housing or if it's high-end housing, okay.

So the typical structure of the concept that we have is the nuclear family, okay, from the 1950s. That's what's embedded into all our minds with single-family residential, but that's not what America is right now, okay. It's changed.

So you get -- in Golden Gate -- I've driven through Golden Gate City many times. You'll see multiple cars in front of a house, because there are multiple families living there, but they could be related. So this is my cousin, okay. They just lost their house. They're living with us. Going to throw them out?

Okay. This is my sister, okay. Her husband just left her. She's here with her family. You going to throw them out?

So I understand the point of multiple families living in a single-family residence. From an enforcement standpoint, you can't do anything about it because it gets down to, what is the definition of a family? And you can't parse that out. We're not going to run Code Enforcement there and check identifications on see who's living there. It's just -- it's impossible --

CHAIRMAN STRAIN: That does bring us to another issue.

MR. KLATZKOW: It's an impossible burden that you're putting on the applicant here, is what I'm getting at.

CHAIRMAN STRAIN: And this board is here to decide issues related only to the Land Development Code. So I would suggest if we can keep our discussion focused on elements relative to the Land Development Code, which management afterwards is not something relevant to Land Development Code until it rises to the level of code enforcement. So maybe we could steer into a direction more related to what this board is supposed to focus on.

COMMISSIONER FRYER: Well, I will certainly take your point, and I take the County Attorney's point about enforcement. These were issues that were raised by the neighbors, and I felt that they needed to be thought about, and reviewed, and considered by this board. I do think they relate to the Land

Development Code, provisions having to do with the neighborhood property values and traffic issues. So I think they're sufficiently connected. But I pretty much finished with that line of questioning.

The next question that I have has to do with the neighbors asking for a wall to prevent trespassing going in either direction. And I see that a fence is being proposed but not a wall. Could you comment on that?

MR. KOULOHERAS: Sure. In regards to the community of Reflection Lakes to the west, you know, we feel that the roughly 300, 320 feet of a dedicated preserve adequately addresses the buffering and opaqueness. When it comes to a security standpoint, we think that if that is a concern, putting up -- agreeing to a 6-foot-high chain-link fence that buffers the property where we don't believe a wall really does anything, because if I'm a 12-year-old kid, I can get over a wall if I want to get over a wall.

And we've got to remember what we're here trying to do is provide affordable housing. Right now at today's dollars -- and we put a small inflator out there for an 8-foot-high precast concrete wall, you're looking at roughly \$100 a linear foot. That distance right there would require us to spend roughly another \$100,000 for a concrete wall that may not have the ultimate effect or result that the residents would like to see.

A 6-foot-high chain link fence which, in many ways, accomplishes the same thing, is about \$27 a linear foot. So at the end of the day, we're trying to bring homes online here, and every penny we put into the project gets moved down the line in some way, shape, or form. So we believe we've addressed the security issues with a fence.

The logical question I would ask if I was sitting up there was, well, why did you do one on the south and one on the north? And the answer for that is the distance between our proposed community and the Westwinds neighborhood to the south is significantly less, roughly half. And so we believed as a sound barrier that would help. And to the north, there was a lake as a buffer, but as we all know, sound tends to travel better over water than it does through woods.

So when we talked to the residents that are most affected at Naples Reserve, we decided that, along with some upgraded landscaping, would help address their issues.

COMMISSIONER FRYER: Those are all the questions I have, but I'm not sure -- and maybe if you would like to answer about the issue of concentration, why you're doing that versus the placement in more diverse communities.

MR. KOULOHERAS: Yes, absolutely. I do have some -- just some statistics. This is stuff that's -- Habitat for Humanity holds all of its own mortgages. We pull the data out of every single Habitat home we've ever built since 1978, which is roughly 2,100 homes.

In District 1, we have built 949 homes; in District 2, zero; in District 3, 111; District 4, 23; and in District 5, 852. So to get to the answer of concentration in that area, the number's roughly 949 homes over -- since Habitat started in 1978. We'll bring back a map that will show those locations.

The second part of your question is we're trying to do that. We are actively right now out. We've put multiple offers on parcels in the North Naples area of town. Over the past, since 2012, we've built roughly 100 homes in the Golden Gate Estates area. We've built, since 2010, roughly 150 homes or so, give or take, 120 maybe, in Golden Gate City. We just finished up a home down in City of Naples proper.

So I don't disagree. We are trying to spread it out; however, you know, pricing is obviously a constrictor. Government regulation is a constrictor. And so as we try to go and do these different communities throughout Collier County, all those factors have to be considered.

But we are -- but we are trying to do that. I was just here at the Board of County Commissioners before they broke making that exact statement.

COMMISSIONER FRYER: Thank you. That's all I have, Mr. Chairman.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: Mark.

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: While we're on the wall, was the suggestion that the wall go on your property line down the middle of the buffer?

MR. KOULOHERAS: Yes, I believe so. That was --

COMMISSIONER CHRZANOWSKI: Okay.

MR. KOULOHERAS: Yes, I believe so.

COMMISSIONER CHRZANOWSKI: Just curious.

CHAIRMAN STRAIN: Okay. Honestly, it's probably a good time to take our break for the court reporter. We'll resume in -- 10:45.

(A brief recess was had.)

CHAIRMAN STRAIN: Thank you. Welcome back, everyone.

We left off with questions from the Planning Commission. Ned had finished up his, and I'll move to other Planning Commission members.

Joe?

COMMISSIONER SCHMITT: I'm going to go with the easy one first. Nick, can you, or, Laura, go back to the fence issue and the buffer issue.

But before that, I do support -- and you know -- and I've known Nick for many years and, God rest his soul, Sam, who was one of the great motivators and pursued Habitat --

MR. KOULOHERAS: I thought you were saying God rest my soul.

COMMISSIONER SCHMITT: Yes.

CHAIRMAN STRAIN: I was thinking the same thing. I'm wondering, where's this going?

COMMISSIONER SCHMITT: You survived.

But as you know, as administrator, I was a big supporter of helping Habitat. But I do have a lot of questions regarding this project.

Regarding the fence. And can you throw up on the viewer or your slides, I want to follow up on the questions about fence in the preserves, just to show that, and then where you were proposing a fence versus a wall. And -- because are you talking about the chain-link fence right through the preserve, the entire length of the preserve? Is that what you were proposing? And have you agreed to that, or is that just --

MS. DeJOHN: Chain-link fence along the entire length of the preserve, correct.

COMMISSIONER SCHMITT: Along the western edge of the preserve? Down that western edge? And it would be those two sections. So, in essence, where the preserve is it will be a chain-link fence, and then there will be a wall.

CHAIRMAN STRAIN: Okay. But I think there's some clarification needed, just so we're accurate. First of all, the purpose of the fence is security; is that what you're looking for?

MS. DeJOHN: Correct.

CHAIRMAN STRAIN: Okay. Then in order -- if it is to be secure, it's got to be encompassing the points where the wall starts and stops right now. So you really have to go along the north property line and the south property line if your intention is to put it on the west side of the preserve. If it's to put it on the east side of the preserve, you can pick it up where the wall's left off and go that way, and I think that's the question Joe's asking; which is it going to be?

MS. DeJOHN: Correct.

CHAIRMAN STRAIN: Either way, one will take you more fence because you'll have to go further north and south than just -- east and west than you would north and south.

COMMISSIONER SCHMITT: So, essentially, the fence behind the property line or the fence right through the preserve. I'll say the property line. The individual --

MR. KOULOHERAS: On the back of the lots versus through the preserve is what you --

COMMISSIONER SCHMITT: Right.

MR. KOULOHERAS: What we had proposed is that the fence would go down the property line of the preserve.

COMMISSIONER SCHMITT: Okay.

MR. KOULOHERAS: So not the backyards -- the perimeter. I'm sorry. The perimeter of the preserve, and it would loop back around and connect back in and meet up with the concrete wall on the north side and on the south side of the property.

COMMISSIONER SCHMITT: And then the -- where you have the darker lines on the north and south, that is wall?

MR. KOULOHERAS: Yes, sir.

COMMISSIONER SCHMITT: It will be a masonry wall of some sort or --

MR. KOULOHERAS: Your standard 8-foot precast like you see, you know, in a lot of other subdivisions in town.

COMMISSIONER SCHMITT: Okay. Can you go back two or three slides. Laura put up a slide that showed the buffer. Go back. That one. No, go back a few more and maybe -- go back. Go back. Nope. I'm sorry. Go back the other way then. It just shows that buffer. It seems to indicate that you're going to put up some royal palms. Those are pretty expensive, 8- to \$10,000 each. Are you looking at royal palms, or is that -- as I see in the bottom picture, in the distance it said supplementary landscaping, points an arrow. Are those royal palms? Just appears that that's what you're presenting, and I --

MS. DeJOHN: They're not --

COMMISSIONER CHRZANOWSKI: Those are fan palms.

MS. DeJOHN: Yeah, they're not a royal palm.

COMMISSIONER CHRZANOWSKI: Those are fan palms.

COMMISSIONER SCHMITT: Okay. I just want to make sure that we don't -- or you're not -- people are not misled thinking these are going to be royal palms lining that whole strip.

MS. DeJOHN: No. The conversation with Naples Reserve talks species. And this is a fast-growing palm. It's not a royal palm.

COMMISSIONER SCHMITT: And the fences that exist at Naples Lakes -- or Reflection Lakes and Naples Reserve, there are already fences there. I was out there the other day, and I noticed the one fence, but I wasn't in Reflection Lakes. There are -- but there is a fence in --

MS. DeJOHN: Naples Reserve.

COMMISSIONER SCHMITT: -- Naples Reserve.

MS. DeJOHN: Yes.

COMMISSIONER SCHMITT: That is their fence. It's a chain-link fence?

MS. DeJOHN: Yes.

COMMISSIONER SCHMITT: Okay. I'm going to get to the hard questions, because my biggest concern in this -- have you measured -- I'm talking about school concurrency. My biggest concern is Manatee school. I sent you an email. It's just intuitive from the standpoint of my assessment. I have nothing to back this up other than looking at the density of children. I would have to believe there's a higher density of children coming out of Regal Acres, Trail Ridge, and -- then there would be at -- in Naples Reserve or Reflection Lakes.

And my biggest aggravation -- and I am really aggravated about this. I've already mentioned it to Tom. I think it's absolutely deplorable that this county still has what I would call trailers where they put schoolchildren in at Manatee school. It's been 17 years. I've been here 16. Those trailers have been out there 16 years. Sixteen years is not temporary. That's permanent.

I think it's deplorable that the school board has not developed any kind of capital improvement program to accommodate the growth in East Naples, specifically Manatee school, and that they keep on shoving children -- and I use the word "shove" children into the trailers.

In fact, I've heard those trailers -- I've not been in there, but they used to be pretty bad. I think I lived in better trailers when I was in Afghanistan than what some of those trailers are out there. It's just a personal thing.

So I have a real problem with the school concurrency and is there capacity in the school to absorb the density of children that I suspect will be moving into this community? And is there -- and I'm going to pass to Tom, because I want Tom to address it as well. Is there anything going to be done about replacing the trailers? Is there any Capital Improvement Program?

CHAIRMAN STRAIN: Well, let's stay on the focus of this PUD, though. I mean, I think your question is, is there a capacity in the schools for the children from this facility? And that would be possibly Manatee school. And if Tom is the person that can answer that, fine. If not, the applicant may have information. I know that they submitted a school concurrency requirement to be this -- to have this PUD, and that was supplied affirmatively. But we'll turn to Tom at this point.

MR. EASTMAN: Yes, you're correct, Mr. Chairman. There is capacity.

COMMISSIONER SCHMITT: And that includes the temporary facilities?

MR. EASTMAN: I don't know that they're considered permanent capacity. We have portables throughout the district. I think there are 78 total portables. Eleven elementary schools have portables. Laurel Oak has the most with 15 portable units.

And it's my understanding that the portables at Manatee have recently been remodeled on the inside. Two of those portables were purchased by federal grants to do a Head Start program. So I think that only three are being used for classrooms at this -- at this stage.

COMMISSIONER SCHMITT: Okay. So there is concurrency validated?

MR. EASTMAN: Yes.

COMMISSIONER SCHMITT: What's -- the current development now, do you have any idea what the concentration of school-age kids are out of that? I'm just curious. I mean, I'm just -- from a standpoint of school concurrency, you send them that information. They look at a household.

CHAIRMAN STRAIN: The average household size in Collier County at the last census was 2.47 persons per household. So some of those are going to be children, obviously. So I can't -- I don't know how many are. I don't know if we've got that statistic, but that's the current number.

MR. KOULOHERAS: Well, I hate using decimal points when it comes to relating to a family, because you're either a whole person or not.

CHAIRMAN STRAIN: This is less than half of a person now.

MR. KOULOHERAS: So from -- Lisa, our CEO, has just informed me the average Habitat for Humanity family size for children is 1.8. So if you were to take a community of 116 homes, you're talking 2 -- roughly 232 children, give or take, and that range would be, you know, diversified over the elementary, middle, and high school. So you might only have 50 kids that go into elementary, and, you know, 60 in middle. I don't know the exact breakdown. But Lisa's telling me it's about 1.8 per family.

COMMISSIONER SCHMITT: Lisa would know. She keeps track of it. I know we're not here to approve the affordable housing density bonus. That goes to the Board. And, Nick, you mentioned about having oversight and control of the mortgages.

And just a question, because it comes up from the public. How do you control resale and, with a resale, making sure that if that resale -- and I see Cormac back there -- about making sure that payments are made on impact fee deferrals. Because that was one of the things that always comes up is these are sold after five or six years, an investor comes in or somebody comes in and buys them up and then turns around and rents units.

MR. KOULOHERAS: So there's kind of two sides of that. There's the Habitat restrictions --

COMMISSIONER SCHMITT: Yes.

MR. KOULOHERAS: -- and then there's restrictions put on families if they've received any type of down payment. And I'm saying "down payment." I'm using SHIP funds in that general sense. I'm using impact deferrals. So from a Habitat standpoint, Habitat does a number of things.

Number one, Habitat has the right of first refusal on all its homes. Habitat puts in place a shared appreciation agreement in order to control someone from manipulating the system and trying to flip the house. I mean, you've got to remember, back in the boom days, Habitat was selling homes at 80-, and they were appraising at 250- the next day. So that's what came out of the those days is the shared appreciation agreement.

On the governmental side, if they receive any type of federal home loan assistance, SHIP down payment assistance, or impact fee deferrals, those are all restrictions that are put in the deed that have to be repaid if transfer of ownership happens.

So transfer of ownership is even so specific, if Nick Kouloheras as a Habitat homeowner, I receive an impact fee deferral, Nick Kouloheras wants to sell his house, Habitat for Humanity has a first right of refusal, buys it back with every intent, obviously, to put another income-qualified family in. Habitat for Humanity as an entity, though, is not an approved income-eligible family. So Habitat for Humanity immediately has to repay -- make that repayment even though we're just the median to transfer to another family.

COMMISSIONER SCHMITT: You make the replacement --

MR. KOULOHERAS: Yes.

COMMISSIONER SCHMITT: -- of the impact fees?

MR. KOULOHERAS: Yeah.

COMMISSIONER SCHMITT: Do you still hold a -- do you hold a second on those homes?

MR. KOULOHERAS: Yes.

COMMISSIONER SCHMITT: So that's the way you can control transfer and receiving.

MR. KOULOHERAS: Yes, sir.

COMMISSIONER SCHMITT: That's just curious.

I do have questions about Greenway Road. I don't know if we're going to wait for the staff, because I have questions of Mike Sawyer.

CHAIRMAN STRAIN: Why don't you -- if you have questions that their traffic engineer could address, if he's here, that might be the step we do right now. We'll get Mike during staff report.

COMMISSIONER SCHMITT: My questions are more general in nature. I'm going on, typically, in the past a project of this size, the county would look to the developer to make improvements to the impacted road, and that would be Greenway Road, but there is no requirement for you to do any requirements at all to improve Greenway Road; is that correct?

MR. HILDEBRAND: Joshua Hildebrand with Johnson Engineering, for the record. I'm a transportation engineer.

That is correct, the traffic generated as a result of Parcel B was estimated using single-family homes based off 100 -- the total p.m. trips was 120. Based off of that peak hour, peak direction on Greenway Road, no improvements are anticipated.

There was a turn-lane analysis, a left turn-lane analysis conducted at the main entrance. It did meet or exceed the threshold for left turns, but due to the location at the northern terminus of Greenway Road, we are requesting a deviation from the left turn lane due to the opposing through traffic that was counted in April of 2018.

COMMISSIONER SCHMITT: Okay. And just for the record, I do live in Fiddler's Creek. I'm well aware of the improvements in Fiddler's Creek because that came before this board. I did not vote on that, but I'm well aware that Greenway Road intersects right at the -- I just lost the name of it.

CHAIRMAN STRAIN: Sandpiper.

COMMISSIONER SCHMITT: Sandpiper, thank you. Lost the word. Sandpiper Road. There was significant concerns at the intersection of Sandpiper where there will eventually be some kind of retail store on the Fiddler's Creek property on the east side of Sandpiper.

CHAIRMAN STRAIN: There is one on Sandpiper -- on Greenway and 41. There's a 7-Eleven with gas pumps came in for approval there; just so you know. Northwest corner.

COMMISSIONER SCHMITT: Okay. And -- well, on the Fiddler's Creek side?

CHAIRMAN STRAIN: No. Across the street. Across --

COMMISSIONER SCHMITT: But there's also -- there was concerns about a traffic signal, signalization of that intersection, and there was a commitment that was going to be made. I'm not -- or certainly the CDD is -- Fiddler's Creek is going to pay for some of that, the CDD2. Was there -- is there any requirement of the county for Habitat to contribute towards any signal if, in fact, a signal goes in there to accommodate for this left-turn requirement? Because there will eventually be a signal there. It will probably be warranted somehow because of the amount of traffic that will be going into the Sandpiper gate and to the commercial entities that are going to be constructed on the Fiddler's Creek property there at the southeast corner there at 41 and Sandpiper, which is directly across the street from Greenway Road. In fact, that exit was put there to align with Greenway Road.

So is Habitat required to -- for any type of -- if there's eventually a signal to be put there, would Habitat have to contribute towards the payment of that or no, or is that something the county is going to require?

MR. HILDEBRAND: I would have to defer to the county. To my knowledge, no.

CHAIRMAN STRAIN: And while we're on the topic of your TIS, you use single-family.

MR. HILDEBRAND: Correct.

CHAIRMAN STRAIN: And I believe single-family has a higher trip rate than multifamily.

MR. HILDEBRAND: No, that's incorrect. Or the single-family does have a higher trip rate, and it was utilized for the parcel --

CHAIRMAN STRAIN: Right, because the TIS is supposed to show the highest impact of those uses requested. So by using the single-family, you didn't use it because you intended the project to be built in single-family. Analysis required that. The analysis was required to just look at the most intense so that anything else used would be less than the most intense that was utilized; is that a fair statement?

MR. HILDEBRAND: Correct.

CHAIRMAN STRAIN: Okay. That's just for clarification based on some previous questions.

COMMISSIONER SCHMITT: Well, I'm going to -- I still want to ask Mike Sawyer why staff --

CHAIRMAN STRAIN: That can wait till we get the staff report?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN STRAIN: Okay. Is there anything else of this gentleman from their TIS perspective?

COMMISSIONER SCHMITT: TIS.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHMITT: That concludes my questions in regards to specifics. I think you've addressed everything except for -- I don't know if Nick was able to get a map just to show the other Habitat communities.

MR. NEALE: Yeah. For the record, Neale Montgomery. I would just refer you in your packet to Page 57. There is a traffic condition in there that references the signal. I don't know if that's what you were inquiring about, but there is a condition.

MR. KOULOHERAS: Let me see how bad I can mess this thing up.

So there was -- and Cormac Giblin I notice is in the back from county staff that might be able to help address this question a little bit better. But there's two pieces of data we have here to show.

This map right here -- I'm not sure if you can see it that well. But this map right here was a map that Habitat had done through GIS Solutions. This map right here, unfortunately, is a few years old, but what it will show you is the county as a whole, and then the communities that have been built are named out with -- at this particular moment in time, with exactly how many homes were built within each community. And if it had -- if it -- there's a number of them that, like -- that reference 10 acres, for example. That was the original parcel -- that was the original acreage for Regal Acres Parcel B. So it, obviously, doesn't have an exact unit count on it, because at the time this map was generated we didn't have a site plan to go with it.

But you can see the different Habitat communities and dispersion between Golden Gate Estates up here and the Immokalee Road corridor and the Town of -- in Immokalee proper.

COMMISSIONER SCHMITT: Can you zero in on the 41 corridor down there in that area.

MR. KOULOHERAS: Absolutely.

MS. ASHTON-CICKO: Can you get the other map?

COMMISSIONER SCHMITT: This is fine.

MR. KOULOHERAS: Well, because it shows the affordable issue as a whole. But Habitat specific.

CHAIRMAN STRAIN: Well, there is a better map at the county. You-all know it.

MR. KOULOHERAS: There is.

CHAIRMAN STRAIN: I think you've seen it. So I think that would probably solve the issue.

COMMISSIONER SCHMITT: I'm looking at the cluster developments that they --

CHAIRMAN STRAIN: Then there's a map that does that, and shows all the Habitat properties.

Then we have another one that shows all of the low-income housing in the area. So all that is available, but it's a series of maps that have not been included in today's presentation.

MR. KOULOHERAS: That's correct. But to answer your question, there are four Habitat communities in the East Naples area. Those are Trail Ridge, Charlee Estates, and Victoria Falls, and Regal Acres A. Those are the designated Habitat-specific communities.

COMMISSIONER SCHMITT: How much more land do you own off of Greenway Road, or what are your plans for additional development off Greenway Road? Do you have any now?

MR. KOULOHERAS: So the existing lands Habitat for Humanity currently owns in the East Naples

corridor are all sitting within receiving lands, and so there is no development planned at this point in time just because I know that, you know, there's been studies going on for the past few years of what's going to happen within the receiving land area.

But, I mean, as it sits right now, Habitat for Humanity owns two tracts of land. Those two tracts of lands at current density, or current allowable density, could yield a number of -- or roughly 300-and-something units. I'm sorry. I'd have to go back and do the exact math based off TDRs.

But we own 93 acres east of Fritchey Road, which is off Greenway, and we own an additional 84 acres just north of the Links of Naples golf course, which is further east. That's the -- that's what Habitat owns currently in all of East Naples, or in that corridor.

COMMISSIONER SCHMITT: That's in the receiving lands?

MR. KOULOHERAS: Yes, sir.

COMMISSIONER SCHMITT: But nothing right in this vicinity where -- I don't think there's anything you can do any more up there, right off of Greenway Road at this Regal Acres.

MR. KOULOHERAS: No.

COMMISSIONER SCHMITT: Across the street is the seed farm.

MR. KOULOHERAS: Yeah, Syngenta Farms, and then a number of private properties.

CHAIRMAN STRAIN: Anything else, Joe?

COMMISSIONER SCHMITT: I'll talk to Mike when we have time.

CHAIRMAN STRAIN: Okay. Diane?

MR. KOULOHERAS: So, Mr. Chair, this was the better map I meant to show. This is the East Naples boundary in dark green, and the red dots represent Habitat homes. As you can see, the four communities are the clustered ones down here that are very defined, and then you have Naples Manor, which is the triangle up here, and then across the street. So that shows you everything Habitat has done in the East Naples boundary area.

COMMISSIONER SCHMITT: All the red in Naples Manor --

MR. KOULOHERAS: Correct. Naples Manor consists of 1,500 homesites. Habitat has built roughly 300 of those.

CHAIRMAN STRAIN: That green line, is that what you think represents East Naples?

MR. KOULOHERAS: Well, sir, I think that's up to debate.

CHAIRMAN STRAIN: Well, the only reason I've been asking is that Golden Gate City is not part of East Naples, so I think that line needs to be adjusted at some point.

MR. KOULOHERAS: Yeah. This is the civic -- yeah -- well --

CHAIRMAN STRAIN: Well, oh, the civic association for East Naples includes Golden Gate City.

MR. KOULOHERAS: East Naples Civic association --

CHAIRMAN STRAIN: Because they've got their own civic association.

MR. KOULOHERAS: That's right. And this map was not created by Habitat. This map was created by Collier County.

CHAIRMAN STRAIN: Okay. I was just curious.

COMMISSIONER SCHMITT: I've often said, even at the last meeting with Cormac, I said, we ought to use the planning communities as the designator. We have had planning communities on our Comp Plan for 20, 25 years, and --

MR. KOULOHERAS: Long time.

COMMISSIONER SCHMITT: -- those are the ones we should use to identify our communities.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: Nick, I just have a couple. I have, for you, a couple questions.

In looking this over, I went to the county assessor, and I see you purchased the 1.35 acres, which makes the piece very odd. Right next to it going towards Greenway Road, there's another 1.35 acres, and then you have Fair Homes Silver Linings, LLC, which has 2.46.

Why did you not buy all of that? The Silver -- the Silver Linings One was -- went into foreclosure, and it -- this other one with 1.35 acres is landlocked.

MR. KOULOHERAS: Correct. So to answer your question specifically, we sent out letters to those

adjoining property owners some time ago, a number of years ago, kind of informing them of our intent, asking them if they'd be interested in selling. The parcel we did buy was an owner, didn't even realize she owned it. It was deeded to her through a trust at some point in time, and she said, yes, I'll sell it to you. What's it appraise at, and that's the number.

The other property owners, we heard back, I believe, from one of the three, and they just said, no, I'm not interested in selling. We didn't hear back from the other two.

COMMISSIONER EBERT: Well, it just was curiosity, because then there's the 10.55 acres behind that. So what it would do would complete almost, like, the whole section and -- but at some time you could buy those and put that in there.

MR. KOULOHERAS: There's no intention, but I guess you're right. I mean, what happens 10, 15, 20 years from now --

COMMISSIONER EBERT: You could come back for a PUD amendment again.

MR. KOULOHERAS: That's right.

COMMISSIONER EBERT: Do these -- you know, you're right. When she was showing the homes, they were single-family homes in your pictures, and all the drawings looked great. Do these homes have garages?

MR. KOULOHERAS: These particular homes do not have garages, and there's a reason for that if you'd like an explanation, but...

COMMISSIONER EBERT: Well, in looking also at Google Earth in your first section, I can see where people are upset. I went in and took a look, and the cars are enormous amounts, and not having garages does not help. And it is -- it did not look good. If you go in on Google Earth, it did not look good at all.

And you're going to go through A to get to B. I had a question. Because you carry the mortgages on all these properties -- and in the NIM meetings and the stuff I was reading -- and I know you've kind of changed things because you had such an uproar of the people in Collier County, because after you leave these places go to pot.

And I agree with the people. That's one of the biggest problems that Habitat has. And you can't control -- you're telling us you can't control the Parcel A because that's the homeowners association.

You own the mortgages. I would think that you as a banker could step in there and do something about that. You could get -- you could do something about that now. I just really feel you could.

And the other thing I was going to -- are these all three-bedroom homes?

MR. KOULOHERAS: They're mostly three-bedroom, two-bath. There are probably going to be a few four-bedroom, two-baths as well.

COMMISSIONER EBERT: Okay. So they will be three- and four-bedroom --

MR. KOULOHERAS: Yes, ma'am.

COMMISSIONER EBERT: -- units?

I'm going to ask you about the sidewalk.

MR. KOULOHERAS: Okay.

COMMISSIONER EBERT: I notice you put the sidewalk around the lake.

MR. KOULOHERAS: Yes.

COMMISSIONER EBERT: It's supposed to go in front of the people's homes. And I looked across the street and, you know, to you that's not a big deal. But people with pets, that's where they're going to take them so they walk on the sidewalk, and that's right at the lake. I just -- I just feel it should be on the side that the homes are on. That's normally what we do.

MR. KOULOHERAS: And there is a sidewalk in front of all the homes. The sidewalk that goes around the lake was actually designed as --

COMMISSIONER EBERT: Walking path.

MR. KOULOHERAS: -- a low-income amenity package, if you will, an amenity so people can get out, walk. You know, it's kind of, I don't want to say wasted space, but there's space around lakes that I don't believe, personally, is utilized. And as someone that wants the neighborhood to be active and a place to just walk and kids to run, that's why that lake was designed. But there are sidewalks within the community.

COMMISSIONER EBERT: There are? Okay.

MR. KOULOHERAS: Yes, ma'am.

COMMISSIONER EBERT: Because I was looking, and it said they'll cross the street to go to the sidewalk by the lake, and I'm going, no, no, no.

MR. KOULOHERAS: Yeah. No, there are sidewalks in front of the homes.

COMMISSIONER EBERT: Okay.

MR. KOULOHERAS: Yes.

COMMISSIONER EBERT: All right. That's all I have for now.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER HOMIAK: How about the garages?

CHAIRMAN STRAIN: Go ahead, Karen.

COMMISSIONER HOMIAK: Why would you -- I know that years ago, and it happened at the Planning Commission level, they were Habitat -- it was added to Habitat communities that they have a garage.

MR. KOULOHERAS: Yes.

COMMISSIONER HOMIAK: And part of this community does have a garage. Why would you leave it out?

MR. KOULOHERAS: So what we've -- one of the biggest comments we've heard over the years is parking. It's just that. We've driven into our communities. Habitat communities have this bell curve of families move in, children are younger. As that community ages, those children obviously grow up, more cars need -- more cars are inside the community, and then as those children move out after high school, the bell curve drops again.

So when we went back and looked at our older neighborhoods, some that have parking -- I'm sorry -- some that have the garages, some that do not, what we've found as far as the buildable footprint space, that the garage itself is really not being used to put a car in. Of the couple hundred or so, 3-, 400 homes that Habitat has that have garages, I personally -- this isn't a statistical number, but I personally know of about a dozen people that park their car in the garage.

They turn into -- you know, I have a two-car garage. I don't even have a car in there right now. It's just my kids' bikes and everything else.

So what we've tried to look at is -- the main focus was addressing the parking issue. Where do you park if you have no more pavement space? You try to park on the grass. You try to park on sidewalks. You try to park on the street.

So we have found by designing the home where the garage does not take away parking space, we're able to have more spots on property, if you will. The on-street parking helps alleviate some of that issue as well. And then what we've done -- this goes into too many details right now, if you will, but what we've done to try to help that issue down the road are certain design criteria.

Number one, instead of a valley gutter system, in our latest community we poured an F curb, which is, you know, the 6-inch curb to prevent people from -- not that you can't jump over a 6-inch curb, but to drive over it. In between the sidewalk and the F curb, we have now put plants. Once again, not that you can't drive over plants, but it's less likely, and those plants are owned and maintained by the HOA. So if someone drives over them, they're bearing the cost.

So the next logical place was, well, okay, so you pull in your driveway, and you look at that last green spot, that little slice of grass over next to your driveway, and we have put a tree right there that is owned and maintained by the HOA specifically to address these type of parking issues.

The other thing we've done is within our recent community -- and this is a practice going forward. You now have to register your vehicles, and you're restricted to a number of vehicles. And just like any other gated private communities, you're assigned a parking sticker that has to go on your vehicle, and those parking stickers are monitored through staff and/or volunteers and/or even code. If you do not have a parking sticker on your vehicle, then your vehicle gets -- you get one warning, and then you get towed.

The older communities don't have that. We're going to try to -- we're trying to work with those HOAs to implement some of this stuff, but all of our -- the most recent community we built up on Immokalee

Road and all of these going forward intend to carry those type of practices over to address the parking.

So we're trying to create more designated spots by on-street parking and being creative, and then also restrict the folks if there are more cars than what we allowed.

COMMISSIONER HOMIAK: So you're doing that now in Parcel A of Regal Acres.

MR. KOULOHERAS: No, not in Parcel A, nope. We're trying to work with -- that HOA was turned over about four or five years ago. That has been a new practice we've put into all of our -- to the design features of our new communities, and we've only built one to this point in time.

We have a number of them that are in the design process, such as this one, and all of those elements are looked at being implemented.

COMMISSIONER EBERT: So it will be in Part B?

MR. KOULOHERAS: Yes, ma'am; yeah.

CHAIRMAN STRAIN: Anything else, Diane -- or Karen? I'm sorry.

COMMISSIONER HOMIAK: Well, I just want to touch on what Ned was talking -- I think speaking about with the traffic impact and having single-family homes. I agree with everything that he said. And when you're doing a -- like, when they're doing a traffic study, they're using single-family home as if it were a single-family home and not an extended family. So you're not getting the right numbers for traffic impact. So I don't know how you -- you know, if you're limiting the number of p.m. trips -- if you're limiting the number trips, you're not even -- the study's not even getting the right number.

COMMISSIONER EBERT: That's right.

CHAIRMAN STRAIN: But the only number they're allowed to use from the traffic methodology --

COMMISSIONER HOMIAK: I know. But I'm just saying they're not getting it.

CHAIRMAN STRAIN: But they can't use any other number than is allowed by the --

COMMISSIONER HOMIAK: I realize that.

CHAIRMAN STRAIN: Okay. So what did you suggest they were going to do that you wanted -- I mean --

COMMISSIONER HOMIAK: I'm just agreeing with Ned, and I'm making a point.

CHAIRMAN STRAIN: Oh. I thought it was a question. I'm sorry.

COMMISSIONER HOMIAK: No.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: I have a few. I want to -- before I pass it by and forget, during the traffic light discussion, Neale had popped up and indicated a certain paragraph. I didn't catch that paragraph. Could you tell me what paragraph it was.

MR. KOULOHERAS: Just one second. I believe there was a five in there, but --

CHAIRMAN STRAIN: 5.6.E is what I think she may be talking about.

MS. MONTGOMERY: Yeah. There was a condition that says -- Neale Montgomery, for the record -- "if in the sole opinion of Collier County a traffic signal or other traffic control device, sign, or pavement marking improvement within a public right-of-way or easement is determined to be necessary, the cost of such improvement shall be borne by the developer and shall be paid to Collier County before issuance of the first CO."

CHAIRMAN STRAIN: Right. And I think that's written in error. I know it's in the existing PUD, but I think you really mean -- the county should have meant, to be fair, the pro rata cost of such an improvement, because you're not going to be held up for the traffic light, especially when you've got Fiddler's Creek using most of it. So I would suggest we add that language as one of the points.

MR. NEALE: And if you want to add pro rata share in there, I'll be real happy.

CHAIRMAN STRAIN: Well, no. I think it's just something we'd done for every project, and it should be the same for everybody.

COMMISSIONER SCHMITT: It's already in the -- wasn't that discuss -- I wasn't -- you and I weren't part of that, but it was part of the PUD amendment that just recently came in for Fiddler's Creek.

CHAIRMAN STRAIN: Right.

COMMISSIONER SCHMITT: So it definitely should be a pro rata share, and you would have to

coordinate that with the county to figure out who's going to pay what, because that was one of the significant concerns about that intersection.

MR. KOULOHERAS: Uh-huh.

CHAIRMAN STRAIN: Okay. I have a few comments on other parts of the proposed PUD. And on Page 11 of the PUD under Item E, it's Parcel B, permitted general uses. We don't always include the general recreational uses as being allowed anywhere in the residential tract as a permitted use.

So, basically, where it says, permitted -- Parcel B permitted general uses, No. 2, the recreational facilities shall be limited to the location shown on the master plan. That language should be added.

MS. DeJOHN: Understood.

CHAIRMAN STRAIN: Let me move to the next one, which is a couple pages past that.

Now, on this -- this is your development -- your Development Standards Table for Table 2, Parcel B. And the distance -- the distance for the preserve setback on this particular project is measured from the structure, not from the property line. And the reason that's going to be important is when we get to your exhibits, I want to point out something in regards to that.

The architectural standards, I think that I'll have a staff question on that. I'll wait to get to those.

Under your preserve areas, Parcel B, obviously, if you're going to chain-link fence the preserve off from the backyards of the properties with the intent of security, you really don't have a lot of need for uses in the preserve, do you?

MS. DeJOHN: (No verbal response.)

CHAIRMAN STRAIN: Okay. Because under your permitted principal uses, it says principal use, preserves, and accessory uses, all those allowed in accordance with Section 3.05. Well, Section 3.05 includes boardwalks and viewing platforms and shelters. And you're not going to be doing all that. And besides, I understand you're right on the line with the quantity of preserves you had to provide. And those uses mean that it pushes some of that area out so you'd have to create more preserve, which you can't do. So I'd suggest we drop, under 4.2, that whole Section B. Is that a problem?

MS. ASHTON-CICKO: I don't think that fixes your issue because then it would revert to the LDC provision if it's not in there because that's --

CHAIRMAN STRAIN: Oh, that's a good point.

MS. ASHTON-CICKO: -- the current required LDC. So if you want to say that they're going to be limited, then I would limit them to certain uses.

CHAIRMAN STRAIN: That's a good point. Thank you. I would suggest in accessory uses, none are allowed pursuant to the -- yeah, none are allowed. None are needed.

I don't know what you intended for the preserve, especially now that you've volunteered to put a chain-link fence to keep people out of it. So I'm not sure why you need anything in there.

MR. KOULOHERAS: Yes, you're absolutely right. Originally when we thought this through, we said it might be nice as, you know, a low-cost -- or long-term cost amenity would be, you know, a walking path through the preserve, but that is not our intention. So any of those recreational type uses I would be okay dropping all that. The only thing I'd defer to engineering is if there's any stormwater management that has to go through the preserves. But as far as recreation --

CHAIRMAN STRAIN: Okay. I'm trying to figure out how to do that now, because we're at -- today's the eleventh hour.

MR. KOULOHERAS: Yep.

CHAIRMAN STRAIN: And I did pull up Section 3.05, and it has, the following passive uses are allowed, and it talks about impervious pathways. You don't need those.

MR. KOULOHERAS: Right.

CHAIRMAN STRAIN: Regular pathways, you don't need those. Shelters without walls, you don't need those. Educational signage, you won't need those. Benches for seating, you won't need those. Viewing platforms, you certainly won't need those. You will need wildlife sanctuaries for indigenous free-roaming wildlife, because that's what a preserve's for. So I would say F would be one that you could use.

G is conservation related and recreational activities. I don't believe you're going to be doing that if you're fencing it off. H is the requirements of this section shall not apply to preserve pathways. You're not

going to have pathways.

Double I is stormwater subject to the following criteria, so that one I think you just mentioned. That is typically used.

So, basically, out of all the uses in that section of the code, you'd be looking at leaving F and double I, stormwater subject to the following criteria.

MR. KOULOHERAS: Yes, sir.

CHAIRMAN STRAIN: The rest of them don't seem -- jurisdictional wetlands. Yeah, the rest of them don't seem issues -- yeah. So you -- I think that takes out all the active uses that would be in there.

Joe?

MR. KOULOHERAS: Yes. And I agree to that.

COMMISSIONER SCHMITT: The only concern is you're going to have to allow for some access because you're going to have to have a preserve management plan.

CHAIRMAN STRAIN: But he's not going to be building a pathway for it.

COMMISSIONER SCHMITT: Right.

MR. KOULOHERAS: Right.

CHAIRMAN STRAIN: So I think that was the issue. I think -- so when this gets tuned up as far as language goes, I think it needs to reflect that kind of a change to whatever extent the vote is today.

And that takes us back to where I left off on that preserve section, and let me go to the next one.

On the traffic trips that were -- I have a question of your traffic engineer. And I told you yesterday which it would be, because you have 184 units in Parcel A, and they produced 121 trips. You have 116 units in Parcel B, and you say you've got 120 trips. So I just don't know why for a lack of about -- almost 70 units or 68 units you only have one more trip.

MR. HILDEBRAND: Correct. To clarify, the existing Parcel A was based off of the approved PPL Traffic Impact Statement prepared by Vanasse Daylor as part of the original --

COMMISSIONER EBERT: Speak into the --

MR. HILDEBRAND: -- as part of the Parcel A. That was based off of ITE seventh edition multifamily homes at that point, and then the Parcel B was based off of the worst case of single-family, the most intensive traffic generation for Parcel B.

So to answer your questions, the existing Parcel A was based off a previously approved TIS that considered multifamily homes, and that was the --

CHAIRMAN STRAIN: But in the case of Parcel A, your two-family were considered multifamily?

MR. HILDEBRAND: That's how it was approved during the PPL submittal.

CHAIRMAN STRAIN: Okay. Did you end up selling -- well, you probably don't know. I think someone already acknowledged they were sold fee simple, so they weren't really multifamily in that regard.

As far as the product that you used for the backside, would your -- would your single-family calculations still be the maximum calculation that you would submit for that buildout of that parcel?

MR. HILDEBRAND: Yes, correct.

CHAIRMAN STRAIN: Okay. That's the only traffic thing I had, so thank you.

Oh, one thing that we generally have started requiring around preserves is an assurance -- or with preserves, that we have 80 percent opacity. I didn't see that language in 5.10.B. So I would -- or it's now 5.8 under environmental. So I would think we'd want to add that opacity requirement, minimum 80 percent opacity after one year.

The distance of your preserves will -- seems to be equally -- easily going to fix that. The areas that are shallow where you've got the walls will probably make up for the difference.

On the Deviation 3, I have to agree with staff, I don't see the reason for Deviation 3. It will set a precedent that we would have to -- we'd be obligated to provide everybody in the county, and I don't think that's a good precedent to set, so I'm just going to suggest to you, however this goes forward, my suggestion would be not to include Deviation 3.

On Deviation 5 you've provided some diagrams for hammerheads and Y's. Those aren't necessary to be in there. You'll have to meet the code for those turnarounds. So you don't need to put that kind of detail in the deviation.

And the last five or six word where it says, "as approved by the local fire districts," staff has realized we don't need that language either, because that's going to have to be anyway. So there's no sense in being redundant with that.

When we get to your master plan for Parcel B, I had suggested that you add to the master plan the minimum widths of your preserves. Obviously, you have brought one with you, but that's going to have to be updated on the master plan that's attached to the PUD.

MS. DeJOHN: We actually -- yeah, we did get that update done for the slide show that you saw this morning. There's little dimensions added on there, yes.

CHAIRMAN STRAIN: I understand. I just mean make sure it gets in the PUD.

There is a diagram on that first Parcel A master plan, and it shows a lake maintenance easement of 20 feet, then there's the word "varies" zero to 10 feet, and then there's a 5-foot setback from the lot line. What is that space between the lot line and the beginning of the 20-foot LME?

MS. DeJOHN: The way these lots are planned is a little different than the typical way lots are subdivided. The goal here for Habitat is to confine the lot to the smallest space needed for the house to sit upon the lot and then have common space beyond that lot. That affords Habitat the ability to have the common element -- as much common space as possible maintained by a common organization and limits the amount of space that needs to be maintained by the private homeowner.

So when you see that gap between lot line and the lake maintenance easement, you're just seeing where common space would occur, because the goal is to keep the lot as tight to the home as possible.

CHAIRMAN STRAIN: And I imagine that's because you're selling fee simple, and the lot ownership goes with the fee-simple process; whereas, if it was a condominium, that will all be covered under common area in a condo association document.

MS. DeJOHN: Right. And fee simple is the -- you know, part of, I think, the charter of Habitat is -- focuses on having people live on fee-simple properties.

CHAIRMAN STRAIN: On the next page, it has a series of cuts with a house shown and the differences between the houses, the layouts. On the top cut on that page, it shows a house with a lot line five feet off the back of the house, and then from the house -- not the lot line, but from the house to the edge of the preserve, it shows the 25-foot minimum preserve setback. And I know how that now relates to the standards table.

It also is titled, the first one, typical preserve section. That doesn't seem to be what we were talking about today. So you have two types of preserve sections that you're having. One is on the north side. I think the south side's a little different because you've got a 15-foot strip that's kind of like a no man's land down there. And then on the center part, the big part of the preserve, you've got the back of the lots where I heard earlier today that you would -- you were going to put a fence up, but you were going to put it up on the preserve line.

MS. DeJOHN: Right, the perimeter.

CHAIRMAN STRAIN: Okay. So this cut doesn't work.

MS. DeJOHN: Well, it -- what you're referring to is the diagram including what's labeled "fence wall potential." Is that --

CHAIRMAN STRAIN: Yes.

MS. DeJOHN: -- what you're saying?

CHAIRMAN STRAIN: It's not going to be in that location, is it, or is that your intention?

MS. DeJOHN: There have been different intentions during the course of the project. This allows that potential location for a fence or wall. That's what that's showing.

CHAIRMAN STRAIN: Okay. But didn't you offer today that if you were to put a fence up, it would be on the preserve line?

MS. DeJOHN: I think the preferred location would be the perimeter, yes, on the preserve perimeter.

CHAIRMAN STRAIN: Okay. So, honestly, though, I don't mind if you use this cut if you put the fence on top of the berm. I just want to understand the difference, because that's not what you said.

So if your intention is to put it on the berm, that's fine. I just need to know what it is you're trying to do so the cut's right and doesn't prevent you from doing something that we would weigh in on later today.

MR. KOULOHERAS: So the intention is to go on the outside perimeter line.

CHAIRMAN STRAIN: Okay.

MR. KOULOHERAS: This was put in here because it -- personally, in my experience with the Water Management District in the past, sometimes they get wishy-washy, if you will, whether something can cut through a preserve. So this was put on there to say, if they do not allow that, then we will put it on the back of the house side of the preserve, if you will. I'm not sure if that's clear enough. But that's why.

CHAIRMAN STRAIN: Okay. But it's going to go in that 25-foot area somewhere in the end?

MR. KOULOHERAS: Yes.

CHAIRMAN STRAIN: Okay. I understand now. Thank you.

The parking spaces that show on the two cuts below that -- and I'm -- I know we have a -- standard parallel parking is 9 by -- or is 9 by 18, I think, or maybe that's perpendicular, I don't know. And you show an 18-foot parking space. And we usually require 23 feet back from sidewalk -- or from garage door before you get to sidewalk. In this particular case, you have a sidewalk in front of the car, and then 18 feet for the car.

And the only question I have is if we have 23 feet required so there's no overhang onto the sidewalks from the back door of garages, does that mean we have a car overhanging into the street in this particular case? And that's not something that you'll have to answer.

I'm just kind of pointing it out here, because I think Stan Chrzanowski, when he was the county engineer, initiated that idea, and he happens to be sitting here today, so I ask him, do you see a -- did you have any -- when you came up with the 23 feet for the cars parked in driveways before they could -- back from sidewalks, was there any -- how'd that 23 feet come into play, Stan?

COMMISSIONER CHRZANOWSKI: Your average car is like -- well, the longest cars are, like, Lincoln town car. You've got 18, 19 feet. How it came up was we had a lot of -- nobody ever pulls right up to a garage door or up to, you know, where they're supposed. They always stop a few feet back so they could walk in.

And we wanted you to get off the sidewalk, so we left about three feet between the car and the garage door you could walk through, so that puts you at 23-foot of driveway and you're not sticking out into the sidewalk.

CHAIRMAN STRAIN: Okay. Well, that explains it then, because these have parking bumpers. So everybody would be right up to the bumper. And that would -- that's why the 18 --

COMMISSIONER CHRZANOWSKI: Yeah. If they pull up to the bumper, yeah.

CHAIRMAN STRAIN: Just wanted to make sure. Thank you.

MS. DeJOHN: And I'll just add that the code does have a typical section for on-street perpendicular parking, and so this is in compliance with the code's typical section.

CHAIRMAN STRAIN: I'm quickly running through the remaining questions I have at this point.

COMMISSIONER CHRZANOWSKI: Mark, one -- while you're on that buffer, you've got 300 feet of vegetation there, right?

MS. DeJOHN: It's not 300 feet of vegetation. It's 300 --

COMMISSIONER CHRZANOWSKI: Preserve.

MS. DeJOHN: -- feet between buildings. The vegetation is about 151 on Reflection Lakes and minimum 80 on Regal Acres. So 230 --

COMMISSIONER CHRZANOWSKI: 230 feet of preserve?

MS. DeJOHN: Vegetation preserve.

COMMISSIONER CHRZANOWSKI: And if you put the fence, it will run kind of down the middle of the preserve?

MS. DeJOHN: Well --

COMMISSIONER CHRZANOWSKI: Which is not a great idea.

MS. DeJOHN: Right. If --

COMMISSIONER CHRZANOWSKI: But when you start removing exotic vegetation, how -- your environmentalist said there's quite a bit in there, right? It's going to thin it out. Is there any kind of low-growing really nasty vegetation you could put in there that's native that will stop people from going

through instead of putting a fence?

You know, if you're concerned -- your concern is definitely not visibility. Your concern is access. So if you put something in there that's kind of a little thorny -- and I'm sure -- I canoe a lot, and there's a lot of nasty stuff out there that, you know, if you planted it, it's native, and it's going to stop people from walking through. Wouldn't that be better?

MS. DeJOHN: What we've heard from the neighbors is that they want -- you know, I think --

COMMISSIONER CHRZANOWSKI: A fence.

MS. DeJOHN: -- proposing thorny bushes instead of a fence probably wouldn't satisfy what they're looking for.

COMMISSIONER CHRZANOWSKI: Okay. Whatever. Thanks.

COMMISSIONER FRYER: Does it have to be instead of?

COMMISSIONER CHRZANOWSKI: Well, if you put the fence in, why bother with the thorny bushes?

COMMISSIONER FRYER: Well, because people can climb fences.

MR. KOULOHERAS: Or barbed wire.

CHAIRMAN STRAIN: Go ahead, Nick.

COMMISSIONER CHRZANOWSKI: Triple concertina. Right, Joe?

CHAIRMAN STRAIN: One at a time. Go ahead, Nick.

MR. KOULOHERAS: We're going to be required to meet 80 percent opaque within 12 months of this project. So if we're at that level that we need to do additional supplemental plantings within the preserve, we can certainly look at any number of those options. In fact, I've already had a conversation with a neighbor to the south in Westwinds saying, hey, if we're going to do supplemental plantings, you're the one that's going to look at them. Let's get together, and let's decide what's native that gets allowed by county code that you'd like to look at.

COMMISSIONER CHRZANOWSKI: You know, Joe, that's not a bad idea. One strand of concertina running through there would do a whole lot more to keep that --

CHAIRMAN STRAIN: That isn't allowed by code.

COMMISSIONER SCHMITT: It's not by code.

CHAIRMAN STRAIN: So anyway, we might as well just stop that before it goes too far.

Okay. I have no other questions. Anybody else in Planning Commission have questions of the applicant before we go to the staff report?

(No response.)

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Summer's here.

CHAIRMAN STRAIN: Did you have something you want to add?

MR. NYCHYK: Yes. For the record, Gary Nychyk. If you don't mind, I would like to add that these preserve areas are not just the property of Regal Acres. They're not just the property of Collier County. They are going to be under conservation easement to the South Florida Management District as well, and they have very strict requirements on what can go in. Even if it's a native plant, sometimes they're not going to allow plants to go in there for those purposes. It's going to have to be specifically for the rehabilitation of those wetland and preserve areas, just to kind of keep that in mind.

CHAIRMAN STRAIN: And we have a strong environmental reviewer who makes sure that happens, too, so thank you.

With that, James, do you want to provide a staff report?

MR. SABO: Certainly. James Sabo, principal planner, for the record.

The zoning division recommends a little bit different paragraph that you have in your staff report.

We recommend forwarding the petition to the Board of County Commissioners with a recommendation of approval with the exception of Deviation No. 3 and removal of the local fire district language for 1 and 5 and recommending the -- forward to the BCC, the Board of County Commissioners, the affordable housing density bonus agreement application. That is our recommendation.

CHAIRMAN STRAIN: Any questions of James before we go to other staff members?

COMMISSIONER FRYER: I do.

CHAIRMAN STRAIN: Go ahead, sir.

COMMISSIONER FRYER: Quickly. We've heard some information from the Chairman and from other quarters as well that single-family residency or single-family dwellings draw the highest traffic concentrations or peak volume. What about other aspects of infrastructure and concurrency? Is it fair to say that single-family dwellings are the -- are going to be the most intense from those viewpoints as well as traffic?

MR. BELLOWS: For the record, Ray Bellows.

The concurrency management process in place has different formulas for different things but, in general, I think that's a correct statement that it's generally -- the traffic is based on trips coming in and out and demand for other utilities and services. You know, the number of residents in a unit will be higher in a single-family than a multifamily, generally speaking.

COMMISSIONER FRYER: With respect to all infrastructure?

MR. BELLOWS: Water/sewer and -- I think that's a correct statement.

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

Just let me add, and it corresponds to Ray's comments, and the Chair's pointed out that single-families are the housing units that will have the most people per household just by category. And with that, that corresponding, the more people per household, the more demand is placed upon the infrastructure system.

So, as a whole, you can basically say that for the infrastructure components that are subject to concurrency that a single-family house will place more yield against the system than a multifamily house, in general. So if that -- I think that can answer the question.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Thank you. Anybody else have any question of James before we go to the next?

Okay. I believe Joe had questions of transportation, so whoever's here might want to respond to those questions.

COMMISSIONER SCHMITT: Mike, typically -- go ahead. For the record.

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

COMMISSIONER SCHMITT: In the past, a community of this size, the county usually required some improvements to the main road which, in this case, is Greenway Road. You saw no need for any type of improvements to Greenway Road based on the 300 homes now being back in this area?

MR. SAWYER: We certainly looked at that aspect. We did -- we were especially concerned about a left turn into the development, which would normally be required. Because that particular road is, I would say, challenged because of right-of-way width, we have a county segment as well as drainage swales on both sides.

It would be extremely difficult, number one, to put it in, any left turn, or -- and we would, obviously, do additional improvements on that particular road segment because of right-of-way limitations.

Additionally, if you look at the uses to the north, the impacts on that road with this development are going to be quite minor. There really is only a back entrance, if you will, from the development directly to the north as well as one ag operation. You know, the traffic counts that the agent provided we felt met the standards of not requiring that left turn.

Certainly, they will be required to contribute to the eventual potential signal that would happen at 41. I would say that is going to, honestly, be certainly determined by FDOT and their particular standards in concert with us as far as making sure that that signal would be warranted.

COMMISSIONER SCHMITT: When you say "left turn," you're talking about traveling west to east making the left turn into Greenway Road off of 41? Is that the left turn you're talking about?

MR. SAWYER: Sorry.

COMMISSIONER SCHMITT: Or you're talking about a left turn coming out of Greenway Road?

MR. SAWYER: It would actually be a left turn on Greenway into the development itself. The turn lanes that we've already got --

COMMISSIONER SCHMITT: Oh, left turn off Greenway into the development?

MR. SAWYER: Into the development itself. They actually do trip our requirement for having a -- I'm sorry -- a left turn into the development itself.

COMMISSIONER SCHMITT: That's at the end of the road. I mean, there's no --

MR. SAWYER: Correct, exactly. That was my point. There really isn't anything to the north.

COMMISSIONER SCHMITT: There are two entrances off of that Greenway into Regal Acres, is there not? Am I mistaken? There's the one entrance --

MR. SAWYER: There are two into Phase 1. Phase 2 is only going to be using the first of those access points.

COMMISSIONER CHRZANOWSKI: Can you pop that up on Google Earth? If no, just say no.

MR. SAWYER: I'm sure it's possible, Stan. I am not adapt at being able to do that. I apologize.

COMMISSIONER CHRZANOWSKI: Adept.

MR. SAWYER: Adept. Thank you.

COMMISSIONER SCHMITT: So there's no requirement for a right-turn acceleration lane onto Greenway Road or no requirement for left turn off of Greenway Road into the development?

MR. SAWYER: At 41?

COMMISSIONER SCHMITT: No. Into the development. You're talking about Greenway Road now.

MR. SAWYER: Correct.

COMMISSIONER SCHMITT: And with this addition, you said it was close, but given the -- there's no other traffic beyond this development.

MR. SAWYER: That was my whole point. The agent did provide us good information as far as traffic counts, and looking at those in concert with the limitation that we've got for the right-of-way, the difficulty of providing that is that -- and they would actually be providing that -- theoretically, if we required them to do that, they would have the requirement to provide that left-turn lane, plus compensating right-of-way which, again, would almost double the difficulty of actually doing that, impacting the stormwater swales that we've already got.

And the real issue at hand is that it doesn't make sense in this case because there isn't substantial traffic north of this.

COMMISSIONER SCHMITT: I don't see a real problem on Greenway Road. My concern was more off 41 and any traffic impact off 41 or onto 41 from Greenway Road. There was no trigger from a standpoint of requiring any improvements at the intersection of Greenway Road and 41. I'm not talking 41. I'm just talking Greenway Road, the capability to make a right turn off of Greenway Road, some kind of an acceleration lane or anything that would require improvements to be made at that intersection.

MR. SAWYER: Correct. However, I will caution that that is also something that would be dictated by FDOT.

COMMISSIONER SCHMITT: Yeah. I would suspect if they ever put a signal there, there's going to be an analysis. Because across the street at Sandpiper, there's a significant difference in grade between the existing road and when 41 was improved, and that's all going to have to be brought to grade, which was assured during the PUD discussion of Fiddler's Creek that that was going to -- so you could -- there would be an improvement on that side. I would suspect there's going to be some kind of an improvement on the other side as well.

MR. SAWYER: Part of that whole study that I'm assured would happen through FDOT --

COMMISSIONER SCHMITT: Through FDOT.

MR. SAWYER: -- would include that whole entire intersection, including the side roads on both sides.

COMMISSIONER SCHMITT: You have no problem with the proposed language as stated regarding cost share?

MR. SAWYER: No. It actually is a good change. And, honestly, that would be the criteria that we would always use in these kind of cases. This is an existing PUD. It's existing language. Adding that does not hurt.

CHAIRMAN STRAIN: Anybody else have any questions of mike?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you, Mike.

MR. SAWYER: Thank you.

CHAIRMAN STRAIN: Is our landscape -- Mark, yes, you're hiding behind that chair. If you could come up just for a minute.

MR. TEMPLETON: For the record, Mark Templeton, Development Review.

CHAIRMAN STRAIN: And, Mark, one of the things that we were shown today is a series of cross-sections for a -- buffers and wall combinations, and I think we were told they exceed the standards that we have.

I want to make sure that if those are used, do they -- they get properly memorialized in the PUD. I didn't see much in the PUD describing any changes to the buffers. And so how do you -- if those were to be accepted, how would those get into the system? Would you have to -- do they have to articulate it and you review it and make sure it's right?

MR. TEMPLETON: The buffers for Parcel A?

CHAIRMAN STRAIN: Well, for Parcel B. The Parcel B is what we're discussing today, and they showed new walls with a series of -- three different series of cuts and buffers.

MR. TEMPLETON: The buffers were labeled. I was --

CHAIRMAN STRAIN: Yeah. They are not currently part of the PUD. I just want to make sure that we -- if they enter into the PUD, can they be done as an exhibit, or would it be text? Are they -- I just need -- okay. If we require one tree every 30 feet and they're going to put one tree every 25 feet or they're going to have a buffer that's 4-foot high instead of 3-foot high, all that has to be articulated. And I just want to make sure that it is if it needs to be, and that's kind of what my question was.

MR. TEMPLETON: Either by text or with exhibits.

CHAIRMAN STRAIN: Okay. So you'll check that if it were to come back through language changes and all that?

MR. TEMPLETON: Yes.

CHAIRMAN STRAIN: Okay.

MR. TEMPLETON: Yeah.

CHAIRMAN STRAIN: Okay. That's what I just wanted to verify. Thank you.

Anybody else have any questions of staff?

COMMISSIONER FRYER: I have a point of order, though, that I'd like to raise.

With the lunch hour approaching, would it be possible to allow the neighbors who wish to speak to speak before we go to lunch, at least up to 12:30, so that they don't need to come back in the afternoon? And then if we have more questions or if our part of this is to be continued, it would be continued after lunch?

CHAIRMAN STRAIN: And if someone would play that back, that was what I was going to say.

So, anyway, what I'd like to suggest is what Ned just suggested is that we'll go into public speakers now. We'll try to stop when the public speakers finish, and we can debate after we get back from lunch.

With that in mind, are there any registered public speakers?

MR. SABO: Yes, Mr. Chairman. The first one is Nile Duppstadt.

CHAIRMAN STRAIN: And how many total registered public speakers are there?

MR. SABO: Four; looks like four.

CHAIRMAN STRAIN: Okay. Could you repeat the name again. I'm sorry.

MR. SABO: Nile Duppstadt.

CHAIRMAN STRAIN: Mr. Duppstadt, if you're here, if you can come up to the microphone, you need to identify yourself and spell your last name, please.

MR. DUPPSTADT: Okay. Nile Duppstadt, D-u-p-p-s-t-a-d-t.

CHAIRMAN STRAIN: Okay. Thank you.

MR. DUPPSTADT: I live right across from the proposed recreation area. If we had a site plan, it would be handy.

CHAIRMAN STRAIN: We'll get one back up there. Laura, could you turn to that site plan.

MR. DUPPSTADT: I have been sick and not around very much, so I apologize that I'm kind of at the late --

CHAIRMAN STRAIN: Could you put the one on that locates the rec area. I think it's your master plan. Yeah, there it is. There's a site plan right there. Is that what you're talking about?

MR. DUPPSTADT: Yes.

CHAIRMAN STRAIN: Sir, you'll have to stay by the microphone. I think we'll be able to see it. Thank you.

MR. DUPPSTADT: My house is right there. There's been a lot of discussion, apparently, while I was away about a wall and reducing the noise from a facility like that.

I've had a little bit of discussion just in the last day or so. Several things that I would propose, and before that I would like to tell you that I'm a landscape architect, have a master's degree from Harvard, I practiced for 50-some years, I'm pretty much retired, but I also was a professor at Florida International University and taught all kinds of courses in site engineering, things on environment.

And so I have a couple of sort of major suggestions. One is that that recreation area go up to the east in Parcel A that they proposed a lake at the north end, get moved in, and become part of the lake that exists in Parcel A. That would provide a corridor across. It would increase the amount of preserve that they have and considerably reduce their cost in earthwork.

So those are pretty much my comments. It's kind of a discriminatory thing of putting a recreation area right next to the old folks. Putting all kinds of preserve around where the rich people are but leaving us with something I think is very questionable.

CHAIRMAN STRAIN: Okay. Before the day is over, we'll have a discussion with the applicant on that, sir, to get them to respond, and then we'll go back and forth and talk with them about it. So once we finish public speakers.

MR. DUPPSTADT: Hope I didn't exceed my five minutes.

CHAIRMAN STRAIN: No, you did great. Thank you very much.

Next speaker, James.

MR. SABO: The next speaker is Dr. Michael Confusione.

CHAIRMAN STRAIN: And when you come up and identify yourself, you'll have to spell your last name, too, please.

DR. CONFUSIONE: Sure. I always do. Dr. Michael Confusione, C-o-n-f as in Frank, u-s as in Sam, i-o-n-e. That should look like confusion with an E on the end.

But using common sense, I'm not confused at all about my opposition to this proposal by Habitat.

First of all, it's the only environmental area of trees and natural habitat for animals, for human beings within these four developments that surround it at this present time. I think it's a shame to remove all of that vegetation for the animals and for the people in it.

I have a home -- or I should say my wife has a home also in Pelican Bay in North Naples. We moved to East Naples because -- and still have the condo in North Naples -- because of the crowded roads, because of the overdevelopment in North Naples, and because of the fact that we wanted a more rural atmosphere. And we have it with those few trees.

Now, I'm not directly affected by Habitat's development, and I understand the need for affordable housing. I'm indirectly affected because when I lay at my pool in the back, I will be looking at those houses. I don't back up to them.

As Nick presented that he has an agreement with Naples Reserve for the wall, no one ever informed me of any meeting regarding a wall with Habitat specifically for Naples Reserve. I give no agreement to that proposal. I don't want a wall because two-story homes will be over the wall. And when I lay at my pool, I'll be looking and hearing the noise from those two-story pools -- from those two-story homes. One-story home? I'd be all in favor of it.

I was the one who Nick referred to as being the person who didn't understand that there were two-family homes in Regal Acres presently. I understood, but they're one unit. They're together. And at the meeting that we had when he said I misunderstood that there were two homes there, I presented the fact that there were a lot of cars in the driveway, and he said because there's two homes there; that's the reason.

There were cars on the grass. I was appalled by the condition of Regal Acres and what existed when I drove through there. Don't call it up on Google Earth, please. Go there yourself at 6, 7 o'clock at night and take a look at what exists.

This planning board is responsible for planning for the county. I think if you allow this to occur with all of the pointed questions that have come up and the oversaturating on a bigger perspective for East Naples as compared to the rest of Collier County of low affordable housing, we're planning for a ghetto.

I grew up in Brooklyn with two ghettos, and it was enforceable when illegal housing existed and people moved in and there were two or three families in there. They got notified, they were asked to leave, they went through a process of being notified two or three times, and then penalties came in that were dollars and cents, and people moved out after being there for over a year. And the Code Enforcement people were able to enforce that happening.

We could do that here as well, because I believe there are many, many multi-families in Regal Acres as it exists. Nine hundred homes in East Naples, 100 homes someplace else, 100 homes someplace else. And when you compare that on a saturation level, that's eight times the amount of affordable housing in all of East Naples than exists in any other district.

Please consider that in your planning. I can only hope that you do. Thank you.

(Applause.)

CHAIRMAN STRAIN: Next speaker -- ladies and gentlemen, if you mind refraining from the clapping.

Go ahead, James. Next speaker.

MR. SABO: Next speaker is Gail Alio.

MS. ALIO: Good morning. I have a prepared statement.

CHAIRMAN STRAIN: Could you state your name and spell your last name, please.

MS. ALIO: Gail Alio, A-I-I-O. I live on Manchester Drive in Reflection Lakes.

I have a prepared statement, and before I read it, I want to thank you for bringing up the school situation.

CHAIRMAN STRAIN: You'll need to pull the mike a little closer to you. I'm sorry to keep bothering you, ma'am.

MS. ALIO: That's okay.

I've been to Manatee. The school is really lovely; however, the trailer situation -- I brought up at one of the community meetings about Regal Acres, and I was told that according to the state, those trailers are considered permanent classrooms. I was shocked. But I did ask the question, and the reason I asked it is because I've taught in those trailers. That's not a normal classroom environment; it's really not. I've taught in them for a long time.

But beyond the trailers, you need to look at the cafeteria situation. Are they going to increase the size of the cafeteria? Look at the multiuse rooms that they have for music, for library, for whatever else they have.

Because coming from New York, our lunch hour started at 10:30 in the morning. I wouldn't want to see that here. I'm just letting you know. That's only about the schools.

You are the gatekeepers. You're the ones entrusted with protecting the environment we have now and looking forward to carefully developing our resources for the future. The disappearance of our preserves, nature, and wildlife is irreplaceable, but you understand this. I'm tired of hearing about credits and land swaps in other places. We live here. We moved here for the nature that surrounds us. Habitat has several communities in this area already. It is my understanding that this will not be the last time they will apply for rezoning down this stretch of 41.

I request that you respect the rights of those of us who are already living here rather than tipping the scales in favor of those who have not yet come. It is good to plan for future housing but not at the expense of those of us who have worked so hard to purchase our space here.

This particular tract of land is so close to existing communities that the proposed Habitat houses will be visible from all three: Reflection Lakes, Naples Reserve, and Westwinds.

As you look down the stretch of 41 from the intersection of 951 toward Everglades City, the huge

tracts of land which have been cleared appear as large holes in the forest. They make way for the community at Manatee and at the next phase of Winding Cypress. Next will be the clearing for commercial real estate across from Naples Reserve.

It is sometimes difficult now to make a right turn out of our development at Reflection Lakes at either entrance. During season it's dangerous. Making a left turn without any traffic light across three lanes of traffic going 60 miles an hour or better is near impossible. So now let's increase the density; make it more dangerous.

During season getting in or out of Freedom Square shopping center is extremely dangerous, as is parts of the Lowe's shopping area. But if you don't live there, you couldn't experience the near misses.

In closing, I would like to say that I love this quiet, beautiful part of Naples. If I wanted to live in a more populated area, we could have purchased further north. If we wanted densely populated area, we could have moved to the East Coast.

We moved here from Long Island, New York. We have watched this movie before. When we moved there, nature and a quiet environment surrounded us. By the time we moved 25 years later, the local three-lane road became impassable at any time of the day. Every strip of land had become commercially developed, and the peace and quiet effectively destroyed. Please don't let this nightmare repeat itself for those of us who escaped.

Joni Mitchell said it best: "You don't know what you've got till it's gone. They paved paradise and put up a parking lot."

COMMISSIONER CHRZANOWSKI: Excuse me. Before you go, one thing. As I -- and the gentleman said don't look at Google Earth, but I always look at Google Earth. As I look at it, there's development all around there. That's the last tract. Is there anything that could go in there that would make you happy?

MS. ALIO: Nothing.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Next speaker, James?

MR. SABO: Next speaker is Tom Custer.

MS. CUSTER: For the record, Tom Custer. I don't really know how to follow all of that.

I agree in principle with most of what everyone has said. I'm going to be directly affected because the photos that they showed of the trees and everything on Naples Reserve side, I provided.

I don't know that we have a right to restrict others to provide or to buy housing when we're extremely blessed to have the housing that we have. Everywhere that I have lived -- I'm from Ohio originally. Everywhere that we have lived, we did what you were talking about and wanted to be out into the country. With the world growth and the population the way it's going, the country goes away. That's a fact. I don't like it.

I would rather have the preserves that are behind my house right now. In fact, I would maintain that I am opposed to the development because of the beautiful serenity and the view that I have that I was misled when I purchased my home and selected that lot; however, there has been -- my other neighbor who couldn't be here today because he's away on business, we've been proactive instead of reactive, I believe, and took the initiative to make contact with you guys, Habitat, and come together to say, if this happens, we have to do something to improve the separation between the communities.

And they had worked with us. The proposal for the wall was primarily for sound because the water and the noise that comes from there already, a lot of them with parties in the big buildings in the open fields that you hear with music. And they worked really well with us, and they proposed more, as you can see. But I think that we were grateful that they would sit down with us and to do it, and it's all up to you guys.

But what we're saying is true; we want to be out in the country. We always want to keep places for the animals to live instead of coming into our neighborhoods and tearing everything up and have them a place to go, but the reality is the reality, and we just have to face up to it. And I'm not -- I'm opposed to having them move back there, but we can't -- we can't just say that nobody else has a right to place -- have a place to live. So that's it.

CHAIRMAN STRAIN: Thank you, sir. Next speaker, James.

MR. SABO: I have no other speakers registered.

CHAIRMAN STRAIN: Is there anybody who has not spoken on this matter that would like to speak on this matter? Yes. We'll start with the gentleman right there. First one, first row. Come on up. Please identify yourself for the record, and spell your last name if it's complicated.

COMMISSIONER FRYER: And maybe be sworn in, too.

CHAIRMAN STRAIN: Well, yeah. Did you get sworn in when we first started? Did you stand up?

MR. DOMINICKS: No, I was here late.

CHAIRMAN STRAIN: Why don't both of you stand up. Were you sworn in? Okay. I know I saw other people stand up. Go ahead, and we'll just swear you in right now.

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

MR. DOMINICKS: My name is Richard Dominicks, D-o-m-i-n-i-c-k-s. I live on Greenway Road. I live directly across the street from Regal Acres.

And you want to talk about traffic. There's no way Greenway Road can handle any more cars. You can't -- I mean, I sit in my driveway probably two, three minutes in the morning trying to get out onto Greenway Road. And, I mean, they've got a stop sign, but they don't stop for it. They just come flying out of there one right after another.

And I don't see how you could put any more cars on there. I don't know where they did this study in July, but it wasn't on Greenway, because I'm up and down there -- they put one of those signs and lowered the speed limit from 30 to 25. Well, that didn't work. I mean, this morning when I'm coming here, I pull out onto Greenway, I look in my mirror, I've got two cars come out of Regal Acres, and before I got to 41, both of them passed me. And I'm doing 30 or 35 miles an hour. So, you know, I just -- that's -- you can't control them. If you put more cars there, how are you going to control them? Put speed bumps in? I mean, I wouldn't like speed bumps, but if that's what it takes, just -- they've got to slow down the traffic. They can't put any more traffic on there.

And to put in a left-hand turn lane, you'd cut the front of my property off, and that ain't happening. There's no way. You can't put a left-turn lane in there. And like they said, it doesn't need it because that's the end of the road.

So that's -- you've got to look at the traffic down there. It's bad. Thank you.

CHAIRMAN STRAIN: Excuse me, sir. Before you walk away, you live -- so you have a permanent residence on Greenway, but it's in one of the bigger lots across the street?

MR. DOMINICKS: Yeah. It's six and a quarter acres. Right next to the farm.

CHAIRMAN STRAIN: Okay. Way back when I was still on this commission when the Naples Reserve project came in for approval, and the first thing they wanted to do was move a pile of fill off that site. And I drove out on Greenway and noticed it was a very narrow road, that it dearly didn't -- I don't think you had sidewalks on either side. I don't know if you do now or not.

MR. DOMINICKS: No, there's no sidewalks.

CHAIRMAN STRAIN: We had recommended some improvements to Greenway in order for that fill to be brought down. Well, that was an attempt. It didn't succeed.

I remember voting no on the fill issue because of the condition of Greenway. But I heard today there were improvements on Greenway. Maybe I'm mistaken. Are there improvements on Greenway? What's Greenway -- I thought that was -- has anything been done to Greenway at all? I mean, what's the condition -- I'll ask transportation to explain it, too, as well, but I'd like to hear from your viewpoint. Has it been widened? Has it been -- the shoulders been improved? Is there sidewalks?

MR. DOMINICKS: Well, they opened up the drainage, you know; they had to.

CHAIRMAN STRAIN: But those are pretty deep swales. I remember I tried to drive down one. They go real deep.

MR. DOMINICKS: Yeah. They weren't before they put in Regal Acres. They were nice slope. If you go to the farm next door to me, which doesn't -- his is all real nice and sloped. That's the way the whole street used to be.

CHAIRMAN STRAIN: Okay.

MR. DOMINICKS: So then when they decided to bring in dump trucks and stuff, they was going to

widen the road two feet on each side.

CHAIRMAN STRAIN: I remember the discussion on that, yes.

MR. DOMINICKS: Okay. One side was supposed to be done by the county and one side was supposed to be done by Florida Water Management or something. Well, one of the two bailed out, so they put -- they put the extension, the widening of Greenway Road on one side, on my side. So that took out more of my ditch.

CHAIRMAN STRAIN: Did they move the center line?

MR. DOMINICKS: There is no center line.

CHAIRMAN STRAIN: Okay.

MR. DOMINICKS: If they put a white center line down through there and the Sheriff's Department sat down there, they'd give out tickets ticket all day long.

CHAIRMAN STRAIN: When you mentioned people driving past, that happens a lot, and I just was wondering if they had a center line they were passing on.

MR. DOMINICKS: But they stopped the widening right at the farm -- I don't think they widened it as far as the farm, but that was four. And then they also told us when all the construction was done for Naples Reserve that they were going to repave all of Greenway Road.

CHAIRMAN STRAIN: But that's not been done.

MR. DOMINICKS: It's just got a patch on the side of it now, you know, because nobody drives on it.

CHAIRMAN STRAIN: It hasn't been widened? It hasn't been repaved?

MR. DOMINICKS: No, it hasn't been repaved yet, no.

CHAIRMAN STRAIN: Okay.

MR. DOMINICKS: They said when the construction was all finished because of the big trucks tearing it up, so...

CHAIRMAN STRAIN: Okay. Well, thank you.

MR. DOMINICKS: All right. Thank you.

CHAIRMAN STRAIN: Anybody -- sir, if you want to come up next.

COMMISSIONER SCHMITT: Let me follow up on that, Mark, just a question. There is a --

CHAIRMAN STRAIN: You'll have to come back up to the mike; I didn't know.

COMMISSIONER SCHMITT: There is a fence back there now. Do they open that fence during the day for construction traffic, go into Naples Lakes?

MR. DOMINICKS: Yeah. It's open during the daytime and then they -- you know, they lock it up at night.

COMMISSIONER SCHMITT: Only for construction traffic?

MR. DOMINICKS: Well, yeah. As far as I know of. But that's been -- there hasn't been hardly any construction traffic lately.

COMMISSIONER SCHMITT: I have no idea, and that would have to be staff, if they have any indication that eventually Topsail will go into Greenway and be another entrance into Naples Lake. I have no idea.

MR. DOMINICKS: Well, I heard it was supposed to be. That was going to be a back entrance to Naples Lakes.

COMMISSIONER HOMIAK: Reflection Lakes.

COMMISSIONER SCHMITT: I'm sorry. Not Reflection -- Naples Reserve.

MR. DOMINICKS: Naples Reserve. I don't know. I get them all mixed up.

COMMISSIONER SCHMITT: Wrong Naples there. Naples Reserve. Okay.

CHAIRMAN STRAIN: Okay. Thank you, again, sir.

Sir, if you want to come up. Again, identify yourself and spell your last name.

MR. WILLIAMS: My name is Raymond Williams, W-i-l-l-i-a-m-s. I live in Westwind Estates. I'm one of the board of directors at Westwinds.

Habitat reached out to us; had a meeting with us. We had some concerns about noise and everything else. And they came back, agreed to the wall, extra landscaping, and so on and so forth.

Going back to the green space that some of my neighbors have problems with losing, I think it is a problem that the county let everyone down because they never took and took green space and set it aside.

I spent 20 years in Chicago. Some of the most beautiful parks in the world, downtown Chicago. But going back to this green space and saying no to development, we can't do that. They have to have a place to live.

You talk about putting a house here, a house there, find Nick and his group some lots in your neighborhood, if they're affordable, let them buy them. Let them put houses in your neighborhood. And you know what's going to happen? The same thing; you're going to say no, every one of you.

To my neighbors in Reflection Lakes, after the storm I had somebody come up to me and go, I didn't know I was living next to an F'in trailer park because nobody ever went that direction. They drove in their little house, and that's where they stopped.

All I'm saying is, we have to have affordable housing. The county let everybody down after the recession came through, because before that, the county was talking when it was booming, oh, we've got to look at affordable housing. Well, when it tanked, the county sit there and go, we don't -- we will never see those numbers again. It's in the newspaper articles. You should have been buying property then and doing something about it. Now you're back looking at paying double and triple what you should have been paying. Just my thoughts.

I'm all for their project. I'll welcome them as neighbors. Thank you.

COMMISSIONER FRYER: Question.

CHAIRMAN STRAIN: Thank you.

Go ahead. Ned?

COMMISSIONER FRYER: Sir, you mentioned that you had a meeting with the Habitat representatives.

MR. WILLIAMS: Yes.

COMMISSIONER FRYER: And it sounds like you were satisfied with the outcome of that meeting?

MR. WILLIAMS: The first meeting they had with us we brought up some concerns. Neale was there. They came back at another meeting. I think the first meeting was in May, I think it was around first part of May. They met with some of the board and a bunch of residents.

The next meeting was in June. They came back and said, okay, we're going to -- we agreed to the wall. We actually, as a community, paid to have a chain-link fence put up between Regal Acres' property and us because they would cut through and go to the convenience store. The convenience store is north of our property on 41, the green store.

So they would cut through, go through the canal, muck and all, to go to the convenience store. So we put a fence up.

Well, then the noise was getting a little bit more from weekend parties and stuff like that. We brought that up. Nick said -- I said, could you guys, if you're going to do this wall, could you extend it to where we've got our fence at, all the Regal Acres, and come up and around the corner, and they came back and said yes.

COMMISSIONER FRYER: Okay. So you had concerns, you met with them, and they --

MR. WILLIAMS: And they met them.

COMMISSIONER FRYER: They made concessions, one of which was to construct a wall?

MR. WILLIAMS: Right.

COMMISSIONER FRYER: Any other concerns and concessions at that time?

MR. WILLIAMS: I mean, I understand from Neale (sic), you know, his point is that the playground's going to be on the other side of the canal. But after looking at their site plan and everything else -- I drive by out of Walmart, go through their other development out of Walmart that comes over onto 41 to take the back way, and there's a playground down there, and I would say, at most, maybe on the weekends you'd see kids there, but during the week they're not there. You see it on the -- I mean, my biggest concern is with South Florida Water Management because where's all the water going to -- I know they're going to try to retain some of theirs. We have a lake. We've got canals around ours. But the way water flow for South

Water Florida (sic) Management goes, it goes the opposite way it's going right now.

COMMISSIONER FRYER: Pardon me for interrupting, but I want to stay focused on the concerns expressed and concessions made. Are there any others that --

MR. WILLIAMS: Oh, yeah.

COMMISSIONER FRYER: Could you tell me some more?

MR. WILLIAMS: No, that was -- I mean, that was our biggest one.

COMMISSIONER FRYER: The wall?

MR. WILLIAMS: The wall, and they came back with more landscaping and everything else.

COMMISSIONER FRYER: Okay. Thank you.

CHAIRMAN STRAIN: Okay. There was someone else that raised their hand to speak. Does anybody else still want to speak?

Ma'am, if you'll come up, identify yourself for the record. And if you haven't been sworn in, let us know, please. Thank you.

MS. PANTANO: I haven't been sworn in.

CHAIRMAN STRAIN: Okay. We'll take care of that.

(The speaker was duly sworn and indicated in the affirmative.)

CHAIRMAN STRAIN: You need to spell your name. Yeah, there you go.

MS. PANTANO: Yes. My name is Cathy Pantano, P-a-n-t-a-n-o. I'm a resident of Naples Reserve.

I wanted to direct a question that you asked about Greenway with the fence. There is an exit out from -- I think it's Tropical Drive that will go out into Greenway. They have it roped off right now because people were complaining about the trucks coming up and down the area.

There's, I think, approximately 800 doors that will go into Naples Reserve, so it has a potential of that traffic going down Greenway. Just wanted to clarify that for you.

My other concern about the traffic is when you get out onto 41 when you make that right out of Greenway, that's the main artery from Marco during a hurricane that will be a road that they'll be coming down 41.

With Reflection Lake on one side of my community and then this Green -- Regal Acres on the other, how will I ever get out of my community during a hurricane? This is a big concern for me seeing that I just lived through Irma, you know, last year. So those are my areas of concern.

Also, from 951 down right within less than a five-mile radius, I have four or five Habitat communities right in my immediate area. So to expand on this area, I don't really feel a need. I don't feel that there is a need for affordable housing right in my little area. I'm not saying that there isn't a need in the county, but in our section right there, we have ample amount.

There's also a very large rental apartment complex on Lord's Way, which is on 951, which is coming in that I think is scheduled for over a thousand -- maybe you guys know better than I what affordable housing rental is going to become available.

The other side of it is that we have to look forward to is millenniums, which is the future of this country. Millenniums do not drive. There's no work down here for them, okay.

Transportation is a big issue in this area, so if you really want to help these low-income people, why aren't we building in areas where there is, you know, an artery for them to travel on, be close to work and employment? We're at the dead end over here. We're getting into Everglades. So, you know, the potential for new business is very slim.

Thank you. I'm against it.

COMMISSIONER CHRZANOWSKI: Out of curiosity, ma'am --

MS. PANTANO: Yes.

COMMISSIONER CHRZANOWSKI: -- which way do you think the Marco Island evacuation traffic will be going on 41?

MS. PANTANO: Well, leaving Marco, you go down over San Marco and you go past Goodland and you come up. So there's two accesses from Marco. There's one on 951.

COMMISSIONER CHRZANOWSKI: So you think they'll --

MS. PANTANO: Oh, absolutely.

COMMISSIONER CHRZANOWSKI: 92, and then --

MS. PANTANO: Just when they were doing the bridge over, they were coming down this way.

COMMISSIONER CHRZANOWSKI: So you'll be making a right turn?

MS. PANTANO: I would be making a right.

COMMISSIONER CHRZANOWSKI: Okay. Thanks.

MS. PANTANO: Okay.

CHAIRMAN STRAIN: Okay. I believe that's all the speakers from the public that indicated they wanted to speak.

And with that, we will -- now, we've got to make a decision as far as the Planning Commission goes. We're going to break after the public speakers. We still have -- I need testimony from staff, I need some rebuttal and some questions from the applicant, and then we're going to have to go into a decision. So we're going to be taking some time yet.

If we break for lunch and come back, just to advise you, we have to be out of here -- I think they were wishing we were out at 3:00, but we can stay until 4:00.

There's an intense meeting going on this afternoon in here at 5:00, and we have to vacate by 4 o'clock to give time for the room to change hands.

We have two other cases, and I can tell you they are not going to be quick. So I don't know if we'll get done today, and I'm kind of giving notice to the applicants in those two other cases, one of them may not make it through the day, be continued for at least two weeks.

So with that in mind, is the Planning Commission in mind to take a lunch break at this time? I'd like to, if you don't mind, just do a little bit shorter. Come back at 1:15. Does that work for everybody?

Okay. So we'll take a lunch break from now. We'll return at 1:15 to go back into discussions with staff and the applicant.

(A luncheon recess was had, and Commissioner Dearborn is gone for the remainder of the meeting.)

CHAIRMAN STRAIN: Okay. Everybody, welcome back from our lunch break.

And we had left off with the end of the public speakers. There are some lingering potential followup questions from that effort, and then after that we'll have an opportunity for rebuttal and questions from the applicant.

So before we go too far, I had made a couple notes from some of the speakers. And one thing that happens at a lot of our meetings is people are sold property, and they look out and they see all these trees alongside it, and they're told by a salesperson, oh, that's a preserve. Well, nothing could be further from the truth in most cases. It's actually agricultural land.

And if you've got ag in the urban area, it's there because eventually it's going to change. And that is the situation we're here today. I just would like our environmental staff, who I don't see -- so that takes care of that idea.

So let's move -- maybe by the time we get done with traffic, we can get back to the environmental folks and see if she gets back.

COMMISSIONER EBERT: I have a question of Nick.

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: I have a question for Nick.

COMMISSIONER CHRZANOWSKI: There you go.

COMMISSIONER EBERT: On your recreation area, I notice where it is also. Could that be moved where that section is where there's nothing back and behind it?

CHAIRMAN STRAIN: It's called a hammerhead.

COMMISSIONER EBERT: The hammerhead portion.

CHAIRMAN STRAIN: If you were to switch those two out -- and, Diane, that's a good -- and let me explain something. We all received in our packet a letter of no objection from the trailer park to the south, or mobile home park, and one of the people most affected by that spoke today, and he really wasn't signing off on that.

Normally when we look at rec areas, we're careful to put those central to the parcel that they serve. We try not -- in fact, the one coming up two cases from now has agreed to at least a minimum of 100 feet

from their property line for any rec area they would put in. Likewise, here, I didn't have a question about it at first because I got that letter. It said we're happy, basically.

I would -- I have to agree; Diane brought up a good point. And I was looking at this plan thinking that would fit in that hammerhead and up against that hammerhead. All you've got is ag land. There's no buildout up there.

So I think it's something to consider. When we get into rebuttal, if you want to have some time to think about it and respond, that might be helpful.

MR. KOULOHERAS: Yes, if I could.

COMMISSIONER EBERT: Okay. The other thing is, I think I heard you say that this will then be recreation for both Parcels A and B?

MR. KOULOHERAS: Yes.

COMMISSIONER EBERT: Do you normally put in rec areas, recreation areas in all of your projects?

MR. KOULOHERAS: Yes, we do, however -- so there is one in Parcel A; however, the -- Habitat for Humanity as an organization has shifted its mentality over the past number of years. When Parcel A was designed and brought through the system back in mid 2005, '6, '7 range, it was very much thought, well, get as many houses as we can and put a postage stamp size rec area that meets the absolute minimum.

Well, once again, now that we have the luxury of going back and seeing ways we've failed, to be perfectly honest, we feel that that was an issue. And so the design of this rec area was put there, and the size, for two reasons: Number one, because we want more playable space so kids actually have something to do and, number two, it was put there to help the residents of Parcel A to be able to get to it versus putting it further up in the hammerhead. We've looked at a number of different designs, but that was the primary reason.

COMMISSIONER EBERT: Well, if you could kind of look at it again with your design team to put it up on the other end, it would help everyone out.

MR. KOULOHERAS: Okay. Yeah, if you don't -- we'll talking about it here, if you don't mind.

CHAIRMAN STRAIN: Okay. Thank you.

And I saw our environmentalist has come back. If Summer -- would you mind answering a question or two or provide an explanation on an issue that was brought up.

MS. ARAQUE: Summer Araque, principal environmental specialist.

CHAIRMAN STRAIN: Summer, we had a couple people, one, maybe two, indicate their understanding that this was valuable green space and their preference to leave it that way. Someone indicated that they had been told it was a preserve, and they realized it wasn't after that happened.

I would just like a clear understanding from your department. You-all signed off on the plan in front of us from an environmental perspective. In your review environmentally, did you see anything that would have caused this property to be looked at differently than any other agricultural potential development property we have in Collier County from an environmental aspect?

MS. ARAQUE: No.

CHAIRMAN STRAIN: Okay. So the amount of preserve they've got aside is equivalent to what anybody else would be required to do?

MS. ARAQUE: Yes.

CHAIRMAN STRAIN: And you didn't see any areas in there that were special habitat areas or anything like that that required special attention?

MS. ARAQUE: I can confirm with the environmental reviewer, but to my knowledge, no.

CHAIRMAN STRAIN: Okay. I just wanted to make sure we understood that, because a lot of times -- this happens a lot, and across the county, and everybody thinks they lives -- and if there's a forest there, it's a preserve. That's not necessarily true.

So that's all I've got. Anybody else have anything?

MS. ARAQUE: And then I have some points if you want me to do that later.

CHAIRMAN STRAIN: Sure. No, let's do it right now.

MS. ARAQUE: Okay. So just kind of going back over some of the things that were said, it seems

like the applicant may not be clear onto whether or not they're putting the fence on the western side of the property, which would be here.

CHAIRMAN STRAIN: They're putting it in the 20-foot -- the 25-foot area -- or the 20-foot area that remains in the preserve setback area between the house lot line --

MS. ARAQUE: Okay.

CHAIRMAN STRAIN: -- and the preserve lot line.

MS. ARAQUE: So on the development side. Okay.

CHAIRMAN STRAIN: Right, on the development side. That's what I understand; that's the way it should be written up.

MS. ARAQUE: Okay. I just wanted to make sure that was clear.

MS. DeJOHN: Correct.

MS. ARAQUE: The accessory uses, we'll work with them on the language on that.

And under 5.8 you wanted some language. Actually, we would recommend a buffer section. That's what we've been doing in the last few months is instead of it going in environmental because it's technically a buffer requirement --

CHAIRMAN STRAIN: Right.

MS. ARAQUE: -- that those commitments go into a buffer section which may require a new section for this PUD.

And, also, if this is single-family, then that changes the buffer requirement, but I think that the applicant may be just committing to a higher buffer requirement. I just wanted to put that on the record; is that correct?

MS. DeJOHN: Yes.

CHAIRMAN STRAIN: I think it's been in design as --

MS. ARAQUE: They're providing a -- they're providing a Type B. The requirement would be a Type A.

CHAIRMAN STRAIN: Right.

MS. ARAQUE: Yeah, okay.

And in regards to the planting suggestion in the preserve, the code does say that the plantings need to mimic the natural plant community in that area. So I just want to put that on the record. And it shall not be maintained as landscaping.

And I think that that's it. Am I forgetting anything?

(No response.)

MS. ARAQUE: Okay.

CHAIRMAN STRAIN: Okay. I made the notes. Thank you.

MS. ARAQUE: Thank you.

COMMISSIONER CHRZANOWSKI: Mark?

Summer, so I understand it, we have two preserves, one against the other, and a fence is not going down between them so that the preserve is one piece, right?

MS. ARAQUE: My understanding is the fence is going on the development side as shown on the cross-section.

COMMISSIONER CHRZANOWSKI: Okay. Is there a fence on the other side?

CHAIRMAN STRAIN: No. Well, unless the -- unless Naples -- Reflection Lakes has one, but they don't have one on this property.

COMMISSIONER CHRZANOWSKI: They do have one. Okay.

And this is just an observation. If it were me, I would not want a fence on their side of the preserve because you can't -- you can't see somebody go over that fence, and they can sneak through the preserve. If what you're after is security, I would want the fence on my side so that they come through the preserve and then you see them coming over the fence. But that's just me. You know, I'm basically paranoid.

MS. ARAQUE: So, I mean, since we're talking about that just --

COMMISSIONER FRYER: They're really after you.

MS. ARAQUE: Since we are talking about that, to put that on the record, if that were the choice and

that's what is done, then no vegetation can be removed from the Regal Acres preserve in order to install that fence. The fence would have to go on the property boundary, which is also the preserve boundary, not into the preserve at all, and no vegetation would be able to be removed because in this case they're providing the minimum requirement. So they don't have any wiggle room.

COMMISSIONER CHRZANOWSKI: It was just an observation. Thank you.

MS. ARAQUE: Yep.

CHAIRMAN STRAIN: Okay. Thank you. I have -- like some explanation on Greenway Road from whoever in transportation would like to address the issue.

There was a case in front of this Planning Commission a few years back involving the widening of Greenway and improvements because of the amount of dump trucks that were going to be coming out of Naples Reserve. And I had gone out there at that time and taken a look, and there was no sidewalks, and their street was narrow. It's just like the streets where I live in the Estates. And the swales on each side are pretty extensive. It was not necessarily that safe.

I thought those improvements were made. I think we heard today they weren't. So maybe we can get a status of a safety level for families of the magnitude that are going to be on this site in that location traveling up and down Greenway.

MS. SCOTT: For the record, Trinity Scott, Transportation Planning manager. I was not sworn in this morning, so if I could get sworn in.

CHAIRMAN STRAIN: Well, we can take care of that.

(The speaker was duly sworn and indicated in the affirmative.)

MS. SCOTT: According to the Naples Reserve Planned Unit Development -- and the roadway was widened to 24-foot-wide paved and stabilized roadway. Another provision within their PUD was that within 60 days of completion of the excavation activities they had to restore and re-stripe the pavement.

They met last week with our Road Maintenance Department. They ceased excavation in July, and they met last week with our Road Maintenance Department to discuss how we would like -- how the county would like the roadway to be re-stripped. It will be re-stripped with the center line down the road.

The folks who were doing the excavation have that -- have the restoration activities out for bid right now and will be submitting a right-of-way permit shortly to get that finalized and get the roadway restored. It will be 24-foot-width pavement. It does not have sidewalks or bike lanes on the roadway, local roadway, and it will have a center line.

CHAIRMAN STRAIN: The center line's a good improvement. That will also help enforcement probably, too, because, I mean, if they're crossing that center line to pass, that's a problem.

Did they end up putting two feet on each side of the pavement as I thought we had talked about? And it's been a while, so I can't necessarily remember it all.

MS. SCOTT: I don't know if they put two feet on either side or if they just put four feet on one side.

CHAIRMAN STRAIN: Four feet on one side, okay. But they're going to re-lay the whole thing and then put stripes down it. So it will be like a brand new road.

MS. SCOTT: The commitment is they have to restore the 24-foot-wide paved area and re-stripe in accordance with our direction, which was why we had them meet with Road Maintenance.

CHAIRMAN STRAIN: How about traffic calming? Because when you put a new road in, people tend to drive it faster. And that may just aggravate the issue.

MS. SCOTT: We have a process for traffic calming. If the residents along the corridor feel that that is an issue, they can go onto our website or talk to Mike or I. There is an application process. We do go out. We collect data and go through an education and enforcement before we get to an engineering solution.

CHAIRMAN STRAIN: When the residents, you say -- can just one resident initiate that, or does it take a group of residents, or could Habitat initiate that as part of their package to proceed with this development?

MS. SCOTT: The requirements are 10 percent of the affected individuals must sign to get us to go out to do the initial data collection. And once we collect the data, if we find out that there's a speeding problem or if the volumes are higher than anticipated, that's more for cut-through traffic. They won't really have that issue here. But if the speeds are an issue, as we progress through, then they must get 50 percent of

the anticipated -- of the affected individuals to sign that they agree that we're going to continue in the process. Because it's a process that's not just county driven. It's also working with the community and kind of having them take back their streets.

CHAIRMAN STRAIN: If the Board were to consider traffic control as something they want to see, would they need to go through all that?

MS. SCOTT: The Board can tell me what they want to tell me.

CHAIRMAN STRAIN: Okay. That's what I thought.

MS. SCOTT: The Board can direct me what they want to direct.

CHAIRMAN STRAIN: Just curious.

Joe?

COMMISSIONER SCHMITT: Trinity, does that road improvement meet the requirements of a rural county road? It's going to be an urban road cross-section. It will be rural county road cross-section, and that's a typical cross-section requirement, the 24 feet?

MS. SCOTT: Twenty-four feet is fine. It does not have sidewalks on it, just from the drainage issues and so on and so forth out there, but --

COMMISSIONER SCHMITT: Okay.

MS. SCOTT: But our Road Maintenance Department was fine with --

COMMISSIONER SCHMITT: And you're saying it will be done by when?

MS. SCOTT: Hold on. Let me just pull up my email. It was out to bid now, and I believe that they were going to be putting in a right-of-way permit to hopefully try to get it started by September.

COMMISSIONER SCHMITT: And that will be the entire length of Greenway Road to 41?

MS. SCOTT: It is from the entrance to Naples Reserve out to -- or where the hauling activities were occurring, which I believe is beyond this property out to U.S. 41.

CHAIRMAN STRAIN: Okay. Thank you.

MS. SCOTT: Thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Nick, if you want an opportunity to do some closing comments and rebut any of the comments you heard and answer any of our questions, please feel free.

MR. KOULOHERAS: Thank you very much. Nick Kouloheras.

Just to let you know, Mr. Chair, I was out on Greenway Road last week. It looks like when Naples Reserve started that mining operation, if you will, they added four feet to the east side of the roadway. That has been done. No resurfacing.

Also, to let you know about the traffic calming, Habitat has already initiated that process. We've sat down with the Sheriff's Department and sat down with Mike Sawyer as well to see if there's really a need or a demand for traffic-calming measures. And if there is, we're going to continue to look through that.

But the data we received from the Sheriff's Department is that the speed on Greenway Road is 30 miles an hour. They put out one of those, you know, trailer units that clocks your speed, and the average speed over the week, around 8,000 trip counts, was 33. So the deputy was here earlier to make that statement. I don't believe he's here anymore. But that's an active -- that's an issue that we want to make sure is addressed as well because it affects us.

CHAIRMAN STRAIN: Okay. Thank you.

MR. KOULOHERAS: At this time I'd just like to call Matt back up, our property appraiser, to address one of your concerns.

CHAIRMAN STRAIN: Sure.

MR. SIMMONS: Thank you. Matt Simmons.

There was a question raised earlier about the average price per square foot within this area as it exists today, and so I just wanted to answer some of that.

Over the trailing one year, Naples Reserve has had a price per square foot of \$206. For Reflection Lakes it was \$174. Windward had a price per square foot at \$64 per square foot. And that's an average price per square foot among those communities of \$197 per square foot.

And, again, I bring that up in the context of there was discussion earlier about the expected pricing for Regal Acres 2. I think there was a reference of 185, \$200 a foot. So from a price-per-square-foot perspective, it's actually directly in line with the average of the three surrounding existing residential communities as they exist today.

CHAIRMAN STRAIN: Well, if you took the three surrounding residential communities and you took Parcel A and added their selling square foot price, you'd come out with an average. If Parcel B is built at the price points that they're talking about, would it raise that average, lower it, or keep it the same; do you know?

MR. SIMMONS: It actually, over a one-year period -- 197 a foot is where that comes out to. So it would be about even. Over a two-year period or five-year period, it would actually increase the price per square foot.

CHAIRMAN STRAIN: But that's just in the immediate area. So it's not in that general area that you were talking about on a wider scale?

MR. SIMMONS: That's correct. This is in -- directly proximate to Regal Acres among those surrounding residential communities.

CHAIRMAN STRAIN: Okay. That kind of gets me where I was trying to understand. Thank you.

MR. SIMMONS: Thank you.

CHAIRMAN STRAIN: Okay. Whoever wants to wrap up.

MR. KOULOHERAS: I guess that's me.

CHAIRMAN STRAIN: Okay.

MR. KOULOHERAS: You know, at this point in time, I just want to thank everyone up here for a long day so far but, obviously, we're here to help, you know, address a community need out there. We believe that we've done a great deal of reach-out and effort to try to help calm some of the concerns of neighbors, and we're still trying to work -- work through those and will continue to work through those.

Habitat for Humanity, myself and Lisa, as our CEO, are committed to do stuff completely different than we used to, and that's really to tighten up restrictions on the back end, that's to create new communities that are designed that have a better footprint and a better layout for not only its internal residents but also those residents external to the community.

We want to look at communities that are much more friendly for the children that are in there. We want to look at the mistakes we've made in the past -- and we've made a few mistakes in the past -- and try to address those. So we're actively trying to work through this, and that's what this community hopefully represents.

And that -- thank you very much for your time.

CHAIRMAN STRAIN: Okay. With that, anything further before we close the public hearing?

(No response.)

CHAIRMAN STRAIN: Okay. We'll close the public hearing, and we can either have discussion or entertain a motion. I've got some issues written down here, but I want to -- I don't know where this board's going, so I'm kind of waiting to see where you-all go as a group.

Any comments from you-all?

COMMISSIONER SCHMITT: I'll start with comments, and I think Ned was ready to jump in. But I have basically three comments. I do not support Deviation No. 3, and I think we've pretty much eliminated that. Have you concurred with that requirement as well?

MR. KOULOHERAS: (Nods head.)

COMMISSIONER SCHMITT: So we'd eliminate Deviation 3.

I think any approval on this -- and I'm just going to wait and hear what the discussion is, but it should be contingent upon improvements to Greenway Road. I can -- meaning improve -- approve the zoning, but it should be contingent on an SDP -- could not move forward with an SDP until the improvements to Greenway Road are completed. It sounds like that's not going to be a problem, but I think that should be an issue.

But I do have some -- still have some concerns about Manatee school. One of the problems in that part of the county is the Manatee school has such as bad reputation that nobody wants to buy property there who have school-aged children. And I'm not even talking about the demographics of the school. I'm talking

about the school itself.

I still think it's deplorable in this county for what we pay for students to go -- we are taxed per student in this county to have a school that is operating out of temporary facilities for the past almost 18 years. And I just don't think that's acceptable, and I believe there should be some requirement on the number of units or the approval of this zoning based on requirements for Manatee school to meet the concurrency without the temporary facilities.

CHAIRMAN STRAIN: I really need to ask the County Attorney's Office if that's a direction we can go because of the concurrency issues involved. Do you have any --

MR. KLATZKOW: And I appreciate, by the way, you raising this issue, because when my kids went to schools, they had trailers on the other side of the county. When they went in, we were told they were temporary, and they've never left either.

COMMISSIONER SCHMITT: Yeah.

MR. KLATZKOW: It's just -- it is what it is. That's how the school board operates. You know, when I'm thinking what you're raising, Commissioner Schmitt, it's really concurrency issue.

COMMISSIONER SCHMITT: Yep.

MR. KLATZKOW: And I don't know that the school views this as a concurrency issue, because if they had, they would have gotten rid of these trailers years ago. I mean...

COMMISSIONER SCHMITT: Well, they raise impact fees based on building permits, and those impact fees are supposed to pay for capital improvements.

MR. KLATZKOW: Yeah. Look, I couldn't agree with you from a factual standpoint any more than I do, but from a legal standpoint, it's a Comp Plan issue. And, Michael, you want to talk about that from the Comp Plan standpoint?

CHAIRMAN STRAIN: I just want to make sure if we're going to tie it to the zoning we do so in the proper manner or we don't do it because it can't be done. One way or the other.

COMMISSIONER SCHMITT: I just want to make sure. I mean, if it meets concurrency and there's nothing legally we can do, I'll punt to the Board. Let them do it.

CHAIRMAN STRAIN: They have more latitude than we do on --

MR. BOSI: Mike Bosi, Planning and Zoning board director -- or director.

It's set -- it's gone through school concurrency. Review of the school district has indicated that there is concurrency within the existing zone, and if there was not concurrency, they would look to the adjacent zone to see if there was concurrency.

So from a concurrency management standpoint, they've satisfied what's required of that. And just as a side note, the state has changed per statute school trailer facilities can be permanent facilities. Now, that's a decision a local government could make or not make, but the state had said that trailer facilities are considered permanent facilities in terms of student capacity within schools systems.

COMMISSIONER SCHMITT: Have the other two developments come in off of 41 right in front of Manatee school? There's two other developments. I believe they've already gone through zoning, but --

CHAIRMAN STRAIN: Argo Manatee, they've already got their PUD, 192 units, and they are just waiting, I assume, to get their either plat or SDPs approved.

Down on Manatee further is that complex that came in for 183 apartments. It's now being converted to 392 single-family. They're in process for re-SDP review, and there's 60 acres of Roost Road for a mix of single-family and apartments. So there's a lot of stuff coming in that area.

COMMISSIONER SCHMITT: A lot of --

CHAIRMAN STRAIN: But that kind of begs the question. If we are looking at limitations that apply here, they would start applying to all of them.

COMMISSIONER SCHMITT: Right. I mean, my concern is we've got, in that area alone, within five miles, a significant amount of development going in. I'm talking about high-density housing. And I'm not talking about Naples Reserve or Fiddler's Creek or some of the other communities. I'm talking about the ones that have been recently approved which are high density and, frankly, they're market rate but they're market rate at affordable.

MR. BOSI: Oh, and I could tell you that those other two projects that had already been through the zoning process have already received their cursory concurrency analysis.

Now, we should also recognize that concurrency is only applied at SDP or plat level, so what we've provided -- there is capacity in the system, but they haven't applied specifically yet. That's done at the actual DO level.

MR. KLATZKOW: Yeah. But apparently capacity includes trailers.

MR. BOSI: Yes, as per statute, which is allowed to.

COMMISSIONER SCHMITT: Okay.

COMMISSIONER CHRZANOWSKI: Mike, I'm glad you gave that opening remark, because I'm thinking back to some of the places where I had classes when I was growing up. And it's the quality of the teachers and not the classroom that gives you the education.

MR. EASTMAN: Mr. Chair?

CHAIRMAN STRAIN: Go ahead, sir.

MR. EASTMAN: It's the county that decides whether impact fees are raised at what rate, not the school district, so I think we need to be clear on that.

And it's also been the school board's position to be ready to accommodate development throughout the county. We've never stood in the way of accommodating development throughout the county, nor are we doing it in this case. To demand that we tie this or conditionally relate this to concurrency for school would be breaking entirely new ground.

We're ready to receive the kids that will be generated by this project. It's clear. And I think we're raising doubt where there's certainty.

CHAIRMAN STRAIN: Joe, did you have any --

COMMISSIONER SCHMITT: No, that's it.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I have question for you. Is Hacienda Lakes -- you have a facility -- you bought land there. Would that be ready to --

MR. EASTMAN: Hacienda Lakes is future elementary site that's in this particular area of the county. I don't believe it's -- in fact, I'm certain it's not in the five-year plan. But it's a school site that, when built, would provide relief to Manatee.

We can't just build a new school because we have 11 portables at an elementary school site. We're very responsible in our facilities. Our facilities are exemplary. Any outside review of our facilities -- it's one of the strongest things that the school district does.

I think we all know that with the past hurricane and the use of over 27 school sites as shelters, facilities are one of the school district's strong suits, not weak suits.

CHAIRMAN STRAIN: Thank you, Tom.

Anybody else?

Joe, did you finish?

COMMISSIONER SCHMITT: I'm done.

CHAIRMAN STRAIN: Anybody else have any comments? Ned?

COMMISSIONER FRYER: I'm really struggling over this one. I'm going to assume, perhaps without justification -- we'll see -- that single-family dwelling uses should and would be the exclusive kind of housing that would be part of this and that the permitted uses that are listed in the ordinance would be trimmed way back to accommodate -- to allow for single-family only. Otherwise, I really have a very serious issue with it. I kind of do anyway.

Also assuming that the 80 percent opacity of the preserves after one year is going to be -- is either already built in or is going to be built in to the --

CHAIRMAN STRAIN: It was added language. If this gets recommended for approval, it would be added language to the PUD.

COMMISSIONER FRYER: Okay. And I agree with those who have spoken against deviation I believe it's No. 3, the trees.

So having said all of that, my real problem and the thing that really stymies me on this has to do with

what we're supposed to be doing up here. And my attention was called, as it always is in these, to the straight rezone analysis and the PUD amendment analysis.

And I see 10.02.08, which is the straight rezone. Section 10 says, "Whether the proposed change will adversely affect property values in the adjacent area." As long as I've been involved, which isn't that terribly long, but I've never seen staff weigh in on that, rather, an answer such as the, you know, property -- market value is a subjective assessment, et cetera, et cetera, which is probably true.

In this particular presentation, I would have to take my hat off to those who arranged to supply evidence on the question of adjacent property values, because had there been no evidence forthcoming on that, I would feel more free to substitute my own personal judgment based upon what I had previously called my sense of common knowledge and common sense that really runs directly contrary.

But I don't feel as though I can substitute my judgment when some evidence has been presented to support the lack of a negative effect, and there's been no evidence offered on the other side to contradict that. So, I guess, grudgingly, perhaps, I think your presentation was effective, at least with me, on that point.

This will go to the County Commission as a -- not as a consent item. It will go --

CHAIRMAN STRAIN: Correct.

COMMISSIONER FRYER: It will go with, again, the burden on the applicant to make a presentation. And the much greater question that needs to be addressed, and, of course, should be addressed by the County Commission, which has much greater latitude to look at these kinds of things than we do and to look at policy issues, the greater question is what is happening in East Naples with respect to property values as a result of the concentration of affordable housing in relatively -- a relatively small area. That is -- that's something where evidence needs to be brought forth.

Other appraisers who have different points of view have put that in front of the County Commission, and they can make a judgment on it. But since there was no evidence other than the applicant's evidence, I don't feel like I can substitute my judgment for that.

Thank you.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Nick, I listened to you earlier, and in that same area you have 96 acres and 87 or, I'm just thinking, right in that area. So you have other big plots for this. To me, you showed pictures of single-family homes in this. So the only -- it would only be single-family that I would even consider this with. That's what you showed. That's what people are expecting.

And you still have two other huge pieces of property in the area. And things -- you're right, you have had to change because of what happens to these communities after you leave. I feel that you are trying to attempt to do that with putting an agent in there to watch this because this has to be kept up. You don't drive in the other communities and see this. The biggest thing is keeping these areas up like the other communities are kept up.

Thank you.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER HOMIAK: Yeah.

CHAIRMAN STRAIN: Karen?

COMMISSIONER HOMIAK: So we don't have to approve the density bonus of 46. We can just approve the three units per acre? I mean, that's --

CHAIRMAN STRAIN: Yeah. There can be stipulations any direction you think it's pertinent to go.

COMMISSIONER HOMIAK: Well, because for me -- I mean, there is a lot of workforce housing and low-income housing concentrated in East Naples. I've been through all of East Naples in the early -- I went through and found everything that was worth \$125,000 or less at the beginning in the 2001, '2, or something that, and there were -- not including any Habitat, there was over 17,000 homes or whatever could be afforded for that amount of money.

And then later on a few years later, somebody did it at 150,000, and it's basically the same amount. Because if you ride down, I mean, behind -- you can start at the triangle area and on each side and behind the commercial, even on the west side, there are communities in there that have been there -- I've been here for 30 years. They've been here longer than me. And they are workforce and low income.

So -- and Habitat is concentrating a lot of units in East Naples; there's no doubt. We've all looked at the map. So I don't -- I don't see adding more, but if it were single-family at three units an acre and only for moderate income, 61 percent to 80 percent, that might be something to consider.

CHAIRMAN STRAIN: Okay. As I typically do, as comments are made during the meeting, I make notes. I put points down that either the applicant has agreed to or we've asked for, and I didn't get Karen's yet because she just said it. But I'll add that, and we can discuss the notes and see which way someone wants to make a motion to go forward or not. Limit density to three and moderate pricing.

MR. SABO: Mr. Chairman?

CHAIRMAN STRAIN: Yes.

MR. KLATZKOW: If you're going to limit the density -- if you're going to get rid of the affordable housing, I don't know that you'd also say "but it has to be moderate, too."

CHAIRMAN STRAIN: Well, I'm just following -- I'm --

MR. KLATZKOW: I'm just saying.

CHAIRMAN STRAIN: Out of respect for her comments.

But you understand what he's saying, if it's --

COMMISSIONER HOMIAK: Yeah, I know.

COMMISSIONER EBERT: What did you say?

MR. KLATZKOW: If you're going to eliminate the affordable housing element of this, which is your prerogative to make that recommendation, then I don't know that you can put a conditional consideration on this that, well, you also have to sell it to moderate. At that point I'm just going straight marketplace housing.

CHAIRMAN STRAIN: It won't matter at that point. Yeah.

Well, I'll read off what I've got written down. Again, it's for discussion. And then if someone wants to make a motion -- well, first of all, we had a few changes to the language in the PUD, clarifications mostly. This would have to come back on consent if it's recommended for approval because there's too many changes to do on the fly today.

But in the -- I have 11 items that I added in addition to some of the comments in the PUD. Staff's -- support staff denial of Deviation 3. I think that's been discussed. Limit the preserve uses to that which we discussed on the record. Add the minimum width of the preserves in those two locations, one on the south and one in the narrowest point in the middle, and add that to the master plan. Add the 8-foot wall locations to the master plan or provide that separate document that you guys produced, but it has to be part of the PUD.

Staff's clarification that the buffers need to be -- I think Summer indicated, I think that was a good indication, that we need to have a landscaping subsection in the PUD describing the buffers and that that buffer exhibit needs to be attached.

That you had agreed to put a security fence in. I suggest, because you've got the deviation, do a fence wall 8-foot high, to go 8-foot high. That would help prevent a lot of very limber, younger people than me jumping over a fence, and positioned along the back of the property lines between 25 -- between the remaining 20-foot setback of the preserve, somewhere in that area there.

The product will be fee simple single-family. No multifamily or condo. The rec area needs to be moved where the hammerhead location is.

The traffic on Greenway, I'll leave it -- if this gets a recommendation of approval, I'll leave it to you to come back on consent with some consensus between you and transportation to language that could be worked out to further those traffic-calming improvements on Greenway. It's just not a matter of we'll try to do it. We need some kind of benchmark to say how it's going to get done. And then Karen added the idea to limit the density to three units per acre.

So all those are up for discussion for this board, and someone needs to make a motion, and we can go from there.

So with that in mind, does anybody want to weigh in on any of them individually, or do we have a motion? What would you like to do?

MS. ASHTON-CICKO: Can I just ask for clarification on your -- when you're referencing

single-family, since the code, by definition, includes --

CHAIRMAN STRAIN: I said fee simple.

MS. ASHTON-CICKO: -- duplexes.

CHAIRMAN STRAIN: Right. I said simple fee single-family. I thought -- because that's what they've got there now.

MS. ASHTON-CICKO: Okay. So it's detached single-family is that --

CHAIRMAN STRAIN: Well, fee simple doesn't have to be detached.

MS. ASHTON-CICKO: I know. That's why I'm asking.

CHAIRMAN STRAIN: Duplex isn't multi. So if there's -- that's why I brought it up. So if there's any clarification needed -- I know Ned originally brought it up. And it really became a discussion on how they're going -- if it's an SDP, it's multifamily. If it's a plat, it's fee simple. Fee simple, then, is single-family, even if they're connected. Just like townhouses, you could have four in a row, but they still could be fee simple, and they'd still be considered single-family.

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: Ned, do you have any -- is that -- you were the one that brought it up originally, and I think it was echoed by others, so...

COMMISSIONER FRYER: I think your list of issues that have been put on the table is comprehensive. And even though in my heart I would like to support Karen's, I think that that, perhaps, is a bit of a stretch to go back to the three dwelling units per acre.

And so I would -- I'm prepared at this time to make a motion for all of the conditions that have been put forth, with the exception of limiting the bonus units, to approve the PUDA subject to those I think it was 11 conditions. Maybe 10.

CHAIRMAN STRAIN: Ten now.

COMMISSIONER FRYER: Ten.

CHAIRMAN STRAIN: Is there a second to the motion?

COMMISSIONER SCHMITT: Well, I want to --

CHAIRMAN STRAIN: Let's make a second first. Then you go to discussion. So do you want to second for discussion?

COMMISSIONER SCHMITT: I'll second for discussion.

CHAIRMAN STRAIN: Okay. Second. And then we go into discussion, and we can go from there.

COMMISSIONER SCHMITT: My only concern is the -- this issue about single-family. And I understand single-family detached, fee simple, but what was presented at many of the meetings, what was presented today was, basically, I'll call it, artist's rendition of a single-family two-story home. I think to do anything different than that is simply not acceptable.

COMMISSIONER EBERT: That's right.

COMMISSIONER FRYER: Mr. Chairman, I would like to amend my motion, then, in line with what Commissioner Schmitt has said.

CHAIRMAN STRAIN: Okay. So we're going from single-family fee simple meaning attached or detached -- attached and possibly duplex to strictly detached single-family; is that what you're saying?

COMMISSIONER SCHMITT: Yes. What they presented today in their drawings, I thought, was their intent.

COMMISSIONER FRYER: That's my motion.

CHAIRMAN STRAIN: And I wasn't sure if that drawing reflected --

COMMISSIONER SCHMITT: It's a wonderful product, quite honestly. It really looks like a great product. And I commend Habitat for stretching the envelope and developing something that attractive as compared to what -- there's been fairly typical is the duplex or the fee-simple adjoined structure. This is a step above, and I think it's a tremendous step to create that type of community.

MR. KLATZKOW: Just for clarity, just going to the PUD itself, Commissioner Schmitt, you're saying that on the uses that are allowed in the PUD, which it's on Page 10 of the PUD, we've got C1, which is single-family detached dwelling units, and that's it.

COMMISSIONER SCHMITT: Yeah, to go with what they presented in their --

MR. KLATZKOW: So the remaining uses would be --

CHAIRMAN STRAIN: But before we settle on that --

MR. KLATZKOW: -- would be eliminated.

COMMISSIONER SCHMITT: I'm open for discussion on that, but I --

CHAIRMAN STRAIN: No, I just want a clarification. I don't know what he showed. So all I would like to see is what you showed us. Again, I remember the colors and everything; I remember what they look like. Could you put those back on? Because I wasn't sure they were -- I thought they looked like duplexes or detached -- or attached single-family. I just want to make sure we're right before we find on this.

COMMISSIONER SCHMITT: I may be wrong.

COMMISSIONER CHRZANOWSKI: And I'd like to know why Nick looked perturbed when Joe said that.

MR. KOULOHERAS: It's just a natural look I have.

CHAIRMAN STRAIN: That isn't the one. You had some close-ups. You showed a street scene with -- there you go. Now, those -- that's what we were -- that's what I think was portrayed to us. What kind of product is that?

MR. KOULOHERAS: That is a single-family two-story detached.

CHAIRMAN STRAIN: Okay. That's what I think we're describing.

MR. KOULOHERAS: Yes. And if I may.

CHAIRMAN STRAIN: Sure, go ahead.

MR. KOULOHERAS: Habitat for Humanity is committed to building this product. We've taken a lot of time, effort, and energy to lay this site out to get just that single-family detached product because we know that is preferred by community at large. However, what we're -- I'm okay with, obviously, the multifamily. We've already stated that. If this is approved and goes to the BCC for approval, if -- I'm just going to be point blank. If all of a sudden the Water Management District comes in and takes something, we get reduced on zoning and takes something, the project becomes -- just like any other developer, it becomes economically impossible to build at an affordable price point.

So we've done this trying to accomplish two things: A better design, what we feel is a better design, and affordability. And so we are committed to doing what you see.

CHAIRMAN STRAIN: Well, I think with this product at the density that you asked for, it becomes more palatable for us. Now, if you have a problem and that does change, then, basically, the concept you presented to us is going to change, and I would suggest you need to come back and talk to us about it again.

And so I would -- whatever you've got to do to get this through the agencies and keep with that product or as close to that as possible, I think you should do, is what I'm -- the read I'm getting from this board.

COMMISSIONER EBERT: This product only.

CHAIRMAN STRAIN: Right. That's what we're looking at.

MR. KOULOHERAS: I took a lot of time, actually, individually putting those plants exactly where they go on this rendering, so...

CHAIRMAN STRAIN: Well, we're going to measure every spot --

MR. KOULOHERAS: I'm sure.

CHAIRMAN STRAIN: -- and every plant.

COMMISSIONER SCHMITT: Well, this complies with a sense of place, it complies with many of the -- a lot of type of structures, and it's compatible with the surrounding neighborhoods as single-family.

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Ned?

COMMISSIONER FRYER: Point of order. Does my amended motion gain a second from the original seconder?

CHAIRMAN STRAIN: It will. We're going to get there. I'm trying to wait for Mr. Schmitt to -- he's on a roll today. So I'm giving him pause there.

So first of all, your amended motion was, as you read -- as we talked about the first 10, but instead of fee simple -- simple single-family being the only connotation, it was fee simple single-family detached only,

no multifamily or condos.

COMMISSIONER FRYER: Correct.

CHAIRMAN STRAIN: And is that a second, Mr. Schmitt? Do you second that?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN STRAIN: Okay. Now, is there any more discussion?

COMMISSIONER HOMIAK: It's going to look exactly like this?

CHAIRMAN STRAIN: Well, I mean -- again, this is the concept. It's going to be close to this --

COMMISSIONER HOMIAK: Two years from now it's going to look exact -- after it's built --

CHAIRMAN STRAIN: As close as it can to that kind of configuration.

Go ahead. Tom?

MR. EASTMAN: I just texted back to the school district to find out what the grade is for Manatee Elementary, and it's a B school.

COMMISSIONER SCHMITT: Good.

MR. EASTMAN: Yeah, it's good. Good by definition.

CHAIRMAN STRAIN: Okay. Diane, did you have something you want to add?

COMMISSIONER EBERT: Yes. If this has to change because of the water district or something, then it should come back to this board again. But, you're right, I can approve it if it's what's on -- what you've shown everybody at your meetings. That is completely different.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: This is good.

CHAIRMAN STRAIN: Any further discussion?

COMMISSIONER FRYER: One final comment. I think it's very useful for us and wise in the long run to be sure that applicants are held to the pictures that they show us, because it does create an impression and understanding in our minds that I think we have a right to rely on, so I'm glad we did that.

CHAIRMAN STRAIN: Okay. And with that is there a -- let's call for the vote. All those in favor with the alternate motion made and seconded.

You're standing up for a reason?

MS. DeJOHN: May I ask a quick question?

CHAIRMAN STRAIN: You're going to snap the -- what is that, jaws of --

MS. DeJOHN: No. I just ask for you to clarify on your list of 11 items. You said move --

CHAIRMAN STRAIN: Ten.

MS. DeJOHN: Ten. Move the rec area. I heard consider and look at the options of moving.

CHAIRMAN STRAIN: That was the discussion. In the stipulation it was move it to that hammerhead area.

MS. DeJOHN: Well, there would still have to be evaluation of what that does to the unit count.

CHAIRMAN STRAIN: Well, you better do it before consent or get -- I mean --

MS. DeJOHN: Well, why don't we come back to you with that evaluation so that you can see the pros and cons of moving --

CHAIRMAN STRAIN: Probably -- I don't know if we can make a motion today then or not.

MR. KLATZKOW: You can come back -- you make your motion. They'll come back on consent. If they say they can't do it, you'll just make a different motion.

CHAIRMAN STRAIN: Well, I think the reason for can't doing it may simply be they lose some units. That may not be a big issue with this board, so...

MS. DeJOHN: It might be safety of the children as well.

CHAIRMAN STRAIN: Okay. So what we'll do is you're going to come back on consent with a response to these 10, and we'll simply, at that point, acknowledge whether we accept the modifications of their rec area or not and, if we don't, we can say that we still stick with our stipulation to move it.

Okay. With that clarification, and that on -- the motion's made and seconded. All those in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Motion carries, 6-1 (sic). And this is going to come back for consent. We need a motion for that. Is there a motion for that?

COMMISSIONER EBERT: I make a motion that it comes back on consent.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER EBERT: Two weeks.

COMMISSIONER SCHMITT: I second.

COMMISSIONER FRYER: Question. Rather, I have a question.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: Exactly what will be before us on consent? What will be in bounds and what will be out of bounds?

CHAIRMAN STRAIN: The in bounds will be the changes that were discussed to the language that we walked through on the PUD, the additions to the PUD that need clarification for buffers and things that staff had talked about, the addition to the PUD of the exhibits that they produced showing the wall and/or the buffers, and then any articulation needed for the 10 points that we made into the PUD and, at the same time, they'll address the issue of the -- they'll address to somehow solidify their efforts to look at calming improvements on Greenway Boulevard.

And our latitude on that will be whether we accept all of that as it was the intent of this board on consent. Our motion to approve the project still stands, but we could have changes come back on consent that are unacceptable to us, and we just fall back on the language that is acceptable to us.

COMMISSIONER FRYER: I think I understand. But ordinarily when -- in my limited experience, when things come back on consent, we look to see if the language was a faithful inscription of what we thought we'd done.

CHAIRMAN STRAIN: Correct.

COMMISSIONER FRYER: But in this case the applicant is going to have the opportunity to propose rejection of one or more or all of the conditions.

CHAIRMAN STRAIN: I think they're going to try to show us their alternative that works for them, and we can just decide if that's acceptable to us or we want to stick with our original intent as strict as it is. And that seems to be what I got from the County Attorney's Office.

MR. KLATZKOW: Yeah. I mean, you get the same result if you want to continue it to the next meeting and they come back. It's the same thing.

CHAIRMAN STRAIN: Well, the only difference is the public input at the second meeting wouldn't be necessary because they --

MR. KLATZKOW: Well, if they're going to change it and somebody wants to show up --

CHAIRMAN STRAIN: Then they'd have to talk about the change, yeah.

Well --

COMMISSIONER EBERT: We can do that. We can continue it.

MR. KLATZKOW: We're just trying to get this right.

CHAIRMAN STRAIN: I am, too. That's why I don't want to mess up the process in trying to get it right. And if you're saying to come back, that all the issues we would open for discussion on consent could still include public comment but it would be limited to those?

MR. KLATZKOW: The issue that was raised by the applicant that they're having difficulty with is the hammerhead. They may not be physically able to do that.

CHAIRMAN STRAIN: Well, I think they physically can be able to do it. It's how many units they might lose if they do it.

MS. DeJOHN: And if moving the rec area is important to the Board, there may be an alternative to that hammerhead area where the rec area could move that better serves the neighborhood. We want to come

back to you and show you, this is the best solution we found for moving the rec area or not.

MR. KLATZKOW: So is it my understanding the only issue you're coming back with on consent that there's still some open debate --

MS. DeJOHN: Moving the rec area.

MR. KLATZKOW: -- with is the rec area.

CHAIRMAN STRAIN: Okay. Well, then when it comes back on consent, the only item that would be area remaining for public discussion and input would be that rec area, but that's the only debate we would have at that point.

COMMISSIONER SCHMITT: Can you put up the plat again just for clarity for everyone.

CHAIRMAN STRAIN: Master plan, I think you mean.

COMMISSIONER SCHMITT: Master plan, I'm sorry, and where the rec area will -- you're looking at moving now.

CHAIRMAN STRAIN: It's down on the south by that bottom circle. It would move up to the hammerhead right in the middle of the property. Right there.

MS. DeJOHN: Which backs up to a lake.

CHAIRMAN STRAIN: And backs up to open ag on the north side. So it's just ag fields. So there's -- I mean, actually, they're vegetated ag fields. So it's an area that is probably the least impactful to anybody around it.

COMMISSIONER SCHMITT: Is that still accessible for residents in Parcel A?

MS. DeJOHN: No. The method of getting from A to that area would be around this loop.

CHAIRMAN STRAIN: If they use a vehicle, right?

MS. DeJOHN: Or over a -- I mean, there's a lake.

COMMISSIONER SCHMITT: But you have a small rec area at the entrance of A, do you not? Yes, you do.

MS. DeJOHN: Yes.

CHAIRMAN STRAIN: I don't mind the flexibility of coming back with an alternative as long as it's centrally located away from the properties so everybody's treated fairly. Because right now you have imposed on that mobile home park. And had they still acknowledged that and not had a problem with it and still had no objection, I wouldn't have had a concern. But when that gentleman came up and said he really hadn't bought into it and he's one of the affected parties, basically, that's a concern.

Normally, we wouldn't have -- we wouldn't have -- we would always have questioned a rec area that close to another adjoining residential. Those are sensitive areas in every PUD we've reviewed on this board. So that's the basis.

If you guys can find a better location, I don't mind that flexibility coming back on consent. Is that okay with the rest of you?

COMMISSIONER FRYER: Yes. I just want to be sure I understand. I think I agree with the County Attorney, but just to be sure that I understand what he said, we are closing the door on all other issues except location of the rec area?

MR. KLATZKOW: Yes.

COMMISSIONER FRYER: Okay.

CHAIRMAN STRAIN: That's correct.

COMMISSIONER FRYER: Then that's very agreeable with me.

CHAIRMAN STRAIN: Okay. With that, there's been a motion made and seconded. And now we're into consent. A consent motion was made and seconded. Now, is the second -- next meeting in September, will that -- be the 20th of September work for you guys? Can you get this done by then?

MR. KOULOHERAS: We will do everything we can. We will get it done.

CHAIRMAN STRAIN: Okay. Because you can continue it to the 4th if you need to at that meeting, but the best is to try to get it done by that date.

COMMISSIONER SCHMITT: So it's coming back for another vote?

CHAIRMAN STRAIN: Yes, for the consent, not for this. We already voted on the project. Now we're coming back for consent. Okay. So --

COMMISSIONER FRYER: Which is going to be faithfulness of the language to what we agreed and location of recreation.

CHAIRMAN STRAIN: That's correct. All those in favor of the consent requirement, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0 (sic).

Thank you. And I do want to compliment the efforts of Habitat this time. We've had problems in the past, and I think you've tried to address them. I hope you're successful, because if your projects are starting to look like this, they'll be a little bit easier to work into our neighborhoods. So appreciate your efforts.

MR. KOULOHERAS: Thank you. Thank you.

CHAIRMAN STRAIN: ***That takes us to -- and we've -- again, we're going to be leaving at 4 today, so the next item up is PUDZ-PL20170004414. It's the Russell Square RPUD located east of Santa Barbara Boulevard approximately a quarter mile south of Davis Boulevard.

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

CHAIRMAN STRAIN: Okay. Disclosures. We'll start with Tom down at the end.

MR. EASTMAN: None.

COMMISSIONER CHRZANOWSKI: Telephone call with Rich Yovanovich.

CHAIRMAN STRAIN: Okay. Ned?

COMMISSIONER FRYER: Same disclosure.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: Okay. And I talked to the applicant and one other member of his team as well as Mr. Yovanovich, and I think Wayne was there, too, and I did have a staff meeting and went over this with them as well.

COMMISSIONER EBERT: I did speak with Mr. Green.

CHAIRMAN STRAIN: I tried to have a staff meeting with transportation staff, but they would not cooperate at the meeting, so I don't have any input from them in that regard.

Go ahead, Karen.

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

CHAIRMAN STRAIN: Joe.

COMMISSIONER SCHMITT: I, likewise, spoke to Mr. Yovanovich about the project.

CHAIRMAN STRAIN: Okay. With that, we'll move into presentation. Wayne, it's all yours.

MR. ARNOLD: Thank you. I'm Wayne Arnold with Q. Grady Minor & Associates, certified planner. And with us today representing Neal Communities are Michael Greenberg, Jason Frost, and Dan Ciesielski. Rich Yovanovich is our land-use counsel, Tim Hall is the biologist on the project, Jim Banks prepared the traffic analysis. And any of the team members will be here to answer any questions that you might have.

After such a lengthy discussion on the other, I think I'll try to make this fairly brief, and then we can get into questions and answers. I don't -- we may have a few people here who are interested, but I hope we don't have objectors. I certainly don't anticipate any.

So the project is just under 33 acres located on Santa Barbara Boulevard just east of Santa Barbara Boulevard. It -- you know, if you read the NIM notices, there were some comments related to Cope Lane because we advertised it as sort of north of the extension of Cope Lane, because in the records Cope Lane is

specified continuing east, and that was a point of contention for some of the residents that attended. So we have worked with your addressing department.

The project has been named Seychelles as -- and we would look to name the road that leads to the project that. And your addressing staff has committed that that's not an overused name, and we have the administrative ability to label it as that.

COMMISSIONER EBERT: What was that name?

MR. ARNOLD: Seychelles.

COMMISSIONER FRYER: It's not Arnold Place?

MR. ARNOLD: It couldn't be that simple, no. It doesn't have the ring to it as a nice French name.

So we're proposing 230 multifamily dwelling units at this location. Access would be off that east/west extended road. Staff has asked us to extend that to what is known as Sunset Lane, which we're prepared to do.

And we had our neighborhood information meeting. There were some residents west of Cope Lane that attended. There were concerns over the street name; there were also several questions about drainage. We've been working with your stormwater staff. There is a stormwater pipe, and our engineer can answer the questions. I think I left out Mike Herrera from my office, actually, that's also on the team who's in attendance.

But the county has designated where we would be crossing Santa Barbara Boulevard to get into the LASIP canal that runs on the west side of Santa Barbara Boulevard, and that location is, essentially, just north of the retention pond that the county dug for the improvements for Santa Barbara Boulevard.

So we will be discharging there. We have a low discharge rate. We're also being reviewed and approved through the Water Management District. So we feel very comfortable that what we're doing has no impact on the residents west of Santa Barbara Boulevard.

I'm going to put up the master plan.

MR. SABO: I'm pushing the button. I swear.

MR. ARNOLD: Do you need to do it on the screen? Is there a way to do that?

CHAIRMAN STRAIN: If you have trouble, Heidi will show you how to do it.

MR. ARNOLD: Thank you. There we go, Ray. That's perfect. Thank you.

So this is the conceptual master plan that shows the internal street alignment. We're proposing this to be a gated community. It terminates in a cul-de-sac on the northern portion of the property, and then we'll have development around our water management lakes and adjacent to the preserves.

There were deviations that have been supported by staff. They relate to some wall height along Santa Barbara Boulevard. We have two currently disconnected preserves. Staff has requested that we seek deviations where we don't have connected preserves on site. They don't naturally occur as connected preserves, so we've asked for that deviation, and they've supported it.

Other deviations have related to signage. We, obviously, don't have our access point on Santa Barbara Boulevard, so we have asked for signage along Santa Barbara as well as at our entrance that will be off of the new extended roadway east of Santa Barbara Boulevard.

We also have asked for a deviation on the northern buffer because your code technically would require us to potentially have a buffer adjacent to a preserve because we have a residential component of the Taormina Reserve project north of us, but it exceeds 800 feet from us through preserve, our preserve, so we don't feel that having an extra buffer between two preserves makes a lot of sense. So that's why we've asked for that, and staff has supported that.

We asked for one deviation on sidewalks, and that's located on the extreme eastern side of the southeastern portion of the property.

Sort of in that location. That area has a single-loaded side of the street. We didn't feel it necessary to construct a sidewalk that nobody would be walking on for that are short segment of roadway, and staff has suggested support of that.

The only real bone of contention for the entire project has been your transportation staff's recommendation that's on Page 7 of your staff report. They've cited an LDC provision, 4.07.02.1.4, and suggested that we need to add a condition and a commitment on our -- in the PUD and then an

interconnection to the north and to Taormina Reserve, and part of their analysis goes on to cite that the Taormina Reserve project has a commitment. And they're correct; it does have a commitment.

I'm going to put that on the visualizer. This is language from the Taormina project. But the distinction here is that the county had an obligation and five years in which to obtain public access rights across this project that we're talking about today.

The county did not obtain those public access rights in that time period and, in fact, the only easement that exists is, essentially, a driveway easement that serves the two homes that exist on this property. There's no public access right. There's no public road across this property.

And we believe it's not feasible, as expressed in that LDC provision, to make this connection. It doesn't enhance the capacity of your Santa Barbara roadway. There's a pedestrian pathway along Santa Barbara Boulevard leading to the north and to the south. There's really no benefit to the community and certainly not to this community that is intended to be gated to provide a full interconnection to a project that has over 200,000 square feet of commercial approved for it and several hundred residential developments.

And, further, I don't really believe that commitment says what it is. If you take that literally, I shouldn't be taking the Taormina traffic through a residential community, and it doesn't connect into a series of connected streets.

Mr. Greenberg, very familiar with the neighborhood. They developed Avalon. They're under construction with Marquesa on County Barn Road. And they know the community well. And Mr. Greenberg was driving the area and kind of created this Google map, and I think it really represents what's going on out there.

You have a series of unpaved roads, which are shown in blue; you have a series of paved roads, which are shown in pink, but none of those roads connect south or north to anything, and there's no chance for those to connect to the south that would take you to Rattlesnake Hammock Road.

So we don't understand the significance of trying to provide an interconnect when I don't know how many dozens of projects that I've represented before your planning commission, but I've never seen staff take a position that we need and are required to interconnect our project, and especially in this particular situation.

There's no continuation of a street system. There's private easements. So what they're asking us to do serves absolutely no purpose, in my opinion. And we would hope that the Planning Commission would agree with us and not impose that condition on this project. It makes a very nonfeasible project if you're Neal Communities looking at their success of their other two projects in the area which is gated community. It's a major selling factor for those communities.

So, Mr. Strain, I know you had a few other minor comments on the PUD. I'm assuming you're going to go page by page. I won't try to get into those at the moment.

CHAIRMAN STRAIN: Well, I don't think anything I have is minor, Wayne. I wouldn't waste your time with that.

But, anyway, we're going to go as we normally do, and my few comments will be picked up with the others. And I'll turn to the Planning Commissioners first to see if there's any questions of the applicant at this time.

And, Ned, go ahead.

COMMISSIONER FRYER: Thank you. First of all, I'm inclined to agree with you on the interconnection issue. I don't think it should be a necessary requirement in the case of this project.

Next, I want to just be sure to verify some things on the record that resulted from my phone conversation with Mr. Yovanovich. The first one had to do with -- for some reason I perceived a lack of clarity on actual and zoned height, but I believe it is intended to be zoned 35, actual 45.

MR. YOVANOVICH: Correct.

COMMISSIONER FRYER: Okay. And so you've done Avalon already, which is an eight-plex, four units on each of two stories. That would probably fill in your 45 feet pretty closely, but whatever configure -- and I know you currently plan to go with the Avalon kind of a --

MR. YOVANOVICH: Correct.

COMMISSIONER FRYER: -- look, but in any event you'd be constrained by the 35/45?

MR. YOVANOVICH: Yes, sir.

Do I need to identify myself for the record? Rich Yovanovich.

CHAIRMAN STRAIN: I bet you she knows who you are.

COMMISSIONER FRYER: Yeah.

COMMISSIONER EBERT: He was sworn in?

MR. YOVANOVICH: Yeah, I was sworn in.

COMMISSIONER FRYER: Okay. The issue -- the folks who spoke at the NIM were almost all, maybe all residents of Cope Lane. And one of the issues, primary issue that they raised had to do with water. I understand there are three lakes and there's going to be regulation of how the water is to be released, and an expectation, certainly a hope, that the resulting release of water will be less than it is now where it's completely uncontrolled.

But I just want to throw up some questions here and be sure that this has been thought through and that it is really reasonable to expect that the water flow west over to Cope Lane will more than likely be less, and that is, you're going to -- any project is going to create more impervious surfaces than pervious ones. So there's less capability of water to be absorbed by the ground. And I believe it's also the developer's plan to route the water west under Santa Barbara.

So the water that is discharged, I realize the discharge is going to be regulated, but it seems to me there's going to be quite a bit more water subject to regulation versus less water that is right now wide open not subject to regulation.

Could you comment on that?

MR. HERRERA: Yes. For the record, Michael Herrera, civil engineer.

COMMISSIONER FRYER: Can't hear you, sir.

MR. HERRERA: Sorry. For the record, Michael Herrera, civil engineer on the project, with Grady Minor.

Yeah, currently the site has unregulated discharge, so water's free to, as soon as it lands on property, to discharge off site without any form of water quality. And post conditions were governed by the South Florida Water Management District which -- in Collier County in terms of the allowable discharge rate for this basin. So -- and post condition, we are regulated in the amount of discharge rate and will be providing the required water quality.

COMMISSIONER FRYER: Do you happen to have a measurement of current water discharge over to the Cope Road area?

MR. HERRERA: No, not with me today, sir.

COMMISSIONER FRYER: Is it really more than just speculation that the water discharge will be less?

MR. HERRERA: The water discharge would be less than the post --

COMMISSIONER FRYER: Yeah. But we don't know what it is now.

MR. HERRERA: No, but it's -- two applications have been submitted through Collier County for SDP approval. I just don't have those with me at this time. The calculations have been conducted.

COMMISSIONER SCHMITT: But you did forward all your calculations to the Water Management District as well.

MR. HERRERA: We actually have a South Florida Water Management permit in hand.

COMMISSIONER SCHMITT: Oh. You do already, already approved.

MR. HERRERA: Yes.

COMMISSIONER CHRZANOWSKI: Could I say something?

COMMISSIONER FRYER: Of course.

COMMISSIONER CHRZANOWSKI: There's no way to judge the discharge off this site because it doesn't have a berm and it doesn't have a discharge structure, right?

MR. HERRERA: Correct.

COMMISSIONER CHRZANOWSKI: You couldn't just -- there's no way to measure it, right?

MR. HERRERA: That's correct. It's --

COMMISSIONER CHRZANOWSKI: So it's like a presumptive criteria. You're presuming that for the certain shape of the site you're going to have a certain discharge for a certain area.

MR. HERRERA: Correct.

CHAIRMAN STRAIN: You sure you aren't calculating a stormwater management fee? I mean, if the site doesn't have any need for it, then that's the reason to have it.

COMMISSIONER CHRZANOWSKI: I'll be home drinking wine when that happens, watching it on TV laughing. Well, not laughing, but probably just drinking wine.

But that's -- to answer Ned's comment, it's the way all these things are designed. It's all presumptive up front, and after it's designed, then you can measure the discharge. But there's just no way to do it up front.

COMMISSIONER FRYER: I understand that limitation.

Currently the only -- the only limitation -- the only direction that comes to the water that's flowing off the current property is the slope of the land, I assume.

MR. HERRERA: That's correct. And depending on the land, there could be multiple points of discharge.

COMMISSIONER FRYER: Absolutely. But -- and correct me if I'm wrong on this, because I think this is important. The way I read the responses in the NIM, the developer's plan to route the water -- and I assume that means route all the water -- west under Santa Barbara.

MR. HERRERA: That's correct. West under Santa Barbara at a regulated rate.

COMMISSIONER FRYER: Regulated rate. But, of course, we don't have any point to measure that against to identify whether the folks on Cope are going to get more or less water.

MR. HERRERA: Correct. But when we develop the property, Collier County has a basin study that allocates a certain allowable discharge per acreage for development, so...

COMMISSIONER FRYER: But from the standpoint of -- and I understand that, and that's a good thing that we have that. But from the residents' viewpoint, we can't really say that they can expect less water as a result of this, can we?

MR. HERRERA: We didn't conduct the full study of the existing topography of where it goes. Eventually that water does go southerly. Where the location as it -- where it enters into the Santa Barbara system, that water does get there, but at what location.

COMMISSIONER FRYER: Okay. Well, I won't belabor that any further.

Again, confirming my conversation with Mr. Yovanovich, this is going to be a gated community, correct?

MR. YOVANOVICH: Yes, sir. It's going to be a gated community, which is really what Collier County has developed as, and that's the market for Collier County and the reason why Collier County commands the prices it gets today, and that's what makes Collier County special. And why we would want to break a system that works so well, I don't know.

COMMISSIONER FRYER: Well, I agree with your point. I was just tying it into the fact that as a gated community, even less reason why there should be points of interconnect, it seems to me.

MR. YOVANOVICH: And, obviously, we agree with that, that there's no reason to provide for interconnection when we're not -- there's not a traffic concern on Santa Barbara. And Jim Banks can get into that. But that's what we talked about. There's no real reason, based upon the criteria, to force an interconnection between this project and an activity center through another residential community before we get to the activity center.

COMMISSIONER FRYER: That's all I have, Mr. Chairman.

CHAIRMAN STRAIN: Thank you. Anybody else?

COMMISSIONER EBERT: Yes, Richard.

CHAIRMAN STRAIN: I'll get to you. Okay.

COMMISSIONER EBERT: Richard, then it's in the Land Development Code that you do interconnect and everything?

CHAIRMAN STRAIN: No.

COMMISSIONER EBERT: Am I correct?

MR. YOVANOVICH: No.

COMMISSIONER EBERT: If there is -- well, I remember another project which is on Livingston where they're supposed to interconnect, and that never happened either. They cut it off so you couldn't -- so

you had two things going in.

This county has got to come up with a plan, which is fine, but you're fighting transportation all the time, because it talks about interconnect. It has to be taken in front of the BCC then and kind of get it straightened out. If we're going to -- that we take away all interconnects.

MR. YOVANOVICH: Well, I'm not advocating that you take away all interconnects. I'm saying in this particular situation on this particular piece of property, based upon the language that's in both your Comprehensive Plan and in your Land Development Code, it talks about, wherever feasible, and it delegates to the Land Development Code the determination of feasibility.

And we believe, under the reading of your Land Development Code, that we are not -- it is not feasible. And it also talks about -- it talks about -- I'll put the exact language up, but I'm going to probably have trouble reading it from that far away.

CHAIRMAN STRAIN: Is it 4.07.02.J.4?

MR. YOVANOVICH: Yes, sir.

CHAIRMAN STRAIN: I'll read the language that you're probably referring to. It's called --

MR. YOVANOVICH: I was getting ready to read it.

CHAIRMAN STRAIN: Yeah. Interconnection of local streets shall be designed to discourage through traffic and not adversely impact local streets and neighboring residential areas.

MR. YOVANOVICH: So when we talk about what's the purpose of interconnection, it isn't to funnel all kinds of traffic through a local small neighborhood. Actually, what they're suggesting, in my opinion, is contrary to the Land Development Code reading the language. And it also talks about us when you're looking at -- you're supposed to look at existing traffic patterns, you're supposed to be looking at the transportation network needs, and then they have these words, which I don't know what they mean, "or the like."

So it isn't a pure and simple thou shalt always interconnect. You look at the individual circumstances. And the interpretation I've got -- and believe me, I've had some discussions with your staff about this. When you define feasible from the county's perspective, it's always feasible, because it's just a matter of money, and who cares about the impact upon the development that you're about to develop. It's always feasible from the county's perspective.

Now, if you want to have a narrow definition of feasibility, that would be fine, but that is not what your Land Development Code talks about and, in fact, it specifically says, interconnection of local streets shall be designed to discourage through traffic. And they want to put through traffic through this project. So I think that they are incorrect in the reading of their language.

There are circumstances in master planned communities where we have the proper street network where we can accommodate interconnections. This is not the circumstance where we can accommodate that, and we don't think we're contrary to the Land Development Code or the Growth Management Plan. There are appropriate times to interconnect. This is not one of them based upon the location of the project.

CHAIRMAN STRAIN: Okay. Anybody else?

Joe? Then, Stan, did you have some questions?

COMMISSIONER SCHMITT: Let Stan.

CHAIRMAN STRAIN: You had raised your hand before Diane.

COMMISSIONER CHRZANOWSKI: Yeah. Two things. Can you think of a project where there's an interconnection that doesn't allow through traffic?

CHAIRMAN STRAIN: Pebblebrooke.

MR. YOVANOVICH: Where it doesn't allow through traffic?

COMMISSIONER CHRZANOWSKI: Doesn't allow through traffic, yeah.

MR. YOVANOVICH: Yeah, your community, Lakeside. We're about to build an interconnect.

COMMISSIONER CHRZANOWSKI: And there will be through traffic?

MR. YOVANOVICH: Give you an ability to come through -- you're not going through the development. You're going through a separate local road where developments are separated through. So you're not -- it's not coming through a neighborhood. It is allowing the connection of Lakeside to Orange Blossom through a local street that's not going through the middle of a neighborhood.

COMMISSIONER CHRZANOWSKI: Okay. So that's -- okay.

CHAIRMAN STRAIN: Well, and Pebblebrooke has also an interconnection to that commercial piece, and that's the logical way interconnections apply. The people in Pebblebrooke get to use that access.

COMMISSIONER CHRZANOWSKI: But it's not through a residential.

CHAIRMAN STRAIN: No.

MR. YOVANOVICH: It's not through the residential neighborhood. Now, it's easy to do when you have larger-scale projects that have commercial as part of them to provide for the interconnectability, and I believe that provision was really intended for your bigger communities, not a small 32-acre multifamily project that, you know, wants to have the security that every other community in Collier County has.

COMMISSIONER CHRZANOWSKI: I was trying to think of one that went through a residential neighborhood that wasn't through traffic.

MR. YOVANOVICH: I can't think of one -- well, I can't think of one where we forced this type of traffic through a residential neighborhood.

COMMISSIONER FRYER: Maybe a mixed-use residential.

COMMISSIONER CHRZANOWSKI: And the second thing, for Mike, how did you decide -- who decided which way you're going to send the water off this project? Did you?

MR. HERRERA: Collier County staff directed us to where the discharge location would be.

COMMISSIONER CHRZANOWSKI: Okay. Thank you.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: Two issues. First issue, I agree with Ned; I don't support the interconnect on this project. It's a residential community, and it's supposed to be designed as a residential community with some sense of security, as secure as that would be. But I don't agree with it in this case, unless it's an interconnect to some kind of commercial site to the north, which I don't believe it is.

I have a second question in regards to Deviation No. 8. I am absolutely puzzled by staff's recommendation. The deviation appears reasonable, but the deviation -- what's it -- let me get my glasses on again. Deviation request presumes there will be ample parking for the amenity area. So I guess staff is saying we agree, but we really don't agree, but you make a decision because we really don't know what to say.

CHAIRMAN STRAIN: Well -- and then staff, I think, is going to revise that. We talked about that yesterday, Joe. Good point.

COMMISSIONER SCHMITT: So we have done this numerous times in several other communities where it's walkable to some kind of an amenity. I really don't see a problem with this deviation unless somebody can't walk 300 feet or whatever the distance was going to be.

So I guess if it appears reasonable, I support it because it appears reasonable to me. Even though staff doesn't want to make a commitment, I'll make a commitment and say I agree.

CHAIRMAN STRAIN: I told you.

COMMISSIONER SCHMITT: Got you again.

MR. SABO: I have strong beliefs.

CHAIRMAN STRAIN: I told you. Anybody else have any questions of staff, I mean, of the applicant? I do have a couple. And I asked our staff architect to be here today because of Deviation No. 7. After I met with you-all, I expressed the concerns you had over another project to Peter, who's been on staff reviewing architectural, and he was of the opinion that I believe at the time that residential doesn't come under the architectural code; therefore, you don't have that issue, although this does happen to appear to the residential amenity centers.

So, Peter, can you explain to us if this is needed or not.

MR. SHAWINSKY: Good afternoon. For the record, Peter Shawinsky, county architect.

And, yes, to classify your question, the architectural LDC standards apply when an amenity is within 300 feet of a residentially zoned area or an arterial or collector road. And from looking at the map that was presented here, it appears that that would be the case where they're indicating this amenity center to exist.

Now, two things: When I review residential communities such as this, if the amenity building is further within the development and it exceeds that dimension, then there's no architectural review on it. It's

only in cases like this where the building is within those dimensions.

Now, the proposed -- the justification for their deviation by proposing a 12-foot wall along I believe it's Davis Boulevard -- no, I'm sorry -- Santa Barbara Boulevard, in lieu of providing additional architectural features on the building, which the Land Development Code would require for primary facades, again, facing right-of-ways, precedent has been set with other projects in the area where we've allowed walls of that nature to be put up where you're not going to have direct visual impact of a building behind that wall.

I'm sure with the type of community that Neal is proposing here, we're not going to have any kind of design issues with the facility.

So it's of my opinion that that 12-foot wall would be adequate and serve the purpose for adding any additional embellishments to that building because of its proximity.

CHAIRMAN STRAIN: And so you would not require them, if they made that argument when the documents came in, then, to use those architectural embellishments because of the 12-foot wall. So the deviation, then, is not needed. Is that what it boils down to?

MR. SHAWINSKY: No. The deviation is required because -- well, let me step back for a moment.

CHAIRMAN STRAIN: Because you just said other ones were done and allowed with the 12-foot wall, and did they all have deviations, too?

MR. SHAWINSKY: Yes. One was a commercial property, and they went through the alternate architectural process.

CHAIRMAN STRAIN: Well, they didn't come before this board in the PUD for a deviation.

MR. SHAWINSKY: That's correct.

CHAIRMAN STRAIN: That's the piece I'm worried about.

MR. SHAWINSKY: That's correct.

CHAIRMAN STRAIN: So they could go through an alternative architectural process to get this resolved that wouldn't require a deviation to their PUD?

MR. SHAWINSKY: That is correct.

CHAIRMAN STRAIN: Okay.

MR. SHAWINSKY: But because they're asking for it in the PUD, that's another way of accomplishing that same fact.

CHAIRMAN STRAIN: But the only difference is in this case this will become a standard now for a deviation for similar applications every time a PUD comes in. That's my only concern with starting a new deviation. Basically, you're saying it's not really needed. They have an alternative architectural design basis in which to apply for this. I'm just wondering why the concern is on behalf of their client that they have to do it this way.

I do not like opening up ourselves to more deviations. We've gotten a plethora of those now. And I'd just as soon, if you've got another alternative, that's the route to go.

So go ahead.

MR. ARNOLD: May I?

CHAIRMAN STRAIN: Yeah, please.

MR. ARNOLD: Wayne Arnold. For our client's sake, we would like the certainty that we actually obtain the deviation before we start the design process. We'd hate to get through the design of a building to find out that staff is not going to support a deviation which would then require and necessitate other design changes to the building.

It really is one of -- the orientation of the primary facade, if you will, is internal to the community, so as a resident would drive into the amenity center or walk to the amenity center, and this becomes one of where do you put your service aspect and some electrical equipment or air-conditioning equipment.

We don't want to be forced to put it in front of the building, and we believe that with the wall that we're proposing, a six-lane road, and part of a preserve that tucks in by that, we think the deviation should be accepted.

I think staff's not not supportive of the deviation. I think we, for the client's sake, want the certainty that you support it and we have the deviation.

CHAIRMAN STRAIN: Okay. Thank you.

Peter, I appreciate you being here today. Thank you.

MR. SHAWINSKY: Thank you.

CHAIRMAN STRAIN: I like your clarifications.

Further on, I -- let me see what else I have. There's not much on this one. I had the same concern, and James is going to clean it up on the one that Joe pointed out.

And that's the only issues I have, so -- and I'm certainly in agreement the -- it's been a long-standing basis of this Planning Commission we haven't -- the interconnections on projects like this have not been necessary, and I see no reason to change that position. So I agree with the rest of the Planning Commission on that so far.

I have nothing else. Anybody else have any questions of the applicant?

MR. YOVANOVICH: Mr. Strain.

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: Did you have any comments on the PUD document itself? I remember talking, I think it was yesterday, on Exhibit B, which was the Development Standards Table. We were going to -- you would like us to add a footnote about the LME. The landscape maintenance easements and the landscape buffer easements shall be separate tracts.

CHAIRMAN STRAIN: I found where that was already included.

MR. YOVANOVICH: It's already in there. Okay.

CHAIRMAN STRAIN: So, yeah.

MR. YOVANOVICH: I wanted to make sure I --

CHAIRMAN STRAIN: We're good with that. Thank you for reminding me, but I did find where --

MR. YOVANOVICH: You found it, okay.

CHAIRMAN STRAIN: And the only other thing there was -- I think that was it.

MR. YOVANOVICH: I think that was it, Mr. Strain.

CHAIRMAN STRAIN: Yeah, that was all that we had left. I think everything else I understood.

MR. YOVANOVICH: I wanted to make sure we didn't miss something.

CHAIRMAN STRAIN: And with that, we'll move to staff report. Go ahead, James.

MR. SABO: For the record, James Sabo, principal planner.

All right. So I am relenting on Deviation No. 8, and you can put that -- put a period after the "deviation appears reasonable" and disregard the remainder of the sentence.

CHAIRMAN STRAIN: Thank you, James.

MR. SABO: All right. So the recommendation is approval; however, it does contain the interconnection condition.

CHAIRMAN STRAIN: Right. And --

MR. SABO: And you'll talk about that, I'm sure.

CHAIRMAN STRAIN: -- we can handle that when we make stipulations. So that's -- okay. Anybody else have any questions of James before we go to Thaddeus?

Okay. Thaddeus, it's all yours.

MR. COHEN: Good afternoon. Thaddeus Cohen, department head, Growth Management.

It looks like we have a heavy lift today talking about interconnections. And what I'm going to do is kind of talk about the broad aspect of it. What I've heard here is why do we do it, and I think that you're going to hear from our staff as to why we believe it's an important principle.

Why would we do it in existing neighborhoods? Because there is opportunities for us to be able to create multiple methods of people being able to get through the community.

Why would we shove it through an existing community? We don't believe that's going to be the case. We hear that this project will be gated, and I think we'll be able to show you that the fact that it may be gated does not prevent for interconnectivity.

And I think one of the larger issues that we're grappling with as a community is how it is that we have an opportunity to relieve traffic off of our major arterials. The applicant indicates that there's capacity on Santa Barbara. I think what we'll show you today is, yes, that's true, but what does that do to our overall network when we drive the traffic to the main county arterials when there is an alternative opportunity to

have interconnection within a neighborhood? And we think those things are important.

You hear oftentimes he says that, well, we have a model of development that has worked well for Collier County, and that's true. We've done an excellent job. We're a magnet for the entire nation to come here and live. But there's some tweaks that we can do, I think, to the development patterns that can help people particularly as they age or folks who are younger to be able to work more easily, to be able to get where they want to go more quickly, and to be less burdensome on our traffic network. And that's what we think interconnectivity provides for us is those opportunities for choices.

So as we walk you through the process and as the applicant has already indicated, from the county's standpoint, most of the time interconnectivity is possible. And he says, well, it's only a matter of dollars. And I think what we'll be able to show you with how people need to get around the community, that those dollars that the developer will spend is well deserved and is also well taken into consideration.

And as you look at 4.07.02.J.4, and that's a mouthful, that it says -- and I kind paraphrase here, the County Manager or designee where -- excuse me. County manager or designee, that an interconnection is not feasible or warranted due to existing development patterns, transportation network needs, or the like.

So it's very constricted as to who makes that decision as to whether or not interconnectivity is even available or whether it's feasible. And I think that as we show you, we think as the county, we'll be able to demonstrate that, yes, it is feasible, it does make sense in this existing project, and also as a principle going forward for a lot of other developments that we're working on.

And with that, I'd like to have Trinity Scott start our presentation.

CHAIRMAN STRAIN: Well, before you start presentation, we're on a difficult time frame today. We have another project. We have to leave at 4 o'clock.

MR. COHEN: Sure.

CHAIRMAN STRAIN: This is opening a door on an issue that we've discussed many times over the years. And I don't know how prolonged your -- let me finish. I don't know how prolonged your presentation is, but yesterday I met with your people. I tried to get them to talk about this, and I was told, no, we're going to discuss it today.

Now, I go to the effort for 18 years to have pre-CCPC meetings with your staff purposely to get this stuff on the table so when they have a position I can have time myself to understand it and at the same time they can understand my position.

I stated that at yesterday's meeting, and I got, "no, we'll discuss it tomorrow."

So right now I don't care what your staff's going to say at this point. There is no need for an interconnection. So we can spend the time right now going through this at the sacrifice of another project, but I think you're a day late and a dollar short as far as I'm concerned.

I gave everybody the courtesy to start this yesterday so that I could have at least understood and been prepared to do research myself. I wasn't given the respect to get that -- to get that time frame from your people.

So I'm in no mood to listen to it today. Now, if the rest of the panel wants to hear it, more power to them. But it isn't going to change my mind, so --

COMMISSIONER FRYER: I don't care to hear it.

COMMISSIONER CHRZANOWSKI: When you meet with them, what does it take for me to get in there? Is it public notification?

CHAIRMAN STRAIN: Yeah. You've got to be in this room to do it, so.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: That's why -- I meet with them to save all of us a lot of time here and so we have better answers and question here, and yesterday I couldn't get that out of them. So I'm a little disappointed. But I don't know -- I've heard from this end there's no need to for -- you guys?

COMMISSIONER SCHMITT: No. I have no -- I've already voiced my opinion. I don't think it's necessary.

CHAIRMAN STRAIN: Okay. Karen?

COMMISSIONER HOMIAK: (Shakes head.)

CHAIRMAN STRAIN: Okay. With that, I'm going to ask that we decline your presentation. If you

have anything more you want to say about it specifically, but we don't need a formal presentation on it.

COMMISSIONER CHRZANOWSKI: But I would like to hear about it some day in the future.

CHAIRMAN STRAIN: I don't mind you coming back on an agenda item. We can entertain it under new business as just a presentation by staff, but I don't think it's necessary under a time crunch we're at today, so...

MR. COHEN: Then I suspect that you'll vote on the matter then.

CHAIRMAN STRAIN: We will.

MR. COHEN: Okay.

CHAIRMAN STRAIN: Thank you.

Are there any other questions of staff?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there any members of the public here to speak, Ray?

MR. BELLOWS: No one has registered.

CHAIRMAN STRAIN: Okay. Is any member of the public here to speak who has not -- who has not registered?

Sir, you'll have to come up and be sworn in and identify yourself for the record.

MR. CHASSE: Richard Chasse.

(The speaker was duly sworn and indicated in the affirmative.)

CHAIRMAN STRAIN: Please spell your last name for the record, sir.

MR. CHASSE: C-h-a-s-s-e.

CHAIRMAN STRAIN: Thank you.

MR. CHASSE: I'm a resident on Sandy Lane, 2497. It's the last house north on Sandy Lane. And I'm just wondering what their plans are. I don't ever see any -- our property abuts the back on the west side. If you show the other satellite view --

MR. YOVANOVICH: Is that the view you wanted, sir?

CHAIRMAN STRAIN: See the yellow outline? That's the property in question. You can go to the one over there. Are you to the right or the left of those white lines?

MR. YOVANOVICH: Right there.

MR. CHASSE: Right there.

CHAIRMAN STRAIN: Okay.

MR. CHASSE: I want to know what's going to happen between our property and --

CHAIRMAN STRAIN: Wayne, do you want to show the master plan, and can you kind of point out in the master plan where the location is?

MR. ARNOLD: Thanks, James.

Yeah, I'm not sure exactly. For the record, Wayne Arnold.

I'm not sure exactly where your home aligns with our proposed project, but you can see that on the northeastern side of the property we have our water management and preserve area, and then we have our road network that provides for a residential series of dwelling units that will be facing the lake. And the area where there's a separation, in that area, those would be single loaded to the lake, and there would be no building east of the roadway.

COMMISSIONER EBERT: They're putting a wall there.

COMMISSIONER CHRZANOWSKI: Don't you have your property superimposed on an aerial somewhere?

MR. ARNOLD: I probably do have one, Stan. If you can give me a moment, I'll look in my exhibit file. I think it's in my other binder here. If you'll excuse me for one moment to get it from the back desk.

MR. YOVANOVICH: Here it is, Wayne.

MR. ARNOLD: I know that's a little difficult to see, but in the-black-and-white image --

COMMISSIONER CHRZANOWSKI: Yeah, rotate 90 degrees.

CHAIRMAN STRAIN: Yeah, there you go.

COMMISSIONER CHRZANOWSKI: There you go.

MR. ACKERMAN: So that's a superimposed image of the conceptual site plan.

CHAIRMAN STRAIN: Show where your first building is. The closest building then to that property would be right there, and that's separated by a buffer and a road system; is that correct?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: You'll have to use the microphone, sir.

MR. CHASSE: Yes. I'm trying to understand what the buffer is actually going to be. What's it going to look like? Right now there's a wooded area there between the existing property that's there now and our property.

MR. ARNOLD: The buffer that's specified on our master plan is a 15-foot-wide Type B buffer, and the B buffer is one that requires a hedge or some other opaque -- either a hedge or an opaque fence or something to that effect within the 15-foot width as well as canopy trees planted every 30 feet on center on average.

So that's a buffer that would be between multifamily and single-family typically per the Land Development Code. I know that's hard to envision, but it requires the opacity, and then it has to be maintained at minimum 6-foot in height after one year.

MR. CHASSE: Okay.

CHAIRMAN STRAIN: Okay. Did that answer your question, sir?

MR. CHASSE: Somewhat.

CHAIRMAN STRAIN: Okay. I don't know how to better answer it until the site plan's --

MR. CHASSE: It's hard to visualize. There's no pictures of it or artist conceptions of what they're trying to do.

CHAIRMAN STRAIN: And I -- we don't -- at this stage we won't have more details until they go in for their Site Development Plan, and that's a different step, so...

MR. CHASSE: Okay. Good. Thank you.

CHAIRMAN STRAIN: Thank you, sir. You might want to leave your name and address with this gentleman before you leave today, because they can keep you in the loop as to what's being built so you could comment on it.

MR. CHASSE: Great. Thank you.

CHAIRMAN STRAIN: Thank you.

And that is the only member of the public here to speak. Do you have anything you want to address, Wayne, further?

MR. ARNOLD: I don't think so, Mr. Strain.

CHAIRMAN STRAIN: Okay. We'll close the public hearing and entertain a motion. Is there a motion? And, by the way, the motion or discussion, I would suggest we not support transportation's recommendation for an interconnect due to health, safety, and welfare for -- involving that connection.

COMMISSIONER SCHMITT: I make a motion that we approve the PUD for Russell Square as presented with the amendments as discussed, that is we do not approve the interconnect for health and safety reasons and, of course, the issue on parking which we approved, which was Deviation No. --

COMMISSIONER EBERT: Eight.

COMMISSIONER SCHMITT: -- 8.

CHAIRMAN STRAIN: We approved all the deviations. That was the one we had clarified.

COMMISSIONER SCHMITT: That was the one we clarified.

CHAIRMAN STRAIN: Is there a second for the motion?

COMMISSIONER CHRZANOWSKI: I'll second.

CHAIRMAN STRAIN: Made by Stan.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0 (sic).

Well, we have one hour to finish up the next one, everybody. So let's move into the next case.

COMMISSIONER CHRZANOWSKI: Shouldn't Terri get a break?

MS. ASHTON-CICKO: Can I just clarify the vote, because it actually was 6-0 and --

(Multiple speakers speaking.)

CHAIRMAN STRAIN: Oh, Patrick's gone. I'm sorry. It was 6-0.

MS. ASHTON-CICKO: Just for clarification.

CHAIRMAN STRAIN: And, Terri, we have one more case. Do you think you can pull through it, or do you want a break?

You want a break? Well, let's take a five-minute break. We'll resume at 2:55.

(A brief recess was had.)

CHAIRMAN STRAIN: Thank you, sir. We're all back online.

COMMISSIONER EBERT: Wayne, we're through with you.

MR. ARNOLD: No, ma'am.

CHAIRMAN STRAIN: He wishes.

***The next item up is No -- Item 9E. It's PL2018000049. It's the I-75 Alligator Alley CPUD. All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

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

CHAIRMAN STRAIN: Tom, we'll start with you. Disclosures again.

MR. EASTMAN: None.

COMMISSIONER CHRZANOWSKI: Just Mr. Yovanovich again.

CHAIRMAN STRAIN: And when Ned gets back -- he had to step out for a moment. We'll get his. Diane?

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: And me, I did talk to Rich and Wayne yesterday. I'm not sure -- yeah, I'm not -- he was -- you were there. What was your name again?

MR. HOUGHTALEN: Jesse.

CHAIRMAN STRAIN: Jesse. Okay. I'm sorry, Jesse. And I had a meeting with staff. On this one I did communicate with staff. So go ahead.

COMMISSIONER HOMIAK: Mr. Yovanovich.

CHAIRMAN STRAIN: And then, Joe?

COMMISSIONER SCHMITT: I spoke to Rich Yovanovich about it.

CHAIRMAN STRAIN: Okay. Wayne, it's all yours.

MR. ARNOLD: Thank you. I'm Wayne Arnold with Q. Grady Minor & Associates, certified planner, here representing Watermark Communities who are under contract to purchase a portion of the existing I-75 Alligator Alley PUD.

Jesse Houghtalen with Watermark Communities is in the audience. We have Rich Yovanovich, our land-use counsel; Bethany Brosious with Passarella & Associates, the ecologist on the project; and Jim Banks, our traffic engineer.

So this is a fairly straightforward project. I think we're all aware of the location. It's located just west of Collier Boulevard, south of I-75, and on the north side of Davis Boulevard. It's partially developed with a hotel and two restaurants and some of the site infrastructure, and a portion of the water management system has been installed.

It permits today 265,000 square feet of office in addition to the hotel, or I'm sorry, not office, but commercial uses, I should say, in addition to the hotel. And the essence of our amendment will be to create a second optional master plan that will provide for an area where the 425 multifamily apartments could be located on the site.

This is that optional plan. It's denoted as a C/R area on this master plan. I drew the little blue arrow so you could see where probably two points of ingress and egress will be to the apartment area.

And I guess the only real twist in this from any of the discussion -- and we had no objectors at our neighborhood information meeting. In fact, it was a very short meeting. We don't really have any immediate residential neighbors to speak of. We are adjacent to the East Gateway PUD, which is under construction. We have met with the developers and owners of that project, and they've offered no objection to what we're proposing.

But the only real change from anything that's in your packet -- and, again, I apologize for the late change. But when we were meeting with Mr. Strain, the question came up is this all residential and/or is it all commercial on this tract. And we said, you know what, we think there could be an opportunity to develop some commercial on this tract.

So we crafted some language that got sent to the County Attorney's Office and staff yesterday afternoon that contemplates that if the C/R tract is developed with residential, that a limited number and type of commercial uses could be developed on that tract as well.

And I'm going to put that on the visualizer that identifies those uses. Primarily, there's an interest -- these are all uses that currently exist within the commercial areas for the PUD. So we've taken that list and identified some uses. General warehousing is one I would point out, and physical fitness facilities I would point out are a couple of uses that we think are possible uses.

The other major groups that are specified as two digit SIC groups are primarily office-type uses. And then I need to point out that where it says Group 7011 in the middle of the page and then hotels and motels, we need to remove that from the list of uses. There's currently a limitation on the number of hotel rooms. It's been achieved in the PUD, and it's not our intent to increase that number of hotel units. So I would propose to eliminate that Group 7011 and the reference to hotels and motels from this tract's ability to have that use. So that's the only change I would offer.

There was a --

CHAIRMAN STRAIN: Could you scroll that up so we can see the whole page, Wayne.

MR. ARNOLD: I'm sorry.

And subsequent to doing that discussion, the master plan that I put on the screen also has a notation that was modified that references people back to this section of the PUD.

I've underlined the language, and it's really difficult to read, so I'm going to pick it up and read it to you. It's just a simple note.

The note was amended, and it currently said maximum development is 265,000 square feet of office or retail gross leasable area and 425 multifamily residential dwelling units. So after the word "retail gross leasable area," it's now going to say "as limited by Section 4.2 of the PUD," and that's the section that I had on the visualizer.

CHAIRMAN STRAIN: That's Section 4.2.

MR. ARNOLD: That is Section 4.2. So that's where that reference on the master plan will take you back to. But that's really the change from what you've seen in your packet.

CHAIRMAN STRAIN: So if you go commercial, all the uses that are currently existing in the PUD could be used there.

MR. ARNOLD: That's correct.

CHAIRMAN STRAIN: If you put any residential on this project, then the uses drop down to this page right here.

MR. ARNOLD: That's correct.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: And we're still subject to the trip cap that's been established for the PUD.

CHAIRMAN STRAIN: Right. Is that your presentation?

MR. ARNOLD: It certainly can be. I know that there's a little bit of anxiety --

CHAIRMAN STRAIN: Well, I was told there might be people coming in at 4:00, so I --

MR. ARNOLD: Well, I certainly don't want to cut anybody short. I mean, that really -- it's a fairly simple amendment, because the essence was to add a residential component to this project. There's no

level-of-service issues.

The environmental issue that was there, there's a recreated preserve that will be established on all of our preserves area. That's one of the twists, I guess. We had a preserve requirement as an entirely all commercial project. We have an increased preservation requirement, so there's deviations related to the recreated preserve because there are already some established berms and things in that.

So that was related to that. I think staff is in full support of what we're doing here. It's going to, essentially, be 100 percent recreated preserve.

CHAIRMAN STRAIN: Okay. Joe?

COMMISSIONER SCHMITT: One question then. In regards to your preserve, how will that be impacted with the interchange improvements that's being proposed for the I-75/951? Will that encroach in any way?

MR. ARNOLD: I don't have those plans in front of me. I've seen them, but I don't believe there's any impact to this parcel. I talked to, recently, one of the appraisers working for FDOT, and he indicated that the impacts where there's required right-of-way taking will occur on the southwest and southeast quadrants of the intersection --

COMMISSIONER SCHMITT: So that --

MR. ARNOLD: -- of Davis and I-75.

COMMISSIONER SCHMITT: So that turn off of 75 onto 951, there's no -- I know there's going to be a cloverleaf at some time, but there's not -- that will not be moved further south into your preserve that you know of?

MR. ARNOLD: That's correct. I don't believe that's the intent of that.

COMMISSIONER SCHMITT: I believe that's correct as well.

CHAIRMAN STRAIN: Anybody else have any questions? Stan?

COMMISSIONER CHRZANOWSKI: I suppose I have to wait for the staff report before I move to approve?

CHAIRMAN STRAIN: I have some questions, so if you could just wait till I ask a few. And, Ned, do you have any?

COMMISSIONER FRYER: I do. I apologize for missing the first part of this. Maybe it was covered. But -- so the intensity is limited only by the traffic trip count, which I admit is a robust limitation, but I just want to be sure that that's the case.

MR. ARNOLD: That is the case.

COMMISSIONER FRYER: Okay. And the displacement factor of 83,000 square feet in relation to the 425 multiunit, I gather you backed into that from the basis of your traffic analysis.

MR. ARNOLD: That's correct. Jim Banks actually came up with that number. And while the current owners of the property are not allowing us to reduce the overall square footage for the project, the reality is, if we develop this C/R tract with residential, it will take up at least the 83,000 square feet of commercial that could not be developed elsewhere in the project which, essentially, would be three outparcels.

COMMISSIONER FRYER: Okay. The SIC codes that are referenced in the materials, I realize a lot of this presentation is carried forward from the previous presentation on permitted uses. I have the same problem that I've had before, particularly with SIC code 7299, but also at 5932. Pawn shops, I believe, are included in 5932. And in 7299, escort services, dating services, palmists, body piercing, marriage brokers, singles organizations, and tanning salons are all permitted under 7299.

Now, I doubt that anybody intends to employ those uses. And so I'm going to ask a question of the County Attorney, and I warned Heidi that I was going to raise this.

In the past I have asked for language to be included that sexually oriented goods and services, the purveyance of them is -- will be prohibited, and that is kind of a blanket way of covering a lot of some of these things.

My question for the County Attorney is, is it necessary to put that in, or is that already adequately covered in the county ordinances?

MS. ASHTON-CICKO: As you know, we have a sexually oriented business ordinance, and that

defines certain types of businesses like some of the escort services, and on some of the other PUDs, we have prohibited businesses that qualify or fall under the definition of the sexually oriented businesses. As far as the details of the locational requirements in the sexually oriented business ordinance, I don't recall them off the top of my head. I don't know if Mr. Bellows is aware of --

MR. BELLOWS: For the record, Ray Bellows. We have an ordinance that has locational standards, and it's been my experience that there are not a lot of locations that qualify. But as the County Attorney's Office has indicated, it probably would be prudent to put it in the PUD, because I don't know for sure that this wouldn't be one of those sites that could qualify.

MR. KLATZKOW: If not here, where? If you're not going to put it here, where?

MR. BELLOWS: That's true, too.

MR. KLATZKOW: I mean, if it's a lawful -- you can't prohibit what would normally else be a lawful business. You have to have them be able to go somewhere. And I understand certain neighborhoods, you know, especially if there are a lot of children in those neighborhood, you don't want these types of businesses here. But where this place is located, if not there, where?

CHAIRMAN STRAIN: Some dark corner of the industrial park.

MR. KLATZKOW: Well, that's going on anyway.

COMMISSIONER FRYER: That's my observation on that.

COMMISSIONER SCHMITT: Marijuana centers.

CHAIRMAN STRAIN: Well, I guess then, Ned, maybe the best way to leave it is let the LDC limit it to whatever extent it can. Maybe -- would that work?

COMMISSIONER FRYER: I'm okay with that.

I see that this is to be market-rate housing, not affordable, correct?

MR. YOVANOVICH: Well, it's going to be affordable to somebody, but it's not an affordable housing project.

COMMISSIONER FRYER: Okay. Thank you.

MR. YOVANOVICH: As defined by the county's definition of affordable housing.

COMMISSIONER FRYER: Thank you.

Oh, do you have a better idea of the product details yet? And this is -- Rich, this has to do with what we talked about on the telephone and what was said about before the Planning Commission you'll have more details.

MR. YOVANOVICH: And I'm going to admit my age. I forgot to ask for those details from Jesse after we talked yesterday.

Have we defined our product details yet? The answer is we don't have -- and remind me again, Mr. Fryer, about the product details. Are you talking about height, or are we talking about level of finishes?

COMMISSIONER FRYER: Yeah. On Page 1930 -- and this is in the NIM -- Wayne said, but we think staff is okay with the concept of having the residential as an option, so I guess that's the other thing. The master plan stays intact. This is an optional development plan for Watermark to do the residential.

You know, hopefully by Planning Commission we'll have a better idea of the product mix and how many buildings are going to be four-story, two-story, three-story. If that's what they end up being. And they'll probably try to land on more of an architectural style, too, as we move along.

MR. YOVANOVICH: And that brings me back. I didn't follow-up. We do not have -- our hope was to have our Site Development Plan in prior to the Planning Commission meeting where those level of details would be identified. We're not as far along in that process as we had -- as we had said at the NIM. That was our goal. We're a little bit behind where we had hoped to be.

COMMISSIONER FRYER: Okay. Understood.

MR. YOVANOVICH: I did confirm that we don't have our site plan in yet.

COMMISSIONER FRYER: Then there's a zoned height max of 55 and actual height max of 65. How many stories would that allow for?

MR. YOVANOVICH: Four stories.

COMMISSIONER FRYER: Okay. Let's see. We talked also about short-term rentals and, typically, when one thinks of long-term rentals, or other than short-term rentals, one thinks of 12 months or

more. That would be -- that would be my preference to tie that down, if we could, but perhaps we could have some conversation about that.

What would the developer be willing to do, if anything, with regard to limiting to long-term rentals and how long-term rentals would be defined?

MR. YOVANOVICH: Well, I mean -- let's put it this way. Most of the projects that have come through, I think, your floor has been seven months is the lowest you've gone for rentals. Our common plan is 12 months, but we do want to be able to be competitive with other projects. And I thought seven months has been what you would consider long-term or longer. And we certainly can agree with that.

We have no intentions, you know, for monthly rentals or anything shorter. So I think seven months has been the floor, if you will.

MR. BELLOWS: Six.

MR. YOVANOVICH: Six. Oh. I'll take six.

COMMISSIONER FRYER: No.

MR. BELLOWS: For the record, Ray Bellows. Six months.

COMMISSIONER FRYER: Let's keep talking about seven.

MR. YOVANOVICH: All right. Seven it is. We did talk about seven, because that's what I thought the floor was yesterday.

COMMISSIONER FRYER: So you'd be willing to put that in?

MR. YOVANOVICH: Yes, sir.

COMMISSIONER FRYER: Okay, good.

My last comment is just with regard to -- and this came up in our Habitat discussions how, you know, pictures are used and people are influenced by what they see on pictures, and they are led to believe that certain things are going to be a certain way, then you look at some language, and it's not to be that way. There was a fair amount of, I would call it, gratuitous puffing at the NIM, and I don't think it was to mislead. I think it was just enthusiasm on the part of the advocates.

But I think care should be taken when using expressions like nice apartments, beautiful granite countertops, nice finishes. I'm sure that that was an expression of enthusiasm and not trying to pull the wool over somebody's eyes. But, you know, we're always looking for commitments that are being made in these NIMs and so just a friendly word there.

MR. YOVANOVICH: And I appreciate that, and especially the gratuitous puffing from the old days of law school.

COMMISSIONER FRYER: Yeah, right.

MR. YOVANOVICH: I do like that phraseology.

COMMISSIONER FRYER: Old UCC, right?

MR. YOVANOVICH: I do like that.

COMMISSIONER FRYER: And I think that's all I had, Mr. Chairman.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: When I first came on this committee, we at least had the Site Development Plan. Over the years, it's getting less and less and less, and now we're just kind of getting squares. I prefer showing like Habitat for Humanity did. You have to show something; otherwise, it just -- the Site Development Plans are getting less and less each time. I would rather like to see something fit on that Site Development Plan.

CHAIRMAN STRAIN: And I think what she's referring to is master plans, not Site Development. We have never seen Site Development Plans.

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: We only see master plans.

COMMISSIONER EBERT: Master plans. You're right, Mark. It's master plan.

MR. YOVANOVICH: And I appreciate that, but it becomes -- it becomes difficult to -- there are multiple permutations that can happen as you're going through your site-fit studies that you do as a potential purchaser of the property. You might initially think you want four-story buildings, you might go down to three-story buildings, and things change. And the last thing we want to do is be locked in at either a NIM

meeting or a public hearing because we've shown one thing and then take away the flexibility.

And we think that, frankly, from a development standards standpoint, it let's people know exactly where we are. And if you prefer us to put, like, a building envelope on there or something that would show you how the development standards are, but to lock down specific buildings at this stage when you don't even know if you're going to get approval.

It's a very costly process to start this site development process for the engineering standpoint and what can fit. A lot of -- some developers are doing that, and some are saying that that risk is just too great to sink that kind of money into it.

COMMISSIONER EBERT: Yes. The developers are doing that. They just don't want to really commit. And we used to see the master plans where there was something, and now we're getting --

MR. YOVANOVICH: And the issue is, is -- and, again, it comes down to exactly what happened to Habitat; if you show a building in one specific location, how much can I move it without having to come back through this process again.

And like James, we have a fear of commitment at times, and we just want to -- we just want to hopefully show you where the development will be and give you the development standards instead of being stuck with, okay, I showed you a building in exactly this location, and then we get to argue about did I move it too far.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Anybody else? Stan.

COMMISSIONER CHRZANOWSKI: Yeah. Just for Diane's sake, I've been here a long time, and I've seen it cycle to where you get too much information, and then it's too hard to change it to where you get too little information and everybody says we don't have enough information.

COMMISSIONER EBERT: Yeah.

COMMISSIONER CHRZANOWSKI: And we're just going through another cycle of that. And I -- you know, I see both sides of it. And I prefer less information so that they don't have to come back for something minor. But hey, whatever.

CHAIRMAN STRAIN: Okay. I have a few comments. First of all, can you note in here appropriately, probably under the development standards table, that will be separately platted for LBEs and LMEs.

And the paragraph on Page 19 of the document, which is 5.3A, there's the middle of the paragraph. This is the one on the utilities where it says, "Language shall be added to the CUE instrument restricting the District's rights within the preserve to trenchless pipeline installation; e.g., horizontal directional drilling." That's an extremely costly measure to do, and I know you didn't ask for this language to be added.

But I would like to add in front of "the District's rights within the preserve," to -- for the trenchless pipe installation, "unless the pipe is installed before the plantings occur in that preserve area." That way the county has a right to save the taxpayers money. If they really need that pipe in, they can put it in before you guys plant the preserve, and then that means the mature -- the preserve can mature out without being disrupted again. If it can't and they have to do it afterwards, then it has to be jack-and-bore. Do you have a problem with that?

MR. YOVANOVICH: No, sir. We don't have a problem with that. Can I go back to the note, though, on the LME and LBEs. Can we make sure that that's under the residential development standard table? I can't -- as the contract purchaser, I'm not allowed to change anything related to the commercial.

CHAIRMAN STRAIN: I understand. Yes, that's fine. I understand.

MR. YOVANOVICH: We'll verify whether it's there or not.

CHAIRMAN STRAIN: On the uses, it was interesting when I met with you-all, I had to kind of convince you you might want to consider the commercial, and you were thinking, well, I might want to do mini warehouses. Now you've got about 150 uses. So it's changed a bit -- probably there would be several hundred uses here, because those groups are only two digits, and they all go to four, and under the fours they've got multiples. So it's quite a bit of uses.

I think most of them are okay as a mix, but the 4225 shouldn't -- general warehouses and storage, that's a heavy use. I would suggest that it change to general warehouse and storage only air-conditioned mini

warehouses.

MR. YOVANOVICH: Okay. I think we're fine with that.

CHAIRMAN STRAIN: So that's the kind of office type warehouses we see. So that change needs to be made.

And then one more on there that I was concerned about is communication services. You said, "including towers." Well, towers have a fall radius that become problematic when you put them around residential. Did you really intend to do that?

MR. YOVANOVICH: We'll have to meet whatever the code talks about.

CHAIRMAN STRAIN: Well, the problem is the code is not written for the current way they build towers, because we did have a fall radius in the code, but the new towers are self-collapsing. So they have different elements in which to deal with. And probably the person most knowledgeable about this is Mike Bosi.

I just don't want -- I want to make sure that you don't just march in there with a tower that's going to cause safety concerns to people living in the community. And, you know -- so unless we can get further input.

Mike, is there something you can help us with here? I don't have the code in front of me for towers, so I don't know what would apply here.

And, by the way, with this many uses, it would have been nice to get this ahead of time. I just didn't get a chance to see it, so...

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

When you have a PUD of over eight units per acre -- over six units per acre, which this PUD will allow for from a residential component, it will only need to be separated from the height of the tower from the boundary of any residential zoned district.

CHAIRMAN STRAIN: Okay. So that's already in the LDC as a fallback?

MR. BOSI: That's the LDC fallback. And I would think that maybe the suggestion would be -- well, the communication tower language, if there's no other alternate language that dictates how the communication tower would work within the PUD, it would fall back to the LDC and, therefore, the height of the tower would need to be --

CHAIRMAN STRAIN: As long as I know there's something there to address that issue. Okay. That's the last comment I have, so that's what -- we have possibly four stipulations or cleanup issues.

And we'll go to staff. Any -- that wraps up with presentation.

Is there a staff report?

MR. FINN: Yeah. For the record, my name is Tim Finn, principal planner.

The project is compliant with the GMP and the rezoning criteria within the LDC; therefore, staff recommends approval.

CHAIRMAN STRAIN: Okay. Anybody have any questions of staff?

(No response.)

CHAIRMAN STRAIN: We're moving right along. Is there any public speakers registered? Since no one's here -- oh, there's two people in the back, yes.

MR. BELLOWS: They're not registered.

CHAIRMAN STRAIN: Does any member of the public wish to speak on this matter?

(No response.)

CHAIRMAN STRAIN: Okay. No one's coming forward.

So with that, you, obviously, wouldn't have any rebuttal, so unless there's more to ask, I'll close the public hearing, and I'll read the four stipulations that we have.

One is that we would separately -- the tracts will be separately platted for the C/R location; that the jack-and-bore reference will be amended to indicate that it -- except if done before plantings. So if you do -- if you put the line in and direct bury before they plant the preserve, that's okay. And if you can't do it before they plant the preserve, then it's jack-and-bore.

The mini -- the reference, mini self-storage is the only use under 4225, air-conditioned mini self-storage; and the rentals will be no less than seven months.

And then we need a vote for both the EAC and the Planning Commission on this one. So we'll start with the EAC. From an environment perspective, I think it's all been addressed and answered. Are there any issues?

(No response.)

CHAIRMAN STRAIN: If not, is there a motion to approve as the EAC?

COMMISSIONER CHRZANOWSKI: I'll move to approve as the EAC with the stipulations.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: By Ned. Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Is there a motion from the Planning Commission?

COMMISSIONER CHRZANOWSKI: I'll move to approve the item with the stipulations as stated.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: By Ned. Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Rich?

MR. YOVANOVICH: Can I ask a procedural question?

CHAIRMAN STRAIN: Sure.

MR. YOVANOVICH: Now that you're done.

Did staff agree with the revision on the jack-and-bore language? Because I don't really want to get pulled off --

CHAIRMAN STRAIN: It doesn't matter. It's an option. If they don't want to do it, they don't -- if they don't want to save taxpayers money, that's fine. They don't have to do it. We can't demand them to do it. They may not be ready to put the line in within the period of time that it takes to plant the preserve.

MR. YOVANOVICH: I only did that selfishly to make sure that maybe I can stay on summary agenda since I had unanimous.

CHAIRMAN STRAIN: Well, I don't know why they would object to a possibility of finding a way to save money to get it done that way. And I did talk with Matt this morning about it. I think he's on the same page.

Aren't you, Matt?

MR. McLEAN: For the record, Matt McLean, Development Review director.

Yes, we have no issue with that proposed change today as long as, again, the -- if the -- as long as they put the pipe in ahead of the plantings, no problem doing it by direct burial; otherwise, directional bore if the plants (sic) happen to come first.

CHAIRMAN STRAIN: Okay. Thank you.

And I think that wraps it up for today. There's no new business. There's -- Ned?

COMMISSIONER FRYER: Question. What does the 20th of October look like?

COMMISSIONER EBERT: September.

CHAIRMAN STRAIN: September, you mean? This month or next month?

COMMISSIONER FRYER: September.

CHAIRMAN STRAIN: September. Two weeks from now. Well, we've got a continuance -- oh, we've got a consent for Habitat. That will be first up. And then what else do we have, Ray; do you know?

MR. BELLOWS: Not offhand. I'm trying to look it up.

CHAIRMAN STRAIN: Well, maybe he could contact you by email afterwards.

COMMISSIONER FRYER: Perfect. Thank you.

COMMISSIONER EBERT: We've got the church.

COMMISSIONER HOMIAK: Maybe we could all know.

MR. BELLOWS: I don't know what's on there.

CHAIRMAN STRAIN: He'll have to get -- he can -- Stan?

COMMISSIONER CHRZANOWSKI: Could we get an update from staff at their leisure on the latest on sea level rise and how it affects projects in Collier County?

CHAIRMAN STRAIN: I have no problem if staff can make a point to schedule that. I guess it's Mike Bosi's forte anyways. So maybe, Ray, you can get with Mike, and you guys could add it to our new business section as kind of an update from staff on sea level rise.

MR. BOSI: There probably won't be much, but we will most certainly -- we'll provide updates towards what there is.

And I was going to come give you an overview of what we currently have on for the September 20th meeting.

Grace Romanian, the small-scale GMP amendment and the conditional use is coming back based upon the change within the number of uses and things I think we all described, as well as Collier Tract 21 with a GMP amendment as well to reconfigure the activity center within Activity Center No. 2.

So you have two petitions. Both of them have -- both of them will have a GMP associated with it, and I believe there was a continuance as well. So three petitions.

CHAIRMAN STRAIN: Cleanup of Habitat and then two new conditions -- new petitions that happen to be small-scale plan amendments or regular plan amendments.

MR. BOSI: That's the agenda for the 20th.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Okay. So the 20th will take us a good part of the day to get through that much.

With that, is there any old business?

(No response.)

CHAIRMAN STRAIN: Public comment? Anybody in the public here wish to comment?

(No response.)

CHAIRMAN STRAIN: Seeing and hearing none, motion to adjourn.

COMMISSIONER EBERT: Motion to adjourn.

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: By Diane, seconded by Ned. All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.
COMMISSIONER SCHMITT: Aye.
We're out of here.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 3:25 p.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
CRYSTAL K. KINZEL, CLERK OF THE CIRCUIT COURT & COMPTROLLER

These minutes approved by the Board on 10-4-18, as presented or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF U.S. LEGAL SUPPORT, INC.,
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.