

January 17, 2019

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, January 17, 2019

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
Karl Fry
Edwin Fryer
Karen Homiak
Joseph Schmitt

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Corby Schmidt, Principal Planner
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 9 a.m. January 17th 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: Would you-all please remain standing for a moment. Joe Schmitt was our previous developmental services administrator, and he worked with a lady who just passed away.

Joe?

COMMISSIONER SCHMITT: Yeah. I'd just like to take a moment of silence to recognize an employee who was with us for 15 years, just the consummate professional planner. Unfortunate circumstances, she passed away this past week, Kay Deselem. And, unfortunately, again, I will not be able to attend the ceremonies. I have to head out of town after the meeting, but I'd just like to take some time and each of us can, in our own way, take a moment of silence for Kay Deselem. Thank you.

(A moment of silence was taken.)

COMMISSIONER SCHMITT: Again, thank you very much.

CHAIRMAN STRAIN: Thank you, Joe.

With that, we'll move to roll call by the secretary.

COMMISSIONER FRYER: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER FRYER: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER FRYER: Mr. Fry?

COMMISSIONER FRY: Here.

COMMISSIONER FRYER: I'm here.

Chairman Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER FRYER: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRYER: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER FRYER: Mr. Dearborn?

COMMISSIONER DEARBORN: Present.

COMMISSIONER FRYER: Mr. Chairman, we have a quorum of seven.

CHAIRMAN STRAIN: Thank you.

We have a -- it will probably be a lengthy agenda today, so I talked to some of the members. I heard that some people need to leave at 3 o'clock or close to three, or I think it was 3:30 would work for quite a few of us or all of us.

So with that in mind, I'd like to suggest that wherever we are in the process today, at about 3 o'clock we start weighing whether we should continue or break, and break no later than 3:30 and continue whatever is left for the following meeting.

Does that work for you guys?

COMMISSIONER SCHMITT: Yes.

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Okay. And there's -- Ray, I don't have any changes to the agenda. We have three -- four advertised items. Basically, items have come back to us, the first three, and then we've got a pollution control ordinance at the end.

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: Okay. Planning Commission absences. A couple issues to clear up. First of all, January 31st, we're meeting in Immokalee at 10 o'clock. I think all of you have been notified about transportation to get out there. So if you've not responded, you might want to do that. Does anybody know if they're not going to make the January 31st meeting?

(No response.)

CHAIRMAN STRAIN: Okay. And then on the 7th of February, we have a regular meeting. There was some confusion about moving that entire meeting to the evening. It's an LDC meeting, and not all of it needed to be an evening meeting, and there was too much there to be able to finish in an evening meeting, so we're going to retain the February 7th meeting, and it will be held in this room as normal for those items that can be discussed during the daytime.

And then an evening meeting had to be held for two items, and those two items and any cleanup items will be heard on the 28th of February, and that evening meeting will start at 5:05 in this boardroom. And if you haven't been notified by that, I think Ray's going to put it together to make sure we get that on the calendar. Is that correct, Ray?

MR. BELLOWS: That's correct. I'll coordinate with the staff, and we'll make sure that that notice is done.

CHAIRMAN STRAIN: Okay. The 28th of February. Does anybody know if -- and it's a long ways in advance, but do you all plan to be there?

COMMISSIONER FRYER: Question. I, for some reason, have the 21st of February in my calendar. Are we meeting that day, too?

CHAIRMAN STRAIN: Well, our regular meeting would be the first and third Thursday, so the third Thursday would probably be the 21st.

COMMISSIONER FRYER: Right.

CHAIRMAN STRAIN: So we would meet then unless there's no cases. But right now I can't tell you that information.

COMMISSIONER FRYER: So we've got three February meetings.

CHAIRMAN STRAIN: Right now, yeah.

COMMISSIONER FRYER: Okay. Thank you.

CHAIRMAN STRAIN: And for those of you who haven't been on the Board too long, we periodically will have special meetings for numbers of things, including the AUIR and other special topics like that.

Now, as far as the 7th meeting, does everybody know if they're not -- anybody know if they're not going to be here?

(No response.)

CHAIRMAN STRAIN: How about the 3rd and the 28th?

(No response.)

CHAIRMAN STRAIN: Okay. We'll keep everything on the schedule, then, as we just discussed.

Approval of the minutes. We were sent two sets of minutes electronically. November 15th, we'll take that first. Are there any changes to those minutes?

(No response.)

CHAIRMAN STRAIN: If not, is there a recommendation to approve?

COMMISSIONER FRYER: Move their approval.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Moved and seconded. Discussion? And I imagine Mr. Fry, you're abstaining because you weren't here.

COMMISSIONER FRY: Yes.

CHAIRMAN STRAIN: Okay. So discussion?

(No response.)
CHAIRMAN STRAIN: All in favor, signify by saying aye.
COMMISSIONER CHRZANOWSKI: Aye.
COMMISSIONER FRY: (Abstains.)
COMMISSIONER FRYER: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER SCHMITT: Aye.
COMMISSIONER DEARBORN: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries. Six with one abstention.
The next item was the December 6th meeting. Same question: Any changes? If none, is there a motion to approve?
COMMISSIONER DEARBORN: So moved.
COMMISSIONER FRYER: Second.
CHAIRMAN STRAIN: Made and seconded. Is there -- you're abstaining again, Karl?
COMMISSIONER FRY: I was here.
CHAIRMAN STRAIN: You were here on the 6th. I forgot what day you started. Okay.
With that in mind, all those in favor, signify by saying aye.
COMMISSIONER CHRZANOWSKI: Aye.
COMMISSIONER FRY: Aye.
COMMISSIONER FRYER: 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.
Thank you.
Ray, BCC report and recaps?
MR. BELLOWS: The Board of County Commissioners held a meeting on January 8th, but there were no land use on that agenda.
CHAIRMAN STRAIN: Okay. Thank you.
Chairman's report: To be expeditious today, there is none. We're just going to move right into our hearings.
The consent agenda, we have no items for that.
***So that takes us to the first public hearing. These are two items that have been sent back to the Planning Commission. They will be discussed together. The vote today will be a little different than what we're used to.
The advertised -- the items are PL-20160002584/CPSS2017-1 and PL20160002577. Both of those are for a change to -- the first one is for the change to the Comp Plan, the second one is for a conditional use for the same location, both for the Grace Romanian Church on Golden Gate Boulevard and Collier Boulevard in Golden Gate Estates.
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: Any disclosures? We'll start with Tom.

MR. EASTMAN: I had a brief conversation with Anna Weaver.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Yes. Some emails with Anna Weaver, and I think I saw something on Channel 2, 5, and 7, and I didn't watch CNN, so --

CHAIRMAN STRAIN: Okay. Karl?

COMMISSIONER FRY: I spoke with staff and with Anna Weaver.

CHAIRMAN STRAIN: Ned?

COMMISSIONER FRYER: Same disclosure, plus a telephone conversation with Rich.

CHAIRMAN STRAIN: Okay. And I -- all the same plus I did talk with the applicant's team as a whole, not just Anna, and I've also talked to some of the people in Golden Gate Estates, the Golden Gate Civic Association and some of the neighbors.

COMMISSIONER HOMIAK: Just emails.

CHAIRMAN STRAIN: Karen, just emails.

Joe?

COMMISSIONER SCHMITT: Email with Anna Weaver.

CHAIRMAN STRAIN: Pat?

COMMISSIONER DEARBORN: Same.

CHAIRMAN STRAIN: Okay. With that, before we start, I'm going to restate what the Planning Commission -- not the Planning Commission -- what the Board has asked us to do, and it basically -- Mr. Klatzkow summed it up before the Board voted to send it back to us, and it was that we would ask the Planning Commission to look at it again to see if they can tighten, you know, somewhat the uses to make it more compatible with the community and then bring it back.

So what we're doing here today is reviewing some additional compatibility standards as requested by the Board, and then this body will determine if they want to send that to the Board of County Commissioners as we discuss.

And with that, Anna, we'll leave it up to you to start out.

MS. WEAVER: Okay. Good morning. My name is Anna Weaver, and I'm a planner with Davidson Engineering representing the Grace Romanian Baptist Church. My presentation will include Companion Items 9A1 and 2. This is the third presentation to the Board, so you may be well aware of the project, but I'm going to briefly review, for the record, and include any revisions that we've made since our last hearing.

The subject property is located at the southeast corner of Golden Gate Boulevard and Collier Boulevard. It consists of two parcels and is approximately 6.25 acres.

The applicant has two land-use petitions under review for this property. The first is a small-scale Growth Management Plan amendment. This is to include the site as an exception to the locational criteria for a church in the Golden Gate Area Master Plan.

The second request is for a conditional-use approval to allow a church in the Estates zoning district. The conditional use is reliant upon the approval of the Growth Management Plan amendment, which is why we've requested them concurrently.

So first I'll go over the Growth Management Plan amendment. Here's an excerpt of the Golden Gate Area Master Plan map with the subject property identified with a star right here.

Florida Statutes identify review criteria for these small-scale amendments, which are listed here.

County planning staff has found our application to be consistent with all the criteria and recommended approval for the amendment.

So next I'll go through the conditional-use petition. Currently, the site is within the Estates zoning district. This is not a rezone request. Permitted uses in the district include single-family dwellings, family-care facilities, essential services, and educational plants.

Churches are listed in the Estates district as an allowable conditional use. This means that

churches have always been contemplated in this district, but each request is reviewed individually and approved on a conditional basis.

So here's the conceptual site plan for the project. We've identified one ingress/egress point north on Golden Gate Boulevard. The development area will include up to 24,000 square foot of primary building to hold the sanctuary and other typical ancillary rooms for the church.

Just south of that is an area reserved for outdoor recreation and the possibility of a pastor's residence, which is limited in size in the conditions of approval that I'll go through in a few slides.

Highlighted in green are the conceptual areas for preserve and stormwater retention, and we've also identified that a minimum of 129 parking spaces will be required and provided based on the 300-seat sanctuary.

So next I'll go through the proposed conditions of approval. As Chairman Strain already went over, at the Board of County Commissioners' meeting on November 13th, we presented a list of conditions to include recommendations by this board.

The county commissioners asked if we would return in order to write more detailed language in the conditions to address compatibility. So in preparation for this morning's hearing, we met with the Chair and discussed revised language to alleviate any remaining concerns.

I've identified in red lines today for you the changes suggested and agreed to since we presented to the Board of County Commissioners.

Number one limits church service hours to the following: Maximum of one service on Saturdays between 8 a.m. and 10 p.m.; a maximum of three services on Sundays between 8 a.m. and 10 p.m.; maximum of three services on recognized holidays; Thursday evening services between 6 p.m. and 9 p.m.; weekday church-related meetings and gatherings between 10 a.m. and 4 p.m. for up to 50 parishioners except for weddings and funerals.

Weekday meetings and gatherings between 6 p.m. and 9 p.m. will be up to 100 parishioners except for weddings and funerals, and we've also included Easter Sunrise and New Year's Eve services will be permitted limited to indoor activity only.

Number 2 limits the floor area of the primary structure to 2,400 square feet and up to 300 seats.

Number 3 states that the church shall provide a maximum of 140 parking spaces.

Number 4 limits prohibited uses. So we've included daycare, food services, like soup kitchens or catering open to the public. Exceptions to that include church-related food services associated with activities like fellowship, weddings, funerals, or other similar events.

Other prohibited uses are educational services and drug and alcohol rehabilitation.

Number 5 lists permitted accessory uses in conjunction with the church, and so we've included outdoor multi-purpose play area, gazebos, and covered pavilions, a pastor's residence no larger than 3,500 square feet, storage sheds collectively no more than 1,800 square feet, and counseling services similar to AA or NA.

So we've added language to differentiate between drug and alcohol rehab and counseling services. Drug and alcohol rehab we would say is a medical facility, which we never intend to be, and fellowship-type counseling services are typical to a neighborhood church and provide a safe space for those needing guidance.

Number 6 is a condition relating to the location of signage for the property. It states that signs must be within 350 feet of the intersection of Collier and Golden Gate and are prohibited along Weber Boulevard.

Number 7 allows for leasing of the facility only under certain circumstances. A representative from the church must operate and staff any event leasing -- and leasing must be limited to charitable events: Weddings, funerals, educational events, events associated with holidays, and governmental events. We've added language to say that leasing to other congregations shall be prohibited.

Number 8 limits special events to a maximum of 12 per year. Carnivals and outdoor amplified sound are prohibited. This was revised per the decision that we had at the Board of County Commissioners' meeting in November.

Number 9 specifically prohibits all outdoor amplified music or sounds.

Number 10 provides prohibition -- prohibits lighting to the outdoor recreation area and allows typical residential lighting for the pastor's residence.

And then No. 11 specifies detailed lighting conditions on the property to allow for minimal impact to surrounding properties.

Number 12 prohibits any church steeple lighting.

Number 13 specifies that an enhanced 15-foot Type B buffer shall be provided along the abutting residential property to the southeast. This buffer was reviewed and confirmed with the property owner who requested this enhanced vegetation rather than a wall.

Number 14 is the actual building height for roof types, appurtenances, and screening shall be a maximum of 50 feet, and actual building height for the steeple is limited to a maximum of 60 feet.

Number 15 states that in the event that a dumpster is needed, it must be placed on the western edge of the preserve, and the church can coordinate with Waste Management to determine if roll-out receptacles are acceptable.

Number 16 limits the project to 12 weekdays p.m. peak-hour trips and 240 Saturday and Sunday peak-hour trips per the ITE manual trip generation rates for a church in effect at time of SDP.

Seventeen is the typical language used for places of worship to indicate that if a specific event is predicted to or creates significant traffic, the owner will be required to hire law enforcement to direct the traffic.

And, finally, No. 18 requires a wall along the south property line adjacent to First Avenue Southwest. That condition came out of our last hearing with the Planning Commission, and it is also required by code.

So I'd like to conclude by saying that the applicant would like to request the Planning Commission move to recommend approval of the conditional use and small-scale Growth Management Plan amendment consistent with staff's recommendations and the previous recommendation from this board.

So with that, I'll take any questions.

CHAIRMAN STRAIN: Any questions from the Planning Commission members? I know we've heard this a couple times before.

Joe?

COMMISSIONER SCHMITT: Can you go back --

MR. YOVANOVICH: Can I add one thing real quickly before that?

For the record, Rich Yovanovich.

I spoke to Mr. Fryer yesterday, and I wanted to confirm for him on the record -- his question was about the steeple. Was it 50 feet plus 60 feet for a steeple for a potential of 110 feet, and it's not. It's 60 feet total for the steeple. So whatever language we need to clarify in the record, steeple height is 60 feet for the actual height, not 60 feet on top of the 50-foot building.

COMMISSIONER FRYER: The steeple's 10 feet?

MR. YOVANOVICH: Basically, it can be at 10 feet above the 50-foot building.

COMMISSIONER FRYER: Right. Thank you.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: Yeah. Just for the record, I did speak to Mr. Yovanovich about the weddings and funerals, and I sent an email. My only concern is that the language -- and I understand that funerals and weddings are unique and not a set schedule.

I just want to make sure that the language doesn't put you in a predicament that you can be found not in compliance with the language by holding a wedding on Saturday morning and then a service on Saturday morning. So can you put that section of the language back up again?

MS. WEAVER: Yes.

COMMISSIONER SCHMITT: Or a funeral on Friday night and another service. Because you have the exception of weddings and funerals. Again, as I pointed out, I think, in my email, for clarity, do you want to say wedding and funerals are unique circumstances? The question I rose is because, like I said, you have here shown you'll have a minimum of one service. Okay, that's fine. That works. If there's a wedding, that's another service on Saturday, and that fulfills the requirement. It doesn't put you in a box of being accused of violating the conditions of this conditional use.

MR. YOVANOVICH: Our intention was by having "A" deal with worship services and then "C" deals with other church-type meetings.

COMMISSIONER SCHMITT: Okay.

MR. YOVANOVICH: A wedding would be another church-type meeting. And our intention was to say, if we had a wedding during the day, the 50-person cap wouldn't apply, or a funeral during the day, the 50-person cap wouldn't apply, and if we had a wedding at night, the 100-person cap wouldn't apply. So we put it under the "other meetings" so it wouldn't be confused with worship services.

COMMISSIONER SCHMITT: All right. I'm fine.

MR. YOVANOVICH: So hopefully that addresses your concern on our behalf, and we appreciate that.

COMMISSIONER SCHMITT: It does. Thank you.

CHAIRMAN STRAIN: Anybody else on the Planning Commission have any questions? Pat?

COMMISSIONER DEARBORN: I just have one. And I remember when this was here before, and maybe it was asked before. On that same page, just curious, you use the reference of "Bible study," which I attend a Bible study weekly that happens to start at 8:30. I was just curious as to a Bible study or a networking meeting or things of those natures why the 10 a.m. Was that to appease drive times and traffic?

MS. WEAVER: Yep. We wanted to stay out of the peak hour.

COMMISSIONER DEARBORN: So 10 a.m. is -- after 9 isn't after peak hour.

MS. WEAVER: Well, the peak hour is 7 to 9 a.m., and I think we were trying to make sure that people aren't trying to get to site in time, so we tried to stay as -- keep it as outside of the peak hours but also using the typical meetings that they have today.

COMMISSIONER DEARBORN: Okay.

CHAIRMAN STRAIN: Anybody else? Go ahead, Ned.

COMMISSIONER FRYER: I will also, I'm sure, have some comments or questions after the public speaks, but just to tee up some of my basic concerns with respect to this.

First of all, I take it that we are -- the charge that has come to us from the Board is to look at the limitations on use. So I'll confine my comments to that; however, I must say that I am not at all comfortable with the level of any government intrusion into the holding of church services, and it makes me uncomfortable. If an agreement can be reached of some kind to satisfy most of the residents that is on that basis, I won't stand in the way, but it strikes me as not exactly the way we should be proceeding.

Now, the other comment that I'm not sure is part of what our charge has been from the County Commission -- and, Mr. Chairman, if I'm outside that charge, please stop me. But to me the issue of compatibility is most offended by the overall size of the facility; 24,000 square feet is a very large church.

And I did some research online and found some references to comparisons, numbers of square feet versus numbers of communicants or seats in the nave of a church, and also bearing allowances for how many square feet per person in the nave. And the numbers that I found pointed more to a size -- for 300 members, pointed more to a size of 12,000 to 18,000 square feet than 24-. So to me that would have been a way of accomplishing a lot of this. I don't know if that's part of our charge or not, Mr. Chair.

CHAIRMAN STRAIN: Anything that relates to compatibility and building size certainly does.

COMMISSIONER FRYER: Okay. So that would be the way I would prefer to see than intruding into when services can be held and what kinds of services and the like.

MR. YOVANOVICH: We talked about this in our call, and I have had a chance to talk to our client on that.

We are not going to go away from the commitment we made on when we will have -- or how many worship services we can have within the time frame. So that's -- that is a commitment we've made, and we can live with that commitment.

I've also -- we could also limit the size of the building to the 18,000 square feet upper end, because here's Fellowship Hall, there's classrooms, you know, for Sunday school, and there's space. So we think that the 18,000 square feet -- although we think 24,000 is a number that is legitimate, I understand the research you've done, and if 18,000 will make the community more comfortable with it, fine, we'll go down to the 18,000.

We do think that the real generator for activity on the property is the 300 seats in the sanctuary, but certainly we don't want to have an overabundance of accessory space. So if 18,000 is what will satisfy the community for further compatibility, we will agree to that change.

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

CHAIRMAN STRAIN: Okay. Anybody else? Stan?

COMMISSIONER CHRZANOWSKI: I would think there might be other limiting factors. You know, the size of the building doesn't really put a limit on the people that can come in as much as the parking does, so -- I think a lot of this -- I don't care about the size of the building, but --

CHAIRMAN STRAIN: But at the same time, if the applicant's willing to consider a different size, it doesn't hurt.

COMMISSIONER CHRZANOWSKI: No problem.

MR. YOVANOVICH: Right. And we were really trying to be sensitive to the community by putting in the limit of the number of people who can be there during the day to a reasonable number, and then in the evenings, to a reasonable number, and the times that they can be there to address concerns about people going to work and kids going to school; that's why you have, you know, those hours of operation for during the week in there.

So we believe that we have -- we've attempted to make sure we address compatibility with the community and address all of their concerns.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. And I'm going to withhold any comments till I hear the -- I guess there's some public speakers. And so, with this, we'll move next to the staff and then the public speakers.

James?

MR. SABO: Thank you, Mr. Chairman. James Sabo, for the record.

Zoning Division has no issues with the revised conditions. We recommend approval. There are a number of speakers as well.

CHAIRMAN STRAIN: Anybody have any questions of staff?

(No response.)

CHAIRMAN STRAIN: I have one.

James, would these conditions, that has been put forth by the applicant, make this more compatible for the neighborhood than the previous conditions that were submitted to the Commission?

MR. SABO: Yes, question mark.

CHAIRMAN STRAIN: Okay.

MR. SABO: That's not really our call. I mean, I don't have a problem with it. I said that there's no issues. I think it's compatible. We think it's compatible but, ultimately, you set the policy.

CHAIRMAN STRAIN: Okay. Is this more compatible? I mean, you're the zoning people. You're telling me you don't have an opinion as an expert member of the zoning department?

Ray?

MR. BELLOWS: For the record, Ray Bellows. Those changes make it more compatible, in my opinion.

CHAIRMAN STRAIN: That's all I was looking for. Thank you.

Sue?

MS. FAULKNER: Sue Faulkner, Comprehensive Planning. I wanted to just let you know that I handed out some emails that I received after your packets were sent out, so you have those before you, and if you had any questions -- I can put any individual email up on the screen if you felt you needed to show anything else.

And the staff has reviewed this project, and we find it consistent with the Growth Management Plan.

CHAIRMAN STRAIN: Thank you, Sue.

Anybody have any questions of Sue?

(No response.)

CHAIRMAN STRAIN: Okay. With that, the public speakers, please limit your discussion to five minutes. The redundancy is not necessary. If you agree with the speaker in front of you, if you want to just get up and say we agree with the previous speaker, that's great.

And as your name is called, please come to either one of the mikes. They'll probably call out two names; if the second person is ready to speak after the first one.

And with that, James, do you want to -- who's going to make this -- Pat?

COMMISSIONER DEARBORN: My only comment is I know some people came in late and weren't sworn in, so let's make sure if they haven't been sworn in, we do that as well.

CHAIRMAN STRAIN: That will be the first question you're asked. Thank you.

MR. SABO: Mr. Chairman, the first two speakers, Sharon Griffith and Tom Griffith.

CHAIRMAN STRAIN: Okay. If each of you will come up to the microphones. And, Sharon Griffith, if you'd take one of microphones you can start and, Tom Griffith, stand ready at the second one.

MS. GRIFFITH: We're here for the next one.

CHAIRMAN STRAIN: Oh, okay. Wrong case. This is the Grace Romanian Church. Is there any members of the public here wishing to speak on the Grace Romanian Church?

MR. SABO: Sorry. I had the wrong number on the agenda item. Sorry. Is Mr. Schortemeyer here? Are you here for the church?

MR. SCHORTEMAYER: Yes.

MR. SABO: Okay.

CHAIRMAN STRAIN: Would you call the next speaker so they're ready to come up.

MR. SABO: Mr. John Kelly.

CHAIRMAN STRAIN: Okay. Thank you.

MR. SCHORTEMAYER: I am sworn in, thank you.

Good morning, honorable commissioners. The first thoughts I had -- my name is Jim Schortemeyer, and I'm a resident of Unit 4, which is the location of the proposed church.

I have several issues and concerns with that. Before I start, I'd like to thank you all for your service on this board. I can tell just by the few minutes that I've been in here how trying and intensive your work is, so I do appreciate your work.

I have four issues that I'd like to touch on briefly regarding the church. The first of those would be traffic patterns and problems; the general lifestyle and compatibility issues that have been raised; wildlife concerns that I have not heard in this brief time. I'm sure they've been addressed in the proposal; and then perhaps some other considerations perhaps following up on what the size of the structure might be and some other compatibility issues that might be addressed in the proposal. At the present time, I would recommend that the proposal -- that the proposal be denied.

The traffic patterns and problems that we already have within Unit 4 are well known. Anybody that travels that area, and Weber Boulevard in particular, knows what those patterns are and how they've changed with projects.

The speed limit's been reduced from 35 to 30 on Weber Boulevard already, and there's very confusing and limited access to Unit 4 from the other -- from other roads. So adding traffic to that particular area that's already a problem coupled with we are in a growth phase and we are continuing to grow out within Unit 4, there are several new homes under construction, all of those things will make it an incompatible traffic load within Unit 4.

Lifestyle within Unit 4 it's the same as all of the Estates, and people that have moved to the Estates have moved there for the peace and tranquility.

I had the peace and tranquility in my particular neighborhood within Unit 4. The first time that it was disturbed significantly was when Big Cypress Elementary School was constructed, and lo and behold, the first night that the water plant was in operation, from approximately a half a mile away, that was my first disturbance from an audio standpoint, and that has just increased. This church and other types of uses of that nature will only make that worse in the future.

So -- and the general lifestyle, the remote Estates lifestyle is also dependent on the fact that we have lots of wildlife that uses the area, as you well know.

Unit 4 is one of those areas being considered for bear-proof garbage cans being provided throughout the area. So we have a bear population; we have occasional panthers; we have a deer population. All of those animals have been hit on Weber Boulevard with existing traffic patterns. If, in fact, the area's going to remain compatible to all of the wildlife in the area, we have to consider other restrictions.

And then the church and provisional uses, we already have a cluster development of provisional uses within Unit 4, and it's considerable. It consists of a church -- two churches, actually, a school, and a park, Max Hasse Park, which adds, again, considerable traffic, especially on First Avenue. Thank goodness I don't live on First Avenue. I do feel for the folks that do live on First Avenue, but their lifestyle has already been compromised. This would only further compromise that.

So the only thing I have in terms of other considerations and sort of looking into my crystal ball and seeing how far along this process is, the other key thing that we have is, if you're familiar with Weber Boulevard in that vicinity, there is a walkway/bicycle path on Weber Boulevard. Unlike other areas where that pathway might be 10 or 15 feet from the road, it's only about five feet from Weber Boulevard which doesn't make it real safe with existing traffic patterns. But that is a popular walkway and bikeway within the Estates, and it also provides access, ultimately, to Max Hasse Park and to the school.

For people who are just using that for a recreational purpose, it's not any kind of a loop

system or anything else. One of the things that would make this more compatible would be perhaps a trail that encircled the subject property; would allow for walking and biking activity with some enhancements on the canal side and on the First Avenue side. There would actually be a loop trail that people could use and enjoy in the area, and that would actually enhance the current use, and perhaps with additional safety improvements on Weber Boulevard, we would actually be increasing the compatibility.

With that, I thank you.

COMMISSIONER FRYER: I have a question.

CHAIRMAN STRAIN: Well, Stan, and then Ned.

COMMISSIONER FRYER: I'm sorry.

COMMISSIONER CHRZANOWSKI: I've been retired a long time. Where do I know you from?

MR. SCHORTEMAYER: I did work for the State of Florida for a number of years with the Fish and Wildlife Commission.

COMMISSIONER CHRZANOWSKI: Okay. That's why.

MR. SCHORTEMAYER: And so that's probably where we have met. Good to see you again.

COMMISSIONER CHRZANOWSKI: Same here.

CHAIRMAN STRAIN: Ned.

COMMISSIONER FRYER: Thank you for mentioning the loop trail, because that's exactly the kind of thing that I, for one, want to hear from the public today about, because my understanding of our charge is that we're to try to identify other points of connection where we could come up with a win-win or closer to a win-win. and so I appreciate your mentioning that.

I'm going to ask you this question: Are there any other restrictions, limitations, or changes of a reasonable nature that you believe would make the residents happier about having this church in the neighborhood?

MR. SCHORTEMAYER: Well, as I listened to your comments this morning, the size of the facility is of great concern to me, and I think not just for this development but going forward. Within the Estates zoning and compatibility issues, a typical Estates home on two-and-a-half acres might put a footprint of about 10,000 square feet. Now, that sounds like a lot, but on two-and-a-half acres, that's 10,000 square feet of roughly --

COMMISSIONER CHRZANOWSKI: 100,000.

MR. SCHORTEMAYER: -- 100,000, thank you.

So it's a 90 percent retention of either natural areas or at least green space.

So if exceptional uses are planned -- and they do have some buffer zones in there, but I think they ought to even be held, perhaps, to a higher standard in terms of setbacks and things of that nature; whereas, for an Estates house, I think there's 105-foot setback from the roadway.

Perhaps -- so that would force a traditional -- a conditional use to have a larger tract of land with more green space, more protected area, and greater setbacks, and that would promote compatibility with the existing nature of the area, at least in my opinion.

COMMISSIONER FRYER: Thank you.

MR. SCHORTEMAYER: I think that would be important. Your size -- the size limit on the church, I would go along with that. Thank you.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Sir, question. Did you attend the first two meeting on this church?

MR. SCHORTEMAYER: I did not. My first involvement was to write the County Commission.

CHAIRMAN STRAIN: Just a yes or no.

MR. SCHORTEMAYER: No.

CHAIRMAN STRAIN: Okay. Did you see the language that was put on the overhead by the applicant today in the black and red writing? She walked through the changes they were proposing to make.

MR. SCHORTEMAYER: I did get a chance to look at those. That really was first exposure to them.

CHAIRMAN STRAIN: But let me tell you why that's important. This panel previously recommended approval for the church without that red writing. The Board got that, and there was discrepancies on the Board as to is this the right thing to do? Should it be more compatible? Is there a way to get it so that some of the residents aren't so opposed? So the Board sent it back to us and said, see if you can find other issues that could be modified to make this more compatible, tightening it up.

So the question from us today is not is the church -- should the church go there or not go there. It's what on that black-and-white lettering can be changed to make it more compatible with the neighborhood. And that's how I'm looking at this.

And so what we came out with is suggestions by the applicant where they would reduce the activities; they would reduce the number of people; they would reduce now the size of the facility; they were going to limit the amount of days they can operate to be more compatible than it was before it was sent back to us today.

And so, really, we're trying to find out, from your perspective, now that you've spoken so eloquently on the whole issue, are the red lettering and the red changes that are being proposed, in your opinion, more compatible for the neighborhood or less?

MR. SCHORTEMAYER: I did not get a chance to look at all of them closely but, general speaking, it seemed to be that those were honest attempts to make it more compatible.

CHAIRMAN STRAIN: Right. And that's the task we've been charged with reviewing, and that's what I'm trying to stick to as far as understanding what we can do today, and that's why I was asking you that question. So thank you. I wanted to understand that. I appreciate it.

MR. SCHORTEMAYER: You're welcome. And thank you.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Thank you. Anybody else?

(No response.)

CHAIRMAN STRAIN: Next speaker?

MR. SABO: John Kelly is the next speaker, and David Meffen can come up to the other mike.

MR. KELLY: Hello. I'm John Kelly, resident at 221 Weber Boulevard South.

And I would like to echo the words of my neighbor and note that traffic is a sincere impact on Weber Boulevard South. And we're most concerned that the same thing that happens on this corner will happen on the opposite corner, and if the use -- any use greater than that of a single-family residence really isn't appropriate, as we already have a number of uses on First Avenue Southwest which were mentioned, the primary ones being Max Hasse Community Park, the Big Cypress Elementary School, the Jehovah's Witness Kingdom Hall with two worship services, and what was the Cypress Woods Presbyterian Church, which has since been purchased by Grace Romanian, and I believe services are being offered there.

At the time this proposal initially came before you all, that church was pretty much a failed church and there were no services being held. At this time there are services being held, and it brings to question in my mind whether or not another traffic impact analysis might not be warranted, as there is increased traffic now, and with their second church coming up within the neighborhood, just very concerned.

Being as this is likely to move forward given the Board's -- the Commission's charge, I

would ask that you also look at the height of the steeple. I would ask that it be no higher than the allowed building height in the area, not in excess of 50 feet. And then I would also like you to look at prohibiting on-street parking and seeing if there's not an enforcement mechanism for that.

Much of what I heard earlier that the applicant has said, I don't see how much of that is enforceable. It's a nice thought, but I don't see how it is enforceable.

But, anyway, that's what I have to say to you today. Thank you for your guidance and assistance to the community, and --

CHAIRMAN STRAIN: And I think Ned has a question for you.

COMMISSIONER FRYER: Yes, sir.

CHAIRMAN STRAIN: And I do when he's finished.

COMMISSIONER FRYER: Mr. Kelly, I want to be sure I understand your position with respect to this parcel. Are you unable to accept any kind of a church on that parcel?

MR. KELLY: Anything other than a single-family residence.

COMMISSIONER FRYER: That's all you'd be willing to accept?

MR. KELLY: Yes.

COMMISSIONER FRYER: Okay. That's all I have.

CHAIRMAN STRAIN: Okay, John, you're a planner with Collier County; is that correct?

MR. KELLY: I am. I'm not here today in that capacity.

CHAIRMAN STRAIN: I know, but that's what your background is; is it fair to say?

MR. KELLY: Correct.

CHAIRMAN STRAIN: As a planner, you're looking at the changes suggested by the applicant, do you see those as better in an attempt to seek compatibility? I know in your long run you don't believe it's compatible under any condition, but are these better than what was there before?

MR. KELLY: They are. I would only ask for the two changes that I offered.

CHAIRMAN STRAIN: I understand. I just wanted to make sure I understood that point, because that's the task that we're here to look at.

MR. KELLY: I understand.

CHAIRMAN STRAIN: Thank you, John.

COMMISSIONER FRYER: And you do also understand that the steeple's 10 feet, the proposed steeple?

MR. KELLY: Correct, that's above the church. I assume that would be 60 feet. I would like things to remain at the 50 feet, exceptions to the code notwithstanding.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Okay. Is there other speakers, James?

MR. SABO: Yes. Mr. David Meffen is next.

CHAIRMAN STRAIN: And who's after Mr. Meffen?

MR. SABO: Don Ward is after that. He can come up to the other podium.

CHAIRMAN STRAIN: Okay. Mr. Ward, you're up next, so be prepared to use this podium, if you don't mind.

Go ahead, sir. Were you sworn in when we started out?

MR. MEFFEN: Yes, I was here.

CHAIRMAN STRAIN: Okay. Thank you.

MR. MEFFEN: Looking at the changes, I'll --

CHAIRMAN STRAIN: You'll need to identify yourself for the record, even though they announced your name.

MR. MEFFEN: David Meffen.

CHAIRMAN STRAIN: David?

MR. MEFFEN: Meffen.

CHAIRMAN STRAIN: Can you spell that for the court reporter.

MR. MEFFEN: M-e-f-f-e-n.

CHAIRMAN STRAIN: Thank you.

MR. MEFFEN: I was at the original meetings for this church, and everything seemed to be in order, as a matter of fact. You know, what -- I didn't really give much input, and I left. And these changes just seem to be incompatible. I think it should be denied.

It looks like they're increasing the hours. There's -- and I know the game. The game is you try and get the permit in, and then you do changes. And I think we need to stick with the original agreement, what we did in the first NIM.

And you see that the hours are going to be different. And I know that there's -- there are changes coming down the road which, once this is okayed, then no one can fight with the changes. And I thought we had a really good plan in the beginning. But I can't see how increasing the hours would be in our interest.

Now, again, I don't abut the property, so I don't have the same concerns that these other people do, but I don't think that, you know, ramming this through this Planning Commission is the way to go. I think sit down with the neighbors and see if we can alleviate all the concerns there.

You know, a neighborhood meeting, you know, where it seems like they were snowing us just to get the permit, and then come back with the changes -- I don't think that's the way to go -- and then ram it through here.

COMMISSIONER FRYER: I don't --

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER FRYER: I'm sorry.

I don't see how the hours have been expanded, and I did listen to the NIM. Could you be more specific on that point?

MR. MEFFEN: Yeah, initially it was -- I think it was till 9 p.m., and it's increased where they're going to have two services Sunday morning, one service Sunday night. I don't have the original in front of me, but here you have drug and alcohol rehab was prohibited.

COMMISSIONER FRYER: It still is.

MR. MEFFEN: Excuse me?

COMMISSIONER FRYER: It still is.

MR. MEFFEN: Okay. And then down lower, counseling services for Alcoholics Anonymous, Narcotics Anonymous. You know, like the gentleman said before, I just don't think it can be enforced. And if you're going to allow it, you know, they're going to be bringing drug rehab into the center.

COMMISSIONER FRYER: It's prohibited.

MR. MEFFEN: It's prohibited, but it's not enforceable. And here you're allowing drug and rehab counseling, okay, but you're not allowing drug and alcohol rehab. You know, you could get federal funds. I'm sure it will help the church. You know, they'll bus people in. I just think it's a can of worms.

COMMISSIONER FRYER: I'm sorry to interrupt you, but is there a word other than "counseling" that you would find more appropriate, a way of describing AA and NA?

MR. MEFFEN: Well, I mean, you know, at the initial meeting, you know, we wanted them to prohibit soup kitchens, you know, homeless at the site, et cetera, et cetera, and there was a reason for that. This is a residential area.

COMMISSIONER FRYER: Pardon me, sir. But my specific question is, is there a word that you would prefer to the word "counseling" that you think would take it farther away from the possibility of becoming something like rehabilitation?

MR. MEFFEN: I don't know.

COMMISSIONER FRYER: Okay. Thank you.

MR. MEFFEN: I don't know. I'm just saying that this short time that we have here, you know, we might be able to hammer out the differences if we got together and sat down, but -- you know, it just seems like they got the permit, and now they're going to make changes to it. I think it should be denied.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Our next speaker?

MR. SABO: Next speaker is Don Ward. Last speaker, Michael Ramsey.

CHAIRMAN STRAIN: Mr. Ward, were you sworn in?

MR. WARD: No, I have not.

CHAIRMAN STRAIN: Okay. The court reporter will take care of that.

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

MR. WARD: I do.

My name is Don Ward. I reside at 4055 First Ave. Southwest. I just purchased my home less than a year ago, and it's, unfortunately, going to be directly across the street a five-story church that's going to be basically, from what I can see, operating the hours -- although they're limiting the services -- excuse me, limiting the church services, it looks like church-related services can go on almost all day except for two hours a day during traffic -- peak traffic patterns, if I'm reading this right. They're not limiting church-related service. They're only limiting the actual service; is that correct?

CHAIRMAN STRAIN: Well, they're -- I mean, could you put that red -- the first paragraph back on the overhead.

MS. WEAVER: Yes.

CHAIRMAN STRAIN: Maybe that will help.

They're going to have one service on Saturdays, three services on -- up to three services on Sundays, and then the recognized holidays. And then in evenings, they're going to have -- they can have, I guess, Bible studies or things like that. During the day, they can have up to 50 parishioners attend things, with the exception of weddings and funerals.

MR. WARD: Okay. I guess where I'm missing it is the church-related meetings and gatherings. It basically can happen at any time.

CHAIRMAN STRAIN: You know, to be honest with you, if they didn't put it here, they most likely could still do it because that's considered a typical accessory use to a church, and most churches have daytime operations. They don't just shut -- a lot of them, you know, they go on and have smaller gatherings which is -- you know, that's what this is, so...

MR. WEEKS: So it's basically going to be a full operation except for --

CHAIRMAN STRAIN: Not full. Fifty parishioners is -- what is it, a sixth of the total parishioners that could be there.

MR. WARD: Well, my main concern is is this is a residential area. I purchased my home. I'm on two-and-a-half acres, private. I have all kinds of wildlife in my yard, like the first gentleman was speaking. I had a bald eagle on my property the other day, both the male and the female. I have deer in the yard all the time. We don't need another big, basically, a commercial business right across the street at the main gateway to Golden Gate Estates.

The other issue is the traffic. We've mentioned it over and over. This is supposed to be a small neighborhood church, is what it's -- my understanding. One, you know, I appreciate limiting the size. That's at least going to help, but the -- as far as it servicing the neighborhood, the fact when they closed Weber -- the crossover at Weber, the people from Golden Gate Estates east of Collier Boulevard can't even get to the church. The only way they can get to the church is to come all the way to Collier Boulevard, head south on Collier Boulevard, and make a U-turn to come back

to Golden Gate Boulevard to get into the church. There's no other access other than going Max Hasse.

So, you know, even being a small neighborhood church, they can't even get to it. I mean, the access is very limited, I should say, to get to this church that's supposed to be servicing our community.

Then we have the whole access issue in general. This main primary entrance into the church is within maybe 300 feet of two lanes turning onto Golden Gate Boulevard. Even when you're limiting the time that the church can operate, this is going to be a traffic nightmare. As soon as people are turning onto Golden Gate Boulevard, there are going to be entrances into this church and people exiting the church. And, you know, this is just -- it's a bad idea all along. There's tons of places in Collier County they can put a church.

The other thing -- I didn't realize that they just opened the same church, just started services at another church right down the street. Do they really need another church within a couple miles from an existing church that they already have? I mean, I just think this is a bad idea for our community in general, and I think we should deny -- you-all should deny the petition, so...

CHAIRMAN STRAIN: Thank you. And there's a question from one of the commissioners.

MR. WARD: Yes.

COMMISSIONER FRYER: I mean, this has been in front of us it feels like a year, maybe not a full year, but a long time, and early on the plans called for ingress and egress off of Weber, and by popular demand that was approved. Are you saying that there needs to be more ingress and egress for local access?

MR. WARD: I would say yes.

COMMISSIONER FRYER: Okay. I just wanted to clarify.

CHAIRMAN STRAIN: So you want traffic on Weber, directly --

MR. WARD: It's got to be somewhere or --

CHAIRMAN STRAIN: Well, it is. It's on Golden Gate Boulevard.

MR. WARD: But as soon as all of the traffic going out to the Estates, everyone that works out in the Estates -- and I know they're not going to be open during peak hours, but there's traffic on that road all the time. There's tons of construction going on out in the Estates right now. There's constant traffic turning onto Golden Gate Boulevard.

As soon as you turn onto Golden Gate Boulevard, you're going to have an entrance to the church. Why don't they look at the same traffic study that Collier County used to shut the cut-through that they go from Weber north to Weber south? There was a reason they stopped that -- cut off that intersection.

CHAIRMAN STRAIN: Yeah. They wanted to stop me from going to civic association meetings. They succeeded.

MR. WARD: I bet it was. No.

But there's a reason that they must have looked at the traffic pattern and said there's too much traffic in the area to allow that cut-through, and that's even further down -- further east on Golden Gate Boulevard than this intersection will be.

So, you know, that's my main issue with it: One, it being across the street from my home that I just purchased and, two, the traffic issue that it's going to cause for the area.

CHAIRMAN STRAIN: Okay. Thank you, sir.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Next speaker, please.

MR. SABO: Last speaker, Michael Ramsey.

MR. RAMSEY: Good morning. My name's Michael Ramsey. I'm the president of the Golden Gate Estates Area Civic Association.

We've spent a lot of time --
COMMISSIONER FRYER: One more time on your name, sir. I'm sorry. Your last name?

MR. RAMSEY: Michael R. Ramsey.

COMMISSIONER FRYER: Ramsey, thank you.

CHAIRMAN STRAIN: Mike, were you sworn in?

MR. RAMSEY: Yeah, I was sworn in and sworn out.

Okay. So we've spent a lot of time. Our group has been out talking to the residents around this area, and I get feeling from talking to the Planning Commission and some others you don't really understand the area.

This church will affect every person that lives on every road south down Weber: First, Third, Fifth, Seventh, and Ninth. Because of the traffic pattern, all the residents that live down at the end of each of these roads will be affected by this church, or this operation, let's put it that way. All of -- the way the traffic pattern will operate, it affects the quality of life for everyone in that area, not just at that corner.

The way the road is constructed, and I think the five roads, they all dead-end, and they all come out and exit through Weber, and most of them go down to Pine Ridge or White. That's the way the pattern flows. This will affect all of those people, and there's not just a quarter mile around it.

Second -- and it's been made clear in here, Golden Gate Estates is zoned and was created to be a residential area. Residential quality of life is extremely important out here. Everyone in this area moved there around this location for the quality of life.

Now, on First Avenue Southwest, which abuts right -- or exits right across the from the church, it is also an exit point for the other two churches mentioned; Max Hasse Park.

The thing that's not been brought out, and there's guidelines for traffic studies and other issues out here, is that most of the operation or traffic issues will occur on holidays, after work hours, after peak hours, and on the weekends.

So two churches, a park, and the school out there, there's no guidelines in Collier County's traffic studies for the cumulative effect of these issues on weekends and holidays. They don't consider it to be that important, so it's not really measured.

Residents here are complaining. The ones we talk to are complaining about that because they see it. When Max Hasse Park has an event, let's take, for example, Halloween, there are cars parked on both sides of the road all the way down First Avenue Southwest from the park to Weber. That is an intrusion on the residential quality of life. This, cumulatively, will add to it.

Last, the thing that was especially interesting is that if Grace Romanian Baptist Church has bought the other church down there across from -- on Golden Gate Boulevard, why hasn't that been explored for expansion of future services? Because the traffic impacts would be way less.

Most of all, the last thing that we saw on there that was especially a change from the previous, leasing to outside entities shouldn't be allowed. I know in the new one it said that leasing to outside congregations is prohibited, but leasing to outside operations is an issue, because you're getting in on more operations, sound, noise, and traffic.

So, basically, Golden Gate Estates after talking with all these people out here, we think that the residential quality of life out here is more important than having this operation at this location, and it's especially dangerous, we think, for traffic.

Thank you for your time.

CHAIRMAN STRAIN: Mike. Ned, again. Okay.

COMMISSIONER FRYER: Sorry.

CHAIRMAN STRAIN: That's okay.

COMMISSIONER FRYER: You've been before us previously, correct?

MR. RAMSEY: Yes, sir. I love being up here.

COMMISSIONER FRYER: Yeah, I know. And you represent a large group of people, do you not? You're president of --

MR. RAMSEY: Pretty wide variety, yes. Mostly Estates residents.

COMMISSIONER FRYER: Okay, good. Our charge, as I understand it from the County Commission, was -- and correct me if I'm wrong, Mr. Chairman -- not so much whether we're going to revote on church versus no church, but what's before us is can we try to find more ways of bringing the community and the church together. In other words -- at least that's my understanding of what is in front of us.

CHAIRMAN STRAIN: That's basically what I read that they assigned to us, yes.

COMMISSIONER FRYER: So my question, specifically, for you, sir, not only you, individually, but your best sense of what the folks whom you represent would be interested in having, you've seen the redlining of the conditions that shows how it has been updated. Would you add any other provisions or points to that, or would you care to comment on --

MR. RAMSEY: Well, I just did comment on one. I do understand the charge here before you. I just think it's important to bring up this other stuff, because if you're going to operate within a very narrowly confined set of rules that doesn't apply to the whole subdivision, you're making me give you a recommendation to give us a bad project for the community? I don't think that's a very good thing for me to do.

COMMISSIONER FRYER: Well, that's certainly your prerogative, but within the scope of our charge we're trying to find other points where, perhaps, the church could be asked to make concessions that would make having a church there more palatable to the neighborhood. Now's your chance to say that either for yourself or, perhaps, on behalf of the other community members with whom you're familiar.

MR. RAMSEY: After studying this issue for quite some time, there is no compatible -- this operation at that corner and location with traffic is not compatible with the residential quality of life that we expected to have.

COMMISSIONER FRYER: Okay. Fair enough. Thank you.

COMMISSIONER CHRZANOWSKI: Mike, were you at the board hearing when this was discussed?

MR. RAMSEY: Yes.

COMMISSIONER CHRZANOWSKI: And you spoke?

MR. RAMSEY: Yes.

COMMISSIONER CHRZANOWSKI: I'm still trying to wrap my mind around why they sent it back to us for negotiation instead just doing it themselves. Why?

MR. RAMSEY: It was our opinion that -- we've been going through this with Grace Romanian for this property for about two-and-a-half years. We had an initial application, and we went through a set of negotiations. We came up with what we thought was a very good compatible use with it.

They went away for about six months and came back with a second application that had almost doubled all the activities and the hours of operation and was completely different from the first one. So we spoke that it shouldn't be approved because there was no attempt to be compatible with the neighborhood.

COMMISSIONER CHRZANOWSKI: Okay. Thanks.

MR. RAMSEY: So they sent it back and said, see if you can make it better. We still contend the location is a problem. Even though I do understand your narrowly confined set of rules that you're operating on the recommendations, it's a bad location.

CHAIRMAN STRAIN: So the best solution, then, that you would see is that it just not exist at all?

MR. RAMSEY: Stay residential.

CHAIRMAN STRAIN: And that's not one of the issues we were --

MR. RAMSEY: I know, but it needs to be said; it needs to be understood.

CHAIRMAN STRAIN: And you know how the first meeting of -- the first recommendation to the Board went. It was a recommendation of approval of the language that wasn't struck in red 6-1.

MR. RAMSEY: Yes. And most of the people I talked to out there, they still feel like most of the members of the Planning Commission, even the Board of County Commissioners, don't understand the Estates' quality-of-life issues.

CHAIRMAN STRAIN: Do you think I don't understand the Estates, Mike?

MR. RAMSEY: That was a general comment.

CHAIRMAN STRAIN: Okay. Thank you.

MR. RAMSEY: This is the issue we fight most of the time.

CHAIRMAN STRAIN: I've probably lived out there longer -- maybe pretty long -- what, 40 years. How long you been out there for?

MR. RAMSEY: Thirty.

CHAIRMAN STRAIN: Okay.

MR. RAMSEY: Sorry.

CHAIRMAN STRAIN: No. I'm just trying to make sure that everything's clear, Mike. And I have tried and -- as you know by the last vote, tried to go a different direction, but we're not here tasked with that today, and that's why I'm trying to keep it focused on what we were supposed to do. And I appreciate your comments.

MR. RAMSEY: Well, let's take an example of a cumulative effect, all right. So we're going to put a bridge on Eighth Street Northeast and connect Randall to Golden Gate Boulevard. We're going to divert traffic from the north end of the Estates down to Golden Gate Boulevard coming through this intersection. That's going to happen.

CHAIRMAN STRAIN: What's that got to do with this church?

MR. RAMSEY: That's traffic; cumulative traffic issues.

CHAIRMAN STRAIN: Okay. And, Mike, we're back to what we were assigned today. Thank you.

MR. RAMSEY: Yes.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER SCHMITT: I have some followup questions.

CHAIRMAN STRAIN: Well, is there any other speakers, James?

MR. SABO: No more speakers for this issue.

CHAIRMAN STRAIN: Okay. Does anybody here --

COMMISSIONER FRY: I have a question for Mr. Ramsey --

CHAIRMAN STRAIN: Oh, okay.

COMMISSIONER FRY: -- if it's not too late.

CHAIRMAN STRAIN: Okay. Mike.

No, it's never too late, especially for somebody brand new.

COMMISSIONER FRY: Thank you.

Mr. Ramsey, I live in an Estates area as well. You mentioned that you had, I think, negotiated with Grace Romanian Church and arrived at something you said would be acceptable.

As Chairman Strain has said, we're here to try to define what improvements in the conditions might make it more compatible with the neighborhood. Not so much to possibly reject it, but to send it back with additional conditions.

What was initially agreed to with the church in terms of scope and size and activities and number of people and that type of thing?

MR. RAMSEY: Well, I think the square footage of the building was smaller, the parking area was smaller, the operations -- proposed operations was less, the hours of time of operation were shorter.

CHAIRMAN STRAIN: There was a -- like this one is, like, three pages, there was about a page and a half previously of stipulations that were -- this goes back months that we started with, and then when it got to the Planning Commission, the applicant's team brought some amendments to those, and through the Planning Commission, it got changed again to a point where the traffic had to increase. So they had to go back out and do a NIM. They came back for another hearing. That got recommended for approval to the Board of County Commissioners, and then the Board sent it back to us today. So that's kind of like a real short history of what happened. It's been going on for quite a while.

COMMISSIONER FRY: Thank you.

CHAIRMAN STRAIN: Okay. Is there any other speakers, James?

MR. SABO: No more speakers.

CHAIRMAN STRAIN: Okay. And, Joe, you had some followups.

COMMISSIONER SCHMITT: I had some followup questions. I'm going to ask the applicant -- I don't care which represents but, Mr. Yovanovich, you're standing there.

We heard from the public issues about, basically, the critters that are out in the -- I'm talking animals and other things out in the Estates. Did you have any requirement for a determination -- jurisdictional determination from the U.S. Army Corps of Engineers or Section 7 consultation from the U.S. Fish and Wildlife regarding this property?

MR. YOVANOVICH: No, we did not -- we don't have any technical permitting issues for listed --

COMMISSIONER SCHMITT: So there's no listed species or endangered species identified?

MR. YOVANOVICH: Correct.

COMMISSIONER SCHMITT: Was there a requirement through the U.S. Fish and Wildlife for a biological assessment or follow-on biological opinion?

MR. YOVANOVICH: No.

COMMISSIONER SCHMITT: Okay. So I guess that pretty much clears any requirement dealing with any identified listed or endangered species.

Regarding traffic, regarding the county, I guess, Mike, you may have to answer this. Have you determined that the traffic pattern and the impact to be compatible with the existing road network, are there any issues been identified?

MR. SAWYER: Good morning. Mike Sawyer, transportation planning.

We have studied it. The amount of traffic during the week, which is our criteria for judging whether the petition is consistent with the GMP, is that the impacts are reasonable and are actually quite low in this case.

COMMISSIONER SCHMITT: So it meets the concurrence requirements?

MR. SAWYER: Yes, it does.

COMMISSIONER SCHMITT: My last comment has to do with what John raised. I'll go back to the county --

CHAIRMAN STRAIN: Before Mike leaves, Mike, did you do a staff review for the staff report?

MR. SAWYER: Yes, we did.

CHAIRMAN STRAIN: Did you recommend approval on that review?

MR. SAWYER: Yes, we did.

CHAIRMAN STRAIN: Did you take all the considerations you were just asked before you wrote that approval?

MR. SAWYER: Yes, sir.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER SCHMITT: The last one having to do with the height of the structure. John brought up the steeple. I've pretty much traveled the world. I think I've been in 96 countries throughout the world regarding places of worship, whether it is a mosque, a church, a Buddhist temple, typically the structures on a religious building are higher than the surrounding community so it can be identified by the people in the community. It's been that way since the Middle Ages.

Is the steeple deemed compatible, and does it meet all the requirements as far as appurtenances on the building with regards to the county?

MR. SABO: Yes, it does.

COMMISSIONER SCHMITT: Okay. Well, those issues were raised. Again, I see no requirement to deny this or -- I cannot find any reason to deny this petition, and I recommend it move forward as written.

CHAIRMAN STRAIN: Okay. Does -- now, we've had public testimony, staff response, and -- to it. Richard, do you have any rebuttal that you'd like to have?

MR. YOVANOVICH: No, I think that what we've done is what the Board tasked us with doing, which was try to make this better than what was originally presented to you all and to the Board, and I think we've done that.

I just would like to say one thing, that this petition, like most church petitions, if traffic becomes an issue, we are required to employ off-duty police officers to be there to direct traffic.

So if there are cumulative impacts from our project, that is addressed in the provisions that are already existing -- we didn't change that. That's been there for a while. So I just wanted to put that on the record for the community so they know that we've had that commitment in there to provide off-duty police officers if the county says we're having a traffic issue related to our operation of the property.

With that, I don't have anything else to add to the record.

CHAIRMAN STRAIN: Okay. Stan, and then Ned. Go ahead, Ned.

COMMISSIONER FRYER: Mr. Yovanovich, we've heard some suggestions for further concessions, if you will, and I want to go back to those and ask you and your client to what extent some or all of them might be acceptable to you.

The first thing that was mentioned was the loop trail. Is that something that the church would consider doing?

MR. YOVANOVICH: I'll turn to Anna. I don't know what the loop trail is.

MS. WEAVER: I think I need further clarification on what loop trail they're asking for. I think -- I know he said maybe a trail around the property or --

COMMISSIONER FRYER: What he said, yeah, around the periphery.

MS. WEAVER: Well, I can tell you we're going to build sidewalks as required in the code.

MR. YOVANOVICH: Mr. Fryer, we need to look at how that would interface with the back of the property. I believe there's a canal there, too, right?

MS. WEAVER: Yes.

MR. YOVANOVICH: We have a canal. So I don't know. To the extent that we can work that into our site plan, we're willing to look at it. I don't want to make it a formal commitment as part of the application materials right now. Frankly, it's something new to us to even consider. I'm not prepared to say yes; I'm not prepared to say we can't work it in, but I don't want it to be part of the approval.

COMMISSIONER FRYER: The building size, I mentioned that my rather brief research turned up for a 300 congregation size, between 12,000 and 18,000. Would you consider splitting the difference on that, a compromise at 15,000?

MR. YOYANOVICH: Well, I'll be honest with you, it took me some arm twisting to bring it down. I mean, there's -- Fellowship Hall takes up space and kitchens in Fellowship Hall. That all adds up. And we think what we've done by the limits on who can come and when they can come and -- we think we've addressed the concerns about compatibility plus the reduction of that 6,000 square feet. I think that's a fair compromise.

COMMISSIONER FRYER: Then it was mentioned to some degree through confusion, I think, on the part of the people who were trying to interpret the latest version of the compromise, 9 p.m. versus 10 p.m. Would the church be willing to conclude all activities at 9 p.m.?

MR. YOYANOVICH: The preference would be to -- 10 p.m. has been in there for a while, and we'd like to keep it at the 10 p.m. I think the red is just -- was the clarification of the how many services we can have on Saturday and the hours for that. But the 10 p.m. has been in there for a while for our worship services. And, again, the limitation on the number of individuals that can come, I think it addresses the concerns for the community.

COMMISSIONER FRYER: So the 10 p.m. later limit, the one hour later limit would be exclusively for worship services?

MR. YOYANOVICH: Well, you have it under a couple of places. I've got to get a new pair of glasses.

CHAIRMAN STRAIN: Rich, just to clarify, the 9 p.m. came about because of the first draft of the conditions. I have them. I'm looking at them.

MR. YOYANOVICH: But we're looking at -- if we're looking at church-related meetings, they end at 9, if I'm reading that correctly.

CHAIRMAN STRAIN: Church operating hours, a, (1)(a), original submittal --

MR. YOYANOVICH: Those are the worship services.

CHAIRMAN STRAIN: Yeah. Church services shall be limited to Sundays between the hours of 8 a.m. and 9 p.m. That's why I think it's coming up for a question.

MR. YOYANOVICH: For the related -- meetings -- church-related meetings in C end at 9.

CHAIRMAN STRAIN: Right.

MR. YOYANOVICH: Worship services have been 10 o'clock.

CHAIRMAN STRAIN: No. Originally, in the original submittal --

MR. YOYANOVICH: Oh, way back when, before I got involved?

CHAIRMAN STRAIN: Way back when, before you got involved -- well, you got involved at the hearing level, but before that they were limit to 9 o'clock. That's why that's coming up.

MR. YOYANOVICH: Worship, Mr. Strain? For worship services?

CHAIRMAN STRAIN: It says right there, 1(a), church services will be limited to Sundays between the hours of 8 a.m. and 9 p.m. That was produced by the applicant's planner.

MR. YOYANOVICH: Can I just have one moment?

CHAIRMAN STRAIN: Sure. And, Joe, as soon as Ned finishes, I'll go to you next.

COMMISSIONER FRYER: That's all I have.

CHAIRMAN STRAIN: So after this answer he's done, then we'll go to you.

MR. YOYANOVICH: We will have services end by 9. Now, that means there will be people, obviously, leaving, but they'll be leaving an hour earlier if we had services ending at 10. Is that your -- is that what you're asking for, Mr. Fryer?

COMMISSIONER FRYER: It sounds like that's what was on the table.

MR. YOYANOVICH: I believe -- and I don't have the history all the way back to the beginning, but if we originally said 8 to 9 for worship services, then we can agree with that. We just don't want anybody to say every vehicle needs to be off that property by 9.

COMMISSIONER FRYER: I understand.

MR. YOVANOVICH: That's the concern we have, but we don't mind. We'll make that change back on the worship services.

COMMISSIONER FRYER: Okay. Then -- I did have one more clarification, then, on this very point. The way it is currently worded, what kinds of activities can continue until 10 p.m.?

CHAIRMAN STRAIN: Nothing.

MR. YOVANOVICH: Well, if we make the change we just made --

CHAIRMAN STRAIN: There's nothing.

MR. YOVANOVICH: -- nothing can happen after 9 --

COMMISSIONER FRYER: Okay. We can shorten that, can't we, and just say no activities after 9 p.m.?

MR. YOVANOVICH: Other than the cars leaving property, yes.

COMMISSIONER FRYER: Yeah, other than that; other than that.

MR. YOVANOVICH: Yes, sir.

COMMISSIONER FRYER: Okay. That's all I had.

MR. YOVANOVICH: I understand the concept. We'll have to write it, but I understand the concept.

CHAIRMAN STRAIN: Okay. Joe.

COMMISSIONER SCHMITT: Yeah. And the only thing I was going to ask Ned is to ask to put this pathway around the church on the fly, it may adversely impact the neighboring properties, and I think we really would have to look at that before we recommend that as a change, because there are buffers, there's other things around the church. And to basically do that on the fly is certainly going to have adverse effect on some of the homes surrounding the church.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Is that -- Richard, is there anything else you want to --

MR. YOVANOVICH: Okay. I just have a little -- all right. Here's our issue. Thursdays -- well, it didn't matter. We were limited at 9 anyways. Let me -- can I have one minute, or do you want to take a break for Terri? Is it about her time?

CHAIRMAN STRAIN: Well, we'll take a full break then, we'll go into the second case after we finish up with this one. I was going to let this one get done first, but --

MR. YOVANOVICH: I know. I just need two seconds.

CHAIRMAN STRAIN: We'll take a break till 10:30 and resume at 10:30.

(A brief recess was had.)

CHAIRMAN STRAIN: Ladies and gentlemen, if you'd please take your seats, we'd like to resume the meeting.

Okay. Thank you.

We left off with final comments on the Grace Romanian Church application and, Mr. Yovanovich, you had time to meet with your client?

MR. YOVANOVICH: I did. Yeah, thank you. And I put on the visualizer -- I know it's old tech, but I don't know how to do it in PowerPoint. What I understood was we were going to make A, the hours would be 9 p.m. -- for A as well as B and C, and then I understand 18,000 square feet is what we committed to during the discussion. And then it came up, and we heard -- we were discussing during the break -- and we committed to this at the Board of County Commissioners, so I just think we should add it, and I think this is the right place to put it under 3 regarding the parking to make it clear that would be no off-street -- or no on-street parking permitted. Because there was concern that people would come to an event at the church and somehow would park on the local neighborhood streets. We've already committed that that

wouldn't happen, so we thought we'd maybe want to add that to the commitments as well. That wasn't discussed, but we wanted to add that during the break.

So I think those are the changes that were discussed in addition to what we previously presented. So that's it. I think I --

CHAIRMAN STRAIN: Okay. The only thing I have to ask is that Mr. Fryer -- we have a Fry and a Fryer. I have to keep them straight. Mr. Fryer had asked to consider limiting all activities -- no activities after 9 p.m., and that was why you wanted the break. So did you discuss that?

MR. YOVANOVICH: Right. Yeah, we did. And what happened is the only service that goes past 9 o'clock is the New Year's Eve service, and that's what I -- and I spoke to Mr. Fryer about that on the break, that every other service except New Year's Eve has to stop before 9, and that's why we had that separate -- we had that separate in D, because Easter Sunrise obviously happens before the normal hours that we had discussed in No. 1, and the limitation on when we had to end, and that's why we separated, originally, Easter Sunrise and New Year's Eve services, because those would be the two exceptions to the worship service hours in Number A -- or Letter A.

CHAIRMAN STRAIN: Okay. So the 9 o'clock change to the 10 p.m. up top --

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: -- fixes that. Basically you've got no activities after 9.

MR. YOVANOVICH: Right, right.

CHAIRMAN STRAIN: Does that work for you, Ned?

COMMISSIONER FRYER: It does.

CHAIRMAN STRAIN: Okay. With that, is there any other comments or questions from the Hearing Examiner -- I mean, from the Planning Commission?

COMMISSIONER FRY: Mr. Yovanovich.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER FRY: How is a wall defined? We had the southern adjacent property owner, and in the writeup it mentions a wall is to be constructed, but what are the parameters of a wall?

MR. YOVANOVICH: I'm going to let Anna -- because you don't want me to answer.

MS. WEAVER: The code requirement for that area is that because it's adjacent to residential zoning across the street, it states that we have to construct a 4-foot wall. And I believe it says -- well, don't -- I don't want to quote what it says exactly, but it's going to be a concrete or prefab solid wall.

COMMISSIONER FRY: Four feet in height?

MS. WEAVER: Four feet in height to help with headlights.

COMMISSIONER FRY: Is a 4-foot wall -- and what is the purpose of that wall in terms of -- I mean, at four feet, it does not obstruct the view of the church for the adjacent property owner. So what about the possibility of a taller structure?

MS. WEAVER: The purpose, I believe, because it's right on the roadway, is for lights to affect the adjacent residential property.

MR. YOVANOVICH: It's never been intended to be a security feature. It's always been intended to be a "stop headlights from bothering neighbors" feature.

COMMISSIONER FRY: And has it been requested by the adjacent neighbors that it be tall enough to obstruct the view?

MR. YOVANOVICH: No.

COMMISSIONER FRY: Thank you.

CHAIRMAN STRAIN: Anybody else have -- go ahead, Stan.

COMMISSIONER CHRZANOWSKI: You guys don't do a Christmas midnight mass?

MR. YOVANOVICH: We will end it at the 9 p.m.

COMMISSIONER CHRZANOWSKI: Okay.

MR. YOVANOVICH: Yeah, we -- midnight could be at 9 p.m. for us older people.

CHAIRMAN STRAIN: Okay. We'll -- anybody else?

(No response.)

CHAIRMAN STRAIN: Hearing none, we'll close the public hearing, and then we'll go into a motion. If there's -- if anybody wants discussion on this before we go to motion -- if not, I'd like to suggest that if someone would want to make a motion, it would be a motion to send the changes to the Board of County Commissioners recommended as additional compatibility considerations, so...

COMMISSIONER DEARBORN: Mr. Chairman, so moved.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER FRYER: That would be including the handwritten --

CHAIRMAN STRAIN: Yeah. And what I'll do is, if you want to second it, I'll go ahead and read --

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: Okay. Motion made and seconded. The changes would be those in red that were presented with the amendments that are noted here in blue on this particular page. And I don't believe there were any past this section of that page.

MS. WEAVER: Oh, not written.

MR. YOVANOVICH: No further changes other than the --

CHAIRMAN STRAIN: Yeah, more red ones, but no further written ones.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay. So with that, the motion maker and the second accept that. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: 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.

MR. YOVANOVICH: Thank you.

CHAIRMAN STRAIN: Thank you.

Now, the next item up, I must -- it's the only item left, so it must be why everybody's here. PL20170004419. It's the Collier County Growth Management Plan amendment for the Livingston Road --

MR. SABO: Mr. Chairman, we, I think, need action on the Comp Plan as well.

CHAIRMAN STRAIN: No. That's not what the Board assigned us.

COMMISSIONER SCHMITT: The Comp Plan goes forward --

CHAIRMAN STRAIN: The Comp Plan and the other motions go forward as they were. This just tells the Board what they asked for us to do.

COMMISSIONER SCHMITT: Yes. That was my understanding.

MR. SABO: Very good.

CHAIRMAN STRAIN: Let me start over again, then.

***The next item up is Item 9A3, PL20170004419. It's an amendment to the Collier County Growth Management Plan to add the Livingston Road and Veterans Memorial Boulevard located on the south side of Veterans Memorial Boulevard just east of Livingston Road.

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

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

CHAIRMAN STRAIN: Okay. Disclosures on the Planning Commission. Let's start with Mr. Eastman.

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: I spoke to Mr. Yovanovich, and I saw the news stuff on Channels 2, 5, and 7.

CHAIRMAN STRAIN: Did you get any emails?

COMMISSIONER CHRZANOWSKI: Well, yeah, I did; from the public, yeah.

CHAIRMAN STRAIN: I thought we all got copied on some of them. Some of them went to the staff, and then they distributed them.

COMMISSIONER CHRZANOWSKI: I'm curious, do we have to -- everybody sees those. Do we have to disclose that?

MR. KLATZKOW: Technically, you should be bringing with you all the ex parte communications you have in a folder, which we give the applicant or anybody else the ability to look at them and to ask questions about it. That's what you're supposed to do. Customarily, I can't remember the last time an applicant actually asked for it.

CHAIRMAN STRAIN: Okay. In our case --

COMMISSIONER CHRZANOWSKI: Well, anyway, I got copies of emails from a bunch of people.

CHAIRMAN STRAIN: Tom?

MR. EASTMAN: I, as well, received all the emails and the materials in the packet, which I -- are a part of the public record and available to the public.

CHAIRMAN STRAIN: All right. And that's what I would suggest to all of you. If you get emails, always copy them back to staff, as I do. That way they're always part of the staff's record. Staff puts in the packet, or as Corby's done today, he passed them back out. So they do get them; they become available to everybody.

COMMISSIONER CHRZANOWSKI: If he'd remember to say it, I'd remember to say it.

CHAIRMAN STRAIN: Karl?

COMMISSIONER FRY: Emails, phone call with Yovanovich prior to the December 6th meeting before this was continued, and I'm appointed (sic) with some homeowners in the Barrington Cove neighborhood. Do I need to name their names?

CHAIRMAN STRAIN: No, just --

COMMISSIONER FRY: And I've had a brief conversation with them.

CHAIRMAN STRAIN: Okay. Ned?

COMMISSIONER FRYER: Conversations with staff, emails; conversations with Mr. Yovanovich.

CHAIRMAN STRAIN: I've had conversations with staff. I've had a slough of emails. I forwarded them all to staff. They're either in the packet or in front of us in the packages today. I've had meetings with Mr. Yovanovich and the applicant team as a whole I think once -- almost all of them in December, and a group of them, again, yesterday, and that's -- other than that, that's it.

Go ahead, Karen.

COMMISSIONER HOMIAK: I have had emails, and I spoke with Mr. Yovanovich.

CHAIRMAN STRAIN: Joe.

COMMISSIONER SCHMITT: Spoke to Mr. Yovanovich and Mr. Mulhere, numerous emails that came into my official Collier.gov address, so I have to assume that they're in the archive and part of the official record. I did not forward those to staff, but I certainly can, and additional information that was -- I guess, was handed out by staff just came in. I got an email from Corby last -- I think yesterday or the day before regarding some language, changes in language.

CHAIRMAN STRAIN: Patrick?

COMMISSIONER DEARBORN: Similar emails, communication with staff, and a brief phone call with the applicant.

CHAIRMAN STRAIN: Okay. That wraps it up.

Bob, we'll turn it over to you.

MR. MULHERE: Thank you. For the record, Bob Mulhere with Hole Montes here this morning on behalf of the applicant. Also in attendance with me this morning is Brian Stock, Keith Gelder, Chris Johnson, all with Stock Development. Rich Yovanovich is our land-use attorney; Chris Mitchell is the professional civil engineer with JR Evans Engineering; and Ted Treesh. Ted Treesh is our transportation planner with TR Transportation Consultants.

I have a PowerPoint presentation. I'd like to go through that. I'll be as succinct as possible. I realize there's a lot of folks here, and I don't want to take any more time than is necessary with my presentation, but there are some -- I think there is some information that will be significant.

So let me just begin that, and I'll try to get through it as succinctly as possible.

What you have before you is an aerial of the neighborhood and shows the subject property. Right here.

CHAIRMAN STRAIN: It's shifted north more than it is, right?

MR. MULHERE: Correct.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: There's another outline. That's over a zoning map. The property has two zoning districts on it. Fifteen-and-change acres is part of the De La Rosa RPUD, and the balance of the property's presently zoned agricultural; about 20 acres.

All of the property is in the urban residential subdistrict; none of the property is in the coastal high hazard area. Total size is 35.92 acres.

So the property's located, as you know, at the southeast corner of Livingston Road and Veterans Memorial. This amendment seeks to establish the Veterans Memorial Boulevard East residential subdistrict, and this is a transmittal hearing to permit up to 350 multifamily dwelling units. That number originally was 420. We reduced to 350.

There will be a companion -- there is a companion PUD that is under review by staff, and as part of my presentation, I will share with you a number of the conditions and so forth that we're committing to as part of the PUD.

I know this is always a bit of a challenge when you have a transmittal hearing that's limited to a Comprehensive Plan but, really, you-all have an interest in knowing more of the detail, and we're going to provide that to you.

The density at 350 units is 9.74 units per acre.

The existing De La Rosa PUD, 15.38 acres, allowed for up to 107 multifamily dwelling units, and those were approved to be constructed at a zoned height of 50 feet and a building height -- excuse me -- an actual height of 69 feet.

The GMP provisions presently allow for up to seven units per acre, which would total 251.44 units.

The additional units that we would be seeking would be 98.56. If you add those together, that totals 350 dwelling units at 9.74 units per acre.

This exhibit -- I'll spend a few minutes on this -- overlays the De La Rosa approved PUD and site plan provisions -- there was a site plan for De La Rosa PUD -- in blue. So the boundaries of that are outlined in blue, and the location of the buildings proposed for De La Rosa are also outlined in blue.

The overall property that is part of our petition actually shows -- excuse me -- the development area. The overall development area for our petition is outlined in red.

So a couple of points. We have established a minimum setback for principal structures from our eastern property line or boundary of 125 feet at a minimum. So these buildings here and this building here would be a minimum and are a minimum of 125 feet as juxtaposed with the site plan for De La Rosa, which allowed for a 20-foot setback. I looked at the SDP, and this building was approximately 26 feet from the property line and four stories in height, 50 feet in height. So, obviously, we have looked at this as part of our planning, and I've shifted the development as far away as we possibly could from Barrington Cove.

So if you look at this table here, this table provides for the setbacks of the approved De La Rosa PUD, which was approved, as I said previously, for a building height of 50 feet zoned, 69 feet actual, with a 20-foot setback.

Our proposal at present is four stories or three stories. These buildings here were originally proposed -- these two buildings were originally proposed at four stories. We've reduced those to three stories. Zoned height 40 feet; actual height 50 feet.

These buildings, these remaining buildings, two here and two here, in red, would be retained at four stories, with the original zoned and actual height.

The brand and PUD, which is Barrington Cove, was approved at a zoned height of 50 feet, three stories, and an actual height of 55 feet and three stories. So I just want to point that out, that the brand and PUD, which you can see the development here shaded, right here and right here; that PUD was approved for zoned height at 50 feet, actual height of 55 feet, three stories.

We've reduced these two buildings right here, which are the closest to this portion of the development, down to three stories.

This is the --

COMMISSIONER SCHMITT: Before we -- can you stay on that again, just to clarify, Bob.

MR. MULHERE: I'll go over that several more times, but --

CHAIRMAN STRAIN: They're going to be -- do you want to -- we normally don't interrupt the presentation.

COMMISSIONER SCHMITT: I just want to be sure he -- the buildings in blue are not going to be built.

MR. MULHERE: Correct. Those are approved SDP for De La Rosa. The point that we wanted to make was you can see how close they are to Barrington Cove at a height of 50 feet and four stories.

I say they're not going to be built. It sort of depends on what happens. Obviously --

This is the master concept plan. The only thing I'd point out is you can see that we did spend a lot of time designing the site to move the development area into this area. This is a fairly large wetland preserve, a little over 15 acres in size, and this is a stormwater management lake with a -- a significant landscape buffer around it.

This is the revised site plan overlaid on an aerial. I'll point that out again. These buildings have been reduced from four down to three stories from a building height zoned of 50 down to 40.

CHAIRMAN STRAIN: Well, I don't mean to interrupt again, but Joe may need this clarification; the two buildings that I think he asked about, the two on the south side, they're not darkened. Does that mean you're not building them?

MR. MULHERE: No, those are being built. I'm not sure why that is the case. Those are -- they should be darkened.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: Thank you.

I guess I don't -- I've already kind of covered some of this. I won't be repetitive. These arrows depict the buildings that will be three stories and four stories with this sort of quad -- the buildings right here being three stories and these being four stories.

I mentioned this, but I'll repeat it again. We did insert a minimum -- a minimum setback for buildings from our eastern boundary of 125 feet for principal structures. There are garages -- single-story garages closer than that, but the actual apartment buildings will be a minimum of 125 feet from the eastern boundary.

And here is our proposed amendment regarding the building height which would be depicted on the PUD master plan to show those buildings that will be three story, which I've already pointed out to you, and those buildings which will be four story.

We've met with -- and I'll go over this in a little more detail. But we -- in addition to the NIM, we've met with representatives of both Barrington Cove and Mediterra north across Veterans Memorial from this property. And as a result of those meetings, we've gone back several times to the drawing board to develop landscape buffers that we thought would address some of their concerns.

This exhibit shows you -- this is just sort of the master key, but shows you the types of landscape designs that we're going to put in those locations, and I'll show you more detail here.

So you can see right here -- so this is the property right here. This parcel right here is zoned A ag. It's adjacent -- the parcel on the corner is zoned C1. We don't own those parcels, just for reference. If you look at the arrow here, this parcel is zoned C1, this parcel is zoned ag. Presumably at some point in the future that would be rezoned to something, potentially zoning it commercial, who knows. But it's zoned ag right now.

So there's two parcels right there; one C1, one ag. So this exhibit shows you the landscape buffer treatment that we would do adjacent to that ag parcel. There's really not any great concern over that ag -- over the relationship to that ag parcel.

This shows the landscape buffer treatment to the south, also right here, also adjacent to the commercial parcel. It's a Type B -- Type B buffer plan. There will be a decorative aluminum fence for security purposes around the property -- that shows that decorative aluminum fence -- and also around this lake portion, so that's a standard Type B.

This one, of course, is more important because this buffer is the buffer that's adjacent to the closest developments in Barrington Cove, the closest development, period, with Livingston Road separating us -- with Veterans Memorial separating us from Mediterra and Livingston here -- right here. Excuse me.

So this buffer is a significantly enhanced buffer. On the bottom right you see the single-story garage elevation. Those garages will be right in here. And what we've got here is an enhanced Type B buffer that has both canopy trees above the required minimum sizes; same thing with the shrubs. This you can see right here. And then there's sort of a mid-story palm row.

In addition, there will be the aluminum decorative fence in there, but these are intended to create an opaque and substantial buffer, right in here, and so we've significantly increased the buffer requirements adjacent to our neighbors. Now, that's a 15-foot-wide buffer.

We also intend to continue to work with the neighbors, and I'll get into that in just a moment.

This is the buffer, the Type D buffer that's required adjacent to the roadway to the north along Veterans Memorial.

This is a line-of-sight exhibit. I recognize this is a -- there's a fair amount of detail here,

and it may be a little hard to see. I'd like to just walk you through. The key here tells you what the perspective is. So A is looking from an individual standing at the back edge of their property in Mediterra looking south towards our project. They have a significant berm here with mature landscaping on top of the berm.

As you're looking up across the top of that berm, with the reduced height now to three stories, which you can see in this exhibit right here, this -- there will be no perspective. They will not see these buildings based on this berm, this landscaping, this wide -- it's a fairly wide -- I think it's a 200-foot-wide right-of-way there, and then additional distance here before you get to the one-story garages, and then the other buildings, and then -- or other buildings, and then the three-story apartment building.

B is this perspective right here from Barrington Cove looking west. And, again, with the reduced height here, really, you would not see these buildings with an enhanced landscaping buffer here both on their property and our property and then the single-story garage structure. Even at four stories you will not see them except, perhaps, a little bit of the roofline at three stories.

And then these two perspectives also, I think, are from Barrington Cove property on the other side of our lake right here. You can see D and C right there. And I think we have a similar situation there with the landscaping and the distance of 125 feet. Someone standing on their property here would see a little bit of the edge treatment from this perspective looking sort of northwest, and this is the perspective looking from their due west.

Our Traffic Impact Statement was analyzed, and it looked at the AUIR in 2023 buildout conditions. Ted Treesh is here. I'm just going to go over this briefly. I'm sure there may be some more detailed questions in which I certainly will defer to Ted as the expert. But there is capacity along all the surrounding roadways, except Immokalee Road west of Livingston in 2023, both with and without this.

And the site's located in the Transportation Concurrency Management Area, which is the policy that allows up to seven units per acre with certain transportation demand management techniques being utilized.

Our project at 350 dwelling units does not trigger the 85 percent threshold described in Policy 5.7.

The intersection analysis conducted at Livingston and Memorial indicates that the intersection will operate at an acceptable level of service again, both with and without the project trips.

And as another observation, Logan extension, which will be another north/south option which will relieve some traffic from this north/south from Livingston, will be -- is under construction; will be completed and open this year, 2019.

And this exhibit here shows I-75 right here, Livingston right here, the project is right here, and this is the extension of Logan to Bonita Beach Road from its present terminus up to Bonita Beach Road.

There are a number of transportation stip in the PUD. We have a maximum trip generation that we can't exceed of 176 two-way p.m. peak-hour trips. There's a payment that's required for -- a fair-share payment for signalization. We are required to -- or at least we were -- I'm not sure since there's no actual CAT system running past this property whether or not we need to do this immediately or it remains as a condition. That's perhaps something that could be something clarified. But we agreed to a condition to install a Collier Area Transit shelter if and when requested by the county.

The access point onto Livingston Road is limited and is only an egress, so it's not an ingress/egress but just an exit, and that's separated from the intersection by a thousand -- by at least a thousand feet.

And we also agreed to construct vehicular, pedestrian, and bicycle stub-out to the adjacent

property, so I did want to show you that. Let me just go back.

So, again, there will be a connection to the adjacent property generally in this vicinity right here. This is the commercial property. And we've agreed to connect. That would be for all forms of, you know, pedestrian, bicycle, and vehicular.

I don't think there's any question but that there's a strong market demand for rental apartments in Collier County. Rates continue to increase and have since 2011. That's an indicator of a basic economic rule of demand exceeding supply. Additional supply will stabilize those rates and minimize further increases.

Occupancy of existing projects is close to 95 percent, which is considered to be full occupancy.

And the estimated demand for rental units by the end of 2022 is over 5,300 units.

There are some unique elements that I'd like to point out with respect to management and demographic of tenants. As you know, Stock has constructed and manages several other rental apartments, luxury rental apartment projects.

The typical demographics: The tenants are typically working professionals and empty nesters. The average household income ranges from 80- to 135,000. At Inspira at Lely, 40 percent of the tenants are empty nesters, folks that want to come down here perhaps full time, perhaps they'll rent it, but they won't be here all year. But they're not looking to buy a single-family home or a condominium. They're looking to rent.

Stock employs professional on-site property management. The company is Greystar, the largest leasing property management firm in the United States. And the experience with them has been excellent thus far.

Full background checks are required on all tenants. We have a seven-day eviction process for any criminal activity. Subleasing of units is prohibited. Airbnb and similar types of rental opportunities are prohibited. Renters insurance is required. All of the vehicles are registered with the property manager. There are restrictions on pets, size and types and requirement to show photos and proof of vaccination.

The standard lease term -- this question came up quite a bit. The standard lease term is 12 months. There are -- there is a minimum lease term of seven months. There are certain circumstances where a lesser lease term is appropriate and, therefore, the lesser lease term is allowed.

These are some photos. I'll go through them fairly quickly, but you may or may not know, but this project is developed and has been open for some time now, and this is Inspira at Lely Resort. The reason we're showing you these is because the intent is to build something of the same high, high quality on this property for this project. Some of the details may change, but -- and you can see these are four-story products.

You see we have garages. I want to show you some of the amenities. This is a perspective looking, I think it's from -- I think it's from the clubhouse looking out towards the pool or maybe from one of the units looking toward the pool. Very high quality and a very significant amenity package.

That's a picture of the pool. Another picture of the pool. That is looking at the clubhouse, the main entry. And the second floor is a fitness facility.

These are some interior amenity pictures. Meeting space, congregating space.

There's a picture of the gym on the left-hand side, additional tenant gathering spaces. You can see that the design -- the quality is very, very high. Additional perspective of the amenities. You can see the high ceilings in the front lobby, the foyer there.

There's opportunities to, you know, do some work there if you like. Another picture of the pool looking out, sort of the central courtyard with the pool.

That almost concludes my presentation. I did want to add that -- I mentioned that we had

met with representatives of Mediterra and Barrington Cove several times both before the Christmas holidays and then after the Christmas holidays after we had reduced the building height on the two buildings that are close to Barrington Cove from four to three stores.

We also made a commitment -- I just wanted to mention this. We also made a commitment at that point in time to work with those folks, those representatives, between transmittal, assuming that transmittal is -- moves forward by the Board of County Commissioners, and adoption to address a couple of concerns that they raised, one being the quality and quantity of the landscape buffer adjacent to Barrington Cove -- and we're happy to work with the folks from Mediterra on that issue, too, as it relates to the perimeter buffers, but I don't know that there were any issues with those -- and also the building architecture. There was some concerns about, I think, more color being sort of being only one option there, but to look at some other architectural elements that would -- and color and elements that would make that more attractive. We've agreed to continue to work with them.

That concludes my presentation. We're open for questions, unless I missed anything, which Rich will let me know what I did.

CHAIRMAN STRAIN: Bob, just one -- not a question about what you presented, but how are you going to provide that for the record?

MR. MULHERE: I have a copy of the PowerPoint presentation.

CHAIRMAN STRAIN: Okay. So you'll give that to the court reporter and make sure she has it for recordation?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: I do -- again, Rich Yovanovich, for the record, I guess, since this is a different petition.

I would like to point out a couple of things as, kind of, why you're seeing so many Growth Management Plan amendments coming through for apartments in Collier County. As I know the Planning Commission is aware, but not everybody in the audience is aware, Collier County has a Comprehensive Plan that has a very low base density calculation of four units per acre. And even with the fact that we achieve three additional units per acre, apartment complexes are generally in the 10- to 12-unit-per-acre density in order for it to be a viable project to provide all of the nice amenities you see. So that's why we're here in need of a Comprehensive Plan amendment.

The only way to get to a density that we're asking for today under the current Comprehensive Plan regulations would be ask for an affordable housing density bonus, which we're not doing. That's why we're doing a separate Comprehensive Plan amendment to get to a density that makes sense for an apartment complex.

I also -- since Stock is a known entity in developing in Collier County and has the Inspira project up and running, we're fortunate today to have Catherine Cordoza with Greystar, who is going to be managing that project as well as this project.

So I thought it would be beneficial if she came up and shared with you her experience with the types of tenants, because in reviewing -- I didn't attend the NIM, but I did watch the video of the NIM, and not just at this location, but in many locations, there's a concern about the quality and how will the project be fully maintained when people don't have an ownership interest in the actual building. And I think it would be helpful to have someone who's actually dealing with that on a day-to-day basis speak briefly about some of the things that Bob's already mentioned but give you the first-hand account. Her name's Catherine Cordoza with Greystar. I'll bring her up.

CHAIRMAN STRAIN: You said something though, and maybe she can answer it. You said that the reason we have so many Growth Management Plan amendments is because of the density that we allocate on a base density, and the apartments are needed at a higher density.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Can you give me an example of another apartment complex in Collier County that has needed a Growth Management Plan amendment?

MR. YOVANOVICH: I can name a few.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: We did it for Pine Ridge Commons, which is the redevelopment of a shopping center. The Vincentian PUD along the East Trail, we did a Comprehensive Plan amendment for that. We're in, or shortly to be in, on Courthouse Shadows. We'll be coming in for a Growth Management Plan amendment for that. That also has a four-unit-per-acre limitation, and we're doing it -- we had our pre-app the other day. So those are ones that are popping in my head right now. I'm pretty sure I've done others.

CHAIRMAN STRAIN: And I understand there are -- there's actually 4,000 units that have come through in the last 12, 15 months --

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: -- on top of the 12,000 we already have. And I was trying to understand, when you said that -- because, you know, I've told you my concern has always been --

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: -- the density change due to the Growth Management Plan.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: You mentioned three. Vincentian was a partial -- had a component for its increase based on affordable housing. The other two were commercial entities already approved swapping out commercial intensity for apartment intensity so that they became a wash; Pine Ridge Commons is one. Is there any one that you have similar to this one you're proposing today?

MR. YOVANOVICH: There's one that Bob and I are both working on --

CHAIRMAN STRAIN: That's across from Orchid Run?

MR. YOVANOVICH: Correct. That one's in the process. I am not at liberty to talk about future projects, but I think that what we have in the urban area, especially west of I-75, there are very few parcels left of any significant size that you can achieve enough critical mass for an apartment complex. And I'm not going to tell you this is the last one, but I'm sure it's pretty close in the urban area for undeveloped parcels that you can get to, you know, basically, the 350 range for an apartment complex, and they're going to require, you know, Comp Plan amendments to make that happen.

So that's why I said what I said, Mr. Strain. And with this location, specifically, in the news recently is -- and Mr. Eastman can address this is -- this is an ideal location because you do have Veterans Memorial Elementary School, you have a middle school, and you have a soon-to-be constructed high school. So it would be an ideal location to provide housing for people working at all three of those school facilities.

So with that, I'll -- unless there's further questions of me, I'll turn it over to Catherine, if -- unless there's further questions.

CHAIRMAN STRAIN: No. I just wanted to understand the clarification before we went past that point.

MR. YOVANOVICH: Sure. Okay.

CHAIRMAN STRAIN: Thank you.

Ladies and gentlemen, I know some of are you talking to one other. I can hear some of the whispering up here. I've got to ask you to refrain from that. Our court reporter listens only with her ears to type, and it gets mixed up sometimes to hear yours on top of the speakers. So please try to think of that when you're trying to whisper to one another. Thank you.

Go ahead, ma'am.

MS. CORDOZA: Hello. I do need to be sworn in.

CHAIRMAN STRAIN: You weren't here for swearing in?

MS. CORDOZA: I did not stand for it.

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

CHAIRMAN STRAIN: And you'll need to state your name for the record.

MS. CORDOZA: Catherine Cordoza.

CHAIRMAN STRAIN: And could you just spell that just to be sure we've got the spelling right.

MS. CORDOZA: C-a-t-h-e-r-i-n-e, last name C-a-r-d-o-z-a.

CHAIRMAN STRAIN: Great, thank you.

MS. CORDOZA: Hi. I am just standing up here to say I have been managing -- privileged with managing apartment communities for almost 14 years in both Lee and Collier Counties, latest project being Inspira in Lely Resort, as mentioned.

I also would like to mention that I'm a current resident of Barrington Cove and have been for over a year now. I will be also -- if everything goes through, be managing the Allura project.

I have two children. One goes to Veterans Memorial Elementary and one to North Naples Middle School right along near the project. So I have a very much -- a vested interest in, you know, making sure that the community succeeds and that the resident base is a good one.

Today's renter has changed drastically from what I think most people in this room and that have continued to own their homes think that the resident demographic is. In addition to the items that were mentioned as far as the screening process and what is required for an apartment community renter, to get approved at our communities we do a very thorough background check, credit check; all pets are screened, service animals, anything of that nature. The rules and regulations and lease agreements that are put into place and enforced by myself, my team, are pretty stringent. In fact, even more so than what a homeowner in Mediterra, Barrington Cove would be subject to.

I don't believe that the apartment community is going to bring down home values. In fact, I believe there was some murmurings of that in Lely Resort and our previous project, Spectra, that people, you know, think that apartment renters are, you know, bad people or criminals or this, that, or the other. That's just not today. That's not who's renting apartments anymore. The people are renting by choice, they're great people, and I think that it's going to be a great addition to all the jobs coming to the area for working professionals, as mentioned, with, you know, not only the educational sector of it, teachers, the families.

You have the Fire Department right there. And I think that that's going to be a good chunk of our demographic; working professionals just like anyone else that's in the community surrounding that are concerned. And I understand their concern, but the demographic of renters in today's market has changed.

CHAIRMAN STRAIN: Okay. Before -- I guess this is the last member of your team, so before you sit down, let's see if we have any questions of you before we go back to Bob or Richard.

Any questions of this lady? Go ahead, Ned.

COMMISSIONER FRYER: Would you educate me a little more about Inspira. What -- how many buildings are there, what is the building height, and how many units are there?

MS. CORDOZA: There's 304 units.

COMMISSIONER FRYER: 304?

MS. CORDOZA: 304, yeah. Very similar to the layout that was presented for Allura. They are all four-story buildings, four-story elevator buildings. There's five of them total. Thirteen six-bay garage, free-standing garage banks on site there, and very similar to the amenity package that was represented in the photos.

COMMISSIONER FRYER: How close to Inspira is the next four-story building from some other development?

MS. CORDOZA: I believe FSW is the closest four-story. I'm not --

COMMISSIONER FRYER: Can you estimate approximately how far away it is.

MS. CORDOZA: Maybe a mile or so.

COMMISSIONER FRYER: In that range?

MS. CORDOZA: A mile.

COMMISSIONER FRYER: Okay. Thank you. That's all I have.

CHAIRMAN STRAIN: Anybody else have -- of her? Go ahead, Karl.

COMMISSIONER FRY: What is the density per acre of Inspira?

MS. CORDOZA: That I'm not 100 percent sure on.

CHAIRMAN STRAIN: It's part of the Lely PUD, yeah. So it's --

MS. CORDOZA: Fifteen, so quite a bit more --

COMMISSIONER FRY: Fifteen?

MS. CORDOZA: -- at Inspira versus what Allura will be.

COMMISSIONER HOMIAK: It would be about 20.

COMMISSIONER FRY: Twenty.

COMMISSIONER HOMIAK: It's just under 15 acres for 304 units.

COMMISSIONER FRY: Okay. So higher density than this?

MS. CORDOZA: Yes, at Inspira.

COMMISSIONER FRY: What is the range of rents at Inspira, and what is projected for Allura?

MS. CORDOZA: As of right now, at Inspira we have rents ranged from high -- mid to high 1,400s and up to the -- just under 2,000 for a three-bedroom.

COMMISSIONER FRY: Do you have target ranges for the rents for Allura?

MS. COOK: We don't have that available at this time.

MR. YOVANOVICH: About the same.

COMMISSIONER FRY: About the same. Thank you.

CHAIRMAN STRAIN: Anybody else have any questions of her? I have one. What's your -- based on your information on, I guess, Inspira then, what's your persons per household?

MS. CORDOZA: I'm sorry?

CHAIRMAN STRAIN: What's your persons per household? How many -- what's your average persons per household in Inspira?

MS. CORDOZA: Two; two or less, yeah.

CHAIRMAN STRAIN: Two or less?

MS. CORDOZA: Uh-huh.

CHAIRMAN STRAIN: Okay. Thank you.

COMMISSIONER FRYER: Do you also have an age range?

MS. CORDOZA: The demographic age range right now is, I want to say, late 30s up to mid 60s.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Okay. I think that's all. Thank you.

MS. CORDOZA: Thank you.

CHAIRMAN STRAIN: And I guess, Bob, you're going to take it from here?

MR. MULHERE: Yeah, I'm going to until Rich comes up and pushes me away from the podium.

CHAIRMAN STRAIN: Okay. Does anybody have any questions of Bob? We'll go with Ned first.

COMMISSIONER FRYER: The Allura site is surrounded on three sides by single-family dwellings, so that certainly prompts a concern over compatibility. And the site as planned, the project as planned, also raises a concern, for me at least, with respect to traffic. And my third

major concern is the minimum length of lease that's being offered. So those three items comprise my concerns at the present time.

My question -- first question for you, Bob, is how proximate to the site is the next nearest four-story building?

MR. MULHERE: There's -- there are no four-story buildings in close proximity to this. I would say it's got residential -- single-family residential on, really, in my opinion, two sides. To the south there's a 15-acre preserve, right here, right, and then you've got, you know, Livingston Road and on the north side of Veterans, yes, Mediterra. So really, to me, it's more like two sides, but that's just -- maybe we look at that differently.

COMMISSIONER FRYER: The size still seems to be excessive to me, and I would also like to see fewer stories on all the buildings.

The TCMA discretionary bonus of three dwelling units per acre is that; it's a discretionary bonus. If you were to be granted that, you would come in at around 249 dwelling units per acre (sic), I believe. To me that seems to be more right-sized and also would facilitate less tall buildings. So that's just a comment that I would make at this point.

Also, the traffic study was based upon the 2017 AUIR, which I understand. That was when all the work was done, but some fairly significant things have happened and show up in the 2018 AUIR Attachment F. And it -- among other things, the deficiency of Segment 42-1, which is Immokalee, I believe, is projected to happen in 2022, sooner than it was under 2017 where it was projected to become deficient in 2023.

And also the remaining capacity has increased significantly. I think it was 90-point something capacity in 2017. I believe it's 93 and some change percent capacity. So just in the last year the traffic situation that is close to this proposed project has gotten, I think, significantly worse, and it prompts me to want to ask for more concessions on the part of the developer to help mitigate the effects that have gotten surprisingly worse in just a short period of a year in the form of density and the effect that would have on traffic, and then compatibility, I think, would be enhanced if there were a minimum one-year lease provision so that people seem to, I think, at that duration or greater, have a greater concern for the property and for the upkeep of it and they take better care of property than shorter-term renters. So I just wanted to throw those considerations out.

MR. YOVANOVICH: I'm assuming -- a couple of things. We have our transportation consultant, Ted Treesh, here who can address your traffic concerns as well as I know Trinity Scott's here from the county.

I know over the last several weeks I've had several discussions with Trinity and other members of your staff regarding the traffic analysis and what do or do we not trip as far as traffic impacts. And I do know that your staff is recommending approval. I think their one condition is that we interconnect with the commercial property, we stub out for whenever it's developed. But Ted can get into the greater detail about consistency with the traffic analysis and how this is all done.

A couple things. One, Veterans Memorial, I'm assuming the high school's a go. Tom Eastman could tell you if it's not, it's pretty close to a go. When that happens -- and I already know in the five-year plan -- is the expansion of Veterans Memorial Boulevard to the west -- I think I got my direction correct -- all the way to 41; that's in the five-year plan to get built.

I believe, just as a lawyer who's done a few of these things, but I'm sure Ted and Trinity will tell you, that that's going to provide some relief to Immokalee Road because right now, as people have pointed out, there's only -- if you're on Livingston Road, there's only two ways to get off. You either get off at Immokalee Road or you got off at Bonita Beach Boulevard if you're trying to get to, basically, I-75 in that general area or to head -- or you can go further south, obviously. But I think that's going to be a reliever. And Ted and Trinity can address that in

greater detail.

But that's already a factor that's going to happen and relieve some of the transportation issues that you're specifically raising regarding that segment of Immokalee Road.

Second, I did speak to my client about whether or not we still needed the seven-month lease. It would be nice to have for people who come to the area and would like to, you know, rent on a shorter period while they're figuring out where they ultimately want to live, but that's not critical to us. I mean, if it's important to the community and important to the Planning Commission that we go to a minimum 12-month lease to show that we really are going to have great-quality tenants, you know, we can go to a 12-month lease.

The density is really -- has been analyzed. We looked at 420, and when we laid out the site, 420 was not really achievable, so 350 is the number that is a realistic achievable project that will support the level of amenities that we're proposing for this project and other projects.

I think I've said this to you, Mr. Fryer -- I know I've said it to others -- but in today's market, all of my clients are looking, okay, if I get approved today, I'm really leasing in about two years, so it's a race to who's going to have the best amenities, who's going to have the best apartments, because they know that they're competing with each other, and we're fortunate in Collier County that we can support that level of competition in the rental space.

So it's -- we've shown you -- you've seen Inspira. This is going to be, you know, the best of the best out there, and we need to make sure that we can financially make that work. And we're not negatively impacting traffic based upon the traffic -- we're putting traffic on the road. I'm not saying we're not, because I always hear that whenever I'm doing a NIM or whatever. Of course we're putting traffic on the road, but we're putting it in within the rules that apply in Collier County. So from a compatibility standpoint, I think we checked that box. We meet the criteria.

The way we've reduced the height on the two buildings that are new properties, I think we checked the box. It's consistent with what was approved in De La Rosa. It's actually a little lower than what was approved in De La Rosa. And that was determined to be consistent with the community when that project was approved many years ago.

COMMISSIONER FRYER: Well, let me say that I do appreciate your efforts --

MR. YOVANOVICH: Right. We've been trying.

COMMISSIONER FRYER: -- with respect to the one-year lease and your willingness to reduce your initial request from 420 to 350. But to me, both from a compatibility and traffic standpoint, I think it needs to be reduced further.

MR. YOVANOVICH: I could tell you I don't believe 251 --
(Applause.)

CHAIRMAN STRAIN: Ladies and gentlemen, please. We're not here to do that. And I need to ask you to remain quiet. We need to move on with the hearing, so...

MR. YOVANOVICH: And I'll stop.

CHAIRMAN STRAIN: And just for the record, the issues are for discussion. We certainly are not going to put into any kind of considered GMP amendment lease terms and stuff like that. So I think you ought to take it into consideration so that when we actually -- if it gets to the PUD stage, that's when it would all come up.

MR. YOVANOVICH: Right. And I know the public doesn't do this every day, but generally whenever we do a Comp Plan amendment, it's very generic or general, and people are really concerned about what's really going to happen on the property.

Fortunately, the state legislature several years ago now lets us do the PUD at the same time. We used to not be able to do that. So now we can do the PUD rezone at the same time, and that's why we're focusing so much on the PUD, so people truly understand what will happen if we're fortunate enough to get transmittal and we come back for the adoption hearing and the PUD hearing at the same time. That's why you're seeing the level of detail.

And, Mr. Fryer, we absolutely will be addressing those, obviously, in the PUD but not in the GMP level. Usually you have density and other things. You don't get into the finer points, but those will all find their way into the PUD.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Anybody else. Joe?

COMMISSIONER SCHMITT: Yeah, just to clarify. And I want to make sure we all understand, we're here for the GMP amendment, not the PUD. We're not voting on the PUD. And even if you asked for -- the current density you're asking for now is 350 units. Certainly, it can be adjusted, modified, or whatever once you come in with a PUD.

MR. YOVANOVICH: Right. We understand that.

COMMISSIONER SCHMITT: I just want to make sure the public understands that this is not -- this is a GMP amendment, Growth Management Plan amendment, not the specific zoning.

MR. YOVANOVICH: And, ultimately, this is just transmittal. I mean, there's -- even if we get transmitted, it doesn't mean it gets adopted the same way at the adoption hearing.

COMMISSIONER SCHMITT: Okay. Thank you. Just -- I wanted to clarify that.

CHAIRMAN STRAIN: Anybody else have any questions of the applicant's team? Stan?

COMMISSIONER CHRZANOWSKI: Yeah. When I saw those news reports on this project with all the people, one of them had an exhibit, and I just hit "Allura Naples" Google images, and it shows these buildings dwarfing the houses in the foreground. One of them is a WINK News, and another is a "Residents Against Allura" Go Fund Me page. They're well done, but I assume you didn't do them, right?

MR. YOVANOVICH: No.

COMMISSIONER CHRZANOWSKI: That's not part of one of your exhibits?

MR. YOVANOVICH: I don't know what you're talking about. We've shown you all of our exhibits that are our exhibits. I don't know --

COMMISSIONER CHRZANOWSKI: This isn't one of them. Okay. They're well done.

CHAIRMAN STRAIN: Just not anybody's exhibits, but anyway. Go ahead.

MR. YOVANOVICH: I can't attest to the accuracy of that.

CHAIRMAN STRAIN: I remember one time we actually had someone bring in a Letter to the Editor as evidence for the hearing. It's generally not acceptable, but anyway...

COMMISSIONER SCHMITT: I remember one time we had somebody bring in a model but was not an architect, was not a certified engineer, was not a model maker, but brought in a model in an attempt to use that as an exhibit, which certainly could not be accepted because there was no professional competency behind it. So, again, I don't know who did these, but it would be nice to know --

MR. YOVANOVICH: Does somebody have a copy of them?

COMMISSIONER SCHMITT: Yeah, this right here that was handed out.

MR. YOVANOVICH: Okay. Can I look at those during the break?

COMMISSIONER SCHMITT: Yeah. I'd just like to know from the standpoint of the professional competency of this, and could they attest as a signed or sealed engineer or whatever that did these, or an architect, or the scale, those kind of things. It is really fascinating. It's just I want to know who did it -- and thank you.

CHAIRMAN STRAIN: Okay. Well, is there anybody else that has any questions of the applicant's team?

(No response.)

CHAIRMAN STRAIN: Okay. I do. And you have your traffic person here?

MR. YOVANOVICH: Traffic, yes.

CHAIRMAN STRAIN: Okay.

MR. TREESH: Good morning, Ted Treesh with TR Transportation Consultants.

CHAIRMAN STRAIN: Good morning.

MR. TREESH: Good morning.

CHAIRMAN STRAIN: You have a peak hour of 176, and you used ITE manual 221 to get there.

MR. TREESH: That's correct.

CHAIRMAN STRAIN: If you've got 350 units and you've got 2.46 persons per households, that's 861 persons. Now, this is supposed to be a working essential -- or not essential, but working professional type operation, so I'm assuming all these people are going to go to work. And if they do, generally work hours are two hours in the morning for peak hour and two hours in the afternoon. So your peak hour is 176, which is only 25 percent of the 861 persons anticipated to move there by your calculations.

So how do you get only 25 percent are hitting the road at peak hour? Because the traffic is one of the driving forces behind this.

MR. TREESH: I wish I could say this is my calculations, but these are the Institute of Transportation Engineers' calculations which we're required to use per the county requirements in terms of trip generation for this use. ITE, which is Institute of Transportation Engineers, just came out with their 10th edition of the ITE Trip Generation Report. And with that 10th edition, they split the multifamily uses into different land-use codes based on the height of the building because that was determined through the surveys that were conducted, and submitted to ITE to have an impact on the trip generation.

So, again, we're not making these numbers up. These are numbers that were nationally accepted, locally accepted and the estimates that we're required to use at this time.

And I would like to point out that a multifamily use generates -- an apartment use generates significantly less traffic than a single-family use. I mean, it's a pretty common-sense assumption, but if you think about it, the number of vehicles per unit, the number of persons per unit are significantly less in a rental community than it is in a single-family detached home and on the realm of almost half in terms of the daily trips.

CHAIRMAN STRAIN: Okay. Did you use land-use 221, multifamily housing, mid-rise for your calculation?

MR. TREESH: That's correct, yes.

CHAIRMAN STRAIN: Okay. The fourth paragraph of land-use 221 from the manual says, "For the six sites for which both the number of residents and the number of occupied dwelling units were available, there were an average of 2.46 residents per occupied dwelling units."

So, okay, if you've got two-and-a-half people, which is average, let's say you've got two working people. I mean, at the price range you're in, you probably would need two working people. That's still going to get you to 700 persons, which 25 percent of that is 176.

What happens to the other 75 percent of the people who leave at the peak hour to go to work each day and come back in that apartment complex when you're only saying a quarter of them are on the road? I just don't know how you get there. And if you're the traffic expert and you can't answer it, then maybe our staff can when I bring them up.

MR. TREESH: Perhaps. But, again, you're asking me to delve into data that was collected and assimilated by ITE, and they don't survey every single resident of a community. They survey the driveways going into and out, and these are the traffic characteristics that this type of use exhibits.

Where those specific people go at what time of the day, I mean, there's many answers. I mean, people can work different shifts where they don't leave during the peak hours. There's all kinds of answers to that question that would -- but as with any land use in ITE, the data that is in there is based on actual surveys of these land uses, and that's the data that is in there and what we

use.

So the specific answers as to how those trips are distributed throughout the day and into the peak hour can vary, and the answers could be very wide ranging.

CHAIRMAN STRAIN: Did you realize that the traffic might be an issue for this project in its determination for today's hearing?

MR. TREESH: What project --

CHAIRMAN STRAIN: Allora, the one we're talking about.

MR. TREESH: What project is traffic not an issue?

CHAIRMAN STRAIN: Okay. So you expected traffic questions today. Obviously, that's why you're here.

MR. TREESH: Yes.

CHAIRMAN STRAIN: Why wouldn't we have wanted to know how you got to that number based on the population of that project and why it differs? I mean, you're looking at only a quarter of the people, and I'm just wondering what analysis you might have done to do that. And a second analysis I was wondering if you did, obviously, when we have apartments for working people, professionals, whatever you want to call them, living in the urban area closer to where they work, that's going to take traffic off other sections of our roads --

MR. TREESH: That's correct.

CHAIRMAN STRAIN: -- which desperately needs that done. But did you do a survey to determine where your market is for these people and the distances that we -- they're going to be driving, road segments affected by them, and things like that? Would anybody do an analysis of that magnitude to get there today?

MR. TREESH: I did not as part of this application, no.

CHAIRMAN STRAIN: Okay. Go ahead, Ned.

COMMISSIONER FRYER: Is it fair to say that the 10th edition of the ITE tells us nothing whatsoever about Segment 42.1 of Immokalee Road and the real conditions that are on that segment, correct?

MR. TREESH: ITE is the simply the resource we use to --

COMMISSIONER FRYER: I know what it is.

(Multiple speakers speaking.)

MR. TREESH: -- estimate traffic generation. No, there's not data in ITE about --

COMMISSIONER FRYER: It tells us nothing about that segment. Thank you.

MR. TREESH: Correct. That's what the purpose of the Traffic Impact Statement is, to assimilate all the data together, and then analyze the roadway links pursuant to the county requirements.

CHAIRMAN STRAIN: Okay. And the county requirements, basically, accept the 221 and accept the 176 as a multiplier that you used to come to that conclusion that that's how many people will be on the road from that apartment complex --

MR. TREESH: That's correct.

CHAIRMAN STRAIN: -- during the peak time of day?

MR. TREESH: That is correct.

CHAIRMAN STRAIN: Okay. Well, then I'll have to ask staff how they come to that conclusion, because I'm kind of puzzled by it, one of the numbers, really. I didn't really understand what was going on as far as quantities go until I read the 221 TIS piece that was included in our report. And when I saw that persons per household, I got to think, well, how can that many people, all of them -- just a quarter of them leave? I just don't know how you got there, and I didn't pick that up, and that's the piece I'll need explained. So thank you.

MR. TREESH: Thank you.

CHAIRMAN STRAIN: And does anybody else have anything?

I have -- Bob, you know what spot zoning is?

MR. MULHERE: Yes, sir.

CHAIRMAN STRAIN: Okay. Tell me why this isn't.

MR. MULHERE: Well, I think spot zoning is a term that's thrown out there an awful lot. It's my professional opinion -- I believe it's backed up by professional analysis -- is that spot zoning is taking a land use that isn't compatible with other land uses and not really mitigating for it. So, for example, residential is compatible with residential. Multifamily adjacent to single-family is compatible, although there may need to be some mitigation.

We allow -- in our standard districts in Collier County, we allow multifamily use in the same proximity as this PUD does to single-family.

Well, how is it mitigated? The height might be limited, the landscape buffers might be greater, the setbacks might be greater. And within our straight zoning districts for RMF6, 12, 16, there are limitations.

But I can think of many examples in Collier County where you have five-, six-, eight-, 10-, 12-story buildings and higher in fairly close proximity to single-family residential development. Those two uses are not incompatible; therefore, it cannot be spot zoning.

CHAIRMAN STRAIN: And I'll ask staff the same question when we get to them.

You're asking for -- and then you -- in the conversation I've had, you know my concern has been the additional density as a result of the request to change the GMP.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. If you're asking what was consistent with the GMP, that's a different argument than if you want more.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: What is the public benefit from providing an increase in the density for this project?

MR. MULHERE: The public benefit is it's going to meet the market demand for rental housing, which is significant. It is also -- which does -- somebody mentioned it up here -- we'll reduce the -- I think you mentioned it. We'll reduce the way that people travel to and from work. With this option here, there's lot of employment within close proximity to this, and so that changes the way people travel to and from work. If I have to live in Lee County because I don't have an option to rent something here that I want, then I take a different way to get to my workplace, for example, at these schools or anywhere else in Collier County.

So we know there's a demand, so there is a public benefit to this. You know, we have to meet the demand; otherwise, we're pushing that issue into other locations. So it changes the driving patterns.

CHAIRMAN STRAIN: Then what entices us to provide a density bonus with nothing in return for the taxpayers? I mean, you're not doing any improvements on the road system because you're eliminating yourself from that TM -- whatever it is, TMCA improvement process. So what is it you're going to do to really suggest that this is the right thing to do for the additional density?

MR. MULHERE: Well, I mean, a couple of things. Number one, the whole premise of having a Transportation Concurrency Management Area identified was because the county, by policy, has decided that they want to encourage greater density. I understand that's seven units.

CHAIRMAN STRAIN: Well, that gets you to seven units, not 10.

MR. MULHERE: I understand that; I got that.

And then, I think, as Rich said, in this scenario, it's necessary for an apartment to generally have, you know, 10 to 12 to 14 units per acre. We're at 9.74.

So we've really reduced that below what our original request was. So that's -- and what public benefit? I mean, we're providing adequate, safe, and reasonable housing for a significant segment of the market, both existing and future in Collier County.

CHAIRMAN STRAIN: Do you remember yesterday when we talked I suggested if you could tell me why this is unique and it stands out, it would be helpful to understand it. I haven't heard anything yet that's gotten to that point, and I mentioned it yesterday purposely so you could think about it. What have you -- but it doesn't sound like you've got any -- anything that would address -- my concern is -- and I'll be absolutely straight as I was yesterday. When we tend to approve something for the first time, it becomes almost a standard thereafter.

We have a limited number of people that do land use in Collier County and, as a result, that limited number have memory. So other clients then come in and say, well, we all know we've done this before. Let's do it again.

I'm wondering why this is unique enough that that's not going to happen, or if it's the trend that's going to happen, what's the benefit to the taxpayers out of it if it were to happen? That's kind of where I'm coming from.

MR. YOVANOVICH: I'm going to let Bob go because he may say, but I have some --

MR. MULHERE: Well, I guess, the things that come to mind are, number one, I don't know about any other potential applicant that might come in in their location, but what's unique about this location, I think -- and we've already tried to make that statement, put it on the record. Number one, you know, it's at the intersection of what will be two arterial roadways. I don't know if every other one that comes in is going to be in the same position as that.

Number two, it's proximate to -- it's within the urban area and proximate to work opportunities for an awful lot of people.

Number three, we don't trigger -- we don't trigger -- by the county's rules, we don't trigger any transportation deficiencies. So by the county's rules, we're able to go forward. I don't know if every other project that comes in and asks for 9.74 or above units per acre will be in the same situation. If they are, I think they should have the same opportunity to come in and provide site-specific mitigation to address neighbors' concerns. Whether we succeed in that, you know, is certainly -- I can't speak for the neighbors, but we are attempting to do that.

So the use is compatible, the location's appropriate, we don't trigger any transportation issues, there's demand for the use, and we've tried to mitigate the impacts of this development, both visually and otherwise, on the neighbors.

CHAIRMAN STRAIN: So your site specific mitigation are just your development standards?

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: You don't have any mitigation outside the project beneficial as a whole to --

MR. YOVANOVICH: Well, every project pays impact fees. So the -- an additional benefit from this project is -- and I believe David Weeks and I agree with this, is that we're not required to provide any TDM standards to get to the seven units per acre under the current Comprehensive Plan.

To go above the seven, we're providing TDM standards for the additional 2.74 units per acre. So that's some additional benefit that we're doing. We are providing a -- we are meeting a need that your Comprehensive Plan, frankly, doesn't address in its current form other than through an affordable housing density bonus program.

And I'm fairly certain if I came in and asked for an affordable housing density bonus program on this piece of property, there would probably be three or four times the amount of people that are in this room right now than are here right now.

So there's a -- there's a gap, if you will, in our current Comprehensive Plan that doesn't address this market, and we are trying to address that market through a Comprehensive Plan amendment with a concurrent PUD to address compatibility and all those other things that are necessary. We're going to provide the additional TDMS that, otherwise, we would not be required

to do unless things change. We might have to do it sometime in the future if traffics changes but, currently, right now we don't need to.

So I would say we're not asking to do something for nothing, but we are also meeting a need. And, frankly, when you go back to the blue/red exhibit for what's De La Rosa and what's approved today for De La Rosa, that De La Rosa PUD, which Stock Development owns right now -- so if this is turned down, we'll go in and we'll have to develop De La Rosa based upon the existing development standard, which is 50 feet zoned, 69 feet actual, up to 26 feet -- well, it's 20 in the thing, but the most recent site plan is 26, not 20. We'll have to do that.

So what we've done is we've looked very thoughtfully at relocating those buildings further away from De La Rosa to create a 125-foot setback for these people with enhanced landscaping and some other visual barriers which are the garages. And you're going to get, you know, a world-class apartment complex on this site.

So we're not doing something for nothing. We're meeting a need, we're providing additional transportation strategies, and we're addressing a shortfall in the current Growth Management Plan that has to be addressed. I mean, either change the code, which I know is not going to happen. We've been talking about this for a long time. So we're doing site-specific Growth Management Plans to address this.

And each one is unique. Mr. Klatzkow will tell you, every zoning petition and every Growth Management Plan petition is unique, and we can never use it as a basis for another one, and I don't think I've ever done it. Maybe I'm wrong, but I don't think I've ever said, hey, you gave me this here, you've got to give it to me here.

MR. KLATZKOW: You say that all the time.

MR. YOVANOVICH: I only do it on -- I only do it on the road, only on the road right-of-way.

But I'm not asking you to give me something that we got somewhere else. I'm saying, this is unique, and we think that we're meeting a need, and we've been responsive and responsible to the neighbors and have continued to meet with them and will continue to meet with them.

CHAIRMAN STRAIN: Okay. You're going to -- you're getting about 100 additional units than what you could request with the GMP as it is today.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: For that 100 additional units, you're providing the following elements based on the TCMA: Transit shelter within the RPUD in a location design approved by Collier County. So you're going to put a transit shelter in.

MR. KLATZKOW: Which no one will use based on the rentals that they're asking for, but --

CHAIRMAN STRAIN: But the point is -- let me summarize. There's three of them: Bicycle pedestrian facilities with connection to the abutting commercial property to the west.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: So you open up a pathway, okay; and then vehicular interconnection to the abutting commercial property to the west, so the pathway becomes wide enough for a car. So that's it. That's what -- that's the public benefit out of an extra 100 units for your project.

MR. YOVANOVICH: And we're providing housing that the public needs.

CHAIRMAN STRAIN: Well, no.

MR. YOVANOVICH: Otherwise, we would not --

CHAIRMAN STRAIN: Let me talk about that.

(Multiples speakers speaking.)

CHAIRMAN STRAIN: You keep saying we need housing. You're not -- I mean, if you were to ask what kind of housing we need of a lot of people -- not saying that this is better or worse

for this location -- it's affordable. Now, we've got a lot of new projects coming online, 4,000 units, just about. The other project you alluded to today is like Briarwood. It's going to be high-end. It's going to be very expensive like this. It's going to be like Orchid Run.

We seem to have a lot of that coming on, and that's fine, and I have no qualms about that. But I'm not sure the need is that high-end market-rate housing as much as it is other types of housing. So I'm not sure the need for this is necessarily proven.

MR. YOVANOVICH: Well, I think we've provided a market analysis that shows you there is a shortfall of this type of housing in Collier County. So I think we have established, and your staff agrees that we have established, there's a need for this type of housing in Collier County.

I'm not saying there aren't other needs, but there is a need for this type of housing in Collier County for a blend of people who are going to come here and they choose that type of housing, and for working people. There's a blend that is going to live in this community, and there's no question there's a need. And how do I know that there's no way that Brian Stock is going to put that much money at risk if he doesn't think there's a need and people who desire that type of housing.

CHAIRMAN STRAIN: Okay. I don't have any more questions, I don't think, of staff -- of the applicant. That's most of them right now.

Let me double-check one other one. Oh, I'll have to do some research. I have another question, but I'll wait till after lunch. I need to look at some documents based on what you've said.

So I'm finished with the applicant at this time. Does anybody else have anything they want of the applicant? Any other questions? Karl.

COMMISSIONER FRY: One quick question. In the apartment studies that were provided, I noticed there was no mention of a rather sizable apartment complex on Vanderbilt Beach called TGM Bermuda Island, and I just wondered why that was not in the reports.

MR. MULHERE: I'm not sure. Michael Timmerman did our Collier County regional market analysis. I really can't answer that question. He's not here today. I don't know why they didn't include that.

COMMISSIONER FRY: And I ask that, because part of the justification for this is the need for apartment housing. And so I would think that all the inventory of apartment housing would be included in that. There's -- TGM Malibu Lakes in the report.

MR. MULHERE: Right.

COMMISSIONER FRY: But the sister property.

MR. MULHERE: We can try to get an answer to that via email, you know, during the lunch break.

COMMISSIONER FRY: I think the first slide you put up, Bob, showed an overlay of the De La Rosa PUD.

MR. MULHERE: Yes.

COMMISSIONER FRY: So you're -- just to be clear, and I think for myself and everybody up here and everybody that's in the audience, if this is not approved, the De La Rosa PUD that's shown in blue is already approved and can be built as-is? The PUD is approved and ready to go?

MR. MULHERE: The PUD's approved. There was an SDP. I'm sure that the SDP would be revised but, yes, it can be built and will be built, because Stock owns that property. So, obviously, they're going to come in and build if they don't do this, which we believe is a far better site plan.

COMMISSIONER FRY: So part of your case is that you're actually providing larger setbacks, lower --

MR. MULHERE: Significantly.

COMMISSIONER FRY: -- building heights than what would be got (sic) on part of that

property -- part of the full PUD?

MR. MULHERE: Yeah, and I think that affects primarily Barrington Cove, you know, because those are closer to Barrington Cove. It doesn't necessarily affect, you know, the neighbors to the north or any other directions.

COMMISSIONER FRY: I think I echo Commissioner Strain -- Chairman Strain and Commissioner Fryer's concerns --

CHAIRMAN STRAIN: I'll respond to any name at all.

COMMISSIONER FRY: -- concerns -- me, too. But I think the leap that I'm struggling with, and perhaps I know why we have a roomful of people here, is how we get from seven, which seems to be the magic number that would be permitted under the GMP, up to this 10 and what the --

MR. MULHERE: We like to say 9.74.

COMMISSIONER FRY: Thank you -- just what, you know, the overall benefit is. And I looked at the mitigation strategies, the bus stop, and I think there's no bus route to that location.

MR. KLATZKOW: Right. We have a central bus stop right here in the county. I've yet to see anybody get off that bus and walk to the county. It's right here.

The people who are using the bus would be the people who would want the affordable housing primarily, all right. It's not for this type of market. That's just my experience. I've yet -- I don't know a single county employee who uses the CAT system.

COMMISSIONER FRY: So I guess that doesn't show a demonstrable benefit, and the stub outs to an existing commercial property that doesn't exist yet -- I assume that once that was built there would be some --

MR. MULHERE: Benefit.

COMMISSIONER FRY: -- benefit that less traffic would have to go out on the main roads to get to that commercial development.

MR. MULHERE: That's the idea.

And, look, you know, I can't predict what -- I mean, I don't agree -- I don't necessarily disagree with what the County Attorney said. I mean, I don't -- maybe Michelle Arnold could speak better to the demographics. I think there is a specific ridership on CAT. Who exactly they are, I don't necessarily disagree. But there is an idea to promote -- there's only so many ways that we're going to reduce the level of traffic on our roadways.

We can continue to widen roadways to eight or 10 lanes, and nobody wants that, or we can find ways to encourage people to use transit. That's one way. That's why we encourage transit.

Now, if we're not doing it effectively, that is a different question. That is the question of how do we do it more effectively to encourage people to ride.

MR. KLATZKOW: Or you keep the density.

MR. MULHERE: People are not going to use transit if there isn't a transit stop there.

MR. KLATZKOW: It's fascinating, because we've got a 30-year plan with our roads and everything else based on a certain density, yet we keep increasing density and wondering why the roads can't handle them. It's a fascinating conversation.

CHAIRMAN STRAIN: We're a fascinating county.

Anybody -- go ahead. Corby, you wanted to add something?

MR. SCHMIDT: Yeah. Mr. Chairman, before we break for lunch, I'd like to address one item.

CHAIRMAN STRAIN: Okay. It's good timing.

MR. SCHMIDT: Mr. Yovanovich made some statements regarding how he achieves density on this property or hopes to, and I'd like to clarify something.

When he talks about moving from four units per acre to seven and then beyond, I'd like to clarify something. And it's the urban designation in the FLUE which allows, as a base density,

four units per acre.

COMMISSIONER FRYER: And the three is discretionary, is it not?

MR. SCHMIDT: The three units per acre is discretionary as offered by the Transportation Concurrency Management Area and when providing those transportation demand --

MS. ASHTON-CICKO: Corby, you said the base -- four is allowed, and that's --

MR. SCHMIDT: Four is allowed.

MS. ASHTON-CICKO: -- not my understanding, that the base density of four is eligibility. So I just want to clarify that.

MR. SCHMIDT: That's right. Your base is also an entitlement, and it's discretionary as well. It can be adjusted.

And then to go from your four number to seven has to do with your transportation demand management strategies. And by offering those items up that he has in his subdistrict language would allow them to go from four to seven using their round numbers.

CHAIRMAN STRAIN: But, see, those items that he's offering up would apply if a project of any size was here, right?

MR. SCHMIDT: That's correct. And then --

CHAIRMAN STRAIN: Okay. So, I mean, this is a bigger project than what we were originally talking about. So I'm just saying that there should be something larger contributed to the cause to get it accomplished if that was the case.

MR. SCHMIDT: I'm not here to argue that at this moment. I'm just trying to make some thresholds understood clearly for the members.

CHAIRMAN STRAIN: Okay.

MR. SCHMIDT: And then to move beyond those seven units per acre from 9.75 or 9.8, or whatever the calculation may be, then something else or simply as an ask offering up nothing more to move beyond that seven per acre up to what the density requested is is what's being asked of you.

CHAIRMAN STRAIN: David?

MR. WEEKS: For the record, David Weeks, manager in the Comprehensive Planning section.

I just want to, I guess, put a fine point on something that Corby has stated.

The requirement under the TCMA for the density bonus in the FLUE does not specifically require transportation demand management strategies unless the applicant wishes to be exempt from link-specific concurrency, which they are not. They're not asking for that so, therefore, they are not required to provide TDMS; however, there is a policy in the Future Land Use Element, Policy 6.1, specific to the TCMA's that does say -- and here's the fine point, that does say that part of the requirement is that there's the -- do take actions to promote public transit, bicycling, walking, and other alternatives to the single-occupant automobile.

So it may in fact be TDM strategies that meet that policy requirement, but just -- the fine point is just that it is not specifically a requirement that thou must do specific TDM strategies that are identified in a different FLUE policy that says you must do at least two of the following four. So there potentially could be some other strategy that the applicant could employ that would meet the requirement of this Policy 6.1. Again, it's a fine point, but I just wanted to get that clear on the record.

CHAIRMAN STRAIN: Okay. Go ahead, Ned.

COMMISSIONER FRYER: Mr. Weeks, do you have any evidence or -- well, do you have the belief that those particular TDM strategies, that any of them would be significant or meaningful? Impactful?

MR. WEEKS: I think it's difficult to say until we see -- most particularly because two of them that they're proposing are the interconnections with the commercial development next door,

and until we -- unless and until we see exactly what that commercial development is going to be, I think that makes a big difference on how much that TDM strategy works.

Right now the corner parcel is zoned C1, which is limited to office and personal service type uses, which I would suggest would not be something that would be significantly of use by persons in this development. But if that zoning were to change in the future to allow retail uses, then I think there would be more use of that property and, therefore, those interconnections would have a greater benefit.

COMMISSIONER FRYER: But a bus stop that's not on a bus route is not typically useful, is it?

MR. WEEKS: I would agree with that.

CHAIRMAN STRAIN: Okay. But in following that line of reasoning, the three TDM strategies that they're suggesting really aren't very useful. It's in the -- based on the GMP language that you guys are putting forth.

MR. WEEKS: It's of limited benefit, yes.

CHAIRMAN STRAIN: And that's kind of where I was concerned about as far as public benefit. Okay. Thank you.

MR. WEEKS: Let me make one more comment; just echoing what was stated earlier, and that is why they're here. They're here for a Comprehensive Plan amendment because they cannot achieve the density without the plan amendment.

There's data and analysis required by Florida Statutes, and so they have to demonstrate that there is a need for what they're asking for and that this is the appropriate location to meet that need. Staff has determined that they have met the need; they demonstrated the need; that there's a need for more apartments.

The whole range -- you know, you go back to the study that the County Commission had commissioned and that was done in 2017, I believe, or early in 2018, that did identify the need for more apartments in Collier County, of the entire level, the entire spectrum, not just affordable but certainly includes affordable, but the whole spectrum.

Anyway, they have demonstrated the need for apartments. To me, the focus of the discussion, appropriately, would be is this the appropriate location to fulfill that need, and that gets into the compatibility discussion and the infrastructure impact discussion.

And the compatibility portion we're limited somewhat because we don't have the details here, and that's, of course, I think is why Bob showed you so much information from the proposed PUD, because that's where you'll get a lot of that detail of how to make a project or at least try to make a project compatible with its neighbors.

CHAIRMAN STRAIN: Okay. And with that, I'd like to call a break. We will take a one-hour lunch. We'll come back at 1 o'clock and resume with the staff responses, questions, and then public testimony.

(A luncheon recess was had.)

(Mr. Klatzkow is absent for the remainder of the meeting.)

CHAIRMAN STRAIN: Okay, everybody. Welcome back from the lunch time. For those of us that are here, we're going to resume the meeting.

And we left off with the applicant finishing up their presentation and questions from the Planning Commission, and we started on some staff reporting, and we'll move to staff right now, and Corby will -- well, I guess, you're the beginning player for those. Okay.

MR. SCHMIDT: Commissioners, good afternoon. Just to review --

COMMISSIONER SCHMITT: Corby, state your name for the record.

MR. SCHMIDT: Schmidt, Corby Schmidt, principal planner with the Comprehensive Planning section for the county.

CHAIRMAN STRAIN: Are you relation to Joe Schmitt?

COMMISSIONER SCHMITT: No, he spells it different.

CHAIRMAN STRAIN: We just want to get off on tangents while we're at it.

MR. SCHMIDT: Just extremely different. It's so distant it's spelled differently.

The request before you today is for the Comprehensive Plan amendment for the Livingston Veterans Memorial Parkway subdistrict. I may have the title -- it's long. The Allura companion rezone is not being considered today, but you did hear some details from that future proposal as part of the presentation from the applicant's agents.

I've put on the visualizer for you the most recent changes with those highlighted. You also have them in handout form. In the past week you've received an email, at least one. With previous changes here, those last two, you'll see them in yellow highlighting. Changed reference to the FLUE policy that allows the offer to use those not-required TDM strategies, as the applicant has stated they would be doing, to move them from four units per acre to seven.

If the requirement would have been to be exempt from link concurrency, that reference would have been 6.5. Here the reference has been changed to 6.1. And the statement at the bottom is a catch-all that we use in a number of other subdistricts. So if development strategies change within the subdistrict, it allows for the use of the property in the manner of the underlying subdistrict or district itself.

Those are the only changes to the language since you received it previously.

COMMISSIONER SCHMITT: Corby, you want to slide the -- you've only got half of Line B, and I know there's a change there as well. So just so the public knows where the change is. Isn't that -- no, the -- above it. You didn't highlight in yellow, but it's from 420 to 350.

MR. SCHMIDT: Oh.

COMMISSIONER FRYER: That was on the previous.

MR. SCHMIDT: I believe the public is aware of previous changes, the density change, the count change and other less significant numbers and so forth in anticipation of the -- from the floor change associated with the companion item that we anticipated happening here today.

Before lunch I went over the policies in the Future Land Use Element that provide for the four units per acre as part of the base density on this property, the allowance for the three additional units per acre, and then the ask by the applicants in this case for the additional acreage or the additional density for the nine-point sum total.

The density rating system doesn't cover that. There are no provisions in the FLUE for that additional density that's happening, because it's an ask. It's just outside of any of the other bonuses that we have provisions for. And you are being asked for the first time to do something like that outside of the Transportation Concurrency Management Area provisions, outside of the density rating system and other provisions for the residential designations in the FLUE.

There have been no further changes since the original staff report, and the findings haven't changed since December. So unless you have any questions of staff, that's all I've got for my presentation.

CHAIRMAN STRAIN: Okay. Anybody have any questions of Corby?

(No response.)

CHAIRMAN STRAIN: Well, I do. Corby, you heard my question previously about spot zoning, and the applicant's planner attempted to provide their explanation what they thought spot zoning is. What do you think it is? I mean, does this -- let's put it this way: Does this qualify as spot zoning?

MR. SCHMIDT: Spot zoning is something that would be so far out of context that it would be noticeable.

CHAIRMAN STRAIN: Okay. If they didn't ask for a GMP amendment, would this be considered spot zoning?

MR. SCHMIDT: I think so.

CHAIRMAN STRAIN: Okay. So the GMP amendment makes a difference?

MR. SCHMIDT: The GM -- for the GMP amendment, to put this in some sort of context --

CHAIRMAN STRAIN: Uh-huh.

MR. SCHMIDT: -- it makes a difference.

CHAIRMAN STRAIN: Okay. So if they came in just with a PUD and wanted to put this project there, your department, or you, would look at it as considered spot zoning; is that --

MR. SCHMIDT: No. I think it's a contributing factor to making a decision. It isn't the only one.

CHAIRMAN STRAIN: Well, I was clear on it when you told me the answer yesterday. I'm not clear on it when you told me today in the public meeting. So David's standing behind you. Maybe he can clarify it for me. Thank you.

MR. WEEKS: Commissioners, David Weeks of the Comprehensive Planning section, Growth Management manager.

First of all, we don't have a definition of spot zoning either in the LDC or in the Comprehensive Plan but, generally, it's a zoning that is very different than that which is around it, and usually it's thought of as being very small. That's my experience; those are the two determinates of what spot zoning is; however, the Land Development Code does have a minimum -- which I think is relevant here to the question of spot zoning -- does provide that for any property to be rezoned to a district to which it is not similar, for example, if a piece of property wants to be -- applicant wants to rezone a piece of property to commercial and it is adjacent to commercial zoning, C1, 2, 3, 4, 5, it doesn't matter, any of those, then there would be no minimum size requirement. It could be a quarter of an acre. But if a property is not abutting a district to which it is similar, then it has to be a minimum of 40,000 square feet, which is just under an acre, and there's also a width requirement. It's either 150 feet or 200 feet.

So from my perspective, reading that minimum requirement that suggests that spot zoning would be a property that is smaller than that 40,000 square feet.

CHAIRMAN STRAIN: Okay. Then on that basis, this wouldn't be considered spot zoning?

MR. WEEKS: I do not believe so at all. And, furthermore, I'll go back to an earlier question, if I may --

CHAIRMAN STRAIN: Sure.

MR. WEEKS: -- about this. We have the density rating system in the Future Land Use Element that allows properties to be rezoned and determines what density a project is eligible for, and for most portions of the urban area, that base density of eligible but not entitled is four units per acre. The maximum density would be 16 units per acre. And, of course, the property has to qualify for enough bonus density to get up to that 16.

And so, from my perspective, if a property comes in and it qualifies for bonuses, assume it qualifies for the maximum of 16, just because the project qualifies for the maximum density and that that density might be much higher than the surrounding zoning would allow, in my opinion that is not necessarily spot zoning.

And one example, the biggest bonus that we have is the affordable housing bonus, which recently changed to 12 units per acre.

CHAIRMAN STRAIN: That question was raised in several of the emails or letters I received, and I wanted to get a firm answer on it.

While you're there, did your department review -- the PUD's been in the works in the county for some time. Everybody knew it was there.

So did you guys -- since compatibility is an issue for the GMP level, did you guys look at the PUD and make any review of it to determine if, basically, the way they wanted to build this

project met the consistency requirements of the GMP for compatibility?

MR. WEEKS: Yes and no. Yes, we have -- Comprehensive Planning staff has reviewed the rezone petition. Broadly speaking, our approach is, yes, this may be found consistent if the companion plan amendment is adopted and goes into effect because the rezone, what it's requesting right now, that density is not consistent with the existing future land-use designation on the property. That rezone is contingent upon this plan amendment being adopted and going into effect.

Specifically, the question of compatibility, Comprehensive Planning staff has for many years, and we continue to, defer to the zoning services staff to determine compatibility. They look at the project in all of its detail. They look at all of the different development standards: Setbacks, building heights, building mass, if there is any, building orientation, buffers, landscape buffers, separation from surrounding properties, development on surrounding properties. They take all of that into account in determining whether or not a project is compatible.

Comprehensive Planning usually has a higher-level review, so we defer the compatibility review to the zoning services staff.

CHAIRMAN STRAIN: And in this particular case, if this project were to go to adoption, it would -- they've already said it's going to be brought forward with adoption. So then that's when staff would weigh in on the compatibility, I would assume, based on history.

MR. WEEKS: Correct.

CHAIRMAN STRAIN: Yeah, okay.

The other thing, we used to have -- well, maybe we still do. We've got different -- I know we've got different bonuses. The bonus provisions, the transportation one that we're dealing with today, TCMA, has public-benefit processes that go with those that are affected or those that fall under that umbrella. This one I know doesn't, based on what has been resubmitted at the 350.

Other density bonuses in the code, let's say it's -- other than affordable housing. I know what that one does. Are there any other public-benefit requirements of those others? Because I'm still caught in this problem of trying to figure out what are we getting for the three additional units we're giving away, and that's got me a little bit perplexed, because even if they use the TDM strategies to get to seven, those strategies as we've discussed really aren't, realistically, going to do anything, at least it seems like they may not because it's just a matter of when and how.

So I'm more worried about the size of this project and what kind of public benefit could be expected, if any.

MR. WEEKS: First let me say there's no requirement that a project provide public benefit. That simply is not one of the criteria that's established in state statutes or, to my knowledge, in the Land Development Code, although I know oftentimes it is brought up.

For the other density bonuses, most of them are simply if you are located within a certain area, you qualify. For example, if a project was within a residential density band or at an activity center, it's eligible for three-units-per-acre bonus, period. The applicant doesn't have to do anything extra. It's just based on location.

There's another bonus that is based upon having an access to two or more arterial or collector roads. So the applicant does have to provide access from the project onto the external roads but, other than that, they're not actually doing anything; they're not offering up anything, per se. And that's typical of the density bonuses.

Generally speaking, it's location based. And that would be the case here in the TCMA; just because you're within the TCMA, if you take some action to address transportation concerns, and it doesn't specifically have to be those TDM strategies, the project is eligible for the three-unit-per-acre bonus.

CHAIRMAN STRAIN: I appreciate your thoughts. Thank you, David.

And I have a question, Heidi, that I'd like to ask you to possibly answer. I know that the

State of Florida has some rules about illegal exactions; can't do them. But is there a give and take allowed in the process of this kind of operation where a developer's asking for unallocated density, density that's not part of any bonus provision? I don't want to push an envelope where there isn't one but, at the same time, I know we do things -- when Dan Summers' department reviews something, he'll look at it and say, well, I need 20 cots for hurricane preparedness to go into a shelter, and that's -- a developer then will have that as part of his commitment.

Is there anything that could be utilized in a case like this?

MS. ASHTON-CICKO: At the Growth Management Plan level, I think you can request anything that you want or feel is reasonable that the developer would be willing to do. On the rezoning level, which is the PUD level, there has to be a nexus between what's requested.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: And the project?

MS. ASHTON-CICKO: And the impacts -- yeah. But on the Growth Management Plan level, I think you can request anything reasonable the developer's willing to do in order to get the approval.

CHAIRMAN STRAIN: Well, Tom needs a new high school right down the road.

MS. ASHTON-CICKO: Well, the developer can say no if it's not something he can do.

CHAIRMAN STRAIN: Okay. I wanted to understand the limitations, because I know we do have some.

And, Corby, that's the only questions I have at this time. I do need other staff members, but I want to make sure nobody else here -- go ahead, Ned.

COMMISSIONER FRYER: I would -- when the question of public benefit came up and there being no requirement or a standard to use in the nature of public benefit, I would think of Section 163.3177, and particularly GA8 of Florida Statutes which says -- here's just an excerpt. "Also the state planning agency has historically recognized the consideration of community desires, i.e., if the community has articulated vision for an area as to the type of development desired, such as within a community development area and existing incompatibilities, i.e., presently allowed uses would be incompatible with surrounding uses and conditions." I think that comes pretty close to public -- making public benefit a relevant consideration. Just my opinion.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you, Corby.

MR. SCHMIDT: All right. Thank you.

CHAIRMAN STRAIN: I sure have some questions of transportation staff.

MS. SCOTT: Good afternoon. For the record, Trinity Scott, Transportation Planning manager.

CHAIRMAN STRAIN: And you were sworn in earlier?

MS. SCOTT: I was.

CHAIRMAN STRAIN: Okay. Trinity, you heard some of the questions I asked. They're going to be the same process.

I looked at multifamily 221, and in that dissertation about what it did, they talked about a persons per household, and you multiply that out either by the 420 or the 350 or by, the young lady earlier said, about two people per unit. So even if you use that number, if you use two people per unit instead of the 2.4 that 221 was based upon, you still have 700 bodies.

Now, I know she said she's got herself and two kids, so in that household there's probably one car; unless she's got a husband, there might be two. But if you're a young professional trying to pay \$2,000 a month, there might be two of you and there might be two cars.

How is it logical that out of 700 people, let's say 90 percent of them, 75 of them have a car and they don't all ride together, that only 25 percent are going out at the peak hour and

coming -- going out and coming back at the peak hour? And that's -- both of those are important. And I couldn't get an answer I even understood from their traffic engineer, so I thought maybe you could attempt it.

MR. SCOTT: Well, first of all, let me say that the ITE is based on -- just to echo what Mr. Treesh advised earlier -- is based on surveys that are nationwide, and so it is based on data.

What I will tell you is, particularly in the p.m. peak people tend to trip chain. So I leave work at 5 o'clock. I might go have a drink with a friend. I may meet my husband for dinner. I may stop at the grocery store and pick something up. I may go to the gym. So there's a lot of things that people do, particularly after work and even before work; lots of folks go to the gym in the morning before they go, so they're not necessarily leaving at that a.m. or p.m. peak time. They're picking up children from an after-school program.

So those time frames tend to expand out to where you may have a smaller percentage that are actually leaving during those p.m. (sic) peak times or coming home during those p.m. peak times, but it has to do with trip chaining, distance of commute, things of that nature.

CHAIRMAN STRAIN: You don't have any documentation that shows that has been the outcome of a serious study and people living in these kind of facilities showing that they confer -- it's concurred like you just said?

MS. SCOTT: That that's specifically the reasons, no, but it is conferred based on the IT trip generation manual because this is years and years and years of data collection that goes into an industry-wide standard that we all use. All the counties in the state of Florida utilize IT trip generation as our level of standard to measure against.

CHAIRMAN STRAIN: Okay. We're going to see some improvements with the east/west link of Veterans Memorial. You had told me previously that's in the five-year plan. Is that right?

MS. SCOTT: That is correct.

CHAIRMAN STRAIN: And when do you think the actual construction of that road will begin?

MS. SCOTT: Based on our five-year plan -- hold on. I have to pull it up and look across. It is in our Fiscal Year '22, which begins October 21st of '21.

Now, what I'm going to state is is that the funding will be available as of October 1st of 2021. Typically, it takes us two years to build roadways; however, in this particular instance, you don't -- it's not a roadway where when we have maintenance of traffic that we need to deal with, so, typically, those time frames are shorter in that manner. Couple that with the fact that I have a high school that needs to open in August of '23, so I need to have the road done so Mr. Eastman can get those kids to school.

CHAIRMAN STRAIN: Okay. Then you're pretty assured it's going to be done by 2023?

MS. SCOTT: Yes.

CHAIRMAN STRAIN: And if that link were to open, what would it -- have you done any studies to see what kind of impact it's going to have on Livingston Road?

MS. SCOTT: No, we have not. In our overall traffic model, we haven't taken that road out to take a look at what the alternates would be, but it is, overall, in our cost feasible plan network that we model all of our traffic on. It will have some relief to portions of Livingston Road, it will have some relief to portions of Immokalee Road, as well as Bonita Beach Road for folks who are currently traversing there.

CHAIRMAN STRAIN: Did you take any analysis into effect for the extension of Logan up through and connected to Bonita Beach Road? And I think it's the end of this year Lee County thinks they'll have that done.

MS. SCOTT: It will. It's also included in our cost feasibility plan network that we model based on.

CHAIRMAN STRAIN: Okay. So how much traffic is there -- is there expected to be traffic taken off Livingston Road because of that connection?

MS. SCOTT: Yes, but we have not modeled it with and without.

CHAIRMAN STRAIN: Did you review the TIS for this project --

MS. SCOTT: I did not.

CHAIRMAN STRAIN: -- that's in front of us today?

MS. SCOTT: I did not personally, but my staff did.

CHAIRMAN STRAIN: Is the staff member here who reviewed it?

MS. SCOTT: Yes.

CHAIRMAN STRAIN: Can he or she come up so we can ask them a question?

MS. SCOTT: Sure.

CHAIRMAN STRAIN: Or I can at least.

MS. SCOTT: Sure.

CHAIRMAN STRAIN: Thank you.

I knew it was a he, but I wasn't sure anymore nowadays, so I didn't want to offend anybody by saying the wrong he or she. Could "it" come up? Hi, Mike.

MR. SAWYER: It can definitely come up. For the record, Mike Sawyer, Transportation Planning.

CHAIRMAN STRAIN: Mike, knowing that traffic is always an issue in Collier County, and especially when we're asking for a higher density in an area that it typically wouldn't have this normally, in that road that there's -- Livingston's pretty congested at times, but especially based on the traffic on I-75. In the TIS, did you see any analysis for the impacts that would be either beneficial or negative as a result of the Veterans Memorial completion and/or Logan Boulevard being connected up to Bonita Beach Road?

MR. SAWYER: No, quite honestly. And the issue is that we look at the existing road network that we have. We also take into certain considerations of the improvements that are going to be projected but, quite honestly, what we want to make sure is that the project within the five-year time frame of our review is consistent with the GMP. In other words, is there capacity currently and moving five years projected out into the future on the immediate adjacent network?

We look to see if that network has a 2 percent or greater impact on the first immediate section. After that, then we go to the next -- if it's over 2 percent at that point, then we look at the next road segments off of that. So you go to the first series of intersections, you look at 2 percent there. If you're tripping above 2 percent there, then you go to the next section of intersections. If you're above 2 percent at that point, then you go out to the third section, and then it's looked at at a 3 percent impact.

In this case, there is a difference in the 420 units that was originally proposed as opposed to the 350 units that is now being proposed, and it really comes down to the immediate adjacent segments of Livingston. And we do, in fact, have capacity to accommodate this project within the five-year plan.

CHAIRMAN STRAIN: And when you're calculating the capacity need for this project, though, you're using their generated peak-hour number, which is 25 percent -- actually, it's lower than 25 percent, because I think that's based on the 420. So it's -- it might be wrong, but I could check that. But, still, you're looking at about 25 percent best-case scenario of the total number of persons that are estimated to be living in that facility because you're using their number, their peak number.

MR. SAWYER: Correct. We're using their numbers that they're showing us, and we're confirming those numbers.

CHAIRMAN STRAIN: You know, the road system -- we have this come up at every single meeting, every single hearing, every single zoning action. We all talk about traffic. And

we're experiencing a lot greater traffic flow on the roads, I think, than some of us ever thought were going to be there.

Have we ever looked back to see if the way we were calculating this stuff was accurate? I mean, it's just -- it's like the Racetrac and the convenience store combination, remember that, on -- it was on 41 and Palm. At that -- just around that time frame, the State of Florida realized that the ITE manual probably wasn't addressing convenience stores with large numbers of pumps as accurately as maybe it was needed. They did their own study. And you may recall that study, because we talked about it way back then.

And I'm just wondering, have we looked at others? Because something seems kind of odd when we only have 25 percent of the persons counted for -- I understand your explanation, but I've lived here 42 years, and I've never operated kind of the way you said. There might be one night a week I might stop somewhere on the way home, but usually not at all. I'm not sure everybody does that, but anyway.

COMMISSIONER HOMIAK: Women do.

MS. SCOTT: I was going to say, it's very rare in my household -- and we have two licensed drivers and five vehicles -- that either of us are ever home during the p.m. peak time frame. We're usually home about 15 minutes after, but that's my household.

To answer your question, ITE looks through each of their generations that they've done through the years. If you go back to the first generation, it's much more limited in scale as far as the number of land uses, et cetera, and even with the 10th edition, they've added new land uses; they've split them up. So, yes, that is from an industry standard. They look at that through each generation.

I think our last generation, the ninth generation, was done about three years ago or so, so we've just recently adopted the 10th generation.

So, yes, someone does that, but then even specifically for Collier County transportation, I look at Long Range Transportation Plans and prior Long Range Transportation Plans to look at, say, what we had projected along Immokalee Road in our 2020 Long Range Transportation Plan versus what we're experiencing today and then what we're projecting out with our 2040 and now soon to be 2045 Long Range Transportation Plan.

So, yes, we do take a look back and kind of see what happened. I do that as part of my analysis in my background of the Annual Update and Inventory Report. So I'm looking at that just because I want to kind of see where those projections are.

A lot of times we're higher. That's actually where we've been on -- I'm going to use Immokalee Road as the case. We were higher but we also had a downturn in the economy during that time frame. So things happen, and a model doesn't always pick those things up.

CHAIRMAN STRAIN: If this project were to go to the next step, which is the adoption hearing and PUD review, if it were to get that far, would it be reasonable for your department to request an analysis from the applicant as to how the two road segments, the new northeast section of Logan up to Bonita Beach Road and east/west over to 41 -- Livingston Road would be -- would affect the traffic flows on Livingston? Is that something that can be done, or is it too illogical or too difficult to even -- is it too much of a guess?

MS. SCOTT: It's all based on a transportation model. It's not something that we would typically require for a development of this size. We are typically doing that type of -- that level of analysis when we're looking at large towns where they're actually running the traffic model and having a "with" and "without" project.

But I'm going to ask Mike to correct me if I'm wrong, but I do not believe that this applicant directed any traffic down Veterans Memorial as part of the TIS. So they're taking a very conservative approach as far as how even they're directing their 25 percent that's coming in in the p.m. peak and how they're distributing the traffic. They did not utilize Veterans Memorial as a

distribution.

So they're either coming out and going north, or they're going south. So they're showing a larger impact to Livingston Road than probably what's really going to be realized in the end because Veterans Memorial will be in place.

CHAIRMAN STRAIN: Well, Veterans Memorial dead-ends into a railroad track right now. So what good would it be to use that as a means of exit?

MS. SCOTT: It is.

CHAIRMAN STRAIN: They'd go down, turn around, and come back and go right back to the same place they estimated it to be today. So, I mean, I don't see how that proves anything.

MS. SCOTT: But when you're looking at the five-year period and you're asking, well, what impacts will that roadway have, et cetera, that roadway will be in place in the five years, as will the other.

CHAIRMAN STRAIN: Right. And that's the piece I was hoping that we could understand how -- if there is relief to understand that now, it would help understand this application, but, okay. I understand where we're at. Thank you.

Did you have something, Joe?

COMMISSIONER SCHMITT: Yeah. Regarding the traffic study, did it look specifically at this GMP, or did they subtract what they are already authorized with the De La Rosa project? Was it the delta, or was it the entire project?

MS. SCOTT: I'll let Mike answer that since he reviewed it himself.

COMMISSIONER SCHMITT: Or maybe the traffic engineer can ask that question, because they're certainly vested for what they had already in De La Rosa, correct?

MR. SAWYER: Commissioner, I can go back and double-check, but I believe that it was done on the total number of units proposed.

COMMISSIONER SCHMITT: Total number.

CHAIRMAN STRAIN: That number being the higher at 420, then; is that what you're saying?

MR. YOVANOVICH: We redid it.

CHAIRMAN STRAIN: Oh, you redid it.

COMMISSIONER DEARBORN: Mr. Chairman, a quick question.

In the TIS, how big of a factor did Talis Park rear entrance factor in on that? That's right by where the road dead-ends. Because I know they were doing a lot more multi-family in that community, and their density is increasing, I know. From what I've seen, the majority of Talis Park is coming out on that Veterans there on that road. So how big of a factor -- did you-all factor that in your TIS?

MR. SAWYER: Currently we do not track, in the AUIR, Veterans Memorial. So all of those existing trips, okay, are already on the link that we look at, which is Livingston. Right now Veterans Memorial is looked at as a local street. We don't check capacity on all of those road segments with local streets. What we're looking at are the major corridors that we've got through the county.

COMMISSIONER SCHMITT: But the traffic off of Veterans onto Livingston would be included?

MR. SAWYER: Those are -- all of the existing trips are being already counted on Livingston.

COMMISSIONER DEARBORN: Thank you.

COMMISSIONER SCHMITT: Trinity, the Veterans Memorial all the way through across the railroad to Old 41, that's all part of the plan for the expansion, correct?

MS. SCOTT: Correct. We are proposing going to Old 41. So we're not just stopping at the high school. We are going to Old 41.

COMMISSIONER SCHMITT: And you're already working to get the vacated --

MS. SCOTT: What we're working on currently is working with the railroad to have an easement across the railroad, but the construction is programmed within our five years. We've been working closely. We knew the school had a few options, and we wanted to make sure that we aligned. So we have that funded for construction within our five years.

COMMISSIONER SCHMITT: Okay.

COMMISSIONER CHRZANOWSKI: Trinity, that spur only went to the Krehling plant, right?

MS. SCOTT: Correct.

COMMISSIONER CHRZANOWSKI: Is it used at all?

MS. SCOTT: To my knowledge, it has not been used south of -- the rail has not been used south of Alico in over a decade; however, it is still owned, I believe, by CSX. I believe they -- actually, I believe Seminole Gulf just recently purchased the rights to it. CSX used to be the underlying property owner with Seminole Gulf as an easement.

COMMISSIONER CHRZANOWSKI: So I would assume you're asking them, is it necessary? Can we just pull it out?

MS. SCOTT: That is not typically how it goes with the railroad.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you.

MS. SCOTT: Thank you.

CHAIRMAN STRAIN: Corby, I have one other question from you. You wrote the staff report, right?

MR. SCHMIDT: Among others, but yes.

CHAIRMAN STRAIN: Okay. On Page 7 of the staff report, the very bottom of the page, it reads the following: "The density rating system does not provide for any additional density if more than the minimum required two criteria are met. Staff was suggesting the petition go above and beyond and offer something extra to the benefit of the larger community rather than simply asking for additional density. Application materials did not offer any additional commitments rather than request a greater density via this GMPA."

That is where I started my concern about public benefit. What did you have in mind when you wrote that?

MR. SCHMIDT: Looked for something additional from the applicants.

CHAIRMAN STRAIN: Well, I got that out of it --

MR. SCHMIDT: Yeah.

CHAIRMAN STRAIN: -- but what kind of additional? In the past have you experienced any additional commitments to offset some of these concerns?

MR. SCHMIDT: Well, planners look at the FLUE as, in this case, a starting point. These are examples of -- the strategies are those fixed items. The FLUE -- and those mitigation strategies don't provide for additional bonuses for density, yet I have applicants in front of you who want additional density. How do they get there? Staff offered up an idea.

CHAIRMAN STRAIN: What is the idea?

MR. SCHMIDT: Offer up something.

CHAIRMAN STRAIN: Oh, okay. So you don't have anything in mind. You suggested by this report that they should consider some additional commitment to get to where they want to go?

MR. SCHMIDT: Yes, uh-huh.

CHAIRMAN STRAIN: Okay. I thought you may have had something in mind as to why

you wrote that there, and that's what I was --

COMMISSIONER SCHMITT: It could be something as simple as the residents within the apartment complex form carpools.

MR. SCHMIDT: I mean, other portions of the documents, both the Transportation Element and the FLUE, give us ideas of what's being looked for. There have to be effective and meaningful strategies that provide that capacity on the roads within a certain time period.

COMMISSIONER SCHMITT: Okay.

MR. SCHMIDT: What could those be?

CHAIRMAN STRAIN: Okay. I get it now. Thank you.

Anybody else have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Okay. What we're going to do is go to public testimony. And the way this is going to work, we will take the speakers that have put out slips. When we get done, if someone wants to speak who has not put a slip in, I'll ask, would anybody else from the public like to speak? We ask that you limit your discussion to five minutes; that if there -- we don't need the redundancy. It doesn't -- we hear it once, we pretty much hear it.

If you say that you just agree with the speaker before you, that works great. If you want to defer your time to somebody else in your crowd, that works great, too.

We are going to break at 2:15 for the court reporter for 10 minutes, and then we're going to end up today at 3:30, and then we'll have to continue whatever's left until the February 7th meeting. And if we did that, this would be the first item up, so it would start at 9 o'clock in the morning.

So that's the process we're going to go through, and we will start by calling out names. And we have two speakers. Feel free to go to either one that's most convenient to you.

Corby?

MR. SCHMIDT: All right. The first two are Rosie Petisco -- excuse me if I get the pronunciations wrong -- but second is Sharon Griffith.

MS. PETISCO: Perfect.

CHAIRMAN STRAIN: Okay. And the first thing you need to do is confirm with us that you were sworn in, and if you weren't, we need to -- and also you need to state your name, and if it's more than something simple like Smith, you probably need to spell it out.

MS. PETISCO: Not a problem. It's Rosie Petisco. You pronounced it wonderfully. Nobody ever gets that right, and I have been sworn in.

CHAIRMAN STRAIN: You better spell that last name.

MS. PETISCO: It's P as in Paul, e-t as in Tom, i-s as in Sam, c as in cat, o.

CHAIRMAN STRAIN: I would never have figured that out. Thank you.

MS. PETISCO: Thank you.

So first I'd like to thank you for your time, and I see that this is something that you are seriously considering.

And I'm just standing before you -- I'm not as well prepared as other people may be. I'm just here as a full-time working mom that moved away from the city that I was born and raised in. I had a very good job at the University of Miami. My kids probably could have gone to school there for free, and I left Miami because I wanted to give them a different life and a different lifestyle.

I live in Barrington Cove. My backyard will actually be at the end of the lake. So I just recently built a pool never expecting the possibility of apartment buildings and people who could be looking down at my teenage daughter in her bikini.

I really don't care how much of a buffer you put. If the building is high enough, they'll be able to look directly into my backyard.

My other concern is my daughter is at North Naples Middle School. I have one in eighth

grade, one in sixth grade. This year when they did the orientation for the sixth grade, the principal did announce that this is the first year where the sixth graders will have to be overflowing into the seventh and eighth grade locker areas because this was the biggest incoming sixth grade class they ever had, and they no longer fit just in the sixth grade area.

I can tell you traffic is a concern for me. We -- I exit out the back of Barrington Cove because I do live closer to Barrington, to the back, so I come out through Veterans. Currently, there are mornings where at 8 o'clock in the morning, 8:30 in the morning, it's already kind of backed up pretty significantly on Veterans.

So if the only exit for Allura is going to be on Veterans, I'm not really sure if anybody's really taking into consideration the impact that that will have in that little section. It's not like there's -- it's not a long road. It's a pretty small road to get to Livingston.

Last night I took my girls to church. I make a right on Livingston, and I take it to Coconut Road. It took me, I timed it, eight minutes to get from Veterans to Bonita Beach Road at 5:30. What I find is that when I-75 is backed up, Livingston gets much worse, and it really takes a lot longer to get down Livingston.

When I first moved here two years ago and we were trying to figure out where to live, we rented at an apartment building, so I get the need for rentals in good neighborhoods. I can tell you I was not put on a waiting list. It didn't take me a long time to find a three-bedroom in a good neighborhood for \$1,800. And I do know that they're building an apartment building called Crest of Naples with 264 units on Bonita Beach Road by 75, and they are also finishing up Addison Place on Immokalee over by Collier, and that has 240 units, and it's managed by Greystar. So I'm really not sure, number one, why we would need 350 units to be approved in this area.

I can tell you that in the year that I rented, we rented trying to decide where we were going to move. We didn't have trouble finding an apartment that we could afford. We had trouble finding a single-family home that we could afford.

And so I'm not opposed to single-family homes that are affordable for families. I'm not opposed to something like Milano that's a townhouse or a condominium for people to purchase. I would be much more amenable to something where people are going to own a property there and be much more vested in the community.

And those are my main concerns. And I think you will find that a lot of my neighbors feel the same way.

And, again, I thank you for your time.

CHAIRMAN STRAIN: Thank you. Okay. Next speaker, please.

MR. SCHMIDT: All right. Mr. Chairman, the second speaker had left during lunchtime. The next name on the list is Cathy (sic) Wrede, I believe.

MR. ROSENBLATT: Katy Wrede, she had to leave, but she asked me to --

CHAIRMAN STRAIN: Okay. Come on up, sir, and identify yourself for the record, and let us know if you were sworn in. Thank you.

MR. ROSENBLATT: I was sworn in. I was here early, first thing this morning.

MR. SCHMIDT: Next name is --

MR. ROSENBLATT: Ivan Rosenblatt.

CHAIRMAN STRAIN: Okay.

MR. SCHMIDT: -- Denise Cornillie.

MR. ROSENBLATT: As I say, I'm here -- Katy prepared a thing. I'll try to do it as best as I can, putting my own twist on it as well as because I can't absolutely say all the things she said.

As a -- Katy, by the way, was a -- is secretary of our master board in the Strand.

As a resident of the Strand, she represented over a thousand residents, and she wanted to say that she would like to appeal to the county about this Stock Development request for rezoning.

As we understood it, it was originally zoned for 170 single-family homes. We were a

little surprised when we heard about this De La Rosa PUD, because we didn't know anything about that. But this is a significant difference from the 170 single-family homes that we understood it was zoned for.

Let's see. Obviously, we know that there are developments that go on all the time so, you know, we understand that developments are going to occur, but we can't understand how it came to pass that this request for rezoning should ever be considered given the fact that in the last four years alone, five new developments and a firehouse have been built on the same four-mile stretch of Livingston from Vanderbilt to Bonita Beach Road, and now the consideration of this rezoning, there are two more developments in progress, Serena Grove and the Enclave.

The Enclave, by the way, is just north of Talis Park in between Talis Park and Mediterra on the northbound side of Livingston. They're both high-end, high-value homes.

In the five-mile radius, we would say that 90 percent of the homes there are single-family homes, as this parcel has been zoned. When we all bought homes in this area, we assumed that would remain the case.

We can appreciate the need for affordable housing in Collier County. Stock has repeatedly said this is not affordable housing but rather high-end luxury apartments. To consider such density in an area that has quickly become saturated makes us all wonder what can be gained other than a profit for Stock.

Numerous communities in the area stand strongly opposed to this rezoning request for the following reasons: First and foremost is the untold traffic impact this will have on the stretch of Livingston between Vanderbilt Road and Bonita Beach Road. Currently all communities whose egress and ingress are on Livingston are virtually house-bound in the morning and afternoons from 3:30 to 6:30. Traffic does not move and is at a dead stop from Immokalee Road to Bonita Beach Road.

In addition, Immokalee Road, where our front gate is located, is backed up both east and west during those time periods. This is the current reality before the two new communities already underway along Livingston would be completed.

And I would say that, you know, we heard from the traffic people earlier today, and if they're using criteria -- the ITE is using criteria that they're using, all one has to do is go out and look at the traffic during the rush hours in the morning and in the afternoon during season, and you can clearly see that if they're saying there's no impact, somebody is using the wrong data because -- I would say, before you even consider it, you should do an extensive traffic survey, and you will find out that there's a real significant impact already on traffic.

Let's see what else here. Veterans Memorial is an extremely short stretch of a narrow two-lane road with no bike lane or shoulder that dead-ends both east and west. Now, I guess we heard earlier that there is an intention to ultimately cut it through to Old 41. I don't know whether that'll have a significant impact or not but, you know, it certainly wouldn't hurt.

In the morning, particularly when we go out our back gate -- Talis Park is doing a lot of construction. They're using multifamily things in the back of Talis Park, and it's almost impossible to get out of our back gate because their construction traffic is coming through there, so that's an impact. And then in the afternoon now during season, as you head up Veterans to go on Livingston, sometimes it could take you 20 minutes just to get to Livingston, and then you have to turn and go up. And if there's an accident on 75, what they always tell you to do is divert off and go on Livingston, so it's a disaster.

I think that's pretty much, you know, the impact that we want to say, and I say that definitely the transportation standards that are being used to analyze these are certainly grossly deficient and should be really reconsidered, and we stand strongly opposed to this development as proposed.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, please.

MR. CORNILLIE: Good afternoon. You can see that I'm not Denise. My name is Daniel Cornillie, spelled C-o-r-n-i-l-l-i-e. And thank you for the opportunity to present this afternoon on this project.

I live in Secoya Reserve, which is approximately a half a mile west of the site of this proposed apartment development. I attended public meeting regarding this proposal at the library on September 6th and was appalled by what was presented. Let me explain why.

First, density. This over-400-unit development would add a population concentration to an area that is already facing serious in-season traffic issues. The delays at the intersection of Immokalee and with Livingston are well known, but a number of times last season at rush hour, traffic is also backed up on Livingston all the way from Veterans to Bonita Beach Road two miles to the north. High-density housing between these two bottlenecks would exacerbate these problems.

More important is the compatibility with the existing development. The development along Livingston from Immokalee into Lee County is one- or two-story homes. The current drive along Livingston is attractive with housing subordinated to attractive landscaping on both sides of the street. The insertion of this four-story complex would be visibly out of place even if it was not of the undistinguished architecture pictured at the presentation. Take a drive by here and try to envision this. This is an aesthetic affront.

Impact on property values. This out-of-place development would visually degrade the area to the point where it would negatively impact property values and the Collier County's tax base in the area as would the insertion of a concentration of rental units into an area of owner-occupied homes.

This proposed development is so obviously out of place that it's an insult to the surrounding neighborhood, to the Naples brand, and to Collier County. The juxtaposition of this development with the elegant Mediterra is either careless or spiteful.

Please preserve the zoning in a manner that precludes anything like this in this area.

And just a closing comment, a veiled threat to if we don't get this, we'll revert to De La Rosa, which is worse in all respects in all of the above, really betrays Stock's contempt for the interest of the neighbors.

Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker, please.

MR. SCHMIDT: Next two speakers are Tom Griffith and Attorney Robert Pritt.

MR. GRIFFITH: Good afternoon. Tom Griffith, a homeowner in Barrington Cove.

I think we talked traffic to death, but I did do a local traffic study last night. I have the data on my phone. I know where it came from. I was driving southbound on Livingston. Traffic was backed up from Bonita Beach Road to Mediterra. It's like that all of the time during season.

As a family, unlike the traffic person, we come home from work, we get our kids, and then we take them out again during peak times several times during the day and night for practices, et cetera. So traffic is obviously an issue, and everyone knows it.

The one thing that I think the management company mentioned was residential home values. If you have an opportunity to buy a home in all the thousands of communities in Collier County, would you pick one where your backyard looks over a four-story rental apartment building? Would you want this in your front yard or backyard in the communities that you live in? I'm sure the answer is no.

So someone mentioned common sense. Common sense tells us I will not buy a home that backs up to a rental apartment. I have too many options. Why would I do that?

So common sense tells us, traffic is a problem. You add 700 people to the area we're in, traffic's going to be worse. Commons sense tells us our home values will go down because people do not want to buy next to these apartments. And they may be great tenants, luxury apartments; the perception is it's a rental apartment. And I've got too many options to buy in other places instead of our area.

Schools; they mentioned the school capacities.

And then the aesthetics. Does a four-story or three-story, partial four, fit into the landscape of our community? No matter what it looks like, it's not going to fit. From Vanderbilt to Bonita Beach Road, there's nothing like it. So why would it fit in our little area right there in our community? It doesn't fit.

And, two, we talked about Livingston traffic. No one's brought up Old 41 traffic. It's a two-lane road, and it's just as bad. So what's going to happen when they extend VME? People are going to cut through VME, get on Old 41, and sit in traffic again. So common sense tells us -- it doesn't matter what the national data says, common sense tells us that it doesn't work in our community. Thank you.

COMMISSIONER DEARBORN: Mr. Chairman, can I ask a question of this gentleman?

CHAIRMAN STRAIN: Sir, if you'd come back a minute. Thank you.

COMMISSIONER DEARBORN: Tom, thanks for your statements. I have a quick question for you. When you bought in Barrington Cove, just out of curiosity, what'd they tell you? Obviously, that land was already -- what'd they tell you, the developer, the developer when you bought your property?

MR. GRIFFITH: You want me to be honest?

COMMISSIONER DEARBORN: Yes.

MR. GRIFFITH: They told us a bunch of crap is what they told us. No one ever told us that Verona Pointe Estates was going to be built. I backed up to a preserve, so I was told your backyard is a preserve. Now it's 133 community -- is 133-home community. No one's ever told us that any of this was going to be developed.

COMMISSIONER DEARBORN: I understand. And who was the builder/developer for Barrington Cove?

MR. GRIFFITH: DR Horton.

COMMISSIONER DEARBORN: DR Horton.

MR. GRIFFITH: And the other thing about the traffic study and that single-family homes have more traffic, yes, but not -- in 350 apartments with 700 people, you're not going to get that density with a single-family home on that corner.

So, nationally, statistics may speak that there's more cars, but you're not -- if -- how many homes can you put on 35 acres? It's not going to be 700 people, I can tell you that. Thank you.

CHAIRMAN STRAIN: Okay, thank you.

Next speaker. Mr. Pritt?

MR. PRITT: Good afternoon, Mr. Chairman, members of the Board. I'm Robert Pritt. I'm with Roetzel & Andress Law Firm.

I represent the Mediterra Community Association. Alan Johnson was here this morning, but I think he had to leave, the president, so he won't be speaking today. Tim Richards, who is the manager, is here. I'm not sure if he's going to speak or just yield to me.

Since I'm an attorney, I kind of look at things from that aspect. And we do have a planner, Dr. David Depew, who's going to be speaking here today also. I'll leave the details to him, if it's okay.

But there are really two points I want to make, and they're related, and one is the question concerning spot zoning. As a matter of fact, I had prepared the spot zoning remarks before the Chair brought them up today, and I do think this is spot zoning. This is illegal spot zoning. It's

actually spot planning leading to spot zoning, which, in my opinion, is even worse.

You cannot legislate your way out of a spot zoning situation. That has been -- that's judge-made law in the state of Florida. If anybody wants to see the cases on it, I can't remember the name or the -- of all the cases, but probably one is -- the biggest one's called *Bird-Kendall Homeowners Association*. I think it was a Dade County case. But that's where you plop something into an area that is incompatible with everything else in the area. And what you've heard most of the day, actually from everybody, is that we have a proposal to put a very highly -- a high density development, apartment type of development into an area that is clearly low density single-family residential.

In a county that's larger than at least two states, there are plenty of places to put something like this. You don't have to put it somewhere that is, under your Comprehensive Plan, incompatible certainly as it applies to density and also as it applies to -- in the zoning this applies to uses. So that's what's being done. That's what's being proposed.

The idea of planning and zoning -- and I certainly don't want to lecture you, because you know this and see this probably more than I do, but the idea of planning is that you spent -- and this county spent a lot of time and a lot of effort coming up with its districts.

Next thing you know, we have developers wanting to create subdistricts to suit their purposes, so we wind up with a certain number of subdistricts. Why? Because generally in an ad hoc manner there's an attempt to get around the Comprehensive Plan, the GMP. That's what's being done here.

Now, it's one thing -- if it's really pretty close and it's really about the same and the uses are not too far off, that's one thing. And the densities are similar, but this is nowhere close, as you heard a lot of people say today on both sides.

And the problem is -- another problem that I see is that the PUDs, which are a great idea in their place -- planned developments are a great idea in their place -- are being used improperly as the means to accomplish illegal spot planning, spot zoning when you get to the zoning aspect of it, so you wind up with PUDs going around that.

It's one thing for PUDs to say, well, we're going to have this mixture of uses or we're going to have this type of use, et cetera, and to give up some setbacks and some height and things like that exchanged for amenities for the PUD, but it's a totally different thing to plop a PUD into a place where it doesn't belong, and it's even worse to change the Comprehensive Plan in order to effectuate that.

Mr. Mulhere, I think, said -- at least gave the impression to me, maybe to you, that, well, it's residential. Residential's residential. Well, that's not really correct because at least going back -- if you go back into history far enough, all the way back to the first zoning case that everybody had to learn from the U.S. Supreme Court, it was a case having to do with putting apartments into residential districts.

And if I may, let me quote this. Suspend your disbelief just long enough to pick out some nuggets that I think are relevant to this case, and then I'll open it up for questions, if you want.

But the U.S. Supreme Court said, "With particular reference to apartment houses, it is pointed out that the development of detached house sections is greatly retarded by the coming of apartment houses, which has sometimes resulted in destroying the entire section for private-house purposes; that in such sections, very often the apartment house is a mere parasite constructed in order to take advantage of the open spaces and attractive surroundings created by the residential character of the district. Moreover, the coming of one apartment house is followed by others interfering by their height and bulk with the free circulation of air and monopolizing the rays of the sun which, otherwise, would fall upon smaller homes, and bringing as their necessary accompaniments the disturbing noises incident to increased traffic and business and the occupation by means of moving and parked automobiles, larger portions of street, thus detracting -- almost

done -- from their safety and depriving children of the privilege of quiet and open places for play enjoyed by those in more favored localities until, finally, the residential character of the neighborhood and its desirability as a place of detached residences are utterly destroyed.

"Under these circumstances, apartment houses which in a different environment would not only be entirely unobjectionable, but highly desirable, come very near to being nuisances."

This was *Village of Euclid versus Amber Realty, 1926*. It could have been written last month. That case is still a good case, and it's good law. Without that case, we would not all be here. That was the case that upheld that zoning in its proper place is okay.

And so the point is that this is not a new issue. This is something -- the issue of compatibility, even among -- even between one type of residence and another type of residence has been recognized since the beginning, since the landmark case, and that is certainly something that should guide us in saying you have to follow -- developer, new person coming in, buyer, whoever you are, you have to follow the rules that we have in our Comp Plan, and we're not going to bend our rules just to accommodate you.

I spent 13 years on a -- as City Attorney for a small area -- a small city in Lee County. They have not increased density one unit except for affordable housing since 1988. So sometimes you just say no. This is not it. This is not the place, and this is not it.

And all that stuff about trying to accommodate somebody when they really don't have the proper reason for it, is really kind of a waste of time, in my opinion. So I'll be glad to try to answer any questions.

CHAIRMAN STRAIN: Okay. Questions from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Bob, I have one. Could you send me that case?

MR. PRITT: Which one?

CHAIRMAN STRAIN: The one you just cited, the *Euclid* case.

MR. PRITT: Oh, yes, *Village of Euclid*. We all know about Euclidian zoning; that's where that came from. Not from Euclid of old, but it's named after the city, and that was the beginning of zoning. That's the case that said zoning is allowable. And from that case, everything has -- that we talk about in planning and zoning has come out of that. I'll be glad to send you a copy.

CHAIRMAN STRAIN: And I will --

MR. PRITT: And also *Bird-Kendall* -- I didn't think to bring it, but that's one that -- on spot zoning that is relevant.

CHAIRMAN STRAIN: And, obviously, I'll give Mr. Yovanovich an opportunity to send any case that he wants to utilize to offset the one you've just mentioned.

MR. PRITT: All right. Okay.

CHAIRMAN STRAIN: Ned's got a question.

COMMISSIONER FRY: Quick comment for you, Mr. Pritt. Would it be all right if I obtain a transcript of your remarks so that I can quote you to the Planning Advisory Board?

MR. PRITT: Absolutely.

COMMISSIONER FRYER: Thank you.

MR. PRITT: I've said that, so...

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: So there's another board besides ours.

COMMISSIONER FRYER: Amazingly enough.

CHAIRMAN STRAIN: Go ahead, Karl.

MR. PRITT: Well, until a couple days ago I was City Attorney for Naples, as most of you know, as many of you know, and I've turned that over to partner now, but I still am working on a lot of the planning and zoning issues.

COMMISSIONER FRY: Hi, Mr. Pritt.

MR. PRITT: Yes.

COMMISSIONER FRY: So we talked earlier about the previously approved De La Rosa PUD, which I believe is seven units per acre. Are your clients -- is there a line drawn where the clients would accept if this entire parcel was approved at seven units per acre, or is it just no to any kind of multifamily-type treatment? But you have De La Rosa already approved, so I'm just curious where you stand.

MR. PRITT: Well, De La Rosa does not cover all of the parcel either; it's a smaller one.

COMMISSIONER FRY: Correct.

MR. PRITT: And I can't speak for my clients on that. We haven't really delved into that issue, but by our count it's four, not seven.

COMMISSIONER FRY: Okay.

MR. PRITT: And, obviously, we understand if something is vested -- I don't know if De La Rosa is vested, but if it is vested, then it's vested. It would be hard to undo something that's already there but, as I recall, that was also single-family units.

And what -- if I may, one last point on that is, just because they might be approved for units that go within 20 feet of the perimeter of the property doesn't mean they have to build it, you know. They still could choose not to build it that close.

COMMISSIONER FRY: Thank you.

MR. PRITT: Okay. Thank you.

CHAIRMAN STRAIN: Before we finish, I have the De La Rosa document in front of me. I'll let you know right off the bat what the -- they can do multi -- they're actually -- it isn't -- they're a multifamily product.

COMMISSIONER FRY: They're taller multifamily.

CHAIRMAN STRAIN: Multifamily product, and the setback -- the height is zoned 50 feet, actual 69 feet. The side setback, which is where -- the example the applicant used, is half the building height. So if they went -- and the building height in this case would be the zoned, so they'd be 25-foot setback from the -- from that other PUD that's already there.

COMMISSIONER FRY: Mark, when was that approved?

CHAIRMAN STRAIN: '07.

COMMISSIONER FRY: '07, okay.

CHAIRMAN STRAIN: I see you sitting there. Do you agree with my statements?

MR. YOVANOVICH: I do, and I think --

CHAIRMAN STRAIN: It's not for more testimony from you.

MR. YOVANOVICH: I agree that it's only approved for multifamily. It's not approved for any single-family.

CHAIRMAN STRAIN: I just wanted to make that clarification. That's all.

Corby, next speaker.

MR. SCHMIDT: Your next speakers are David Depew and Tim Richards.

MR. RICHARDS: Good afternoon. I'll be real quick. My name is Tim Richards. I'm the general manager of the Mediterra Community Association.

And pretty much everything that I would cover has already been covered regarding traffic, compatibility, and things of that nature. I agree with everything that Mr. Pritt just commented on, and that's all I have.

CHAIRMAN STRAIN: Okay. Thank you.

DR. DEPEW: Good afternoon.

CHAIRMAN STRAIN: Were you sworn in, sir?

DR. DEPEW: I was.

CHAIRMAN STRAIN: Great, thank you.

DR. DEPEW: I am a principal with Morris Depew Associates. I'm a land planner. I have been practicing in Southwest Florida --

COMMISSIONER FRYER: Your name?

DR. DEPEW: David Depew. I've been practicing in Southwest Florida since 1980 and have been a member of the American Institute of Certified Planners since 1983.

I was asked by the folks at Mediterra to take a look at this request, and what I reviewed was what's before you today, which is a request to transmit a plan amendment. And I found the plan amendment, in my opinion, to be deficient in a number of areas, not the least of which you've begun discussing here today.

The traffic is certainly one, while the analysis that has not identified a particular problem with it, nevertheless, I think you've recognized it does not give you the full picture of what impacts the traffic are going to create for this particular area of the county, especially given the existing congestion and the question of whether or not and when completion of Veterans to the west will be finished.

But, more importantly, the question of -- as Mr. Pritt mentioned, of the surrounding uses, I think, is important to consider and whether or not this is something that is conducive to spot zoning.

Densities in this area are fairly low. Mediterra to the north is slightly over six-tenths of a unit to the acre, and the other developments that are proximate and adjacent to this development are around four. One's actually a little bit under four.

So you're looking at a request that is ranging from about two-and-a-half times up to almost 1,500 times the density that is characteristic of this particular area. And the question you have to ask is whether or not this is compatible.

Objective 5 of the plan as well as Policy 5.6 talks about new developments being compatible with and complementary to the surrounding land uses. And the question that becomes really evident is whether or not this is compatible with and complementary to the surrounding development in this particular area.

The plan amendment and the plan itself currently provides for density that -- bonuses associated with affordable housing, workforce housing, residential infill. This project is proposing neither of those options. It's not affordable; it's not infill.

The applicant provides no data whatsoever on why affordable housing is not necessary. There is -- there are two studies in his application as to why the apartment need needs to be met.

There's no study that shows why the affordable housing bonuses which you have as a public body suggested as an extremely important element, and an incentive to allow additional density is not being met. This is a data-and-analysis question I think needs to be addressed and represents a significant deficiency in this application. And, as such, I believe that it does not qualify for transmittal, and I would request that this board recommend against transmittal as a result of this deficiency and the lack of an explanation as to why this bonus would be requested without addressing affordable housing.

And, finally, I'd like to simply echo the point that was made earlier, and that is that these are -- and the application has, more or less, determined that this is kind of a given, that these densities are not a given. These densities are discretionary. The three units beyond the four is discretionary, and even the four is, to some extent, discretionary. So if you as a body, ultimately, when the zoning comes up, determines that those are not the right numbers, it's important to note that.

And, in closing, I would say this plan amendment that's before you today is simply unnecessary. They have a reasonable, economically viable use for this property. There's no evidence whatsoever that's been provided to you here today that suggests that the existing use is somehow unbuildable or uneconomical to use or some sort of deficit for this property owner.

In fact, the development that surrounds this property suggests that this is a reasonable use and that the activity that has been assigned under the current plan amendment is one that is economically viable and beneficial for the property owner. You simply don't need to advance this any further, and I would suggest to you that it's just not necessary.

Thank you.

CHAIRMAN STRAIN: Okay. I think there's some questions. Joe?

COMMISSIONER SCHMITT: Question for you. I'm confused. Are you in support of affordable housing at this site? You stated there's been no study. Would you prefer that it be affordable housing?

DR. DEPEW: What I would suggest to you is that the county's plan has stated that any bonus beyond this seven, the way to get that is through the provision of affordable housing. They're asking for roughly 3, 2.7 units per acre in addition, but they're not suggesting affordable housing. In fact, they've said specifically they're not going to provide that. And I think that's the real problem here, because the county's determined that that is a goal under its plan.

COMMISSIONER SCHMITT: You dispute the analysis that Mr. Weeks presented earlier in regards to the density?

DR. DEPEW: I didn't hear Mr. Weeks present an analysis earlier with regard to the density. What I said was that Mr. Weeks' comments that it was discretionary is absolutely correct.

COMMISSIONER SCHMITT: Second question: Do you deem the De La Rosa project, as currently proposed, incompatible?

DR. DEPEW: I haven't looked at the De La Rosa project, so I don't know.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN STRAIN: Anybody else? Heidi?

MS. ASHTON-CICKO: We wouldn't be here on the Growth Management Plan amendment if they had asked for affordable housing because they would be able to achieve it without amending the Growth Management Plan.

So you're here today on a Growth Management Plan amendment, and staff explained to you that they would be eligible under the current Growth Management Plan, which is urban residential subdistrict, the density rating system of four base plus three TCMA. So that would get them to seven. So under our current density rating system, they cannot get to the number they're requesting, and that's why we're here today.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN STRAIN: Okay.

DR. DEPEW: Thank you.

CHAIRMAN STRAIN: Before we go to the next public speaker, Corby, I'd like to follow up on a question about these density bonuses. It would probably be a good time to understand it.

This is in a TCMA and, for that reason, it qualifies for -- to request three more density bonuses on top of the four that's under the base.

MR. SCHMIDT: It does.

CHAIRMAN STRAIN: Okay. The TCMA is a bigger piece a -- is a small -- the piece here is a small piece of a bigger area that I think goes all the way down to Pine Ridge Road and over to another, but it's a large geographic chunk of that part of the county; is that a fair statement?

MR. SCHMIDT: A large area, yes.

CHAIRMAN STRAIN: Okay. The reason for the TCMA -- and maybe Trinity can tell us that -- is because of? Do you know? Why did we declare this area TCMA? Because that declaration has then afforded them the opportunity of a three-unit bonus. I thought TCMA's were driven because of traffic. And the TCMA says instead of looking at one failed road within a TCMA, you get to look at all of them collectively, and as long as you don't reach a certain percentage, you're not in violation. And kind of what that does is falsely tell us that everything

can fail but a couple roads here, and as long as their percentage is low enough and averages out, the rest of them can stay failed because you're in a TCMA and you can move forward.

Why would we offer three bonus units for an area that's acknowledged to have traffic congestion by the mere fact it's under a TCMA?

MR. SCHMIDT: It provides the opportunity to all the properties within that large geographic area to contribute to relieving congestion within that large area if it can show that it will do so.

CHAIRMAN STRAIN: Well, how does three bonus units contribute to relieving congestion?

MR. SCHMIDT: They're attempting to show you how.

CHAIRMAN STRAIN: Who is? All we've seen today is three units. I've not seen anything that says these three units are going to relieve congestion. That's -- actually, I asked for -- if they've done a survey, to show us something like that, and nobody has, including our Transportation Department.

MR. SCHMIDT: And you've asked staff about why we asked them to show you even additional attempts to do so.

CHAIRMAN STRAIN: Okay. So the three-unit bonus is something they can request, but they've got to show in that request they're actually reducing traffic, not just adding more traffic that is below the threshold to the system?

MR. SCHMIDT: Yes, sir.

CHAIRMAN STRAIN: Okay. Have they shown you something that shows they're reducing the traffic on Livingston Road?

MR. SCHMIDT: I'll let Trinity address that, because she's been reviewing --

CHAIRMAN STRAIN: Okay. I'd rather get this resolved while we're still on the topic. I know the public's waiting to -- well, actually, we need to take a break. Is Trinity still here? Oh, she's hiding in the back.

MR. SCHMIDT: I'll answer part of that.

CHAIRMAN STRAIN: You can stand up and say hi. Trinity, after we come back from break, I'd like you to respond to that question. We need to take a break for 10 -- well, we'll come back at 2:30, just about 10 minutes. So 2:30 we'll resume; give the court reporter a break. Thank you.

(A brief recess was had.)

(Mr. Eastman was absent for the remainder of the meeting.)

CHAIRMAN STRAIN: Okay, everyone, would you please take your seat so we can resume the meeting.

And we left off trying to discuss the TCMA issue. And this map is one that I recall now. The area that's kind of in the center left of the map is the TCMA. It's all that light pinkish/orange color. It goes from Pine Ridge Road to I-75 all the way up to the Lee County line and out to the water, of course. So most of the northern district in Collier County, if not all of it except for that little piece by Bonita Beach Road, is in the TCMA.

And, Trinity, I'd, first of all, like to know if you were around when the TCMA was formed. I didn't say born; around.

MS. SCOTT: I was born. I worked at the county but in the Metropolitan Planning Organization, so not Transportation Planning at that time.

CHAIRMAN STRAIN: Do you know about what year the TCMA was put together?

MS. SCOTT: My recollection, it was the early 2000s; 2002/2003 time frame.

CHAIRMAN STRAIN: Oh, you mean while this guy here was in charge? So now we can --

COMMISSIONER SCHMITT: I only had the Community Development. I believe it

was 2003/2004, Don Scott, Norm Feder and --

MS. SCOTT: Stan Litsinger.

COMMISSIONER SCHMITT: -- and Stan. David knows as well. The -- my recollection, the TCMA was formed. Of course, we all failed -- knew at that time, especially 2002 and '3 when almost every road in Collier County was failing because there was absolutely no Capital Improvement Program until the 2003/2004 time frame, but it was to create a mechanism to control traffic but yet still let development proceed, because we were looking for concurrency, had to pay impact fees, others were vested. So the TCMA was created and the mechanisms, of course, that you're familiar with to mitigate the impacts of various developments.

David, I know you know as well the -- but most of it was recognized, and there are failing roads but, yet, at the same time there were units to be -- that were approved and vested, and this allowed for some development to take place. That's my recollection.

I think it was 2003, David, wasn't it?

MR. WEEKS: Yeah.

CHAIRMAN STRAIN: Okay. So if this was -- if this was originated because of the intensity of the development and the traffic that was already up in that northern area, how did we get to a point -- and, David, you'd probably be the historian that would know this. How did we get to the point where we felt it was helpful to add three units as a bonus per acre?

MR. WEEKS: Unfortunately, I don't know that history. I was here. Stan Litsinger was the staff member that took that through the process, and I was just on the periphery. I don't know.

COMMISSIONER SCHMITT: I honestly don't remember either why -- I believe some of it was just to try and force, I'll use the word -- or maybe not force, but to incentivize cluster developments on major arterial roadways where you could use alternative transportation methods: Carpooling, bus services, and other types of mechanisms, and also to encourage development around business clusters. People would either bicycle to work or other methods to get to work. That was part of the process. But I really don't remember other than maybe it was just to incentivize development in a cluster development in and around our major road network.

MR. WEEKS: If I may, let me read into the record Transportation Element Policy 5.6. "The county shall designate Transportation Concurrency Management Areas to encourage compact urban development where an integrated and connected network of roads is in place that provides multiple viable alternative travel paths or modes for common trips."

COMMISSIONER SCHMITT: Right. Pretty much what I said, yeah.

COMMISSIONER FRYER: And the assumption was is that we keep our roads up to date and keep the levels of service adequate.

MR. SCOTT: Correct. When we present the Annual Update and Inventory Report each year, there is an inclusion in that document where we look at the level of service for all of the roadways, the collector and arterial roadway network, within the two TCMA's, and we report on an annual basis the number of lane miles that are achieving an acceptable level of service, which also, when we are doing our review, we look at the TCMA as a whole to see if 85 percent of the lane miles are achieving that level of service.

CHAIRMAN STRAIN: But that also allows for segments of the roads within that TCMA to fail independently of the others, but they still aren't considered failed because they're in a TCMA. And we still look at density bonuses for those areas where the road congestion may not be as desired as parts of the TCMA.

MS. SCOTT: Yes. The applicant could come in and ask for exemption from link-by-link concurrency if they would impact a failing roadway segment, and they would trigger the TCMA requirements.

CHAIRMAN STRAIN: Okay. Thank you. That helps a little bit. Most of what and how this occurred would be somewhere in the record. Now it's just a matter of hunting it out and

finding it, which that's stuff I like to do, so I'll probably look for it.

And something during break, two planning commission members mentioned to me they really need to be out of here at 3 o'clock since it's obvious we're not going to finish today. So what we're going to do is allow some cross-examination by the applicant's attorney of Mr. Depew, and then we're going to go ahead and hear public speakers till 3 o'clock, then we're going to stop the hearing, continue it to the 7th of September -- 7th of February. It will be the first thing up at 9 o'clock in the morning, and we'll expedite it through that morning and be done.

So I know that's inconveniencing for all of you. I do hope that while you were sitting here today you picked up information that might be helpful in the things you were going to say or talk about, so at least something could be salvaged out of the day that we've had so far.

And with that, Richard, do you want to --

MR. YOVANOVICH: I don't see Mr. Depew.

COMMISSIONER SCHMITT: I don't see Mr. Depew.

MR. YOVANOVICH: So I'm assuming he's probably --

CHAIRMAN STRAIN: Mr. Pritt, is he your expert witness?

MR. PRITT: Bob Pritt. Mr. Depew had to catch a plane, and he has left. This is legislative, so I don't know why we're cross-examining. Frankly, I'm not sure why we're being sworn, but this is clearly legislative, and there's no right of cross-examination.

CHAIRMAN STRAIN: And there's no --

MS. ASHTON-CICKO: That is correct; it's legislative.

CHAIRMAN STRAIN: It's an option that we can exercise, and I --

MR. PRITT: Well, with Mr. Depew, I'm not sure what his schedule is, but if it's going to be continued, then there would be that opportunity. We'll do everything we can to make him available.

MR. YOVANOVICH: I don't have an issue with that. I'll wait.

COMMISSIONER SCHMITT: Bob, could you make sure that Dave Depew -- Mr. Depew comes back for the meeting?

CHAIRMAN STRAIN: That's what he just said.

MR. PRITT: Well, I will try to do that but, again, I would object to any cross-examination in a legislative matter.

MR. YOVANOVICH: You know what, I'll tell you what, I'll just go ahead and in my closing I'll point out all the flaws of his testimony instead of him doing it through cross-examination.

MR. PRITT: I will try to have him down here. I don't know what his schedule is.

CHAIRMAN STRAIN: Well, he may not now be cross-examined. If Rich decides to do it during his rebuttal, that's his option.

MR. PRITT: Thank you.

CHAIRMAN STRAIN: Thank you.

Okay. With that, we'll move back into our speakers in the order of which they -- the slips are called. Corby, would you call the next two speakers.

MR. SCHMIDT: Elbert Lands and Andrew Kowalski.

MR. LANDS: Good afternoon. My name is Elbert Lands. Last name, L-a-n-d-s. I'm a homeowner in Barrington Cove, bought several years ago from Horton, and I knew generally about the building that was taking place in the area, but my impression was that it was going to be single-family homes, not apartments.

I have to agree with the majority of what's been said, and that is that it would be a negative impact for the community as a whole, due to the amount of traffic, number of people that are being placed in that small area, and I believe it would lower the overall home values.

Thank you very much for allowing me to speak today.

CHAIRMAN STRAIN: A question. You said you were expecting single-family. Did you -- did you know -- I mean, the project behind you, De La Rosa, was zoned for only multifamily.

MR. LANDS: That I was not --

CHAIRMAN STRAIN: It's a higher height. Did you just not see -- did someone not tell you about it or --

MR. LANDS: That's correct. I wasn't told about that. I was told about the building project that was taking place that would be to the east. And that did get developed, and those are very nice homes. And it just doesn't fit. Apartments don't fit.

You know, I have to agree that the apartment complex that they have at Lely looks very nice, but no matter how much perfume you put on the pig, it's still a pig.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker.

MR. KOWALSKI: Andrew Kowalski, K-o-w-a-l-s-k-i. I, like Mr. Lands, purchased a home in Barrington Cove, on his recommendation. I also was not informed that there were going to be De La Rosa coming into that area. I thought it was just -- in fact, I was led to believe it is like a protected area where you shouldn't go in there. It was like a swamp in one particular area there, and I just thought, hey, that's great, you know, there will be no building there. And I just -- like everybody else said, the traffic is unbearable.

I see no good coming from it from the people that live in that area. Like I say, it's -- your property values are going to go down, and I'm just against it.

CHAIRMAN STRAIN: Okay. Just -- on the project -- you live in the project just to the east.

MR. KOWALSKI: Barrington Cove.

CHAIRMAN STRAIN: Right. But what -- Barrington Cove has several pieces. Where do you front with this project? Down on the south side of this project coming in today? Maybe --

MR. KOWALSKI: Yeah, it would be the south end.

CHAIRMAN STRAIN: So you are aware the buildings are going to end up closer to your property line if the other project goes forward?

MR. KOWALSKI: Right.

CHAIRMAN STRAIN: Okay. So you still would rather see that other project, potentially, than the one that they're proposing today?

MR. KOWALSKI: I would rather see it zoned single-family dwelling is what I'd rather see.

CHAIRMAN STRAIN: Yeah, well, the toothpaste is out of the tube on that one. We have Bert Harris and other laws in the state of Florida that strongly protect existing property rights, and that particular project's there. It was approved in 2007, so I don't know how we'd undo that one.

MR. KOWALSKI: I don't know either, but I wish it would happen.

CHAIRMAN STRAIN: Okay. Thank you, sir.

MR. KOWALSKI: Thank you.

CHAIRMAN STRAIN: Okay. Next speakers, Corby.

MR. SCHMIDT: Bill Arndt and Todd Rosenthal.

MR. ARNDT: Hi. I'm Bill Arndt, A-r-n-d-t. I'm on the board at Barrington Cove, and I'm one of the guys that meets with the small group that you've heard referenced several times that met with Stock and Mediterra.

First of all, I'd like to say that Stock does a wonderful job of building communities. They've built Secoya close to us down the way; single-family homes, they've built in Mediterra, and they're currently building, I think, in Mediterra. Doing a great job.

They build communities all over Southwest Florida that are single-family-home communities, and that really is their forte; they do a great job with that.

They built two other communities. One is Spectra in Fort Myers that was recently sold for \$72 million. They had it for three years. And in the paper, the article that was written about that, Stock said that was the building model, that they were going to build properties and then sell them as they're able to.

I'm not looking for a commitment for five or six years for them to hold onto property, but at some point in time the property's going to be sold. We don't know who the next owner's going to be or how they're going to treat the property, how they're going to treat some commitments made by Stock. We just don't know that, and we can't ask them to put that in writing for us, so we're okay with that.

But we would prefer, the people -- we have 2,700 roofs that have been contacted and have written on a petition, 1,200 signers on a petition, that said they're opposed, strongly opposed to this development.

I can't see how 100 additional -- because we're not talking about actually 350, we're talking plus 100 -- is going to affect our community so positively that 2,700 residents have to be disregarded. In other words, there's 2,700 people out there that are saying, you know, build single-family homes. We understand there's going to be something built there. Please, build something there. Build something that we can be proud of, something that would fit the community, something that's consistent with the rest of the -- in the surrounding area.

We'll bring the shovels and break the first in dirt (sic), but apartment complexes four stories high -- I understand that Stock went in front of the Estero Village, I think, four years ago for a place called Corkscrew Crossings in Corkscrew, 350 units just exactly like ours, four stories high, exactly like ours. And I understand that 2017 that was put on the table by their planning commission, and I believe this last Wednesday it was shot down. It was closed down.

So one of the things that we're looking for, the 2,700 residents, is give us something compatible, give us something that we can enjoy the freedom and the peace and the compatibility that we've come to expect. We're there. We're your citizens. We're the ones that vote for you. We love where we live. We just want to make it nice.

Thank you.

CHAIRMAN STRAIN: Okay. Thank you, sir. Go ahead, Karl.

COMMISSIONER FRY: Sir, are you the official speaker on behalf of the board of Barrington Cove?

MR. ARNDT: No.

COMMISSIONER FRY: Is there another speaker coming that is the official?

MR. ARNDT: No.

COMMISSIONER FRY: No?

MR. ARNDT: We're in the middle of a transition phase, and so we'll have an official board like with a board president and all that in March -- on March 29th. Until then we have a board. I'm on the board. I'm the resident member on the board, but I'm not an official speaker for that board.

COMMISSIONER FRY: So I ask that because my background before joining this board is on the board of a homeowners' association being in a similar position, and one of the issues we always discuss is, well, if not this, what comes afterward, you know, what is going to be next.

I guess -- I want to kind of just generally ask the speakers from Barrington Cove -- because I know you're sensitive to what goes next to you. The very first slide that Mr. Mulhere put up showed the -- with the existing PUD that's approved.

COMMISSIONER SCHMITT: De La Rosa.

COMMISSIONER FRY: De La Rosa PUD, as if it is -- could easily be a reality without

Stock having to do anything. So I guess a general question I have for you as a resident of Barrington Cove and on the board, is this much larger, obviously with a greater footprint, more units -- a lot larger property size, but they have built in farther setbacks, instead of looking at a four-story building that's 20 feet from that corner where you go up to the northern part of Barrington Cove, they have a large wetland preserve of four-story buildings; they're farther over. And it would seem to almost give you in that area less impact from at least the visible concerns you might have.

Now, I'm only asking this -- and this is not a statement of thinking this is a good idea or bad idea. I just -- I'm asking you, if this was not approved and Stock decided to go ahead and build De La Rosa, how would you feel about that? I mean, is that something you have discussed?

MR. ARNDT: We haven't discussed that, but it's in place, and so, you know, as long as it fits the community, I would rather not have the property be built within 20 feet of the backyard of our neighbors, because that's really impositional.

Currently within 120 feet of the backyard, and I know the home that will be sitting there on the corner, their house, 120 out will be a three-story structure. That's usually impositional. But you know something, Stock -- the company is part of our community. They've done a great job in the past. They've communicated well with us. They told us -- quite frankly, I asked them, I said, why can't we build townhomes or single-family homes or something like that, and they said, that is not happening; we can't afford it there. So they just shut that idea down totally, and they went on to propose other things. But we believe that they're acting in good faith.

COMMISSIONER FRY: Final question. I know that this was continued from the December meeting so that Mr. Pritt and your association and Mediterra and others could meet with the applicants. They came back with some concessions, dropping from 420 to 350. The evidence of all the speakers from Barrington Cove and the Strand and other communities, I guess that would be clear indication that you're unable to come to any kind of mutually agreeable terms; is that correct?

MR. ARNDT: Correct. I also want to make a clarification: They told us that the 420 was never on the table because the unit -- PUD because it's 35.7 acres at a density of 10 whereas it was 350 all along.

COMMISSIONER FRY: Thank you.

MR. ARNDT: If that makes sense.

COMMISSIONER FRY: That's all I had. Thank you.

CHAIRMAN STRAIN: Okay. Thank you, Karl.

Thank you, sir.

Next speaker, please. And don't call another speaker for a minute because we've got a -- Ned has a question of somebody in the past.

MR. ROSENTHAL: Hello. Todd Rosenthal. Resident of Mediterra.

CHAIRMAN STRAIN: Could you spell your last name so we get it right.

MR. ROSENTHAL: R-o-s-e-n-t-h-a-l.

CHAIRMAN STRAIN: Thank you.

MR. ROSENTHAL: I'm going to try to look at some notes as I speak.

One thing I just want to bring up, an issue. It seems like as residents we're getting threatened; if we don't take this, we're going to have this other development there. If that's the case, that's the case. The biggest problem we have is the density there.

I'd invite any of you or actually beg any of you, just drive home like a normal resident would. Try driving that road at 5 o'clock at night. I have two kids at my house that I can't wait to go home to see, and I'm already sitting in traffic sometimes for 45 minutes to one hour. It's not fair.

We have developments that still haven't been built yet. So it's amazing that we're talking

about putting in these new roads, but there's already a high school that hasn't been built yet. There is a development right in front of Mediterra and Talis Park that hasn't been built yet with lots more homes coming in there. I don't know what's going to happen to the traffic.

Talis Park hasn't been fully developed yet. Mediterra still has homes that haven't been developed yet. A high school isn't there yet, so what is going to happen to the traffic that's there now?

There's a grocery store at the corner of Livingston and Immokalee Road that hasn't opened up yet. I mean, the traffic -- I couldn't imagine.

I still work. I have two kids. Last year in school I had to get up in the morning, take one daughter to school at seven in the morning, the high school, drive back, go back, get the other kid, take her to school. So, I mean, I'm doing four trips down that road in the morning. So I don't buy that traffic study. There's zero chance with 700 homes that there can be 170 trips during peak hours. Absolutely can't happen.

So we can look at all these numbers, wherever they pull them from. Real world, we don't need to pay anybody. Just take an hour of your -- actually, I can't say take an hour of your time. It's going to take you three hours to sit in that traffic. You know, that's, I think, the biggest thing. Other than threatening us with, you know, affordable housing. You know, what if -- you know, I guess we have to talk about what impact or what does it do for the residents building over there. If it has to be affordable housing, then put it up. We know they're not going to do it. The only benefit is out for the developer making money on it.

They are a great developer, but we just don't need the development there. We don't need -- I don't even understand how it went from four to seven, automatically, units if they have to build it. It's just not fair.

COMMISSIONER FRYER: It's not automatic.

CHAIRMAN STRAIN: That's why the process -- this process would have still had to go on if they were asking for the seven but just at the PUD level, another rezone.

MR. ROSENTHAL: And you've done a great job bringing up a lot of good points toward why are we already talking about seven. They haven't even gotten it yet.

So maybe I'd say roll the dice and let them do the other development, because if they're going to do it, they would have done it, and they haven't done it. And I think, like some other people said, I don't think Stock would really put something up so close to other houses. If they do, they do.

UNIDENTIFIED SPEAKER: Hard to rent.

MR. ROSENTHAL: It would be very hard to rent. But insinuating there's going to be a low-income development isn't fair to us. It's not right. If it's being approved, why -- just to leave it at four acres. Why even talking (sic) about any more?

But I think the biggest thing is the traffic study. We don't need to pay anybody to do it. We don't need to talk about it; just drive out there tonight. You'll see. You'll sit in traffic. I mean, I dread going home in season; I really do. Almost to the point of just, if you build it, I'm going to end up moving, and then where do I go? I'll be more traffic somewhere else. So that's --

CHAIRMAN STRAIN: Thank you, sir.

MR. ROSENTHAL: -- coming from the heart. Thank you.

CHAIRMAN STRAIN: Okay. Appreciate it.

And, Mr. Pritt, Ned has had -- got a question of you, if you don't mind coming back up.

COMMISSIONER FRYER: Thank you, Mr. Pritt.

MR. PRITT: Yes.

COMMISSIONER FRYER: I -- and you told us when you were up here before, but I've forgotten, who exactly are you representing?

MR. PRITT: Mediterra Community Association. That's the master association for

Mediterra.

COMMISSIONER FRYER: Okay. And about how many homeowners would that be?

MR. RICHARDS: Nine hundred twenty-six doors.

MR. PRITT: Nine hundred twenty-six doors, I think he said.

COMMISSIONER FRYER: Okay. So, obviously, there are limits and constraints on the extent to which you could speak for those people.

MR. PRITT: Yes.

COMMISSIONER FRYER: But you are here in a representative capacity.

MR. PRITT: Yes.

COMMISSIONER FRYER: And I think it's important for us to hear what your impression of your client, your collective client, would -- what would satisfy them that could happen up here, and then ultimately in front of the County Commission.

And so my question has to do with the role that we play. One thing that we always try to do, I believe, in the first instance is see if we can achieve a win-win situation where most of the people are happy and the developer is also mostly happy. It's not always possible, and when it's not possible, then it's our possibility to vote up or vote down and then, of course, it goes to the Commission whose vote really matters.

So my question to you is, is it your sense from among your clients that they would encourage us to try to achieve the best deal that we could in terms of what we believe is necessary for additional concessions to be made by the developer in order to achieve compatibility, or are they going to be flat up, down or -- up or down on this?

MR. PRITT: Well, it's kind of hard for me to say because this just changed as of the other day. It was 420. Now it's 350. I would have to have meetings with my client on that. I would remind the Board, though, that contract zoning's illegal, too, and so this is not negotiation of a contract.

Our position is that you ought to not permit, right now anyhow, you ought not to permit this or you should recommend that it not go forward as it is proposed to you.

I also said a little while ago that I think -- this is me -- and my recommendation would be that they have a potential right to up to four units, not up to seven, not up to 9 point -- or 9.84, whatever it is; that that's what they have a right to do at the most.

So that -- if you want to look for a position, that would be my recommendation to the board, to my board at this time. Having said that, if it's going to be continued anyhow, there will be some time for us to have further discussions if the applicant would wish to do that.

COMMISSIONER FRYER: That's what I had in mind.

MR. PRITT: And by the way, the applicant has, you know, in fairness to them, in fairness to us, we've had two meetings, and it was somewhat worthwhile. It might be worthwhile to do again.

COMMISSIONER FRYER: Thank you.

MR. PRITT: Thank you.

CHAIRMAN STRAIN: Okay. And that takes us to a time that we've got to consider what we're going to do next, and the item we're talking about is 9A3. And at this point, I'm going to suggest to this board that we need a motion to continue this to the September -- I mean February. September, I keep saying that -- February 7th meeting first item up in the morning, and will be at 9 o'clock in the morning.

And so if you can come back to that meeting, we would appreciate it, and you'll be heard right up -- right front up. The first thing up we'll start with public speakers, so --

COMMISSIONER DEARBORN: So moved.

CHAIRMAN STRAIN: -- at least that way you know you can get your time set in.

A motion made by Patrick to do that. Second?

COMMISSIONER FRY: Second.

CHAIRMAN STRAIN: By Karl.

Discussion?

COMMISSIONER FRYER: I would only ask that the parties attempt, during this ensuing period of time, see if they can't work together and achieve more, perhaps, concessions, if you will, to make the project more palatable, more compatible with the surrounding areas so that when you come back, you come back with something that at least appears to a reasonable person as being better for the residents.

CHAIRMAN STRAIN: Joe.

COMMISSIONER SCHMITT: At the next hearing or next meeting, I would ask that Trinity and maybe Mike Sawyer give us a little history on the TCMA forming.

CHAIRMAN STRAIN: Well, I'll actually probably, by then, have all the documents that enacted it.

COMMISSIONER SCHMITT: Yeah. If they could put it in a little concise format. I mean, I can go back and do the research, but I'm just curious as to what was on the record for that area. I vividly remember the whole thing, but I'd like to -- just so, for the record, we have an idea of why the TCMA was formed and what the intent was.

CHAIRMAN STRAIN: Okay. And anybody else have any questions?

COMMISSIONER CHRZANOWSKI: How many speakers were left?

CHAIRMAN STRAIN: I don't know, but we've got rebuttal and other issues that would have to be -- go ahead.

MR. SCHMIDT: More than a dozen already have slips in that remain.

COMMISSIONER CHRZANOWSKI: Okay. So -- and are they the only ones going to be allowed to talk?

CHAIRMAN STRAIN: No, any public person.

COMMISSIONER CHRZANOWSKI: Anybody.

CHAIRMAN STRAIN: As long as you haven't spoken already, anybody from the public shows up, they're going to be allowed to speak. That's what we're here for.

Karl.

COMMISSIONER FRY: Mark, I think one of the great justifications that you've presented for this project in this location is that there are not a lot of good locations left for projects of this type and yet we need apartments, and nobody's arguing the need for apartments. I guess my hope or a gap that I have is really understanding -- seeing some evidence that that statement is true. That -- so, you know, if we deny this, whoa, you know, what have we done.

MR. YOVANOVICH: I could do that. I'll bring you the map of Collier County that shows what's currently zoned and what's available out there. It's not a secret. I mean, I've got clients calling me all the time saying, please find me a site, and I say, good luck. But I'll bring you documentary evidence of that.

COMMISSIONER FRY: I think also justification --

MR. YOVANOVICH: I'll do it.

COMMISSIONER FRY: -- that as -- having been a homeowner out here in the audience before and now sitting up here is going from four to seven to 10, what -- you know, is the real concrete justification that --

MR. YOVANOVICH: I understand.

COMMISSIONER FRY: -- you know, that makes that a reasonable request.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CHRZANOWSKI: Do you have a map showing all the vacant parcels that can be developed over 10 acres this side of 951?

MR. YOVANOVICH: This side of 951? I'm sure we could put something together between now and February 7th.

COMMISSIONER CHRZANOWSKI: Because back in 2010, Tim Billings did one, and we thought we were pretty well built out then. I'm curious what it looks like now.

MR. YOVANOVICH: Again, 10 acres, I think, is too small, Mr. Chrzanowski. I think we're probably going to be looking at -- 20 acres should be the minimum for --

CHAIRMAN STRAIN: We're getting off on rabbit trails.

MR. YOVANOVICH: No, but he asked me to bring information.

COMMISSIONER CHRZANOWSKI: No, no. I want to know if there are any big parcels out there that -- how many big parcels out there can be developed with anything.

CHAIRMAN STRAIN: Your market study was -- supplies a lot of this information that both Karl and Stan are asking that was in the packet that was included in the first review.

MR. YOVANOVICH: We'll hopefully put it in an easier format that we'll throw up on the visualizer.

If I may, Mr. Chairman, one thing. I don't want Mr. Pritt to bring Mr. Depew back for me. I'm going to deal --

CHAIRMAN STRAIN: I think we've already acknowledged that.

MR. YOVANOVICH: I just want to make sure that he's not feeling like he has to bring him here.

CHAIRMAN STRAIN: No. We're in the middle of a motion. Is that the only item that you wanted to bring up in regards to that motion?

MR. YOVANOVICH: We were talking about -- take the vote, and then I would like to address one thing that Mr. Fryer said after the vote. I didn't mean to interrupt.

CHAIRMAN STRAIN: Okay. Let's finish the vote. You all heard the discussion. Is there any further discussion? If not, is there a vote to continue this to the February 7th meeting at -- first item up on that date?

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Oh, everybody in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: 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.

We have other line -- order of business. Richard, did you have something you had to get off your chest right now?

MR. YOVANOVICH: One thing -- and we always try; what Mr. Fryer suggested is that we reach out again. In fairness to Mr. Arndt -- and I'm blanking for a second on the other gentleman who was there. I know Tim's name -- but it's very difficult for them to get a consensus within their communities. So we're trying to deal with the representatives, and we'll continue to do that.

It's, I think, a yeoman's task to ask them to figure out what their community would support between now and the 7th, but we will continue to reach out.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: ***Okay. Next item to -- for continuation is 9A4. It's the

water pollution control prevention ordinance. That will go up second on the agenda on the 7th. It will go before the LDC amendments we have to hear that day as well. Is there a motion to continue that to that date?

COMMISSIONER FRYER: So moved.

CHAIRMAN STRAIN: Made by Ned and seconded by?

COMMISSIONER SCHMITT: I'll second.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: By Karen.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: 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.

Is there any new business?

(No response.)

CHAIRMAN STRAIN: Any old business?

(No response.)

CHAIRMAN STRAIN: Any public comment on something other than the item before us?

MR. BORK: Mr. Chairman?

CHAIRMAN STRAIN: Yes. You'll need to go to the speaker, identify yourself, and we'll be glad to hear you, sir.

MR. BORK: My name is Arthur Bork. I don't want to take any time. Is it possible to preserve the list of speaker requests from this meeting so that we go to the top of the pile on the 7th?

CHAIRMAN STRAIN: Yeah, we'll do that. Absolutely.

MR. BORK: Thank you.

CHAIRMAN STRAIN: Thank you very much, sir.

And with that, no other public comment. Is there a motion to adjourn?

COMMISSIONER FRYER: So moved.

COMMISSIONER SCHMITT: I make a motion to adjourn.

CHAIRMAN STRAIN: Ned, seconded by Joe.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: We're out of here.

January 17, 2019

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 3:02 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 2-21-19, as presented _____ or as corrected .

TRANSCRIPT PREPARED ON BEHALF OF U.S. LEGAL SUPPORT, INC.,
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.