

August 1, 2019

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida, August 1, 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  
ABSENT: Joe Schmitt

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager  
Nancy Gundlach, Principal Planner  
James Sabo, Principal Planner  
Jeffrey Klatzkow, County Attorney  
Heidi Ashton-Cicko, Managing Assistant County Attorney  
Tom Eastman, School District Representative

PROCEEDINGS

VICE CHAIR HOMIAK: Could you please take your seats, please.

And welcome to the meeting of the Collier County Planning Commission August 1st, 2019.

Could you all please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

VICE CHAIR HOMIAK: Okay. Commissioner -- Chairman Strain will be a few minutes late. He'll be here within the half hour, and Mr. Schmitt has an excused absence. So with that, could we have roll call, please.

COMMISSIONER FRYER: Yes, ma'am.

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 is absent.

Vice Chair Homiak?

VICE CHAIR HOMIAK: Here.

COMMISSIONER FRYER: Mr. Schmitt?

(No response.)

COMMISSIONER FRYER: Mr. Dearborn?

COMMISSIONER DEARBORN: Present.

COMMISSIONER FRYER: Chair, we have a quorum of five.

VICE CHAIR HOMIAK: Thank you.

Okay. Addendum to the agenda.

MR. BELLOWS: Yes. We have a request for the first two items -- and I think we would like to -- Mr. Jeff Wright to explain his request for a continuance.

MR. WRIGHT: Good morning, Commissioners. Madam Chair, I'm Jeff Wright with the Henderson Franklin Law Firm.

We're here on Items 1 and 2. And as I've explained to staff and to the chair in advance of the meeting, also to the members of the public who are present here, we're going to need some extra time to get some of the details in relation to our petition ironed out, and for that reason we're requesting a continuance on Items 1 and 2.

VICE CHAIR HOMIAK: Okay. And our next meeting on August 15th, our meeting date we have nothing, and we're not having a meeting.

MR. BELLOWS: At the present time there are no items scheduled, and I believe there was an email canceling the meeting, so the next meeting would be September 5th.

VICE CHAIR HOMIAK: Will that work?

MR. WRIGHT: Yes, it will.

COMMISSIONER FRYER: Chair, what do we have? I guess I should pose this to Ray. What do we have on that first meeting in September already?

MR. BELLOWS: I'll have to pull it up on the computer. It's not many items, though.

COMMISSIONER FRYER: Not many? Okay.

MR. BELLOWS: I can get you the list, but right now -- I was having computer problems this morning.

VICE CHAIR HOMIAK: Mike knows.

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

The September 5th meeting already has two full-scale Growth Management Plan amendments

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and a small-scale amendment. So I think that you'll have five -- or four individual Growth Management Plan amendment requests, small scale and large scale. So it's going to be a very busy September 5th meeting.

COMMISSIONER FRYER: Well, I think in fairness to us, we should take a serious look at when -- the proper time to schedule. I don't object to the continuance concept, but --

VICE CHAIR HOMIAK: There's also advertising.

COMMISSIONER FRYER: Yep.

VICE CHAIR HOMIAK: We'd have to be --

COMMISSIONER CHRZANOWSKI: Excuse me.

MR. KLATZKOW: They're going to have to readvertise.

COMMISSIONER CHRZANOWSKI: Why can't we have it at the next meeting? You know, even though -- it seems like if the next meeting is canceled because there's no agenda, why don't we just put it on that meeting and send a notice out. Is it not enough time or what?

MR. BELLOWS: Well, the idea is we would continue time certain to that meeting, so it should be --

MR. BOSI: Yeah. If this body -- if the Planning Commission continued this item to the August 15th meeting, then the next scheduled Planning Commission meeting, it would satisfy the advertising requirements, and you also would have the Golden Gate Area Master Plan consent item that could be held at that specific time.

MR. KLATZKOW: Jeff, how much time do you need to work this out with the community?

MR. WRIGHT: I would say we probably need three or four days to work out the details.

MR. KLATZKOW: Okay.

VICE CHAIR HOMIAK: Does that give you enough time to get it to the staff in time for an August meeting; is that the --

MR. KLATZKOW: We're okay. I mean, he's the one asking for the continuance. I didn't know how much time he needed.

MR. WRIGHT: We're okay with the August 15th meeting. We're available. I understood it was canceled, so I didn't want to go for that date, but we're happy to show up on the 15th.

VICE CHAIR HOMIAK: Yeah. If you would rather do --

COMMISSIONER FRYER: Yeah. I'd move that we allow the continuance but to the second meeting in August.

COMMISSIONER FRY: Second.

VICE CHAIR HOMIAK: All those in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

VICE CHAIR HOMIAK: Aye.

COMMISSIONER DEARBORN: (No verbal response.)

VICE CHAIR HOMIAK: Well, I guess that's it then. That will work for you then?

MR. WRIGHT: Yes, ma'am.

VICE CHAIR HOMIAK: Okay. Thank you.

So Planning Commission absences. Our next meeting will be on August 7th at 5:05. Will everybody be here then or --

No.

COMMISSIONER DEARBORN: Ms. Commissioner, I'm not sure if I'm going to be able to make that next Wednesday meeting or not. I'll have to get back.

VICE CHAIR HOMIAK: Okay. We'll still have a quorum. Mr. Strain will be here, I guess. And August 15th, will everyone make it then? Are you going to be here?

COMMISSIONER DEARBORN: Yeah.

VICE CHAIR HOMIAK: Yeah, okay.

We have no minutes to approve and no BCC recaps. There's no meeting, right.

No chairman's report. No consent agenda. And the first two items --

COMMISSIONER DEARBORN: Ms. Chairman, I have one thing, if we could. It's been brought to my attention that Mike Bosi, this may well be his last CCPC meeting after 17 years, so I think we should take a moment and recognize him and thank him for his 17 years here working with the county and wish him the best. Is that true, Mike? Is this your last meeting?  
(Applause.)

COMMISSIONER DEARBORN: Thanks, Mike.

VICE CHAIR HOMIAK: He'll be missed.

COMMISSIONER FRYER: He certainly will.

MR. KLATZKOW: Mike has done outstanding work for us, and I know my office has greatly appreciated the time and effort that he's spent on this. He's a true public servant.

COMMISSIONER CHRZANOWSKI: I just want to know where he could possibly go that's not (sic) nicer than Collier County.

MR. BOSI: Other places need help.

COMMISSIONER FRYER: Add my personal note of thanks to Mike for all you've done, sir.

COMMISSIONER DEARBORN: Yeah.

VICE CHAIR HOMIAK: Thank you.

\*\*\*Okay. So that brings us to Items 9A3 and 9A4, which are companion items, so I assume we would hear them together.

So the first one is PL20170004419, and the companion item for Allura PUD is PUDR-PL20170004385.

All those wishing to speak on these items, would you please rise and be sworn in by the court reporter.

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

VICE CHAIR HOMIAK: And did you have any contact with anybody?

MR. EASTMAN: No disclosures other than the documents in the public record including the email correspondence.

VICE CHAIR HOMIAK: Stan.

COMMISSIONER CHRZANOWSKI: A short conversation with Rich Yovanovich and the same, what he said.

COMMISSIONER FRY: Public record, this packet just on our desk today, conversation with Rich Yovanovich, and conversation with the president of Barrington Cove Association.

VICE CHAIR HOMIAK: Ned.

COMMISSIONER FRYER: I have received the materials from staff and also had a communication with one member of the community.

VICE CHAIR HOMIAK: Okay. And I spoke to Mr. Yovanovich before the last meeting was canceled, and I have emails.

COMMISSIONER DEARBORN: Just email correspondence and staff.

COMMISSIONER FRYER: Yeah. My disclosure was with respect to the most recent period of time. I didn't cover things that I'd already disclosed. Thank you.

VICE CHAIR HOMIAK: Okay. Thank you.

Okay. First we'll hear from the petitioner, then have the staff report, and then we'll have the speakers.

MR. MULHERE: Thank you. For the record, my name is Bob Mulhere with Hole Montes here this morning on behalf of the applicant. Also with me this morning, Rich Yovanovich, who is our land-use attorney; Ted Treesh, the transportation consultant; Chris Mitchell, who is our civil engineer; Cat Cardoza, who is a manager of apartment facilities, has experience doing that.



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Our client is expected -- he's on his way. Expected within five minutes. So Keith Gelder, and he may be with Chris Johnson, but they're on their way. So we will proceed.

Just a little reminder that the BCC transmittal had -- before transmittal there were two hearings, January 17th, February 7th. There was a 4-2 recommendation to transmit this petition with a density of 304 units in three- and four-story buildings.

The BCC transmittal was, I believe, in March. And there was also a recommendation from the BCC to transmit, but at that time the BCC limited the building height to no more than three stories.

I know all of you know where the property is located, but I'll just go through it briefly in case anyone is here that hasn't seen this or is watching on TV. So the property is located along Livingston and Veterans Memorial. It is in the southeast corner. The surrounding -- the property includes both ag-zoned parcels -- a little over 20 acres of ag-zoned parcels, and the 15-and-change acre De La Rosa PUD.

And surrounding land uses are PUD residential development to the east and the south. There's actually an ag piece also to the south. To the north is Veterans Memorial, which is a 200-foot-wide right-of-way at that location, and then Mediterra. And to the west is also -- across Livingston Road is ag-zoned parcels.

All of the property in this area falls within the urban residential subdistrict, and the property is not within the coastal high hazard area.

The GMP is 35.57 acres. The PUD is 35.92 acres. That differential was a couple of slivers of land that we did not have clear title to at the time we went through the transmittal. We are not including that in the GMP amendment, as was directed by the County Attorney's Office; however, we are including it in the PUD. It's right long the edge of Livingston Road and would be in the landscape buffer.

So the density is based on 35.57, and that is -- at 304 dwelling units, that's 8.5 DUs per acre. I already discussed the transmittal recommendations. But just to reiterate at transmittal, staff recommendation to transmit, Planning Commission recommendation to transmit, and BCC recommendation to transmit.

With respect to the De La Rosa PUD, which was approved in 2007, 15.38 acres allowing 107 multifamily dwelling units with a zoned building height of 50 feet and an actual building height of 69 feet.

You may recall this exhibit. It shows in red our proposed plan. We do have a minimum principal structure setback from the east property line of 125 feet. The De La Rosa PUD had submitted an SDP which had buildings located within 20 feet of the property line, and that's circled and shown on this exhibit.

It's probably a little hard to read, but that is the transmittal language which you also have in your packet.

This is the proposed master concept plan. Today, of course, you're looking at not only the Comprehensive Plan but also the PUD, which we had the same version available to you when we came before you for transmittal, but this is a hearing for your recommendation with respect to the zoning as well. The only thing that really changed was the reduction directed by the BCC down to three stories.

COMMISSIONER FRYER: Madam Chairman, I request -- I guess it's a point of personal privilege. I must correct my previous disclosure. I also spoke with Mr. Yovanovich, and I was confused because we didn't make disclosures when this was continued on July 18th.

VICE CHAIR HOMIAK: Okay.

COMMISSIONER FRYER: So I apologize, Mr. Mulhere, for interrupting.

MR. MULHERE: Sure. No problem. This is just an example of our site -- or a depiction of our site plan overlaid on an aerial.

Again, just to point out the 125-foot setback from the eastern perimeter boundary and the maximum building height as directed by the BCC at transmittal, three stories, zoned height of 40 feet, and actual height of 50 feet.

Just want to go over this again briefly. These -- this exhibit shows our perimeter boundary

landscape buffers by type. I have more detail in the subsequent slides. So if you look on the right-hand side, you can see where this particular Type B buffer elevation applies. We have a stormwater lake on the east side right here. So you have that buffer here, on the south adjacent to an ag parcel, and here adjacent to the -- this is a commercial C1 parcel right here.

And this elevation is a Type A buffer, which is adjacent to the ag-zoned piece, which is a five-acre piece right here.

This is probably the most significant, or I should say, important buffer. This is an enhanced Type B buffer that we discussed at our previous meeting as well, and this buffer would be located right here adjacent to Barrington Cove.

And, finally, this is the Type D buffer along the right-of-way, the Livingston Road right-of-way right here. There was discussion on line of sight.

MR. PRITT: We can't see that. Whatever you're pointing to, we can't see that outline.

MR. MULHERE: The pink outline right here is that buffer.

MR. PRITT: Okay. Thank you.

MR. MULHERE: There was some discussion, and we had provided you with a line-of-sight exhibit at our transmittal hearing. But this line-of-sight exhibit shows the line-of-sight with the reduced height from four stories down to three stories. And it was a little hard to see. There was a dashed line, so I inserted a brighter red line so you could see that line-of-sight exhibit.

This is an individual standing right here. This is the berm, landscape buffer, on Barrington Cove, for example. I'm sorry, Mediterra, yes, looking straight. That's both ways right here too. I'm sorry, that is Mediterra, A. You're right.

And then looking across the right-of-way, travel lane. This is just a large open-space area. It could be widened right-of-way, but it's a large open-space area. And then you can see that the line-of-sight runs just over the roof line of a three-story building.

And I'm sorry, B is looking from Barrington Cove. Again, you have an individual right here. You have their landscape buffer, our landscape buffer. You have our one-story parking structures which forces the line-of-sight upward. And, again, this line-of-sight actually goes above the roof line.

And the last two are C and D also generally looking sort of directly at the project from Barrington Cove, and then looking at an angle into the project at Barrington Cove. And you have the same scenario there with this reduced height.

Again, the reduced height is a maximum zoned height of 40 feet and a maximum actual height of 50 feet.

We did look at other multifamily apartments.

(Chairman Strain is now present in the boardroom.)

MR. MULHERE: Good morning, Mr. Chairman.

CHAIRMAN STRAIN: Good morning, Bob. Thank you.

MR. MULHERE: And you'll see this list in front of you includes approved, some developed, and one project that is in the -- in the process of going through zoning. But we wanted to give you an idea of the size and the number of units and the density of these projects.

So Pine Ridge Commons, these are net densities, has 375 units on 11.9 acres for a density of 31.51; Briarwood, which I did work on, is 320 units on just under 16, for a density of 20.04; Aster Resort has a density of 17.31; Legacy, 16.01; Courthouse Shadows, 15.96; Addison Place, 15.6; Inspira, 15.12; Milano Lakes, 12.52; Orchid Run, 12.23; Springs at Sabal Bay, 9.54; and, finally, Allura, which has a density of 8.46 if you look at the entire PUD acreage. If you look at just the smaller acreage, the lesser acreage on the GMP, the density is 8.5. So that's why you see 8.55, because the density is based on the GMP amendment.

There was some discussion about the ITE trip generation manual and whether or not it accurately captured trip generation for this use. Ted can speak more specifically to this issue if you so desire but, in general, we looked at -- I think Ted looked at five or six different multifamily projects, did a traffic count

in season for those.

And the outcome of that is that the ITE trip generation manual is generally very consistent with the actual trip generation for those projects. And, again, he can speak to the issues. But we did do that because of the discussion about that matter.

In terms of market analysis, we know there's strong demand for apartments, and that demand does exceed supply.

Occupancy is close to 95 percent right now, and the estimated demand for market-rate rental units by the end of 2022 is over 5,300 units.

These are -- and we went over these at the transmittal hearing as well, but these are typical demographics and management elements of this project. It is assumed that it will be -- the project will be occupied by working professionals and potentially also empty nesters. There is a strong demand for empty nesters for rental -- luxury rental apartments.

The average household income would be from 80- to 135,000. And we know that there is a market for those empty nesters based on our experience at other projects. There will be professional on-site management by Greystar. And, again, Cat Cardoza is here, and she can speak to those issues. You had some questions the last time. You may have some more questions this time.

We do require full background checks for all tenants. There is a seven-day eviction process for any criminal activity. We do not allow subleasing. Airbnb and similar types of transient rental businesses are prohibited.

Renters insurance is required. All vehicles are required to be registered. And there are strict restrictions on breeds of pets, including photos and proof of vaccination. The standard lease is 12-month minimum lease term. We had talked about seven months. I think there was some discussion about whether or not that would -- that would continue or whether there would be a 12-month minimum. But at this point, 12 months is the standard lease, and a seven-month is available for people who may want to come for just the seasonal rental.

I don't want to -- I know you have a -- well, you don't have as busy of an agenda as you did previously, but I did share these pictures with you, so I'll go over them briefly. These are photos of Inspira at Lely Resort, and that is a -- I believe a four-story building, so keep in mind, this is a little taller. But it does give you a sense of what the site will look like. These are pictures of the amenities at that facility, and this will be very similar in terms of the amenitization.

Pool area, interiors, very high quality, common areas, other common areas. Again, the pool area.

So that concludes my presentation. I know you have a lot of questions. We do have experts here to respond directly to some of your questions, but I wanted to at least give you an oversight and overview of the project, and from there we'll take your questions.

CHAIRMAN STRAIN: Okay. First of all, thank you. I apologize for being late. But I want to make my disclosures. Since the last meeting, I have not had any others conversations, I believe, with the applicant. I don't think I even met with staff since the last meeting on this item, so I have no other disclosure to offer.

So with that -- pardon me?

MR. YOVANOVICH: Actually, Mr. Strain, you and I had a conversation on the phone. You may be confused --

CHAIRMAN STRAIN: Was it before last time or before this time?

MR. YOVANOVICH: It was before this time, Mr. Strain.

CHAIRMAN STRAIN: Thanks for letting me know. I didn't even --

MR. YOVANOVICH: Thanks, Mark.

CHAIRMAN STRAIN: It was very impactful. I didn't remember it.

MR. YOVANOVICH: I appreciate that.

MR. PRITT: And me, too.

CHAIRMAN STRAIN: Oh, that's right, Mr. Pritt. Boy. Coming in late, I didn't have enough

coffee this morning, so thank you both for correcting me.

With that I'll turn it to members of the Planning Commission for questions. Anybody have any questions? We'll go with Karl first and then Ned.

COMMISSIONER FRY: Thank you, Chairman Strain.

Just a few questions. The first question is, what effect on the site plan occurred as a result of the Board of County Commissioners' decision to reduce from four-story to three-story buildings? How does that impact the footprint and the layout of your site plan?

MR. YOVANOVICH: For the record, Rich Yovanovich.

Mr. Fry, what essentially happened by reducing the height from four stories to three stories, the way we accounted for that is we -- I think this is a correct word -- we elongated some of the buildings to accommodate for that. We didn't lose -- obviously, we brought the density down to 304 at the Planning Commission's request. But going down to three stories did not impact the number of units that we could achieve on the property, nor did it really change the location of the buildings that we previously showed you in relation to Barrington Cove and other properties.

COMMISSIONER FRY: Okay. Regarding the sight lines, you showed sight lines from various angles. What would the sight lines be like through the enhanced buffers that you described? How much -- to what extent would the neighbors and residents be able to see the buildings through the landscaping buffer?

MR. YOVANOVICH: I'm showing you the enhanced buffer to Barrington Cove. I'm assuming that's the focus of your question; is that correct?

COMMISSIONER FRY: Yes.

MR. YOVANOVICH: Basically, what you see there is what you'll see of our project. As you -- if you'll recall, the one-story apartment, the garages, are immediately adjacent to Barrington Cove. So with the enhanced buffer that's there, you're basically not going to see the one-story garages, and with the sight line that we showed you, you're not even going to be able to see into the units, and neither will the people in the units be able to see into people's backyards. I know that was a concern that was previously raised. But we believe the sight line works both ways.

COMMISSIONER FRY: One of your slides was the density of various apartment complexes, and Inspira being one, which had a much higher density, the same number of units, 304, on a much smaller footprint. How do you -- what makes up the difference in the much lower density on this project? Is it simply open space and water management, the large water management?

MR. YOVANOVICH: Preserves. The difference in this site and some of the other sites is this is a stand-alone PUD, and we have to accommodate on our site our water management, our preserve, which adds to, you know, the lower density that we can achieve on the acreage because we have to accommodate those things.

Really, the purpose of this slide was to show you that the market for apartments is in the 300-unit range for apartments to provide the level of amenities that Collier County's demanding and the rents are demanding and the community wants to see with these types of luxury apartment complexes. You have to have enough units to be able to support the amenities we're offering.

And I'm telling you because, fortunately, I'm representing a few different clients who are coming through the process -- already been through the process for the apartments and are coming through the process for the apartments, it's a competition. Who can provide the better amenities? Because they can command high rents, and they want to attract those people.

So as you saw the amenities that we're proposing here and the amenities that are already at Inspira, they're first-class luxury amenities. And to support those amenities, you have to have the number of units to support being able to provide those amenities.

That was really the purpose of this slide, to show you what the unit sizes of these apartments are. And I'm embarrassed; I should have added to this slide Baumgarten which just was approved by the Board of County Commissioners and also came through the Planning Commission. I think that was 400



apartments at the corner of Collier Boulevard and Immokalee Road. Coincidentally, also adjacent to a single-family community.

So there's -- you could see that the numbers that are required for these types of communities to provide the amenities gets you in the 300-unit range.

COMMISSIONER FRY: In the showing of the buffers from the various angles, I don't remember, I might have missed it, was there a buffer along Livingston Road shown?

MR. YOVANOVICH: There is.

COMMISSIONER FRY: I wanted to ask, just focus on the setbacks and the buffering on Livingston. Okay. The pink?

MR. YOVANOVICH: There's the pink. I'm assuming you're talking about the pink, not the yellow, because that's not really adjacent to Livingston.

COMMISSIONER FRY: The pink, yes.

MR. YOVANOVICH: Is that it, Bob? No, that was --

CHAIRMAN STRAIN: You just went past it twice. Keep going to your Type D buffer.

MR. YOVANOVICH: Where this is?

MR. MULHERE: It's probably not in yellow, but it's a Type D.

CHAIRMAN STRAIN: No, it is in pink. There it is right there.

MR. YOVANOVICH: What threw me off, as you can see where the pink is is up at Veterans Memorial, I was looking for the pink also labeled. That's the buffer you'll see from Livingston Road as you're driving past the project.

COMMISSIONER FRY: And what is the setback on that?

MR. YOVANOVICH: The setback is 50 feet for principal structures from Livingston Road.

COMMISSIONER FRY: Fifty feet.

MR. YOVANOVICH: That's the current PUD.

COMMISSIONER FRY: I know some of the concerns expressed by residents were driving up Livingston and seeing this, you know, four-story apartment complex. The County Commission reduced that to three.

MR. YOVANOVICH: Right.

COMMISSIONER FRY: I think partly to alleviate that stark contrast in building heights.

Are you willing to enhance that buffer -- I guess any kind of buffering along Livingston, I believe, would also be important. Is there a reason why that could not be an enhanced -- you know, enhanced buffer with the buildings set back a little farther so they're not hanging right -- 50 feet is about 17 steps.

MR. YOVANOVICH: So --

COMMISSIONER FRY: So from the road to a building, a three-story building, 17 steps, is there -- what can we --

MR. YOVANOVICH: Let me make sure I don't get anybody dizzy by going the right way or wrong way.

MR. MULHERE: Want to go to the aerial.

MR. YOVANOVICH: Bob, I'm looking for the regular B. Okay. Here's a regular B buffer which obviously is more enhanced than the A. We could put that along Livingston Road. And we've started to, obviously, lay out the site just like we had done in Baumgarten.

So we could accommodate a setback along Livingston Road for principal structures of 80 feet instead of the 50 feet. So with the enhanced buffer and the greater setback for principal structures, I think that would go a long way towards addressing --

Right, okay. But thank you, Bob.

We do the same B plantings but within the Type D buffer width. So you're still going to get the same blockage you'll get from the plantings. It affects the site plan if I have to go a little bit wider for the landscape buffer but with the increased setback of the principal structures. So you'll get the same level of

plantings.

COMMISSIONER FRY: So more density of plantings in the same width is what you're saying?

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: That would skew the view more, and then setting the buildings back --

MR. YOVANOVICH: Another 30 feet, principal structures, yes, sir.

COMMISSIONER FRY: And so how close would the garages be or parking spaces? What was the layout on that side in terms of garages and parking spaces?

MR. YOVANOVICH: We have the garages just like we do on the east side, and that is how many feet? I think it was 20 feet.

MR. MULHERE: Twenty.

MR. YOVANOVICH: I think the garages would be 20 feet.

COMMISSIONER FRY: Starting at 20 feet. Okay.

MR. MULHERE: Right, at the edge of the landscape.

MR. YOVANOVICH: Right. It would be at the edge of the buffer hidden by the trees.

COMMISSIONER FRY: Okay. Thank you.

I guess, you know, in the public comments last time you had showed De La Rosa, the PUD that was approved, which presumably gives the developer the right to build the De La Rosa PUD even if this were not passed.

What -- I got the impression from some of the residents that they didn't believe that the De La Rosa would be built. If it was going to be built, it would have been built by now.

What would the developer do if this PUD and GMP amendment was not passed?

MR. YOVANOVICH: Well, the difference between -- and I hate going backwards, but to remind everybody; there may be some new people in the audience. Stock has acquired De La Rosa, so they own it. They have not yet acquired the other 20 acres. So since they own De La Rosa, they have two options: Build it or not build it. So they're going to build it, and the only thing that's authorized to be built on that property right now is multifamily. Single-family is not an option. We had this discussion last time.

So it was bought with multifamily on it with the development standards for De La Rosa in place and, in fact, Barrington Cove came after De La Rosa. And Barrington Cove -- so Barrington Cove knew that De La Rosa had been zoned ahead of it at the exact same standards that are in there today and, in fact, we're bringing those standards down and pulling the buildings further back.

So if we're denied, we have two choices, you know; submit another PUD request under the current comp plan to achieve probably a higher density than we're asking for under the comprehensive plan today -- amendment we're asking for today, or simply go forward -- if that's unsuccessful, then we would build De La Rosa as it currently exists.

COMMISSIONER FRY: Thank you, Rich.

Mr. Chairman, just a clarification. This came to us before for transmittal. It was passed 4-2. It went to the County Commission. They approved it with the reduction of building height.

CHAIRMAN STRAIN: That was 4-1 there.

COMMISSIONER FRY: 4-1 there. Okay. What is our latitude today in terms of this coming back through us for transmittal without significant changes?

CHAIRMAN STRAIN: Whatever you want. There's no restriction. If you want to vote differently, if you want to request changes be made, that's what this is for. The transmittal is just to get the feel of it. The adoption is where the -- I guess the rubber meets the road. This is the final blink we have at this, with this and the PUD both, so...

COMMISSIONER FRY: Thank you. That's all I've got.

CHAIRMAN STRAIN: Stan, then Ned. Is that okay, Ned?

COMMISSIONER FRYER: Yes.

COMMISSIONER CHRZANOWSKI: You said there were two options. There's a third option. Stock is not going to hold onto a park. For the benefit of people around it, they'll probably -- if they can't



build what they want, they'll sell it. And to my way of thinking, Stock is a developer I would rather have building on this parcel than somebody they might sell it to. So it's just a thought.

MR. YOVANOVICH: Yeah. I don't like to -- you're right, that is another option, but I believe Stock intends to build on De La Rosa if we're turned down. But you're right, they could decide that this isn't the Stock quality project that they want on their name, and they'll sell it to someone else to build De La Rosa.

CHAIRMAN STRAIN: Okay. Ned.

COMMISSIONER FRYER: I have several questions and comments. First of all, at the BCC transmittal, Chairman McDaniel asked the developer and the agents to go back to the neighbors and see if further concessions could be made including with respect to more buffering. And we've heard some things already about additional buffering.

My question is, is have you gone back and met again with the neighbors? And what was the outcome of that all in?

MR. YOVANOVICH: Well, I had discussions with their representative, and what was relayed to me is you can have four units an acre.

And I said, well, then there's really nothing to discuss.

COMMISSIONER FRYER: This was their legal counsel or the president of their HOA?

MR. YOVANOVICH: I can't talk to their HOA president, so it was through their legal counsel.

COMMISSIONER FRYER: Okay.

Then my questions are what, if any, additional steps have been taken to mitigate further the automobile traffic that will result from the project in addition -- if anything, in addition to the points that have already been made.

MR. YOVANOVICH: Well, I will -- the difference has been the analysis has been done on 304 units versus the prior iteration with the higher density.

We still -- and Ted can get into the details. I'll give you the summary. We still do not trip a failure on any links in the road -- in the TCMA. So we're not utilizing the 85 percent "area is doing fine" analysis, which would not trip any of the transportation demand techniques that you would have to do under the normal rezone process and Comprehensive Plan process for a project of this density.

We agreed to provide two of the four TDMs as additional transportation mitigation for this project even though we would not be required to do that under the TCMA. It's an MA, right?

So what we have in our PUD is, obviously, there's two we can do right away, which is interconnecting with the commercial. And I'm blanking on the second one. What was the other one we were going to do?

COMMISSIONER FRYER: Bus stops, but that's --

MR. YOVANOVICH: That wasn't counted, though. There's three that we can do. Interconnection with the commercial -- I'll look at it in a second. And we threw -- the bus stop -- we also agreed, if the county wants a bus stop, whenever they want the bus stop, we will provide them with that bus stop.

And when we -- it was discussed at the last meeting, people said, well, Rich, you basically offered us nothing.

And I said, well, you guys are -- you're not thinking about the future, because we had just approved the transit, the park-and-ride at the corner of Livingston Road and Immokalee Road. Right down the street you've just approved a CAT transit stop. It's not a difficult thing to imagine in the future that the county's going to want to have a bus line going up and down Livingston Road to the north. So we provide that opportunity.

I guess you'll have to explain one, Bob, because I didn't understand it.

So the CAT bus stop, although it may not be needed today, I don't think it's much of a stretch that it would be a benefit to the community in the future.

COMMISSIONER FRYER: Would it be fair to say that when you're marketing to empty nesters

with product that would be described -- I think you've described it as luxury product -- even a rental basis, that in all likelihood the occupants would be less inclined to use bus transportation and more inclined to use auto transportation?

MR. YOVANOVICH: To be honest with you, I don't know the answer to that question. If it was convenient and I had a bus line that can get me, for instance, to the beach so I don't have to fight for beach parking, I might take the bus to the beach. It would depend.

I think it's fair to say that most of us are probably still users of our cars right now and maybe not believers in the CAT system. But, as time goes along, who knows how things can change.

COMMISSIONER FRYER: Do you have or does your traffic engineer have an estimate as to how many additional automobiles would be generated by the 304 dwelling units?

MR. YOVANOVICH: Versus what number?

COMMISSIONER FRYER: Versus where we are now.

MR. YOVANOVICH: Ted, do you?

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

Yeah, we'll look at just the p.m. peak, because it is the highest. And for the 304 units, it's a total of a hundred --

COMMISSIONER FRYER: My question was additional automobiles.

(Simultaneous crosstalk.)

COMMISSIONER FRYER: In the unit, in the complex.

MR. YOVANOVICH: Compared to the existing zoning, Ted.

MR. TREESH: I don't think we did that -- I don't think we've completed that part of the analysis. We just looked at what the project will generate at buildout of the 304.

COMMISSIONER FRYER: I think some of the residents have estimated upwards of 500 additional automobiles as a result of the project. Would you have any basis for taking exception to that?

CHAIRMAN STRAIN: I took a look at some of the numbers. The average household of that size is 1.97 cars. So if you take 1.97 cars times the additional increase over what you would have been entitled to on De La Rosa and the 20 acres you're adding, that would be 189 minus 304, so you're at 115 more at almost two units -- that would be 230 additional cars over and above what I think the zoning would probably allow if you were to go forward with just straight -- with just the zoning that was there, I think. That's the best I can tell you.

MR. YOVANOVICH: And, again, I get the number of cars, but the important issue is the county measures the impact of traffic on the peak hour, and during the peak-hour analysis is which we're required to do. We do not trigger any failures on any links on the Collier County transportation system. And that's one of the reasons.

(Simultaneous crosstalk.)

MR. YOVANOVICH: Can I finish?

COMMISSIONER FRYER: -- developer must comply with the standards that are outlined and to meet the tests that are built into the various legal documents, but I don't think it's quite fair to say that that's the only thing that can be looked at.

I think 100 percent of the residents are looking at what the actual conditions are going to be and are less concerned about whether certain trip wires have been tripped.

MR. YOVANOVICH: Well, we have standards that we go through that are reviewed, and the transportation analysis standard is a level-of-service analysis standard, and it's based upon the peak-hour/peak-direction analysis for determining transportation-related issues. And that's the analysis we did. And under that analysis, we do not trigger any failures based upon a transportation review.

COMMISSIONER FRYER: That certainly would answer staff's concerns, but I don't believe it answers the neighbors, and it doesn't answer mine either.

But moving along, would you commit to a minimum lease duration of 12 months?

MR. YOVANOVICH: Can we -- do you have any others while they're talking amongst

themselves?

COMMISSIONER FRYER: You can hold that thought. We'll get back to it.

MR. YOVANOVICH: Yes, thank you.

COMMISSIONER FRYER: Would you describe in greater detail the kind of tenant vetting you do. There are various ways of accomplishing that. Probably the most thorough would be a LexisNexis or West Law search to identify prior criminal record. Could you give us an idea of what you typically do, what you do at Inspira.

MS. CARDOZA: Good morning. For the record, Catherine Cardoza.

So we run a full criminal screening through RealPage, which is an international software program that does property management from start to finish. So we do not allow any base -- the laws change all the time, but anything that's a violent misdemeanor or any type of felony is not permitted. It's an automatic decline. I've had them decline -- it's a very sensitive system where they look at things very, you know, detailed through all different states because, obviously, we're a transient area.

So I've had them flagged even for, like, toll violations. So those things we can get, you know, disputed, but -- and overturned traffic violations. But outside of that, any violent misdemeanor or any felony whatsoever isn't approved.

COMMISSIONER FRYER: Yeah. I think your standards are right on target. My question is, is what background information do you rely upon against which to measure your standards? And I submit that West Law and LexisNexis are -- and I'm not familiar with the one you mentioned, but unless that service is a subscriber to one of those two, you're not going to get the stuff that you get from the level of detail. And, frankly, the cost that is associated with LexisNexis and West Law -- the reason they charge so much is because they have developed incredible detail.

So do you know what your service uses and relies on?

MS. CARDOZA: RealPage is actually the leader in the multifamily housing screening industry currently, and it is very, very expensive, even with Greystar's, you know, national discounts.

I mean, we don't see on site the actual background that is, you know, done through corporate, but it's done on a scoring module that's extremely sensitive, and we have to verify date of birth, ID -- you know, photo ID, your driver's license number, Social Security number all has to tie in together as well as proof-of-income standards that are pretty stern.

COMMISSIONER FRYER: The -- your comment about no subleasing, of course --

MS. CARDOZA: Correct.

COMMISSIONER FRYER: -- I would expect that, and I'm glad that's the case. That, though, triggers the question, though, how do you enforce that? And you mentioned automobile registration, which is good. Can you elaborate on what else you would do? In other words, I'm trying to identify if there's anything more than simply reactive actions that you would take in order to spot a violation of the anti-subleasing provision.

MS. CARDOZA: To spot it?

COMMISSIONER FRYER: Yeah.

MS. CARDOZA: Absolutely. We have to do unit inspections on a regular basis. We have to do regular cleanings. This kind of clientele demands a very high-level product and a very clean environment at all times. So myself and my staff, we know everybody. We know their pets. We know the ins and outs. We get to know their habits. And we're on site every single day.

We are screened through, you know, risk management procedures to be trained on how to recognize those things and transient activity. The restricted access gates help with that, the fobs. You know, all of those different devices that we have in place currently and at previous communities -- current community and previous community that that really make it difficult for outsiders that are not registered to a resident to take it into one of our communities.

You know, we watch for suitcases. We watch for, you know, real estate style door locks that are, you know, in place of ours. It's very easily recognized, especially when you're starting from the ground

up at a community, to know who's supposed to be there and who's not.

COMMISSIONER FRYER: Okay. Those are all the questions I have for this witness, unless someone else does.

CHAIRMAN STRAIN: Why don't you ask all the questions of the applicant presentation.

COMMISSIONER FRYER: Okay. I will do that. That's fine.

CHAIRMAN STRAIN: You've got some?

COMMISSIONER CHRZANOWSKI: Just one. I saw you say you can evict a person in seven days and yet I've heard a lot of horror stories about how it takes months to evict people. Is it really that easy to evict someone in seven days?

MS. CARDOZA: So for criminal activity, if I may, real quick. Our lease agreement is full of all kinds of fun. It's worse than a mortgage. It's well over 43 pages that cover all of it.

COMMISSIONER CHRZANOWSKI: I know what you may have written, but I've heard -- I see this -- instances of people actually moving into places they don't even own --

MS. CARDOZA: Oh, certainly. So --

COMMISSIONER CHRZANOWSKI: -- and you can't get them evicted for months. And a simple piece of paper like that --

MS. CARDOZA: Yes. So it's called the crime and drug free housing addenda is one of the key factors in our lease agreement that every single resident signs to. They are responsible not for only themselves but any guests they may allow to, you know, step site -- on the site. And that -- any criminal activity whatsoever is an immediate seven day to terminate.

So yes, the -- I can serve them with that and, by law, they -- if I have documented proof of any criminal activity happening, they have to vacate the community.

Now, if they want to fight that, well, certainly they can in a court of law, but we would go through all of the steps. It can be a little bit longer, but if somebody has a criminal incident on site, it's very easily taken care of. It's not something that is -- is handled lightly, I guess. So if I know of a crime, and I have a police report, that's really all it takes. I've been successful in doing so at all past communities.

COMMISSIONER CHRZANOWSKI: Okay. I was just wondering if somebody squat -- if I ever go on vacation and somebody squats in my house, I just come back and tell them to get out, and it's that the easy?

MS. CARDOZA: Well, no. Single-family law and multifamily law are very, very different.

COMMISSIONER CHRZANOWSKI: Okay. Thanks.

CHAIRMAN STRAIN: Okay. Ned?

COMMISSIONER FRYER: That's all I have for the lady. Thank you, ma'am.

MS. CARDOZA: All right.

COMMISSIONER FRYER: What -- looking at the discretionary density bonus of three, and if we start at four dwelling units per acre, the first tranche, if you will, of additional dwelling units per acre that you would want would have to be based upon a case to be made that they are justified and that they will be somehow in the public good, I believe.

MR. YOVANOVICH: I don't think that's one of the criteria.

UNIDENTIFIED AUDIENCE MEMBER: Yes, it is.

MR. YOVANOVICH: I appreciate the coaching from the audience, but it's not.

CHAIRMAN STRAIN: You're not allowed to speak from the audience without being recognized, so please don't. Okay.

COMMISSIONER FRYER: Well, I believe that the factors in question -- and I'm aware of them -- could be summarized in that fashion. I don't think it's a matter of absolute right on the part of the developer to have those. It's discretionary. And I'm having difficulty identifying what public good would be served. And if you say that that's not a criterion and, therefore, you're not going to answer it, I'll take that as an answer.



MR. YOVANOVICH: No. Of course, I'm going to answer it, but the -- first of all, my question to you is, which criteria are we talking about? Are we talking about if we were to look at this as within the TCMA? That's the --

COMMISSIONER FRYER: That would be the only one that you could possibly qualify for.

MR. YOVANOVICH: Under today's application. But remember --

COMMISSIONER FRYER: I know. Affordable.

MR. YOVANOVICH: That one, and there's also -- you're asking me -- first of all, I'm not in here today to ask for the TCMA three-unit bonus. I'm here asking for my own subdistrict to allow me to build 8.55 units per acre on that property.

But if I were to go -- if we want to do the hypothetical of what could I do under today's Growth Management Plan and what criteria I would need to meet, I'm happy to address that question with the following response: The TCMA was designed and intended to focus density in the urban area, and by doing so, it gives you the ability to request three units per acre as a bonus to the base density of four. There are criteria to get those bonus units, and it's the same rezone criteria you would go through to rezone any piece of property, which would include an analysis of transportation-related impacts under the transportation rules.

You would have -- one of the criteria is you would look at compatibility with your neighbors. Your professional planning staff says we've met the compatibility standards based upon our setbacks and our height, et cetera. Those are the criteria that you would go through to get the bonus units of three.

Now, let's assume I'm going under the existing Comprehensive Plan. I then am in what's called a quasi-judicial hearing process. And I know you know that, but I don't know that everybody in the audience knows that.

So under a quasi-judicial hearing process, it's very different than a legislative process, which means there are rules of the game. And if I meet the rules of the game by competent substantial evidence, I get approved. And I would submit to you that we have -- we will meet the rules of the game and have met the rules of the game under the quasi-judicial standard and would be entitled to an approval.

One of the rules of the game is not, have I made my neighbors happy? The Comp Plan says, we want you to infill the urban area because we don't want people moving out east and creating longer drives into town and clogging up our roads for the longer drives. That's why you have these incentives to develop in the urban area.

You also have another incentive for smaller infill parcels that are 20 acres or less. You can get another three units per acre. So let's go through that. Same analysis: Four units per acre, three for TCMA, three for residential infill. That's 10 under the current Comprehensive Plan.

I could go in and break this into two projects. I could do it under the current rules, and I'd be eligible for 10 on 20 acres, 10 on the remaining 15, but if we're going to talk hypotheticals, I could do that. You've asked me what I could do under the current rules of the game, and those would all be under the quasi-judicial criteria and not a legislative process.

COMMISSIONER FRYER: The three additional units, which I understood from your materials was based upon the TCMA.

MR. YOVANOVICH: No, it's not. It's not at all. Staff put that in there for a background analysis to understand what you can do under the existing Growth Management Plan.

I've then asked to add some of the TCMA transportation demand methods, or whatever they're called, as additional support for the Growth Management Plan amendment.

COMMISSIONER FRYER: All right. So let's look at the benefit, if any, that accrues to Collier County --

MR. YOVANOVICH: Happy to do it.

COMMISSIONER FRYER: -- by allowing for the greater density that you're asking for, which is in excess of even seven. It seems to me -- and one of the points of analysis that I would employ would be the TCMA, because that is a thoughtful -- even if, as you say, that's more a creature of the staff's work

product for this project than yours, it helped me understand, for instance, that those additional three units under the TCMA would be to, for instance, remove some traffic from the public roads by means of interconnectivity, by means of mixed use with commercial uses included in the subject property.

And, of course, this is all residential. And you, Mr. Yovanovich, and your colleagues who are before us on other projects frequently tout the benefit achieved from mixed-use projects in that it would tend to keep more people on the farm rather than going into Paris, so to speak. And that I understand, if it works. And interconnectivity is also important. But when you put 100 percent residential in, density for its own sake doesn't seem to me to be justified.

MR. YOVANOVICH: Let me answer that question. And I don't want to rehash what we talked about the last time, but I will.

There is no question that there is a need for more apartment rental housing in Collier County. Your staff does -- we have not reached the saturation point yet to meet the demand. In order to have apartment complexes, you need density. You need apartment complexes to serve a lot of different types of people, including teachers, firefighters, nurses, sheriff's deputies.

So where would there be a better location to put multifamily housing apartments than this location? And we talked about this the last time. It's on a major arterial road easy to get into Collier County. You have two schools right now within walking distance of this property. You have Veterans Memorial Elementary School, you have the middle school, and you have a soon-to-be-built high school.

Ideal location to provide housing for teachers to serve and live in their community. I would submit to you that's a public benefit to have your teachers living in the same community that they're teaching.

Arthrex recently appeared in front of the Board of County Commissioners and said, you've got to provide housing opportunities for our workers. This provides housing opportunities for their workers when they're locating here. It will be nice enough for them to stay many, many years, or they may just elect to stay for 12 months while they look for another housing opportunity.

So I submit to you the benefit of this project is we're providing housing to demographics of people who need it. And that is a public benefit, and it is meeting a need that is not -- is uncontroverted that you need this type of housing. And you can't get this type of housing at four units per acre.

COMMISSIONER FRYER: Thank you. I want to move to my main concern now, and I'd ask that you would put back on the visualizer the image that you have of density comparability, the other projects.

MR. YOVANOVICH: Density comparability? I don't know that I had an exhibit. Oh, you mean the similar apartments?

COMMISSIONER FRYER: Yeah.

MR. YOVANOVICH: Oh, okay.

COMMISSIONER FRYER: By density.

MR. YOVANOVICH: I will.

Bob, am I close?

MR. MULHERE: Yeah.

MR. YOVANOVICH: Here I am.

COMMISSIONER FRYER: Okay, good.

Now, in the material that was submitted to us by staff in preparation for the July 18 meeting, there were a number of quote-unquote surrounding PUD projects with approved acreage that the numbers for which were revealed to us in detail. True, as you and I, Mr. Yovanovich, had discussed, there was an allusion to this situation by the expert that had been employed by the residents, but the only mention at that time -- and this goes back to January -- was of Mediterra. At the time the other proximate developments, Brandon, Sandalwood, RMC Enclave, Royal Palm, Marsilee Villas, those were not mentioned, they were not called out by name, and neither were the dwelling units per acre, the density specified, and as it turns out -- and I went back and looked at both the minutes and the agenda packet to



confirm this -- I did electronic word searches -- and I found no mention of the words Brandon, Sandalwood, RMC Enclave, Royal Palm Marsilee.

And so I concluded from that that information had not been put in front of us even though the densities -- and if you include Mediterra, it's .56 dwelling units per acre; Brandon is 3.99; Sandalwood is 3.1; RMC Enclave is 4.02; Royal Palm is 3.37; and Merislee, 2.63.

So it was -- I believe it has been represented to us by staff that these are the proximate developments. These are the ones that are close. And the list that you provide with greater density, could you identify for me the ones that are as close to your project, to Allura, as the ones that I just mentioned?

MR. YOVANOVICH: I'm not sure I understand the question.

COMMISSIONER FRYER: Are any of these as close?

MR. YOVANOVICH: To what?

COMMISSIONER FRYER: To the ones that I just named off.

MR. YOVANOVICH: No.

COMMISSIONER FRYER: No. I didn't think so.

MR. YOVANOVICH: But there's -- do you want me to go through all the different zoning through Collier County where you have multifamily adjacent to single-family so we can talk about -- (Simultaneous crosstalk.)

CHAIRMAN STRAIN: You guys have got to wait for one of you to finish talking.

MR. YOVANOVICH: I thought it was my turn.

CHAIRMAN STRAIN: I know. It was. I'm just saying, please one of you wait.

COMMISSIONER FRYER: Do you want to go ahead?

MR. YOVANOVICH: If you're looking for a comparison of another project that's in this vicinity, obviously the answer is no. But I could show you, if you want me to, many other projects that are similarly situated to this type of project to residential. If you'd like me to do that, Bob's prepared to do that, and I can show you in my own community, which is the Pine Ridge community, where you have RMF-16, which is the most intense, the highest high, the most intense 16-unit-per-acre zoning district immediately adjacent or abutting -- we can use both of those words in this case -- to RSF-1 which is the least intense residential zoning district, and that has been deemed compatible with each other where you could have a 75-foot-tall multifamily building at 16 units per acre right next to a 35-foot-tall building at one unit per acre, which I would submit to you is not the situation we have here. We have a much less restrictive or -- restrictive adjacency of 16 units per acre to one unit per acre.

COMMISSIONER FRY: What are you referring to, Rich?

MR. YOVANOVICH: What do you mean?

COMMISSIONER FRY: In Pine Ridge.

MR. YOVANOVICH: Pine Ridge. If you remember, on the northwest corner of Pine Ridge you have the commercial that fronts U.S. 41, and immediately behind that you have condominiums. Those are all RMF-16, and we have a slide that Bob can bring up, RMF-16. And immediately adjacent to those condominiums is RSF-1. So you have that scenario right there.

Baumgarten, you just approved 400 multifamily units immediately adjacent to a single-family community. There are all kinds of scenarios. Briarwood, you have approved 320 units within a single-family PUD community.

I can go on Pine Ridge -- Pine Ridge Commons, which is the redevelopment of a grocery-anchored shopping center adjacent to -- or across from residential. You have all kinds of scenarios where you have apartments adjacent to residential, and they are compatible and do fine.

COMMISSIONER FRYER: I think we're permitted to look at each of these cases individually rather than look around the county for precedent.

MR. YOVANOVICH: I'm not asking for precedent. I'm just showing you that if you -- your question was, do I have another apartment complex in this area, and the answer's no, and I don't think that that's the complete answer to the question, and I think that there are other areas where, similarly situated,

where the answer's yes.

COMMISSIONER FRYER: And you feel like you've had a full opportunity to present your answer?

MR. YOVANOVICH: I could be here for all day, but I don't want to be. I'm going to let Mr. Mulhere add something.

MR. MULHERE: Thanks.

For the record, Bob Mulhere.

I do want to -- I just want to add an observation or a statement as a professional planner for many years in Southwest Florida.

We can't start out at a premise that multifamily is incompatible with single-family.

COMMISSIONER FRYER: You're the only ones who are saying that.

MR. MULHERE: No. We're not saying that.

COMMISSIONER FRYER: I'm not.

MR. MULHERE: So you --

COMMISSIONER FRYER: I'm talking about density issues right now.

MR. MULHERE: Okay. But my point is, if you start out with the premise that multifamily is not necessarily incompatible with single-family, how do you address what concerns are raised?

COMMISSIONER FRYER: May I grant you that so that we can move on? I grant you that it's not always incompatible.

MR. MULHERE: And the compatibility issue is addressed by other standards: Setbacks, buffering, reduced building heights, those types of things.

So, you know, we believe that we've established a project that addresses the compatibility issues. We have a recommendation of approval from staff --

COMMISSIONER FRYER: And I'm not in any respect being critical of the developer or the developer's agents. I think, as always, you guys are doing a terrific job for your clients. But I'm trying to look at this situation that is before us now, and these adjoining properties, these adjoining -- then the densities of the adjoining or the nearby properties are an average of less than half of what you're asking for.

And so under the state statute, 163.3177, it seems to me that looking at the area in question rather than the entire county or other situations that have been allowed to happen in the entire county, but looking at this particular situation is a valid exercise on our part.

And I come more and more to the conclusion that -- I wasn't so sure at first, but I'm getting to the point where I do believe that this could be spot zoning on the basis of dwelling units --

MR. KLATZKOW: It's not spot zoning. This is a Comp Plan amendment. Not spot zoning. Comp Plan amendment.

COMMISSIONER FRYER: Okay. Well, should we let it -- on the issue, then, of compatibility --

MR. KLATZKOW: No, no, no. If you don't think this is a good idea -- comp planning is legislative -- you can say no. But don't call it spot zoning, because that's the whole thing of small-scale amendments is, well, legalized spot zoning.

COMMISSIONER FRYER: Okay. I'll withdraw that comment then.

But it seems to me that the most important inquiry is the area in question, which is the Allura property and the surrounding properties. And I think that the Allura is so out of keeping with what would surround it that you've got a serious compatibility issue. And if I were a neighbor, I would be very concerned about that.

MR. YOVANOVICH: And I appreciate that. And you're certainly entitled to that opinion. And I don't want to spend the next two hours trying to persuade you differently, because I don't think I'll be successful. But let's just put it on the record that I disagree.

CHAIRMAN STRAIN: Let's move on with the rest of Mr. Fryer's questions.

COMMISSIONER FRYER: Mr. Chairman, if I may, I'd like to reserve the rest of my questions.

CHAIRMAN STRAIN: Okay. What, for today?

COMMISSIONER FRYER: No, for after the public comment.

CHAIRMAN STRAIN: Okay. Anybody else have any questions of the applicant?

COMMISSIONER DEARBORN: Mr. Chairman, I have a couple questions just regarding the -- just curious. I actually took a tour of Inspira at Lely Resort and during this thing over the last couple months with Allura coming back and forth before this commission. And I had a couple questions regarding the percentage of how many places are currently rented right now at Inspira, since they're a relatively newer project, and the average rental per month for that project. Just curious.

MR. YOVANOVICH: Well, they're at 65 percent rented up right now. I don't know what --

MS. CARDOZA: Sixty-seven as of yesterday.

MR. YOVANOVICH: We had a 2 percent gain since yesterday. We're at 67 percent leased up. And you want to know the average rental rate? But do you want it by -- Mr. Dearborn, do you want one-bedroom, two-bedroom, three-bedroom?

COMMISSIONER DEARBORN: Overall average for the project.

MR. YOVANOVICH: We're absorbing 18 units a month. And now I'm waiting for the money number. The average overall rent is \$1,750 to \$1,800 a month.

COMMISSIONER DEARBORN: Okay. In touring Inspira at Lely -- and I saw the amenities and I saw the layout, is it safe to assume, based on you-all showing us pictures today in the presentation by Bob, that this project's going to look very similar as far as aesthetics, elevations, the buildings, the design, the deco -- all that stuff? The level of amenity is going to be very similar?

MR. YOVANOVICH: It will be equal to or better.

COMMISSIONER DEARBORN: Okay.

MR. YOVANOVICH: As I said, because, you know, the bar keeps getting raised for every apartment complex that comes in --

COMMISSIONER DEARBORN: Sure.

MR. YOVANOVICH: -- by the time this is finished, it will probably be better from an amenities standpoint.

COMMISSIONER DEARBORN: I toured -- I wasn't very familiar with those type, and I was -- I've got to be honest, I was very impressed with the level of -- being a realtor here in Naples, I was impressed with the amenities and the layout and how beautiful the facilities meant (sic). And I think with a lower -- the three-story thing, I think you guys are trying to accommodate. So that's the only question I have right now. Thank you.

CHAIRMAN STRAIN: Okay. Anybody else have any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: Well, then I have a few.

If we start with the GMP document first, there is one correction not necessary for Richard to comment on. Under the CCPC recommendation on Page 3 of the transmittal, it says the declining votes were Chairman Strain and Commissioner Fryer. I believe it was Commissioner Fry.

COMMISSIONER FRY: Correct.

MR. YOVANOVICH: That's my understanding as well -- or recollection.

CHAIRMAN STRAIN: Okay. I don't know why that wasn't correctly done, but we need to get it corrected.

In the comprehensive -- I'll wait. I've got Comprehensive Planning questions, but I think I'll wait till I get staff up here.

On your traffic study, your TIS, you're restricted to 249 units, I think it is. I think staff recommended COs. Can you explain what that's about? Do you under -- I mean, that was a Comprehensive Planning request. Do you guys --

MR. MULHERE: Yes. Mr. Chairman, it is that we must physically construct the

interconnection. We have no control over when the commercial may be built next to us. It has nothing to do with when that gets built. It was -- it is that we must physically construct both the pedestrian and vehicular interconnection as part of our project prior to going beyond 249 units.

CHAIRMAN STRAIN: And then how would you make those locations without knowing what the property owner would be willing --

MR. MULHERE: First in. First in, we make the location.

CHAIRMAN STRAIN: So that property owner would be bound by what you do on this PUD? I just didn't know how legal that would be. Usually we can't bind off-site properties by one other property's commitments.

MR. MULHERE: It happens often that there is an interconnection constructed and, you know, the staff will, when someone comes in for a Site Development Plan, make them make an interconnection at that location.

CHAIRMAN STRAIN: So you can pick anywhere to put it, and that's where the other owner's going to have to agree to it?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Even if it's in the side of a building?

MR. MULHERE: Well, it won't be in the side of a building because he hasn't planned his project yet.

CHAIRMAN STRAIN: Well, I know, but he could be planning it in a manner that won't match up to yours. That's what I was trying to figure out. Okay.

Comp Planning seemed to have a -- well, I'll have to wait for them to get up here since it's going to be -- I'll wait for staff then on that one. Hang on a second. Let me get to the next.

By the way, I did recognize another person in the audience. You know, when you get me off my normal routine that I've been doing for 18 years and have me do disclosures in the middle of a walk-in, I didn't get everybody's correctly. Dr. Grekos from Barrington met with me and some of the other people from Barrington earlier this week. And so that's -- the same thing as we're talking about today will (sic) be talked then.

Moving down to the Development Standards Table. And I mentioned to you, Bob or Rich, whatever -- at one point I brought up the distance that the setbacks were. You have agreed to 125-foot eastern perimeter boundary setback, but your accessory structures can be 15 feet. And I know you showed a little picture here with a garage next to the berm and buffer, but that garage can go up to 35 feet, which is really three stories.

So are you restricting your accessory structures that are going to utilize that reduced setback from 125 to 15 feet to single-stories only?

MR. YOVANOVICH: Yes. The answer's yes, and that was always the intent.

CHAIRMAN STRAIN: Well, it just doesn't say that in the document.

MR. YOVANOVICH: We thought it did, but if it doesn't, we'll -- we thought the footnote took care of that, but if it doesn't, Commissioner Strain, that was clearly the intent.

CHAIRMAN STRAIN: Well, actually -- so the footnote says, the maximum actual height of the parking structures is limited to 35 feet. So if you've got a flat-deck parking structure, you could have three 10-foot stories, including your keystone joists or whatever else you'd use for your structural components, and then you could put a four-foot stem wall on top to keep traffic safety. You'd still be at 35 feet, but you've got three stories of parking garages, so...

MR. YOVANOVICH: I was referring to Footnote 3, which says -- there's a footnote that says for one-story parking structures, garages, carports, trash compactors, enclosures which do not exceed 15 feet zoned and 20 feet actual. The setback from Livingston Road and from Veterans Memorial shall be 20 feet.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: We need to make that consistent on the east side as well, I think, is what



your point is.

CHAIRMAN STRAIN: I just don't want a three-story parking garage to be next to the homes. I don't think that would be helpful.

MR. YOVANOVICH: I understand, and that's -- we never are -- obviously, we showed you a picture of a one-story garage, and that's what we intend.

CHAIRMAN STRAIN: Could you put that picture back up.

MR. YOVANOVICH: Which one?

CHAIRMAN STRAIN: The one that showed the three-story garage.

MR. YOVANOVICH: No. I said we never intended to do that. I showed you a one-story.

CHAIRMAN STRAIN: No, no. I'm sorry. The one that showed the single-story garage that I started the questioning of this from. Just -- there's a buffer there that I want to look at the detail.

That's it. See where it says under alternate -- Type B alternate enhanced buffer, and your 15-foot buffer goes from the property line back. And then notice on the -- next to the building you say -- you have a six-foot fence, but it's outside the buffer. And the reason I'm asking is I was looking to see if you were providing walls anywhere, and I needed to ask that question. I didn't see any. Is the fence going to be part of the buffer? What was -- so you're putting no --

MR. YOVANOVICH: The fence and the landscaping is between the garages.

MR. MULHERE: That's what the fence is.

CHAIRMAN STRAIN: Okay. Is the fence part of the buffer then? So you're including a fence as part of the buffer?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: I'm correct, then, in I didn't find any walls in any of your buffers? You're not providing any walls?

MR. YOVANOVICH: No, sir.

CHAIRMAN STRAIN: Okay. There's a slight discrepancy between the maximum density that's in the Comprehensive Planning staff consistency memorandum and what zoning staff is saying. Do you know why that occurs, or is that something staff will have to answer when I get to them?

MR. YOVANOVICH: Well, I think the difference was the slivers.

CHAIRMAN STRAIN: Is that sliver along Livingston Road?

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: Okay. That's what I assume, but I just wanted to make sure.

There is a comment in the Comprehensive Planning staff report that in order to -- Policy 7.4 requires that there be a blend of densities, common open spaces, civic facilities, and a range of housing prices and types. And I know you've got the range of housing prices. But it says a single standard dwelling unit size as proposed 650 square foot minimum floor area for all apartment configurations. No other submittal documents appear to propose or require some combination of these different apartment styles and floor areas to be provided.

And I was -- since you're not going to have all 650 (sic) units, that might be cured by providing a breakdown or some minimum breakdown of what your ranges will be.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: And when we go on break, if you want to have time to come up with that before the end of discussion, that's something we can deal with.

MR. YOVANOVICH: And, Mr. Strain, I think you have a note -- I'll be answering -- able to answer that on the break as far as how we intend to break down the ones, twos, and threes. But I'm just going to ask you -- because this is a standard Comp Plan provision, and in every PUD we only include the minimum square footage of a unit. We've never, as far as I know, ever said I'll have X number at 650, Y number at 750. I'm happy to address the comment. I'm just saying we've just never done it before.

CHAIRMAN STRAIN: I don't think the comment was -- I don't recall seeing the comment before from Comprehensive Planning staff. So the fact that they have it here, I was just following up to

see if there was a way to address it. And if there isn't, that's --

MR. YOVANOVICH: We do.

CHAIRMAN STRAIN: You can say yes or no. I just need an answer.

MR. YOVANOVICH: We will.

CHAIRMAN STRAIN: Okay. Then the TIS, there's a couple questions of your traffic gentleman, if I could get an answer for.

In your analysis of the traffic in that area, we have this thing -- we used to have it. I don't know how effective it is anymore -- called checkbook concurrency. And I'm just wondering from the perspective of projects like Seed to Table and the new high school, have you included those calculations of what the traffic generations during peak hour will be from those two facilities on the same intersections and areas you're dealing with?

MR. TREESH: In our traffic analysis, we utilize the AUIR volumes. So if those values -- as the basis of our analysis, then we add our project trips to those volumes. So if those uses are not included in the AUIR, then, no, we have not.

CHAIRMAN STRAIN: Okay. And the reason I ask is because I thought you were going to say that, and I looked, and you used the AUIR from 2017. We're in 2019, and the new AUIR will be coming out in a month or two. But at least we'd have the 2018 to compare to. But it doesn't look like you've utilized that, then. And I'll probably have to ask staff why we're still sticking with the old numbers when we are here two years later and also had the -- does the new -- or the 2018 AUIR -- what its impact on the remaining balance that the 2017 shows that it may not show in the 2018, so...

MR. TREESH: We've been working on this a long time, and I'll check on that during the break with the 2019 volumes.

CHAIRMAN STRAIN: Okay.

MR. TREESH: But I suspect it hasn't changed significantly from what's in our report. In terms of the available capacity, it's still --

COMMISSIONER FRYER: There's a significant difference for that one road segment. I think --

MR. TREESH: Which one?

COMMISSIONER FRYER: -- it goes from 305 to 193 with a deficiency projected for 2022.

MR. TREESH: Which segment?

COMMISSIONER FRYER: I think it's 42.1.

MR. TREESH: Which is?

COMMISSIONER FRYER: And this is comparing 2017 to 2018, and that was going to be one of my followup questions as well, Mr. Chairman.

CHAIRMAN STRAIN: Too late.

COMMISSIONER FRYER: Good for you. Also, though, I would note that staff kind of fell into the same trap mentioning 2017 a number of times in the staff materials.

CHAIRMAN STRAIN: Well, I'll ask staff to address that. I'm just curious how they have or have not included those other substantial projects in the configuration of the traffic for that area, because it will have an impact.

MR. TREESH: 42.1 is Immokalee Road, correct?

COMMISSIONER FRYER: I believe that's right.

MR. TREESH: To the west of Livingston is a deficiency segment. It has been and was in our initial analysis, and it currently still is. But we don't significantly impact that segment.

And, Commissioner Fryer, just to go back to your previous comment about we did -- I did look at the numbers between the 111 units on the Comp Plan that are currently in De La Rosa versus what we're asking for in the 304. And, again, as Rich said, we look at peak-hour trip generation in terms of the level-of-service analysis.

For the p.m. peak hour based on what's currently approved would be 49 peak-hour trips. So that's in and out. So, again, looking at the peak direction, that's 30 trips that that project would generate in the



peak hour peak direction that we would add to the road network.

With the 304 units that we're proposing, that peak direction would go to 79. So it's a little over twice the number of peak-hour trips from 30 to 79 in the peak direction.

COMMISSIONER FRYER: I acknowledge that you're still within the 193, but it's a significant observation to make that between 2017 and 2018 the remaining capacity dropped from 305 to 193. I mean, that's a big drop. And also the projected year of deficiency dropped from 2023 to 2022.

MR. TREESH: One of the other things we do look at as well, we don't look at just the 2017. We increased the volumes based on the growth rates. So are accounting for additional traffic in the background at the buildout analysis. You know, it may not be specifically a high school or a shopping center to our south, but we are accounting for an increase in traffic that will occur on the roadway network, and our 2023 analysis is what we looked at. But, again, I'll verify that during the break.

COMMISSIONER FRYER: Sorry to interrupt.

CHAIRMAN STRAIN: No. It's not problem.

Okay. That's all the traffic I had. I had just a couple comments to make on things I heard stated.

The Baumgarten PUD was used as an example a couple different times, but the difference there is that's in an activity center. That activity center has an allowance of 16-units-per-acre activity bands. This is not an activity center, so that really isn't a justifiable comparable.

And also, I believe Arthrex came before the Board of County Commissioners -- and, Ray, I need to ask you this question. They expressed a concern about a type of unit -- rental unit, I think, they were asking about or even housing unit to meet their needs, that they didn't think the county was doing a good enough job to do that. Do you know what they were asking for? I didn't see it, so...

MR. BELLOWS: For the record, Ray Bellows.

The Arthrex developer has indicated some need for housing, but I don't recall specifics of what type.

CHAIRMAN STRAIN: Okay. Because I know I've heard mentioned a couple times that the Arthrex folks could possibly go here, but I don't know if they need affordable housing or they need luxury housing or high-end housing, because this is not affordable, that I could tell.

I also heard the idea that firefighters and nurses and people like that would rent here possibly. But I would -- I mean, that's still -- the numbers that they're talking about are the higher end, and I'm not sure from affordability we look at those service workers being in this value -- this value range. But if staff hasn't got any comment on it, I understand. Thank you.

Did you have something you wanted to add?

MR. TREESH: Yeah. I just want clarification. We did update our analysis in April of 2019, and did use the most recent AUIR report in that document. So we did use the most recent AUIR numbers that are available to us.

CHAIRMAN STRAIN: In which document is that?

MR. TREESH: It's a revised traffic study for the GMP dated April 30th, 2019.

CHAIRMAN STRAIN: But the -- okay. Hang on a second, because I --

COMMISSIONER FRYER: I, too, found references to 2017 in the material that was sent to us by staff.

CHAIRMAN STRAIN: Yeah, that's what -- I mean, I remember 2'17, because I circled it wondering what the latest was. So, I mean, I'm not disputing the fact you may have provided it. I'm not sure that --

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: -- we've -- I'll look at it during break and try to figure that out.

MR. YOVANOVICH: Since we're on the topic of Arthrex and others, can I bring Cat back up real quick before the break to address that specific comment?

COMMISSIONER FRYER: I wanted to ask a question of the traffic engineer, if I may.

CHAIRMAN STRAIN: So did I.

MR. YOVANOVICH: I thought you were done with him.

CHAIRMAN STRAIN: Let me finish with him first. In your traffic analysis, you're still at, during weekday p.m. peak hour, 79 in and 50 out, 129 total. You have 304 units which, theoretically, at the rate these are leased, if you do -- I think the lady last time said they get about average of two parties per -- two people per unit. That's 608 drivers.

The census that I pulled up, the average household is 1.97 cars per household, which is 599 cars. So out of that 599 cars, we're dealing with mostly young professionals, I would think, at the price range you're talking about. That means they would be looking at peak-hour travel. And only, what -- 129 is maybe a sixth, maybe a little over a sixth of the people are going to be leaving and coming at that peak hour, when most of them would likely have jobs that pay a value high enough for them to live there. They wouldn't be laborers in the field. They wouldn't be getting up at sunrise.

Did you -- did any of that come into factors when you looked at your TIS, your Traffic Impact Statement, or did you just take straight ITE manual numbers which sometimes are tailored -- include Florida, sometimes they don't? How did you look at any -- did you look at any of these parameters, these other parameters for your traffic?

MR. TREESH: What we did since our last meeting before you is conducted a site-specific trip generation study of similar communities here in Collier County. And as Rich indicated, that study was done and completed and submitted to staff, and it showed very consistent numbers in terms of trip generation during the peak hours from this type of residential product in this area. You know, that's what we have to look at.

You can look at all kinds of different charts and come up with different calculations trying to figure out, but what we look at in terms of transportation planning is the data that is collected at existing facilities. And right now that's all summarized in the ITE trip generation book.

If something turns into a disagreement that we don't believe that data is accurate, then we can go do independent studies, which is what we did at five studies for this project. And I believe Mr. Trebilcock also did some in the Baumgarten PUD and added onto that. And all those studies show that the trip generation during the peak hours was fairly consistent to the ITE trip generation manual that we use.

And I can go into -- there's many different explanations why someone leaves their home at a certain time of day. I mean, you have a large demographic that lives in these types of communities, and depending on when they go to work, do they have to take their kids to daycare, do they -- you know, many things factor into when that person decides to leave their home to go to work and when they come home and those trips that they make throughout the day.

CHAIRMAN STRAIN: Your peak hour is what time?

MR. TREESH: Generally, the peak hour in Collier County area occurs during a 60-minute (sic) period between 4 and 6 p.m.

CHAIRMAN STRAIN: Okay. That's -- I just wanted to make sure. That's the same number I came up with, too.

Okay. Ned?

COMMISSIONER FRYER: A couple of things. First of all, am I correct that the tenth edition of the ITE has combined the statistics for rental units along with luxury condo units? They're all treated as the same --

MR. TREESH: Yes.

COMMISSIONER FRYER: -- is that correct?

MR. TREESH: Determined -- ITE determined that the datasets between the two different ones was not substantially different, so they combined those land uses together. Then what they did was separate those land uses by building height. There's a land-use code for multifamily with one to two stories, which is your typical townhome type product, and then there's another category for units that are between three and 10 habitable floors, and then there's a high-rise component which is above 11 floors

and higher.

COMMISSIONER FRYER: Okay. My next question -- I think it's my last one on traffic -- has to do with this. When you worked your computations, you estimated that 30 percent of the trips going south on Livingston -- 30 percent would turn west on Immokalee. How did you arrive at that number?

MR. TREESH: That's basically just a general estimation based on our experience and the travel patterns in the area. We look at traffic counts that we've conducted, how do those turns occur at those intersections, where the locations of peak employment are, where the major transportation corridors are, the influence of I-75. For instance, this property's very close to the I-75 corridor. So there's a number of different factors that go into estimating the trip distribution.

And then we also consult with the staff in terms of if they have any comments on the trip distribution as well.

COMMISSIONER FRYER: So it's essentially anecdotal, would you say?

MR. TREESH: Correct.

COMMISSIONER FRYER: Would you also say that if I were to argue that 40 percent make that turn, you wouldn't be able to prove me wrong, would you?

MR. TREESH: No.

CHAIRMAN STRAIN: Okay. We're going to take a break for the court reporter. We'll come back at 10:50 and resume the meeting.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. Ladies and gentlemen, please take your seats. We need to resume the meeting. We've got a little change in agenda here for just a moment.

Mr. Pritt and I, when we did speak, he mentioned he had to be on the road by 11 o'clock today, and I told him after the break he could make his discussion -- put his discussion on the record.

Mr. Pritt, if you want to use one of the microphones, it's all yours.

MR. PRITT: Thank you.

Good morning, and thank you very much for taking me out of order. I do need to get on the road over to Broward County.

For the record, my name is Robert Pritt, and I'm here on behalf Mediterra Community Association Inc. That's the master association for Mediterra. I'm not here on behalf of Barrington Cove. They -- as far as I know, they do not have an attorney that's representing them, but I think they're representing themselves pretty well.

Mediterra has engaged Dr. David Depew, AICP, lead AP, to review the proposal, and he has submitted a planning analysis and, like me, he testified here earlier at the -- in preparation of the transmittal hearing on the GMP. But as I understand, we're here on both of those matters this morning for this hearing, and he's here and available and will be testifying.

Mediterra is a mixed-use residential PUD. I think that's been said already. I think most of you have actually done a lot of homework, by the way, and know a lot about it and the other developments in the area.

It's about 1,168-plus acres. It's right next or across the street on two parts from the proposed development. And its density is a little less, I think -- Mr. Fryer, I think it was you that -- somebody had taken a look and seen that the density is less than a half -- is somewhere around --

COMMISSIONER FRYER: .56.

MR. PRITT: .56, yeah. I had .64, but I think your number is probably closer to correct.

It is primarily single-family homes with some attached coach homes. We had testified earlier in the transmittal hearing that the proposed development and inconsistent with your Growth Management Plan. The County Commission approved for transmittal the ordinance amending the GMP to create a subdistrict to allow for this particular apartment rental development with a maximum density of 304 units and a three-story maximum height, and I think that's been alluded to here today. The RPUD rezone ordinance reflects the same provisions as the GMP provisions.

We continue to have several issues. It should be no surprise, but first and maybe foremost, but certainly first, is density. In plain language, this proposal is still too dense at 304. It's too much development on too little buildable ground for a good quality of life. And just before the break I heard some things -- some talk about 650 square feet and so on. Part of this is a function of it being too dense and trying to get too many units in.

The densities in the area range -- once again, I think Mr. Fryer had looked at these. A .56, there was a 3.89, 4.02, 3.37, 2.63. In other words, right at four development units per acre.

So in this case even if you give credit -- I'm not saying you should, because they're asking for something new. But if you give credit for the De La Rosa -- existing De La Rosa PUD, my calculations would be that the density would be somewhere around 189. If it were on a clean sheet at four, it would be somewhere around 140, 150.

So they're already getting a benefit of De La Rosa at 189, and that's not enough for them. They make a -- what I think is a very weak argument concerning a density of up to seven. And I think that under very good questioning by this board, members of this board, it became very clear that they just want -- the seven units, they just want them because, and that's not a good reason.

And all this -- I will say that all this stuff about, well, in a quasi-judicial proceeding it's different. No, they have to follow -- you have to follow the law, they have to follow the law, we all have to follow the law no matter what. So I'm not buying that argument. But anyhow, getting to -- even at seven, that yields 269 units, and that's -- that's at -- that's taking this so-called TCMA stuff, which they admit that they don't qualify under, and anything else into account that I don't think you have to take into account. So that gets the seven units per acre. That's 249 units. And then they're making -- and I can't call it anything else other than "I'm a good guy" argument for another 52 units to get them up to 8.5. There's just no justification whatsoever for that to get all the way up to 304 units.

Remember, the GMP has, as amended, puts an upper limit on the proposed development at 304. The County Commission did not commit to a rezoning at 304 but let -- left that up to the further hearings, and here we are at the further hearings.

When you're looking at -- and I know you're sitting at the dais. And I've been at the dais for most of my career in one function or another. But you're always getting told by somebody how you should be doing something and how you're doing it wrong. That's not the issue. Part of the reason, I think, is for the record we need to be able to make our record.

But the first thing I would say is when you're looking at planning and zoning matters, rezones and things like this, is you always look at what, not who. In the law of planning and zoning, it's improper to consider who the developer is; rather, the only consideration should be what the proposed development is.

I bring this up only because I heard testimony and even comments from the dais at a Board of County Commissioners hearing concerning, well, Stock's a good developer, and -- we're not arguing that. That's not relevant to your decision-making. It's not one of the criteria.

Good developers and bad developers both come in with bad development proposals and vice versa. And it's up to this commission and the Board of County Commissioners to vet or screen the development plans in accordance with the goals and the objectives of the county plan and the limitations set out in the county's regulations and not to consider political favor or just favor.

Now, I'd like to comment on what I think is a game, and this is a game that is very, very common, and it's just not right, in my opinion; that is, you start way too high. We start -- the first time you heard this it was 420 units; 420 units. And then they graciously reduced it. And I say "graciously" in quotes to still way too high at 350, and then they "graciously," again in quotes, reduced it to 304, which is where we are now.

Has anybody considered the fact that 304, as I said earlier, is still way, way, way too high? And so I don't think you should buy that argument. It's kind of like it was on sale, it's really on sale, and this is a better sale, but -- before it started. It was way too high in the first place, and still is.

Just comparing a couple of other areas in Sanibel. And I know that there are a lot of differences.



But in Sanibel there has not been a single increase in density since at least 1985. I believe that is a correct statement, unless something happened within the last week. And what happens is -- what happened is that the developers would come in and they would try everything; even try litigation. Whatever they could do, the city would not budge.

I say, the only increase in density has been for affordable housing. They do allow that for affordable housing. But nothing. And the answer is no. There's -- we have a Comp Plan, you know what the Comp Plan says, and you build in accordance with the Comp Plan.

After a while, when they saw they couldn't do that, then they stopped trying to do that, and they still make more money probably than if they were able to enter into this negotiation stage at the -- as we see here in Collier County.

On the other hand, take a look at Lee County. They're set up quite a bit the way you are. But we have development all over the place and negotiated development and things like that. And I don't think that you really want Collier County to wind up in the same boat as Lee County. That's up to you. But that's just my observation on a couple of the local communities.

So the answer no in a quasi-judicial matter is a lawful answer. If they haven't made the case for the increase in density or for the type of development they have, then you are allowed to say no. And all this talk about, well, what they might do -- and that's the other thing I hear all the time. Well, it will be worse if you don't do this. It will be -- oh, are you ever going to be sorry. We'll do this, we'll do that.

What's in front of you, at least in the rezone, is a quasi-judicial matter, is do they meet the criteria, and in keeping in mind here, they're actually asking to change the standards. So it's up to you to determine whether or not the standards ought to be changed.

Now, I did talk about -- in the first hearing about incompatibility. We think that the type of the development, the apartment buildings, is incompatible with the existing neighborhood development patterns and the prevailing single-family or low-density coach homes in this area. Simply put, this is in the wrong location.

And I heard something here a few minutes ago about spot zoning, and this is not spot zoning. I call it spot planning in order to enable spot zoning. The result is the same. And what I would ask, whatever you -- even without using these legal terms, what I would ask you to consider is this: The Commission and the Board of County Commissioners should be very, very weary about creating subdistricts. You've already created 19 or 20 of them or something like that over the years, but what is a subdistrict? What are you really doing?

Well, I think that many knowledgeable and diligent citizens, board members, public members, competent staff members in the county, maybe some of you in this room over the years carefully analyzed the Growth Management Plan in creating districts. Subdistricts such as this are for no other reason than to accomplish a single private developer's proposal to overdevelop a particular parcel of land in that developer's own image. That's not how planning and zoning is supposed to work. It's supposed to work opposite.

Once there is a well-thought-out plan, developers should purchase and develop property in conformance with that plan. You should ask yourselves, why do we even have subdistricts? What good reason other than appeasing a particular development -- developer such, in this case, Stock, is there for creating a subdistrict?

So what we have here is a developer trying to make the regulations to suit its desires. If that's allowed, then it does open the flood gates to any well-connected developer to impose its individualized desires upon the community.

You know, this country, the United States, is the envy of the rest of the world, which is why a lot of -- everybody would like to be here.

In the same manner, Collier County is the envy of the rest of the United States, which is why people are clamoring to come here. If any of you heard Bloomberg, the discussion on the Bloomberg channel a couple of weeks ago, they were talking about why are all the New Yorkers leaving New York

City and leaving the east Coast and coming down to Florida? And -- they want to be here.

We already have the very best incentive to come down here, and it's called the weather. And so we don't need to be doing a lot of things to -- I'll use the word that's been used before -- to slouch, to not be what Collier County is -- has been, is, and could still be by allowing overdevelopment just because somebody wants it.

The more you do that, the more you'll be like other cities and other counties, and it's just not going to be the uniqueness of Collier County.

As I've previously indicated in legal parlance, this is planning in order to accomplish spot zoning. Spot zoning is illegal. I get it. I understand the difference in what your County Attorney's indicated, but I think I see that it's the same result. You wind up with what a developer wants rather than following the city or the county's requirements. In your case the county.

Whether your codes are considered Euclidian -- and remember I -- I don't know if anybody remembers, but I did say something about the Village of Euclid case, the original zoning case, in which zoning was found to be constitutional, and the Court gave reasons for it.

But whether your codes are considered a Euclidian zoning type of code, a form-based code, performance impact codes or any other codes, the one recurring and overarching theme and principle is compatibility. Compatibility of uses and compatibility of structures. That includes the internal compatibility, that is within the zoning district such as a PUD, for which the county does a great job; but also external compatibility, compatibility with existing neighborhood uses and structures.

This hearing room would be a lot less full -- it's not too full today because it's summertime, but the hearing room would be a lot less full if there was more attention paid to the effect on the neighborhood outside of the PUD. The PUD is a great way to get a mix of uses -- of residential uses, other uses, single-family, multifamily, and so on, but it also must pay attention -- strict attention to the neighborhood in which it is located.

I also heard a staff member once comment -- and Mr. Yovanovich, I think, commented -- that it's the fault of the people who move into the neighborhood next to a property that may have permits for differing uses, more density, bulkier and higher structures, et cetera. But I also recently heard in the transmittal hearing a county commissioner lament that this problem ought to be addressed and ought to be corrected.

And there is a fix, at least for this proposed development. It's right here and right now.

Since a PUD is a zoning district, just like ag, commercial, residential, et cetera, the county can put, essentially, whatever restrictions on it that it wishes. Right now you have the opportunity to address and fix use of the property, density of the property, height of the property, location and bulkiness of the structures, and anything else so long as it is consistent with the Growth Management Plan.

And, by the way, the Growth Management Plan still requires that the development be compatible and even complementary to the surrounding neighborhood, and also increases in density must be in the public interest, which has not so far been demonstrated here.

I won't get back into the U.S. Supreme Court case, because I did quote from that. I will say that I recall that after I quoted from that Mr. Yovanovich indicated that it didn't say what the direct quote says. Instead, I'll stick with the direct quotes of the Court on that, and that is, essentially -- I'll just say that, essentially, as to multifamily housing, it can be -- it could be compatible if it's in the right place, but it can be very nearly a nuisance if it's in the wrong place. I think that's a fair shorter rendition of what the Court said.

So what we'd ask -- it's almost a century later. That was 1926, I think, but nothing's really changed. Compatibility of uses, compatibility of structures, and looking out -- using your police power, which is your zoning power, to look out for the health, safety, and welfare of people that live both inside and outside of the area.

CHAIRMAN STRAIN: Mr. Pritt?

MR. PRITT: So in conclusion -- yeah.



CHAIRMAN STRAIN: I'm glad you said "in conclusion." When we talked about you speaking out of turn, you said you needed seven minutes.

MR. PRITT: Am I going too slow?

CHAIRMAN STRAIN: In 20 seconds or so it will be 20 minutes.

MR. PRITT: Oh, okay. Well -- so, in conclusion, let me just ask you, ask yourselves, what is the proposal, not who is the applicant. Why must the county change its regulations to accommodate a single owner/developer rather than the owner/developer developing in accordance with existing regulations? And is the proposed development consistent with the compatibility and complementary requirements of the Growth Management Plan? As proposed, we do not think so. So thank you for accommodating me.

CHAIRMAN STRAIN: Thank you.

Are there any questions of Mr. Pritt?

(No response.)

CHAIRMAN STRAIN: Thank you, sir.

Okay. Mr. Yovanovich, if you want to -- I can't remember where we left off.

MR. YOVANOVICH: I think we're still in my presentation.

CHAIRMAN STRAIN: I think we are. Yup.

MR. YOVANOVICH: I'm not going to do rebuttal.

CHAIRMAN STRAIN: We didn't go to staff yet, let's put it that way. Is there anybody else that has questions of the applicant?

MR. YOVANOVICH: I do want to address a few things through my consultants, if you will.

CHAIRMAN STRAIN: Sure. Go ahead.

MR. YOVANOVICH: One of the questions that was raised, or there was a discussion about Arthrex and police officers and --

CHAIRMAN STRAIN: Yeah, I raised the question.

MR. YOVANOVICH: You raised that, so I'm going to ask Cat to come back up and explain to you how, in fact, Inspira and other communities do, in fact, address those concerns.

CHAIRMAN STRAIN: It wasn't that relationship. I was wondering how our Housing Department would have looked at it in relation to the values that they -- when they look for affordable housing, how those categories fit into the affordability range. I don't know if your people can provide that. I was looking -- I mean, that was just a -- I didn't know Ray -- if Ray had that information or anybody else did, but --

MR. YOVANOVICH: Well, they -- that's fine, but I do think it's important for the Planning Commission to understand how we do provide housing for, I guess, that unfortunate sheriff's deputy who makes too much money to not qualify -- to qualify -- to not qualify for affordable housing but not have a nice safe place to live in Collier County because the rest of the housing is too expensive.

And that's one of the things that we're providing through this is that -- we used to call it gap. Remember that we had gap where there wasn't a program to address people who made too much money but not really enough to really afford Collier County prices. So I'd like to get that into the record, if I can.

CHAIRMAN STRAIN: Go right ahead. I just wanted to explain to you it's different than what I asked.

MR. YOVANOVICH: Well, you also asked Arthrex, so she's going --

CHAIRMAN STRAIN: Well, you can't answer me about Arthrex unless you were at the meeting. Did you hear what they said? I mean --

MR. YOVANOVICH: Yeah. They want reasonably priced housing so they can attract people to come here and work.

CHAIRMAN STRAIN: So they used the words "reasonably priced housing"?

MR. YOVANOVICH: They did not use the affordable housing category in the term that -- the bonus type affordability.

MR. KLATZKOW: This is market-rate housing.

CHAIRMAN STRAIN: Pardon me? I know it is. That's what I'm trying to understand.

MR. KLATZKOW: It could be 1,800 a month, 2,000 a month, 3,000 a month. It's whatever the market bears at the time. So this conversation where we're providing housing for a certain type of people, it's not relevant. It's market rate.

CHAIRMAN STRAIN: I know. I was just trying to clear up a --  
(Simultaneous crosstalk.)

MR. KLATZKOW: Arthrex is -- Arthrex needs housing for some of their employees. This doesn't necessarily provide it. It's market rate.

CHAIRMAN STRAIN: Okay.

MR. KLATZKOW: Those employees that can afford market rate housing can afford to live in Collier County. I guess what we're really saying for Arthrex is we need below market rate housing.

CHAIRMAN STRAIN: That's what I was wondering if that's what they said. That's what I was trying to get at. But okay.

Miss, go ahead.

MS. CARDOZA: In regard to the Arthrex situation, we do identify certain preferred employers: All first responders, educators, government employees, and Arthrex is a big one, all the NCH, Physicians Regional. So we provide certain amounts of discounts for those particular preferred employers because those are the type of people we want to draw to our community is --

MR. KLATZKOW: Are you willing to put the discounts in the zoning documents?

MR. YOVANOVICH: Absolutely. We're happy to talk about providing discounts to certain -- we used to call them essential service personnel, and I think that's the proper category. We're absolutely willing to talk about those things.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: Is that disparate impact against protected groups?

MR. YOVANOVICH: It hasn't been in the past.

MR. KLATZKOW: No. We've done this in the past where we've reserved a percentage of the housing for essential government workers.

MR. YOVANOVICH: We've absolutely done this.

CHAIRMAN STRAIN: Before the meeting's over and discussions are heard, we'll need to address it in some substantive format, so...

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Go ahead, Karl.

COMMISSIONER FRY: I'm just curious, from Inspira, the percentage of those types of essential workers that rent from you currently.

MS. CARDOZA: To get you an exactly -- I can say police officers, right offhand, I have eight of them, Collier County Sheriff's Department, I have probation officers, I have at least two professors from the university across the street, and then I also have -- for Collier County Public Schools, I want to say I have three teachers, without drilling into the exact numbers, but I can certainly provide more accurate data if given the time to do so.

COMMISSIONER FRY: Thank you.

CHAIRMAN STRAIN: Okay. Anybody else? Or did you finish what you wanted to say then, Miss?

MS. CARDOZA: Oh, yeah. Yes, sir.

CHAIRMAN STRAIN: Okay, thank you. Go back to Rich.

MR. YOVANOVICH: And obviously we'll respond to any public comment.

I do enjoy having Mr. Fryer on the Planning Commission as an attorney, but I do want to make sure we clarify one comment he made on the record regarding the 40 percent on the transportation.

The right answer to that question is, if you were to say 40 percent, I don't believe that would be a credible number. We'd have to talk to another transportation consultant, figure out how he came up with

the 40 percent, and we might or might not be in agreement with his number.

We had that conversation with Collier County staff, and Collier County staff did agree with the 30 percent allocation of trips based upon their professional experience, and that's what professionals are hired to do is give you their professional opinion.

And you have Mr. Treesh's professional opinion, not a number pulled out of the air where he was not given an opportunity to understand and digest that number.

CHAIRMAN STRAIN: Is that the end of your presentation, Rich?

MR. YOVANOVICH: Yes, sir.

CHAIRMAN STRAIN: Any further questions of the applicant?

(No response.)

CHAIRMAN STRAIN: Hearing none, we'll go to the staff report. James?

MR. SABO: For the record, James Sabo, certified planner for the county. Do you want to hear the GMP report? I know we're doing them together. Do you want to --

CHAIRMAN STRAIN: Whatever you've got to say on both reports. Just start with one and finish with the other.

MR. SABO: All right. Well, if the GMPA amendment is approved -- never mind. David Weeks is coming up.

MR. WEEKS: Good morning, Commissioners. David Weeks of the Comprehensive Planning staff.

Keep it short and sweet, just as was the case at transmittal. Staff is of the opinion that the applicant has demonstrated that there is a need for the proposed use and density and that it is a high-level view that we take at the Comprehensive Planning level of reviewing a Comprehensive Plan amendment petition, not a zoning petition. We find it to be generally compatible with the surrounding area, and we continue to recommend approval.

CHAIRMAN STRAIN: Okay. Anybody have any questions of David? David, I do. Were there any recommendations in your GMP on document, staff recommendations?

MR. WEEKS: No.

CHAIRMAN STRAIN: And I concur. I looked; I didn't see any. But if you turn to Page 8 of the PUD document, under conclusions there are two stipulations that I would suggest if you want those, shouldn't they be recommendations?

I mean, they're under your section. It says the PUD ordinance needs to be provided for the effective date consistent with effective date of the companion GMP amendment petition. Then the word "stipulations," Nos. 1 and 2. And I just wanted to make sure that those are incorporated since they weren't in your recommendations section of your GMP.

MR. WEEKS: Those are both, if I could put it this way, internal. On the one hand, it's something for you to be aware of, but you don't, nor does the Board of County Commissioners, control the ordinance itself. So one of these is -- those stipulations or recommendations is that the zoning document contain language that the ordinances -- the effective date of the zoning ordinance must be linked to the effective date of the Comprehensive Plan amendment, because the PUD must be consistent with the Comprehensive Plan. Comprehensive Plan amendment has to go through a process at the state level before it goes into effect.

Ordinarily a zoning petition would go into effect as soon as recorded by the Secretary of State. This is a different scenario.

CHAIRMAN STRAIN: Okay. Back to my question. Do they need -- do they -- do those stipulations need to be incorporated as part of the recommendations? Just yes or no.

MR. WEEKS: I'm going to say no.

CHAIRMAN STRAIN: Okay. As long as you're covered. I just wanted to make sure all the T's are crossed and I's are dotted.

MR. WEEKS: Well, there's nothing for the applicant to do; there's nothing to change in the

application. It's really on the county side.

CHAIRMAN STRAIN: Something that happens internally by staff should they get approved.

MR. WEEKS: Right.

CHAIRMAN STRAIN: That's all I've got. So -- oh, and the issue on the square footage, the staff report talking about a blend of densities.

MR. WEEKS: Yes.

CHAIRMAN STRAIN: I haven't -- I don't recall seeing that discussion before. In this point it's being pointed out as something that should be considered. How necessary do you see that? I mean, since it's not been pointed out before, what brought it to rise this particular occasion?

MR. WEEKS: I'm not certain. I could tell you -- two things about that. First of all, it's a policy that encourages a certain type of action. It encourages a certain type of development.

So if you push it to the extreme and if the petitioner does not demonstrate that they are -- are doing what that policy says, it is not a basis, at least at the staff level -- our opinion, it is not a basis for finding the petition not consistent with Comprehensive Plan, because it is encouraging something as opposed to requiring something. So it's not mandatory language. It's a "shall" encourage.

But, secondly, I know that Comprehensive Planning staff routinely comments on that policy and those before it when we're reviewing a petition. I don't know if we've commented specifically like this one before where we talk about the number of units, the type of unit, and that they did not provide for a variety of housing prices and types.

We usually do make some kind of comment acknowledging that the petition allows for a variety of unit types, or in this case it doesn't.

CHAIRMAN STRAIN: But it would. I mean, if a minimum is 650, it allows for anything above 650. That's why I was trying to understand why this is differentiated, because in this one it's bolded and underlined. And that's what -- the underlining is kind of like an enhancement like, whoa, we better pay attention to this. And so I thought I'd ask the question to clarify it.

MR. WEEKS: Let me say, in hindsight I think we probably should not have emphasized it that way. We simply should have pointed it out.

Secondly, I know there was some discussion earlier about the applicant committing to or asking the applicant if they would commit to some minimum or maximums -- you know, some way to ensure this policy's fulfilled. And my suggestion would be, if that's going to occur, is keep it as narrow as possible. What I mean by that is perhaps identify a -- the one-bedroom unit and, say, commit to providing a minimum number of one-bedroom units and then a maximum number, and then, by default, the other units will have to be two bedroom or greater. That will ensure some mix that occurs, rather than X percent of one-bedroom, X percent of two-bedroom, et cetera.

CHAIRMAN STRAIN: But this is not a requirement?

MR. WEEKS: Correct, not a requirement.

CHAIRMAN STRAIN: Then I'd rather not get into it. If the applicant wants to volunteer something just for the heck of it, that's fine. But if it's not a requirement and we've not used it before with anybody, I don't want to be inconsistent with this application, and that's kind of why I was getting into it to begin with, so...

MR. WEEKS: And just to say, one thing different about this: This is not unique. We've had other petitions that are a plan amendment that's asking for a single type of use, in this case multifamily, not single-family, not the whole gamut of unit types. It's strictly multifamily, and it's strictly rental.

Most of the time -- as I think you know, most of the time when you see a residential PUD, you see a gamut of unit types. So there is that allowance for that variety of unit types and prices.

CHAIRMAN STRAIN: Okay. Thank you very much.

Ned.

COMMISSIONER FRYER: I have a couple of questions or comments that relate to the GMPA part.



First of all, on Page 418 of the materials that staff sent us in preparation for when this was set for July 18, it says, in accordance with Chapter 163.18 -- excuse me -- 3184 pertaining to the expedited state review, blah, blah, blah, and other reviewing agencies on December 20, 2017. I think that date is wrong. I just suggest that you get that cleaned up when it goes to the County Commission.

MR. WEEKS: Okay.

COMMISSIONER FRYER: Because it might have been December 20, 2018.

And then my other question has to do with what came back from Tallahassee. There was -- having to do with traffic. They disclaimed a responsibility, I guess, for oversight of this, but then they went on to offer what they called a technical assistance recommendation. This is on Page 418.

How often does that happen in your experience? Does the FDOT come back and make technical assistance recommendations like this?

MR. WEEKS: It's pretty common. It depends on the nature of the project, the scope. The state agencies, including FDOT, are limited in reviewing Comprehensive Plan amendments for impact upon important state resources, which in the case of FDOT translates into state roadways.

COMMISSIONER FRYER: Okay. What -- there are three specific technical assistance recommendations that are cited again on Page 418. My question is, is what will become of those recommendations, or another way of saying it, are you satisfied that the applicant has satisfactorily addressed those concerns?

MR. WEEKS: Staff is satisfied. I would note that for the most part those comments are beyond the applicant's control. For example, looking at speed limits on the adjacent roadways; Livingston Road, I think it calls out specifically, as well as Veterans Memorial east. It also talks about, I think, bike/pedestrians facilities off site. Those are beyond the applicant's control. That really comes back to us as the county government to take those --

COMMISSIONER FRYER: And that's really what my question was. I wasn't suggesting that the applicant has a responsibility to address all of these. So what will become of the recommendations that are within the county's control, like speed limit?

MR. WEEKS: And for that I will defer to Trinity from the Transportation Planning staff.

COMMISSIONER FRYER: Okay. That's the only other question I had.

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

With regard to the speed limit, that will be up to our Traffic Operations Department. They are the folks who set speed limits for the county. There is a technical basis that we go between to -- based on the Manual on Uniform Traffic Control Devices and engineering studies on how we set speed limits.

COMMISSIONER FRYER: Is there an internal process for getting this comment, this official state comment, on the proper desk of a person in county government so that they can become aware that this recommendation has been made?

MS. SCOTT: Yes. This has been transmitted to our Traffic Operations staff as well as our Public Transit and Neighborhood Enhancement staff because they are the ones that make a determination of whether or not they would expand transit service in the future. And we coordinate with them throughout the planning process as well.

COMMISSIONER FRYER: Will they report back to someone with respect to these recommendations?

MS. SCOTT: No. They will just take them under consideration as they're moving forward with their update of plans, et cetera.

COMMISSIONER FRYER: Okay. Thank you.

CHAIRMAN STRAIN: Trinity, before you leave.

MS. SCOTT: I figured I'd be up here a while.

CHAIRMAN STRAIN: Well, we need a couple different discussions.

TCMA. The TDM strategies I learned a week or two ago through Mike Sawyer's assistance that the TDM strategies require an evaluation pursuant to the GMP language that should have been

implemented by the LDC. That was never done.

So when we do use these TDM strategies, we don't now monitor them, and we don't now know that if they haven't been successful at some percentage, that we don't even -- we haven't even established yet, that we can then require other strategies to be implemented to get to that percentage.

And I understand that the TDM strategies here are being voluntarily applied?

MS. SCOTT: Correct. They are not --

CHAIRMAN STRAIN: Required.

MS. SCOTT: They are not required because the applicant is not seeking to be exempt from link-by-link concurrency.

CHAIRMAN STRAIN: Right. And we'll get into that in another minute.

But since they are being voluntarily required, how effective -- or how do you measure their effectiveness, if any, ability to -- based on what we learned with the project a couple of weeks ago, there is no measurement standard. There is no criteria for effectiveness. So even if the -- they were supposedly having no impact, we have nowhere to say, well, because it's having no exact, you've got to give us a new one because we have nothing that says that. Is someone working on that to fix it? I know we can't do anything today. I'm just curious because --

MS. SCOTT: Yes, it is something I'm working on. Since we have discovered that the language from the GMP is not in the Land Development Code, we are working to get that in there. But as part of that, we are seeking assistance from the Center for Urban Transportation Research, which is connected with the University of South Florida. They work with many different communities not only in the state of Florida but around the country, but many within the state of Florida with regard to TDM strategies.

And so I'm asking that they look at our TDM strategies, because they were put into the Growth Management Plan back in the early 2000s, and, you know, we're 20 years later, and things change.

And so I want them to look at best practices around and see if there are different TDM strategies that we may want to look at including and what the future will hold as far as them as well. In looking at the TDM strategies that we have in place, what are other areas seeing as far as the measures of effectiveness that we will be able to utilize?

CHAIRMAN STRAIN: Well, the TDM strategies came about because of the creation of the TCME or --

MS. SCOTT: MA.

CHAIRMAN STRAIN: -- or MA in this case. That came about because we're starting to pile up constrained roadways, and we needed an effective way in each segment of the county where these were occurring to alleviate the pressure to not allow any more activity on those constrained roadways when someone came in with an application.

And I'm just kind of paraphrasing the thought process here, because I remember in the prior days we used to have a deduct on the base density of four by one for a congested area. And there was certain criteria for congested areas, and we even, I think, have maps. And I've asked David for a copy of that, but he hasn't been able to find it yet.

But at one point when I get that map -- you had responded to me that David did have a map. And I can't remember from the old days where those were, but I was wondering if this one had been a constrained roadway. If it would have required -- would have then qualified for a deduct from four to three on the base densities in that area. Because the reason for that is -- it's kind of strange, we went from having a deduct of one for a base density -- from the base density to an add-on of three, if you're in a congested area, from the straight base, which is four.

So all of a sudden we went and said, this is bad to put more traffic here; therefore, we're going to deduct one if you're in that area, but it's okay now; we're going to add -- give you three to please put more traffic in the area. How does that make any sense?

MS. SCOTT: Well, from a traffic standpoint --

CHAIRMAN STRAIN: David's got something to say. I got him to jump up.

David, I had emailed you right after Trinity emailed me about constrained roadways and asking you for a map, and that's probably why you -- when you looked puzzled, that's what had occurred.

MR. WEEKS: I was puzzled because I thought I did respond. So I'll make sure I do.

CHAIRMAN STRAIN: I didn't see it. I'm sorry. Maybe you did.

MR. WEEKS: I'll make sure I do. What I know is that the traffic congestion boundary was west of this location. It would --

CHAIRMAN STRAIN: Okay. That's what I needed to understand.

MR. WEEKS: It ran up Airport Road --

CHAIRMAN STRAIN: So this wouldn't have qualified for that anyway?

MR. WEEKS: It would not have been subject to that one-unit-per-acre reduction.

CHAIRMAN STRAIN: Okay. That's what I haven't been able to find since I didn't get -- I didn't see the email you may have responded to.

Well, then, Trinity, the next followup question on this is, in the TCMA, what percentage do you have to have for the collective area now before it's considered as -- is it "failed" is the right word for it?

MS. SCOTT: Deficient. Eighty-five percent of the lane miles, if it goes below 85 percent, that is when the -- everyone within the area would have to do TCMA requirements.

CHAIRMAN STRAIN: Okay. So Immokalee Road between Airport and Livingston Road is at 93.8 percent. So it's already within that category. But because it's averaged out with the rest of the TCMA -- this is from the 2018 AUIR. The link on Immokalee Road between I-75 and Logan is at 84.9 percent. So one-tenth of a percent away. And the link between Immokalee Road and Logan -- Logan to Collier Boulevard is 94.1 percent. So you've got two links nearby that are already exceeding the 85 percent capacity that the overall TCMA has to hit before they're considered deficient, but because they're lumped and averaged together, it's not considered deficient even though it's above 85 percent; is that --

MS. SCOTT: That's correct.

CHAIRMAN STRAIN: Okay. I just don't know how -- I'm just --

MS. SCOTT: And --

CHAIRMAN STRAIN: It's puzzling.

MS. SCOTT: -- we also -- can we go back to the staff report and the conversation that we had had earlier with regard to the 2017 and the 2018 AUIR --

CHAIRMAN STRAIN: Yes.

MS. SCOTT: -- because we were incorrect in the staff report. We should have updated those numbers, and I do -- I did put them together really quick, and I want to have brief explanation about what we put in there.

CHAIRMAN STRAIN: Okay.

MS. SCOTT: So --

CHAIRMAN STRAIN: Before I forget, please address the question I asked earlier about the high school being included and Seed to Table.

MS. SCOTT: I will do that as well.

CHAIRMAN STRAIN: Thank you.

MS. SCOTT: Okay. So in our staff report, I have updated what is our typical table that we put in the staff report to be reflective of the 2018 remaining capacity. The applicant did update their TIS to the 2018 AUIR; however, when we put our information into the staff report, we were remiss and looked at the 2017 AUIR.

So this is the new 2018 information. And the reason I have the Livingston Road corridor highlighted is our Comprehensive Plan Transportation Element Section 5.1, when we review a petition, you look at the first link that the petition goes on, that the traffic impacts are on. If they are equal or exceed 2 percent of those service volumes, then you proceed to the next link. If they do not, we stop our analysis at that first link.

So when this petition originally came in with a higher density, we were beyond the first link, but as it has been reduced down in units, from a staff perspective we are analyzing that top link. So when we revised our staff report -- or when we put our staff report in for this adoption hearing, the bottom two links should have come off of that, because we are not analyzing those links, because based on our rules they are less than a 2 percent impact and so, therefore, we would not go to that adjacent link.

CHAIRMAN STRAIN: Okay. That piece I understand.

MS. SCOTT: Okay. I just wanted to clarify that, but -- so this has been updated now with the 2018 numbers. And for the Livingston Road, Imperial to Immokalee, there's still sufficient capacity for this specific petition.

With regard to your checkbook concurrency -- so for checkbook concurrency, we utilize the background traffic number which you see in your AUIR, plus the trip bank. And so when a new project comes in, they become part of the trip bank. Once they CO and they start operations -- and certificate of occupancy. I know I'm talking a lot of acronyms. Once they obtain their certificate of occupancy, we go on an annual basis and clear out that trip bank.

So because those trips, no longer in the trip bank, they've become background traffic. What we do not do is if a business goes out of business, go back and put those trips into the trip bank. They're vested from an impact fee standpoint, but we do not. So the Seed to Table, because it has not been operational for quite some time, is not included in that background traffic.

When we are looking at the projected deficiencies, we look at the background traffic and the trip bank plus we apply a growth factor. The growth factor is the higher amount of either 2 percent or whatever the average growth rate for that specific link has been.

We grow that traffic out. And so for the AUIR, for a planning purpose, that's how we come up with the projections of when the roadway is anticipated to be deficient. If the roadway doesn't grow as fast, that number could continue to be pushed out. If the roadway grows faster, then it might come in. But we use that as just a gauge for us to know when we need to start looking at planning studies for projects.

With regard to the high school, the high school is not -- we just actually received some traffic analysis in the past few weeks with regard to the high school, and we will be working with the school on that with regard to our Veterans Memorial project and any other intersection improvements that will be necessary based on the high school.

Now, remember, the high school, their p.m. peak, most likely going to be a southbound direction. So it's opposite of what our p.m. peak is for that roadway, which is northbound.

CHAIRMAN STRAIN: Okay. And the high school, is the high school a substantial traffic generator?

MS. SCOTT: I believe it was around 210-ish p.m. peak trips.

CHAIRMAN STRAIN: By the time the high school's open, that link on Livingston/Memorial will get out to Old 41, but Old 41 will still be somewhat in the condition it's in today?

MS. SCOTT: Old 41 northbound, remember. The high school will be more southbound trips because most likely it's going to be the people going back to their homes. If they're within that school area, they're within Collier County, unless they're staff, who live in Lee County.

CHAIRMAN STRAIN: Just curiosity, have you gone far enough to know if you're putting a light at Livingston and Old 41?

MS. SCOTT: We do not yet. We are working -- the Florida Department of Transportation is doing a project development environmental study at -- for Old 41, and so we're coordinating with them of what type of intersection treatment that will be.

The other thing that I would tell you with regard to the Veterans Memorial, in our current adopted AUIR, we anticipate that roadway to begin in Fiscal Year '22 for construction; however, in coordination with the school, we need to start that a little sooner. So we're anticipating -- it's in our budget that's being developed for the Board. And in the draft AUIR that will be presented to you later in the fall, we're



anticipating that construction to begin in Fiscal Year '21 to be able to accommodate the school.

CHAIRMAN STRAIN: That's all I've got. Thank you.

Anybody else have any questions? Go ahead, Karl.

COMMISSIONER FRY: Hi, Trinity.

MS. SCOTT: Hi.

COMMISSIONER FRY: So talking not so much about the numbers. As the numbers play out as of now, it appears that the project does not kick the road segments into a -- what was the word, not failure but --

MS. SCOTT: Deficient; deficiency, yes.

COMMISSIONER FRY: Status. But let's talk about what people are experiencing today. And I think in public comments last time, I'm about 150 percent sure you'll hear more similar concerns today about traffic. And I know that there's several, probably, Planning Commissioners, I assume, where traffic is one of our main concerns.

So as I understand it, even when 75 is flowing, in the afternoon heading north, traffic will back up starting at the Bonita Beach Road light back southward on Livingston, past Veterans Memorial and sometimes to the fire station, which is south of Veterans Memorial, and that people that are in the Mediterra community are not able -- because they don't have a light, not able to actually get out from the east side side of Mediterra to get out and turn south to even get on Livingston because they're blocked by northbound traffic crossing their intersection.

We have a large high school with thousands of students, and you said adding a couple hundred peak hour trips coming up with that interconnection between Livingston and Old 41 off Veterans Memorial Boulevard; however, my opinion, I guess, unless you can counter this, is that the bulk of traffic that is the issue now, which will still be the issue for the residents, is the north/south traffic which won't necessarily be mitigated by that Veterans Memorial Boulevard east/west corridor.

So my question is, what help is on the way? These people will tell you that it's bad now, and if you add all these trips, it will get worse. What help is there for anybody to look forward to?

MS. SCOTT: What I think that everyone needs to understand is that during season, yes, there is a backup in that area. It occurs, and particularly when the interstate is congested.

We do not plan our roads for peak season congestion. You can go out there today, you can go out there for eight months out of the year, nine months out of the year, and that road is flowing fine.

After our public hearing last time, I had -- our traffic operations folks have the opportunity -- they can see all of our traffic signals from one room. I asked them to monitor that.

So after our hearing, until after the Board of County Commissioners hearing -- because I had them here to provide testimony at the Board if necessary -- we did not find that the roadway was backing up that far. So this is by our own visual of us watching it.

Now, if there is an incident on the interstate, absolutely, it backs up. Every roadway that backs up -- north/south roadway backs up. U.S. 41, we get more congestion because people are diverting over. Or if there's something that occurs on Immokalee Road between Livingston and the interstate or that -- something happens on Immokalee Road, people divert.

So I look back at during peak season, yes, we all experience additional congestion on the roadways, but we don't build our roadways to accommodate peak season. We don't plan our roadways to accommodate peak season. So the remainder of the time, which is what we're doing our analysis based on, that road is functioning at an acceptable level of service.

COMMISSIONER FRY: Notwithstanding what you said, there are projects that come before us that the timeline of development is based on an assumption or plan for widening of roads or extensions of roads and that type of a thing.

I'm told in this case that one of the large causal factors of the backup northbound is the light at Bonita Beach Road, which is -- the road narrows from three lanes each way on Livingston. Around Mediterra, north of that, it's down to two lanes each way.

Are there any possible expansion probabilities for the light at Bonita Beach Road to be three lanes each way north and south or widening of the road north of Mediterra up to the Bonita Beach Road?

MS. SCOTT: That would be based on what the City of Bonita Springs in Lee County would agree to. But I can tell you after our initial transmittal hearing I did reach out to Lee County. Bonita Beach Road is a Lee County roadway, and they operate the traffic signal, and I asked them to look at the traffic signal, study it.

My perception of it as a driver, because I would divert once in a while to Livingston, is that the east/west was getting a lot of the green time.

They have studied it. They've adjusted signal timing but, you know, we need to continue with them, because if their phone starts ringing the other way, you know, they might adjust the other way. So we need to keep on the City of Bonita Springs in Lee County to maintain that traffic signal operating as good as possible.

We can ask Lee County if they have any plans to make any additional improvements. I understand that there may be some in the works, but they're still coordinating with Bonita Springs on that.

COMMISSIONER FRY: Sounds similar to Immokalee Road where they -- Collier County traffic engineers prioritize east/west traffic because that's the greatest source of congestion and traffic flow.

All right. Thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you, Trinity.

MS. SCOTT: Thank you.

CHAIRMAN STRAIN: And I guess that wraps up the staff report for the GMP.

And, James, do you have one for the Planned Unit Development?

MR. SABO: I do. For the record, James Sabo, principal planner.

Zoning Division -- if the GMPA's approved, Zoning Division recommends the CCPC forward this petition, 4385, to the Board for a recommendation of approval subject to relocating Developer Commitment 3C, which I won't read the whole thing, but moving 3C to 1B so that it's more visible in the document, and also change to Footnote 3 which was discussed here earlier in the Development Standards Table. That's our recommendation.

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

(No response.)

CHAIRMAN STRAIN: Okay. We'll turn to public speakers. I wanted to make sure, if the lady with the child was here --

UNIDENTIFIED AUDIENCE MEMBER: She left.

CHAIRMAN STRAIN: I thought I saw her leaving. Because I was going to let her speak first. Because if I was a baby in this room as cold as it is, I'd be screaming too. Maybe that's a discouragement for young people to come here.

Yes, if she wants to speak, and she's more than -- to start out, that will hopefully relieve her for today.

COMMISSIONER CHRZANOWSKI: Mark, I think a lot of these people came in after Terri swore people in. You may want to get them to --

CHAIRMAN STRAIN: Okay.

MS. STARKMAN: Sorry.

CHAIRMAN STRAIN: That's okay. Do the best you can. We're trying to get you accommodated so -- I know you might want to be on your --

MS. STARKMAN: Which one?

CHAIRMAN STRAIN: Either one. The kids can speak at one, and you can speak at the other. Are they twins?

MS. STARKMAN: They are.

CHAIRMAN STRAIN: Oh, fantastic.

MS. STARKMAN: They're identical. And just to let you know, it's random. It doesn't run in families. So watch out if you're planning on having kids.

CHAIRMAN STRAIN: Can you identify yourself for the record, please.

MS. STARKMAN: I'm Brittany Starkman. I live in Barrington Cove. We actually moved down to Florida in 2016. We moved to Orchid Run.

CHAIRMAN STRAIN: Were you sworn in, by the way? I was reminded to do that, and I forgot right off the bat.

MS. STARKMAN: No.

CHAIRMAN STRAIN: So could you -- our court reporter will swear you in. I'm sorry.

COMMISSIONER CHRZANOWSKI: There might be a lot of people in there that weren't sworn in. They might want to stand up and all do it at once.

CHAIRMAN STRAIN: Since I wasn't here the beginning, I'm not aware of who did or didn't. So if you haven't been sworn in and you're going to speak, please stand up and be sworn in.

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

CHAIRMAN STRAIN: Okay. Now you can go ahead. Thank you.

MS. STARKMAN: Okay. Anyways.

So we moved here 2016, my husband and I. We lived at Orchid Run for our first year, you know, with basically the intent to buy down here and, of course, a lot of people who are moving down here it's basically because their parents are down here because they were snowbirds at one point, like my parents who live on Marco.

And we were looking for a nice family community. And Barrington Cove actually has many children there. And we were not about to stay at an apartment. Basically, even though it's really nice, it's still not a place that I would raise my kids at. There definitely was some drug usage at that place that I saw. There were parties. They say no smoking -- I don't know. I don't know what they mean.

So, anyways, I just don't want that around my kids. So it's a nice facade, very nice, but you never know what you're going to get.

Yeah. And -- oh, sorry, you know, we are those young professionals that, you know, you're referring to. My husband is a PharmD. He's getting his MBA, too, right now. But, yeah, just want to keep it safe. Want them to be able to walk to school, cross that road no problem, which is, even right now, sort of a big road to cross. But with even more traffic, it will be insane. And school is during the season, so just a heads-up. All right.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER FRY: I wanted to ask her -- could I ask you one question, please? What type of interaction would you expect? There is no interconnection and driveways, at least, or roads between Barrington Cove and the projected apartment complex. So what interaction would you expect between your neighborhood and the people that live in the apartments?

MS. STARKMAN: Well, you guys are talking about putting in a busing system probably, as well, to help with that. So I would imagine the bus would be out on the street, and that's where the kids would be as well, since we do have two schools right there.

COMMISSIONER FRY: Okay. So you're thinking Livingston Road where your kids are walking to school --

MS. STARKMAN: Yeah.

COMMISSIONER FRY: -- congregating with the people that are from the apartment complex?

MS. STARKMAN: I wouldn't want them to, really, but if they're out on the street, they might run into those people. You know, it's like any bus stop. If you're walking down, you know, the road, the bus stop is right there, you walk past people, and they might interact. You never know.

COMMISSIONER FRY: The reason I ask, because I wasn't sure if you were expecting people from the apartment complex coming through across the buffer through the borders and entering your

neighborhood.

MS. STARKMAN: Oh, no. But, I mean, still, we have that long -- Veterans Memorial has that really nice area -- sidewalk there -- sorry, tired. And a lot of people use that to run, you know, exercise. You know, there's a lot of young families there. Obviously, they're not here today because they're probably at work. I get to be a stay-at-home mom so I'm lucky enough to be here.

But, yeah, so, you know, there could be interaction there. You know, that's a really good place to go ride, you know, your, you know, bike eventually. Just saying.

COMMISSIONER FRY: Well, thank you. You have very good reason to be tired. Just we all --

MS. STARKMAN: Sorry. I was trying to keep them quiet, so -- trying my hardest.

CHAIRMAN STRAIN: Thank you. And then we'll go to -- first we'll go to registered public speakers, and then we'll go to anybody that hasn't addressed us yet. And if there's somebody that's registered to speak who has to be out of here by noon, we'll try to accommodate you first, but we are going to continue this till after lunch. So we're going to take a break in about 10 minutes to lunch. But if someone can't come back after lunch and you're registered to speak, if you could just raise your hand. I'd like to address you first to try to help out the accommodation.

Ma'am, if you don't mind, come up and state your name for the record and --

MS. WREDE: Thank you.

CHAIRMAN STRAIN: -- then we'll take the lady behind you, and that should take -- all we'll be able to do before lunch.

MS. WREDE: Thank you so much.

My name is Katy Wrede, W-r-e-d-e. I live in The Strand. This is my third trip down here. And I pulled up online the public service ethics statement that you're bound to.

As a Planning Commissioner you wield considerable power over how your community grows and develops. With this power comes the expectation that you will hold yourself to the highest ethical standards. Part of being ethical means exercising your power in the public's interest as opposed to personal self-interest or other narrow private interests.

Frankly, the fact we're here today when this wasn't stopped the first time around points to a disregard for the Collier County management plan and zoning laws that are in place and a disregard for the general good of the homeowners and residents of Collier County and instead appears to be acting for the benefit of an individual land developer.

The current zoning laws under the Growth Management Plan of Collier County can only be disregarded, it is my understanding, if there's a public benefit. I just shake my head to believe that any of us truly, any of you truly think that Allura's for public benefit. We already know it is not affordable housing but rather luxury apartments.

We've heard many statements here this morning about Arthrex and firemen and teachers -- I was a teacher for 40 years. If I had to pay 1,700 a month in rent, I'd rather have a mortgage, which I could afford, for 1,700 a month.

My understanding recently from the articles in the newspaper regarding Arthrex employees is this would not be affordable for them. And many of the -- if we truly care about Collier County, then we would require our developers to come in and build condos, whatever you want to call them, townhouses, homes that could be bought by the employers (sic) of the businesses we hope to accommodate and attract to this area.

Most of the people that have considered coming here I've had heard their employees do not want this area because they have not -- have no desire to sit in traffic on I-75, Immokalee, Bonita Beach Road, or Livingston.

If anyone watches WINK News in the morning, four out of four mornings a week, because there is a wreck on I-75, it is diverted to Livingston or Imperial or Three Oaks or whatever you call it, and it impacts us all the way down.

Everyone has heard for the past many hearings, here and in front of the Collier County



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Commissioners, the false traffic data. It at least points to some of the errors. And I so appreciate Mr. Fryer and Mr. Fryer's, Mr. Strain's questions today with clarity and highlighting some of these traffic area things.

But the 5,000 to 8,000 residents who live in this small quadrant between -- on I-75, Immokalee, Bonita Beach Road and contribute 75 percent of the revenues for Collier County realize this is not true. Even now, just two weeks ago when I was supposed -- when we -- I came down here and it was continued, the day before it rained, I was coming west on Bonita Beach Road in the deluge of rain, Bonita Beach Road was flooding, because we have taken up all the wetlands as well, as this will do with more cement, and was backed up. I sat through three lights to try to turn on Livingston. Livingston was backed up all the way to Veterans because they couldn't turn onto Bonita Beach Road because it was flooded.

We all know that Collier County, despite collecting mitigation fees that Stock is only happy to pay to get what they want, is not able to use that money fast enough to keep up with the multitude of problems that continue to (sic) overdevelopment along this corridor or are currently experiencing and will only be exacerbated.

The schools are at capacity. And, by the way, there are three. There's little Royal Palm Academy there too. The schools are at capacity. The sewage is at capacity.

During Hurricane Irma, the county was unable to pump the sewage stations there. Bonita Beach Road was flooded for weeks, and this was all before we add more concrete from Allura, before we add the traffic from Oaks Farm and the high school and more developments along this corridor are being built.

This seems to be purely a matter of self-serving commissioners. Not you guys, but the commissioners, and you work at their behest, because I think they appoint you, who are embedded with Stock in doing their bidding. So my question today is, who is running Collier County, the commissioners or the developers? Because it seems to me, from all the times I've been here -- every time I see Mr. Yovanovich get up and ask for rezoning, he gets it.

Stock comes in, they bought this valuable land, and they knew how it was zoned. So why are we allowing them to come in and over-zone -- rezone -- ask for rezoning and overdevelopment for only one reason? Theirs. Their greed.

Please just give us one good reason why you should -- why you should grant this request. This is red. And I heard when Mr. Pritt was speaking, he made a comment about the people, and there were less people, and I heard something from this group say nobody's here because they don't care. That simply isn't true.

When we met County Commissioners, there were 500 people overflow, upstairs, out in the halls, and in here, everybody wearing a sea of red because red stands for stop.

We urge you to stop this today. Please stop and stand up for the residents that you're ethically bound to support. Thank you.

CHAIRMAN STRAIN: Thank you. Our final speaker before lunch. Ma'am?

MS. BELLONE: I'm Ronnie Bellone, and I live in Camden Lakes, which is just south of the firehouse on Livingston Road on the west side of the road.

So I am here to tell you that in season traffic comes south below the firehouse. There are times when I cannot get out -- there's a light, but I cannot get out and turn north because, oh, by the way, the lanes go from three to two, and those two are controlled by the light at Bonita Beach Road, which I know we don't have any control of, so -- but I'm just telling you that it extends further than had previously been stated.

I think the additional traffic, as has been noted with the Seed to Table and with the new school, while that has not really been accounted for officially yet, I think that's going to be additional. While it may not be during the peak time of 4:00 to 6:00 or 4:00 to 6:30, some people may be like me, retired, or those stay-at-home folks can do it during the day. I try and do that. But those folks coming from work are certainly going to do their shopping then, and the school, yeah, some of them go to school early, they

stay for sports. So there's additional traffic other than the normal 9:00 to 3:00, or whatever those school hours are.

Originally, as I understand it, this was supposed to be for 55 and older folks. Then it was changed. Now it's for firefighters, EMS, teachers, Arthrex folks. And I understand the need for, quote, reasonably priced housing, whatever reasonable is. I used to be at that many years ago. That's why I can appreciate building things for them. But certainly -- Arthrex can certainly afford to build some housing for their employees. Other counties and counties where public -- where well-to-do companies exist, they buy properties as well.

So I would just ask you to take a look at the folks who live in that quadrant, that triangle between 75, Livingston, and going north of Immokalee. I think somebody just said 5,000.

Please take us into account. I would appreciate it. Thank you very much.

CHAIRMAN STRAIN: Thank you, ma'am.

And with that, we're going to take a break for one hour. We'll come back at 1 o'clock and resume with public speakers.

(A luncheon recess was had, and Commissioner Chrzanowski is absent for the remainder of the meeting.)

CHAIRMAN STRAIN: Okay. Everyone welcome back from the lunch break. When we left off, we were getting into our public speakers as far as just starting out.

So with that, we're going to go to -- back to registered public speakers, and when your name's called, just come up to the microphone, and if you have a difficult last name, please spell it so we get it right. And with that, I'll move to the staff.

MR. SABO: The next speaker is Alan Johnson.

MR. JOHNSON: Good afternoon. Alan Johnson. I'm the president of the Mediterra Community Association. I'll try to be brief and not be redundant.

I'm concerned about the magnitude of the variance we're considering granting here. Four to eight and a half, in our view, is significant. I was glad to see that someone had done some homework, I believe, with regard to development in the area by other developers to point out that all of these developments were done within the guidelines of what the commissioners had established as a goal of four units per acre.

I think we're on a very slippery slope here. If we grant this variance, what are you going to say to Argo when they come in -- they own the piece of property right across the street -- for their development and say, well, you granted Stock eight and a half. We'd only like 10; that's not that much more. And then we have the piece of property that's immediately adjacent to the high school that's going to go in. What's going to happen when they come in and want their variance? It's a slippery slope.

We get people coming to our office every day of the week looking for variances. Whether they want a landscaping variance, an architectural variance, a paint scheme variance, they want relief for their generator offset, or their pool cage. And I know it's hard to say no, but at times we do have to say no; otherwise, we're going to end up with the dog's breakfast, and that's my concern here. This is just the beginning of what could turn into a mess.

The Planning Commissioners over time, I think, have done a really good job in Collier County. That's why people want to live here. And I think -- I don't think it's an onus. I've worked -- met several times with the Stock team. These are good businessmen. They're smart people. They're very smart. I don't think it's too big of an onus to go back to them and ask them to develop the property under how the property was meant to be developed. These are smart guys. They can do it. They developed homes in other areas. I don't think it's too big of a challenge. Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker?

MR. SABO: Tim Richards is the next speaker.

MR. RICHARDS: Good afternoon, Commissioners. Tim Richards, general manager of the

Mediterra Community Association office.

Just here on behalf of the residents. And first off, just want to thank you for taking a really close look at all the details with this plan. You know, it seems like you're intimately involved and very knowledgeable on the topic.

You know, as was stated before, our residents are very concerned about the impact that an increase in density in this area would have on traffic. The quality of life that they live -- you know, as you heard earlier, you know, getting in and out of the gates is very difficult when the traffic's backed up over there.

I encounter situations with our staff just coming to -- actually more so leaving work. But, you know, coming to Mediterra and leaving Mediterra is very difficult; long trips from time to time.

If this plan gets approved, like Mr. Johnson just alluded to, you know, where does it stop with all the other neighboring landowners? There's a lot of land along Livingston Road there and in the future with Veterans expanding.

You know, if we're doing the 8.5 now, you know, the next groups that come along are going to ask for that, if not more.

So with that being said, we're asking that you not approve anything other than what's already currently approved. Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker.

MR. SABO: Next speaker is David Depew.

DR. DePEW: David Depew. I am representing Mediterra.

I am here today in my guise as an expert planner. I have been a member of the American Institute of Certified Planners since 1983 and a practicing planner in Florida and specifically Southwest Florida since 1980. I have appeared before you before under the same circumstances in terms of being here as an expert. And I have also, as Mr. Pritt mentioned, submitted documents with regard to this particular request and represented Mediterra at your last hearing on this, the transmittal hearing.

I've looked at the current application, and I would reiterate that I believe the growth management amendment fails to be based upon relevant and appropriate data and analysis. It fails to react to that data and analysis in a manner that's appropriate, professionally acceptable, or to the extent necessary as indicated by the data that's already in the record from the county.

Specifically there, as an example, is your housing plan. It's not based, I believe, on the proper demographic projections upon which the plan is based, and it will create, I believe, internal inconsistencies in your plan. It fails to support the provisions of the Housing Element for current and anticipated future residents.

With the current designation on this property, there would be no indication that this is somehow burdensome to the landowner or that the property itself is not economically viable given its current designation.

There are development options for the subject property shown by the market studies that were provided as well as by the existing development patterns that are in the area.

There's no compelling necessity to provide for such a significant increase in the development density for this particular property, and there has been no data and analysis that would suggest some sort of compelling reason for waiving the requirement of providing affordable workforce housing as an incentive for added density.

And this is the crux of the real data-and-analysis problem. Right now you've got a plan that allows bonus density for affordable and workforce housing. That's not what this request is for you -- before you right now.

What it's a request for is market-rate rental housing. This is far, far and away from what your Collier County Community Housing Plan from October of 2017 is calling for. That client indicates that the county is expected to add 58,000 households over the next 23 years. If the local issue of cost burden

is not addressed then, at a minimum, 11,000 more households will experience severe cost burden above 50 percent than do households today.

It goes on to state that there's a job housing imbalance in Collier County resulting in at least 17.4 percent of the workforce, which is approximately 40,000 people, commuting daily from outside of Collier County.

As of the date of the report in September of 2017, the Community Housing Plan estimates that housing demand for extremely low, very low, and low-income housing would be 1,618 dwelling units per year.

The applicants haven't provided any basis for a waiver of the elimination of this existing policy which provides for bonus density for this type of housing, and without that data and analysis to support a modification of the currently applicable future land-use designation, I believe that that is the essence of the problem with the data and analysis and the internal inconsistencies that will be created in the Growth Management Plan.

Based upon the existing Growth Management Plan, as I indicated, I believe that it fails to demonstrate any kind of deficiency which this is intended to address. And I believe that you really have two options in order to address this in an attempt to be consistent with what you've got so far.

The first being to simply deny this proposed GMP amendment. The second being, as part of the GMP amendment, restrict the density. Restrict the density to four units per acre, and that would require you to also modify the PUD ordinance, which is the crux of the PUD rezoning to restrict it to four units per acre.

The applicant's been very good in terms of modifying setbacks, adding increased setbacks. They've been very good in terms of adding additional vegetation to buffers. They have been restricted on their height as part of the Board of County Commissioners' hearing.

But it still doesn't address the Comp Plan problem, and that is the additional density that is being provided, as Mr. Pritt described it, because they're good guys. Whatever the reason, if you're going to waive the requirement for this low, very low, and moderate cost housing that the plan calls for, you need data and analysis, and that doesn't exist as part of this application.

And so I would suggest to you that, first off, you deny it. If you don't, restrict it to a maximum of four units to the acre, which is their base density, because they're not applying the existing plan policies that would apply to everyone else in this area.

I'll be happy to answer any questions if you have them. I see Mr. Yovanovich up there, so I'm certain he has some.

CHAIRMAN STRAIN: He won't get his turn until the public speakers finish.

So go ahead, Karl.

COMMISSIONER FRY: Dr. Depew, I just would like to clarify just what your position is specifically.

You seem to be suggesting that some additional density would be justified if it was affordable housing; however, from the other public speakers from the neighborhoods, that is the last thing that they would want. They are balking at the idea of \$1,750 a month average rent market-rate units.

So I guess I'd just like you to kind of clarify where you stand. If by chance they were to say, okay, we'll do affordable housing, is that something that, in your mind, would justify the additional density?

DR. DePEW: Again, I'm basing this on what is in your plan. So according to what's in your plan, yes, that would, for the plan amendment, justify additional density.

Now, you've got a second set of considerations that you'd have to take a look at for purposes of the PUD zoning, and that goes back to compatibility. As one of the prior speakers mentioned here, compatibility is very unique, and it's a -- very much a situation in which you look at the neighborhood in which the project is developed.

Now, I personally think that seven is not compatible because of the -- just the amount of traffic



and utilization of services and the discrepancies between the surrounding residential patterns. As one of the prior residents also mentioned, you've got densities that are in the range of half a unit up to a maximum of about four. So four's really about as much as you can justify.

But the plan, again, provides density bonuses. And based on an analysis from the plan, yes, you could get these additional units but, again, you have to go through the compatibility analysis that's part of the rezoning.

So I didn't try and address that in my remarks because I think everybody else has already tried to address that. But in terms of the plan amendment, I think you've got a significant problem with the way this was presented, because there's no basis for waiving this requirement that gives you these extra units. It's supposed to be an incentive to do that.

COMMISSIONER FRY: One of the wildcards here that I personally am trying to weigh into its impact and importance in this decision is the existing De La Rosa PUD which is four-story buildings, 20 feet from the road, density of seven units per acre.

What is your take on the relevance of that, you know, in the context of your argument? Because that's already an existing approved PUD.

DR. DePEW: Right. And that PUD actually went through the Water Management District permitting process and, ultimately, was denied by the District when it went through. So that's going to take a considerable redesign.

So, I mean, you saw as part of the presentation a site plan that put these buildings all through wetlands that's actually a preserve on the current site plan. And I think that's going to be a significant problem. So they're going to have to come back in here with a redesigned plan on De La Rosa as well that's going to provide these units closer up to the roads and further away from the development that's located to the east of the subject property and with less wetland impacts, I suspect, when it ultimately gets designed, if, indeed, they try and do that.

I don't know that that's going to happen, but I can't react to what the next step is going to be. I can only react to what they've proposed right now. And right now the De La Rosa project -- it may have been approved in some fashion by the county, but it's not approved by any of the other agencies. So they may be coming back before you if, indeed, they try and do that with a completely redesigned development. And at that point, then we can address what the concerns are with that.

COMMISSIONER FRY: Thank you.

CHAIRMAN STRAIN: Any other member of the Planning Commission have any question of Mr. DePew?

And, sir, before you sit down, I think Mr. Yovanovich -- he may have wanted to cross-examine. If he can, he's welcome.

MR. YOVANOVICH: Yeah, thank you. Yeah, I didn't mean to rebut. I'll go after Mr. Fryer.

CHAIRMAN STRAIN: Okay. Ned.

COMMISSIONER FRYER: Dr. Depew, I'm looking at your website, and I see that your firm includes traffic engineering as part of your expertise.

DR. DePEW: It does, yes, sir.

COMMISSIONER FRYER: Would that apply to you personally?

DR. DePEW: I am a certified traffic planner, not a traffic engineer. I have had a variety of courses training in that area. I will tell you that I pretty much don't do that stuff anymore because I find it to be, shall we say, tactfully, boring. It tends not to be the most exciting stuff. Not that Mr. Treesh is a boring person. I use him on a number of projects.

But I did look at the traffic study. I believe that it does comply with the county's requirements.

I did not look at the amended traffic study because I didn't realize there was an amended traffic study. I'm not sure whether it was posted on the portal or not, but I did not get to see the most recent version of the traffic study.

I will tell you that the comments made by the Board here today were on point. You've got a

problem that's going to occur in this area that is going to exacerbate the traffic. I will also tell you that most of the national studies that I've looked at have said that increase in lanage gives you limited relief for a short period of time. And when I say "short," most of the studies I've seen tell you about 24 months is all you get.

You've still got, as I think another speaker said, some empty property out there. The problems that you've got on Livingston are going to manifest themselves again even if you add reliever routes with east/west connections over to Old 41 or additional capacity at the intersections to either the north or the south of this property. You're going to have additional problems because you cannot build your way out of congestion permanently. You always evolve traffic into actually more than what the capacity is. That's what all of the studies have shown.

COMMISSIONER FRYER: With respect to testimony this morning of the traffic engineer, I asked a question about how one estimates the directions of travel, what percentage from one road would turn or go straight. And maybe this is outside your area of expertise. If it is, just say so. But I'd like to know a little more from another professional, if you have these qualifications.

How -- what would a sensible, reasonable, thoughtful way of quantifying how traffic turns be other than just what I call anecdotal information?

DR. DePEW: Typically, they look at the directional volumes on the roadway into which the traffic is turning. So if you've got, say, 60 percent going south and 40 percent going north, they will anticipate that traffic entering -- at a certain peak hour. They will anticipate traffic entering that traffic stream will go 60 percent south and 40 percent north.

COMMISSIONER FRYER: So that would require an actual observation of moving traffic at peak time?

DR. DePEW: Typically that's what happens, yes, sir.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Okay, Rich.

MR. YOVANOVICH: I want to -- Mr. -- or Dr. Depew I just want to make sure I'm clear. You're not providing any expert testimony on transportation-related issues with regard to either petition, are you?

DR. DePEW: Only insofar as I answered the question of the Planning Commission.

MR. YOVANOVICH: But you have not done any independent transportation analysis for either petition?

DR. DePEW: I have not done an independent transportation analysis.

MR. YOVANOVICH: And I believe you said you reviewed Mr. Treesh's analysis and you agreed with how he did his analysis, correct?

DR. DePEW: I agreed that it met the requirements of the Collier County codes.

MR. YOVANOVICH: Okay. Now, Growth Management Plans can be amended, correct?

DR. DePEW: Yes, sir.

MR. YOVANOVICH: I would venture to say you've probably participated in amending Growth Management Plans, correct?

DR. DePEW: Yes, sir.

MR. YOVANOVICH: And that was to address deficiency in the existing Comprehensive Plan, correct?

DR. DePEW: Yes, sir.

MR. YOVANOVICH: Okay. Now, have you done any independent market study as to the need in Collier County for market-rate apartment housing?

DR. DePEW: No, sir.

MR. YOVANOVICH: Do you have any evidence to support a conclusion that there is not a need for market-rate apartment housing in Collier County?

DR. DePEW: I do not. Your studies that were part of the application seem to demonstrate that

there is a need for market-rate housing.

MR. YOVANOVICH: And you're not contradicting the testimony of David Weeks with regard to the Comprehensive Planning department's review and analysis of that data and analysis to support this amendment, are you?

DR. DePEW: I'm not.

MR. YOVANOVICH: Now, you're not providing any testimony with regard to the zoning petition; is that correct?

DR. DePEW: I am in the sense that I indicated that the zoning petition should be restricted to four units to the acre at this point.

MR. YOVANOVICH: At this point. And have you done -- and is that including downzoning the existing De La Rosa PUD?

DR. DePEW: No, sir. I'm not addressing the De La Rosa PUD in any fashion. I'm addressing the issues that are before the Planning Commission right now.

MR. YOVANOVICH: So it's your suggestion that the entirety of the property be approved at a density of four units per acre and take away the three units per acre that De La Rosa has been -- it's at seven. You want the overall PUD density to be reduced down to four; is that correct?

DR. DePEW: I am not talking about the De La Rosa PUD. I'm talking about the Allura request that is before the Planning Commission today. And what I'm suggesting is that as far as the plan amendment and the rezoning should be considered a maximum of four units to the acre is the most that I could find from a professional standpoint appropriate.

MR. YOVANOVICH: Have you ever done any apartment housing rezones or Growth Management Plan amendments?

DR. DePEW: Well, that's two questions. I think --  
(Simultaneous crosstalk.)

MR. YOVANOVICH: I'll break it down. Have you ever done any apartment -- apartment -- any Growth Management Plans amendments to authorize apartment -- market-rate apartments in any jurisdictions?

DR. DePEW: I don't recall any off the top of my head.

MR. YOVANOVICH: Have you ever done any rezone petitions to authorize the development of apartment-style housing on property?

DR. DePEW: Yes, sir.

MR. YOVANOVICH: Do you recall what the average number of units were in those apartment complexes?

DR. DePEW: I don't off the top of my head, no, sir.

MR. YOVANOVICH: Do you have any testimony that the slide we presented showing that apartment developers are seeking approximately 300 units for apartment developments is an incorrect market determiner for the size of apartment complexes?

DR. DePEW: No, sir.

MR. YOVANOVICH: That's all I have.

CHAIRMAN STRAIN: Okay. Thank you.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you, sir.

DR. DePEW: Thank you, all.

CHAIRMAN STRAIN: And the next speaker, James.

MR. SABO: Next speaker is Bill Arndt.

MR. ARNT: Good afternoon. My name is Bill Arndt. I'm the president of Barrington Cove HOA.

I really appreciate the consideration you guys are giving this. You're doing a great job for our

community, and I really appreciate you very, very much.

One of the things that came up today, my word of the day was specious; it's having a false look of truth or genuineness. I can submit that what we're looking at here is a specious type request. The reason being is -- the first point is that the requirements to reach the seven or eight and a half, whatever it would be, are not being met clearly, at least in my estimation.

The second point is is that this -- when we were talking about getting to eight and a half, Mr. Yovanovich said that he meets all the requirements of the game and that the game allows him to do this. We didn't realize we were working in a game, because when we bought our properties we didn't think this was a game. We thought this was life. So the people that are being affected by this are not playing a game.

And the second thing he said was that it's not a requirement of the game to make the neighbors happy. The neighbors are not looking to be happy. We're just looking for the quality of life that we're used to. We're looking for the right for our kids to walk down the street unobstructed by traffic that will be coming. Our kids walk down Veterans Boulevard every day to go to the schools, to the elementary schools. They walk down -- they have to cross Livingston Road to go to the elementary schools.

The one exit for the property, Allura, is on Veterans Boulevard. It's going to increase the traffic flow 120 feet from the light, and that's where kids are going to be going in the morning and in the afternoon every day that they go to school. When they start going to high school, it's going to be even more affected.

So all we're asking for is simply to take consideration, first of all, the fact that we already own our property, so we're property owners. They own 15 acres, but they don't own the other 20. That's proposed. They're not property owners of the other 20 yet. We do -- all the residents in Barrington Cove, 134 of us, do own our own properties.

One last point: Mr. Yovanovich said he had been barred from speaking to the HOAs. I don't know where that came from. I don't have any agreement with Mr. Fryer -- Mr. Bob Pritt barring Mr. Yovanovich or any of his people to talk to me. I know that Kady Wrede, who was here previously, she's from The Strand. She doesn't have anything barring them. I know that Camden Lakes doesn't have anything barring them.

I don't know why we haven't been talked to. I don't know why we haven't been spoken to. I know that was made in detail with the commissioners. They were supposed to come back to us. They didn't, and I'm really disappointed in that.

So I'm just asking you in your wisdom, you're the voice of us, the people. You're the voice that allows this community to grow the way it's supposed to grow. Please understand that the community, the people in close proximity are asking you, please, please, please allow the density of four to go through but no more.

Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker, please.

MR. SABO: Anne-Marie Cadwallader is the next speaker.

MS. CADWALLADER: Hello. I'm from Barrington Cove also. Much of what I was going to say has been said already, but I think we're left with three questions: What is the need for this, what is the impact, and what is the precedent?

As far as the need and why here, why apartments here at a luxury market rate. Included in the Allura packet is a list of apartments mostly just in Collier County that are new and existing. Over 10,000 units available, and that doesn't include new apartments, some on Bonita Beach Road, and Baumgarten up Immokalee. So the need for luxury apartments is just not -- has not been proven, and allowing such a destructive planning change with an exception to the original plan will set a very bad precedent for any and all community development.

How, then, is anyplace immune to changes in their neighborhoods that will diminish the quality



of life, create the crowded conditions and traffic that people were trying to avoid by buying in primarily residential neighborhoods? Has there ever been a reputable study that proves home values go up when three-story apartment buildings are built in the backyards of single-family homes?

It's just -- it's a bad idea for our community. It sets a bad precedent. It's incompatible. So I would hope that you as Planning Commissioners would vote to remain at the original density of four.

Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker.

MR. SABO: Next is Nancy Huntt.

MS. HUNTT: My name is Nancy Huntt, H-u-n-t-t.

Thank you, Commissioners, for taking the time to listen to us today.

I am a board member of the HOA of Barrington Cove. Recently have moved here from Dallas, Texas, and took on the role of transitioning ourselves out of our developer into our homeowners.

I can't agree more with our neighbors and those in the know, and I agree with all of their suggestions, and I ask you to take those into consideration.

Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker.

MR. SABO: Next is Arnold Saslavsky.

MS. SASLAVSKY: Good afternoon. It's Arnold Saslavsky, S-a-s-l-a-v-s-k-y. I'm a resident in The Strand. And ever since this property change came to -- came into my knowledge, I started checking online at apartments.com. And I checked this morning. There were 1,562 apartments listed available and, as was pointed out earlier, about a third of Inspira's inventory is available.

So where's the need for apartments in this area? We've got 264 units going up right now on Bonita Beach Road by I-95 -- I-75, sorry, and with the convenience of being able to walk to a Starbucks. We have a proposed 325 apartments at Pine Ridge Commons at the corner of Goodlette and Pine Ridge, also walk to a Starbucks. These apartments, nobody's going to want to walk to Starbucks from there, so...

And the Arthrex employees, I'm not sure about -- I'm not sure about that. I don't know how they get to be -- what was it -- oh, they get some kind of privilege, that firemen and policemen discount. I don't see how Arthrex employees qualify for that. They should be paid enough money to afford apartments.

So I'm asking you to, as well as the other folks -- and I'd like to hear the answer to Mr. Fryer's question about one-year lease commitments from the folks at Stock Development. And I'd like you to consider either denying or minimizing this project.

Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker.

MR. SABO: Next is Zannos Grekos.

MR. GREKOS: Good afternoon, Z-a-n-n-o-s, G-r-e-k-o-s.

Thank you all for your time on the Board. I know you're volunteers, except for Mr. Strain, and I know how much effort that actually takes.

Just me having come to several of these meetings, the first Planning Commission, the Board meeting, the reschedule last week and so on and so forth, it takes a lot out of you. And, you know, people that were here this morning with children and so on had to go home. So I appreciate you being here.

I think I'm going to -- what I'd like to do is bring up a couple points that stuck out in my mind. First was the fact that we're talking about the traffic, and I saw the amended traffic evaluation that Trinity had put up, and the remaining capacity for Immokalee Road between Airport and Livingston is 193 -- I think that's correct that I'm quoting -- and that is going to exceed or be deficient by the year 2023, I believe?

COMMISSIONER FRYER: Two.

MR. GREKOS: Twenty-two. Again, this is not -- those aren't peak hours, but if you guys have ever been on Immokalee during any kind of peak hour, you know that it's backed up past Airport from Livingston. And if we've got a high school that's going in with close to 400 seniors that all drive and another 400 juniors where half of them drive, that's a lot of cars, and that's not even the staff of that high school.

If a small percentage of them are going anywhere on Immokalee, that's already going to overwhelm. And I think we're going to reach that deficiency much sooner than 2022. I also believe that anything going northbound on Livingston -- we're talking about -- Trinity mentioned that we don't build our roads for peak, but peak is getting longer and longer in Collier County, and it's lasting from before Thanksgiving till after Easter. And as high schools and more density, which is already in the Growth Management Plan for that area, goes into place, that Livingston Road is going to become much more overwhelmed and it's going to add fuel to the fire if we're increasing density without a good reason.

So the second question then -- the second question is, what is the good reason that we want to add 150 extra units to this corner? Well, the ability for teachers and first responders and Arthrex employees to have a place to live transiently has been brought up, but what I would counter with that is in Barrington Cove, we are the neighborhood that they move to.

So just Brittany here with her twins lived in Orchid Run for a little while and then moved into a neighborhood, we are that neighborhood. And that's what we believed that the planners for Collier County initially saw this corridor between Immokalee and Bonita Beach Road off Livingston as a neighborhood corridor where people could have families. I've got an eight-year-old at home. Their kids could ride bikes.

And that is the flavor of this corridor. Those 5,000 family homes or attached villas in that area are neighborhoods. We need neighbors in Collier County, and I think we're being a little bit shortsighted in thinking that we need to build apartments now, because those people that build apartments that want to move into our area need to go somewhere. So where are they going to go? It's going to bottleneck, and then you're going to have people like the Stock developers here asking now for more neighborhood-type areas which we were shortsighted enough and did not provide at this point in time.

So what I'm saying -- what I'm asking is, please don't give us another apartment building. Please let us keep and give us a neighborhood, which is what we need right now.

Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker, James.

MR. SABO: Next is Rob Conforth.

UNIDENTIFIED AUDIENCE MEMBER: He had to leave.

CHAIRMAN STRAIN: Okay. Next speaker.

MR. SABO: Next is Ed Gorelick.

CHAIRMAN STRAIN: It doesn't look like he's here either, so let's go to the next one.

MR. SABO: I know this fellow is not here; Michael Dalby.

CHAIRMAN STRAIN: Nope. And who's left? Anybody?

MR. SABO: That's it. That's it.

CHAIRMAN STRAIN: Is there any member of the public who has not spoken and would like to speak?

(No response.)

CHAIRMAN STRAIN: Okay. With that, we'll turn to the applicant for any rebuttal that they'd like to make.

MR. YOVANOVICH: Normally I don't respond directly to public comment, but I think I need to respond to Mr. Arndt. I met with Mr. Arndt twice regarding this project. He told us, Keith Gelder, me, and Bob Mulhere, that he could not deliver a majority vote out of his community one way or the other on

this project, and I said I wouldn't put him in that position to have to be the decision-maker for the community.

Mr. Arndt and I think it's his wife Anne-Marie have made it very clear they weren't budging from four units per acre. This is after they asked us at the meeting would we agree to three stories and basically redoing Inspira on this property. And where are we? Three stories and redoing Inspira on this property, and we're still not satisfying their comments.

I don't think it was appropriate for him to characterize our team and in particular Stock Development as specious. I think Brian has proven to this community he is a reputable person personally as well as his company and have been dealing with Mediterra and Mr. Arndt and Briarwood -- I'm sorry -- Barrington very professionally and very courteously. And we agree, we agree to disagree. That happens. There's nothing wrong with that. But to use terms like specious is, I don't think, fair, and I just wanted to clarify that on the record.

There's no slippery slope. Each petition is evaluated on its own. And we hear this argument all the time about setting a precedent. You look at each petition on its own. There's no precedent being set by approving the Comp Plan amendment and approving the rezone for the property.

I will -- I'm shocked at the attack against the project being we're not providing affordable housing. I think Mr. Fry is 100 percent on the number. If we came in with an affordable housing project under the current rules of the Growth Management Plan, I could tell you we'll be way higher than eight-and-a-half units per acre in the request, and we'll go through the process, and then we can have the discussion about is providing housing for people who need affordable housing in the public interest or not.

And I will tell you I've been doing it long enough that whenever I have brought -- and I have brought a few affordable housing projects through the process. There isn't a neighborhood next to it that supports it.

So you have a Comp Plan that allows us to, I believe, get to 16 units per acre if we went through the affordable density housing program. And I'm going to tell you, people will go -- they'll be upset if we were to elect to come in with an affordable housing project on this piece of property or someone else were to do this on the piece of property, although the existing Comprehensive Plan allows for that, to ask for it.

So we did discuss how do we assure that first responders, teachers, nurses -- essential service personnel has been the term we've used for other projects -- are given an opportunity to move to Collier County, live in good, safe apartments until they decide whether they want to own a home or stay in that apartment. They may decide to stay in that apartment.

And there have been some who have implied that people who live in apartments aren't quite the type of people that they would like to have their children associate with or run into. I've heard it in NIMs. I think we heard a little bit of that today.

So there is no question that there is a need for market-rate apartments. We've proven that. Your staff agrees. The community is allowed to say we don't think you have proven it, but we have proven it, and they don't have any studies to contradict that we need this type of housing.

So back to how do I make sure Arthrex, the school board, Collier County, and other essential service personnel have the ability to live in this community? And we said we would make a proposal after lunch, and we're going to.

Our proposal is that we -- and we've done this on other projects for essential service personnel, and we have a definition we can read into the record but it's essentially, you know, medical professionals, nurses, schoolteachers, government employees. That's the category of people I'm talking about.

In other projects we've agreed to set aside a portion of those units to where we market to them first. And if they want to come live in our community, great. If they don't, then we can go to people outside of this ESP, essential service personnel group.

People like me as a lawyer, I don't qualify as essential service personnel, so I would have to wait for a teacher or a nurse or firefighter or a police officer to say, no, I don't want that unit before I can go

into these restricted units.

So we would propose to restrict 55 of the units to be marketed first to essential service personnel.

CHAIRMAN STRAIN: Rich, before you leave subject -- and I don't want to interrupt you, but I want to make sure the question that was raised, the young lady that spoke said that you guys provide discounts to essential service personnels, and I think we're looking to --

MR. YOVANOVICH: That's where I'm going to go next.

CHAIRMAN STRAIN: Okay. That was -- I wanted to make sure you had it there.

MR. YOVANOVICH: First I want to let you know that we were going to make sure that 55 of the units would be set aside to be marketed initially to them, and if we couldn't fill those 55 units with them, other nonessential service personnel can live in those units, and then when those units come available again, they would again be marketed to essential service personnel. So we would always try to hit that 55.

Of those 55, we would agree to restrict 28 of those 55 to people making between 80 and 100 percent of the median income of Collier County which is -- if you look at your moderate income, it ranges from 80 to 120 in your affordable housing density bonus matrix. We would be at half of that. We put 80 to the 100.

So we would agree, again, subject to finding people who want to live there in those income categories, which would mean we have to bring the rents down to meet those income thresholds.

So that will take care of your schoolteacher who may have a roommate that wants to have a nice place to live. They'll be in that income category, plus they'll be essential service personnel, so you'll get them twice.

So we believe between the need for more apartments, which is uncontroverted even by their own expert who says he's got no reason to believe that David Weeks isn't right in reviewing our data and analysis, that the further limitations that have already gone through the process, which was to reduce the height to three stories, reduce the density to 304, to further limit those 304 to targeting essential service personnel both from the 55 units but also income restricting 28 of those 55 to the 80 to 100 percent income category.

CHAIRMAN STRAIN: You mean 80 to 120 or 80 to 100?

MR. YOVANOVICH: Eighty to 100. Not 120. We're not trying to get all the way to the top. We're going to the midpoint of that range. We'll provide additional benefit to those who are trying to relocate to Collier County to work either at Arthrex or the school system or any of the hospitals or for any of the doctors that are in this community. And in that category we've even talked about construction workers fit the definition of essential service personnel when we've done this before.

So we would propose that modification to address, and that's how we would be dealing with the reduction in price, if you will, for Arthrex and other employees, through restricting those income categories for 28 of the units.

We are -- frankly, we're proud of the project. You've seen it. You've seen Inspira. And if anybody says that that's not a luxury apartment complex that anybody would be proud to live next to, I don't know why people would say that. It's in Lely Resort, which is a top-notch community in Collier County.

With that, we request that you follow your staff's recommendation on the Growth Management Plan and recommend to the Board that they adopt it, and we request that you follow your staff's recommendation with regard to the PUD and recommend that it be approved as well.

And with that, we'll be happy to answer any more questions you may have or clarify anything I just said on the essential service personnel and --

CHAIRMAN STRAIN: Okay. Anybody have any questions?

COMMISSIONER FRY: One quick one.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER FRY: How are you going to incent Arthrex employees? Could you just



repeat that section.

MR. YOVANOVICH: What we said is they would fit the category of -- as I understand Arthrex, because I've done some work for them, I would think they would fit the category of medical. So they would be in the essential service personnel category, so they would fit within the 55 as well as the income restricted if they have some employees that needed the income-restricted unit.

COMMISSIONER FRY: Are you prepared to make formal offers in terms of the buffering and setbacks along Livingston Road also?

MR. YOVANOVICH: Yeah. We talked about the 80-foot setback.

COMMISSIONER FRY: Yes.

MR. YOVANOVICH: And the enhanced buffer, yes, sir.

CHAIRMAN STRAIN: I made all those notes.

Anybody else have any questions? Go ahead, Karen.

COMMISSIONER HOMIAK: What is the rental times for --

MR. YOVANOVICH: I'm sorry.

COMMISSIONER HOMIAK: The rental times, the length.

MR. YOVANOVICH: Oh, they have -- 12 months is the normal rent, but they do have a shorter-term lease for people who relocate, and seven months for people who relocate. If they're building a house or something and they don't need a full year, that's --

COMMISSIONER HOMIAK: Right.

MR. YOVANOVICH: They still go through the same screening. And, frankly, they pay -- I think they pay a little bit extra for only having seven months of an obligation while they're looking either for a house or they're building a house. So it's seven months is the minimum lease.

COMMISSIONER FRY: Could we have the representative from Greystar confirm that in terms of -- that was a concern of the neighbors and some people requesting the 12-month leases only. So is there a premium, in fact, for a seven-month lease?

MS. CARDOZA: Yes. Anything that is shorter than a 12-month lease gets an added premium. So I have 200 additional per month for a seven-month lease and then 150 -- for a seven to eight, add 200. Nine to 11, add 150.

COMMISSIONER FRY: Per month?

MS. CARDOZA: Correct. May I ask her one more question in terms of the makeup of Inspira?

CHAIRMAN STRAIN: Ask all the questions you want, sir.

COMMISSIONER FRY: So what is the mix at Inspira of one-bedroom, two-bedroom, three-bedroom? Is there such a thing as a studio apartment?

MS. CARDOZA: We have ones, twos, and threes, and I think we're 45, 45, 10, right in there, for percentages, 45 one --

COMMISSIONER FRY: Forty, 45, 10?

MS. CARDOZA: Yep, 45 percent ones, 45 percent twos, and 10 percent threes.

COMMISSIONER FRY: Okay, thank you.

CHAIRMAN STRAIN: Go ahead, Tom.

MS. CARDOZA: Correct, no studios.

MR. EASTMAN: Rich, I had a question with regard to the ESP units and offering those to that type of renter first. What type of period are you talking about? I mean, is it 24 hours or three months or --

MR. YOVANOVICH: What we've done in the past, Mr. Eastman -- good question -- was the initial lease-up we've required at least 60 days during the lease-up period to try to fill the building with someone who meets essentially service personnel. And then when a unit -- if it's a unit that doesn't -- say we only get 54 people, when that 55th unit comes available, we have a minimum period of 30 days that we have to try to find someone who meets the ESP parameters before we could then market it to someone who didn't.

MR. KLATZKOW: At the same rental? Is it still market rate?

MR. YO VANOVICH: Well, it depends which unit we're talking about, Jeff, because some of them --

MR. KLATZKOW: Let's just break it down, because saying you're going to reserve market rate for essential services doesn't do anything. Let's just talk about the number of units you're willing to reserve at a discount.

MR. YO VANOVICH: Twenty-eight.

MR. KLATZKOW: Twenty-eight units.

MR. YO VANOVICH: And that will be the same thing.

MR. KLATZKOW: I understand that. So that will be -- you'll have -- you're offering 28 units at a discount rent. And how is that discount rent calculated?

MR. YO VANOVICH: The county has a formula that they use. You look at the income, and then you have to subtract out an amount for utilities. We would use the county's formula to determine what the allowed rent would be based upon their income.

MR. KLATZKOW: All right. So that would be the formula?

MR. YO VANOVICH: Yeah, the county's formula. They have one. I wish I could tell you exactly what it is.

MR. KLATZKOW: I'm just looking to get some clarity as to what the offer is.

MR. YO VANOVICH: We would use the county's exact formula for qualification.

(Simultaneous crosstalk.)

MR. KLATZKOW: You're offering 28 units at a discounted rental for essential personnel?

MR. YO VANOVICH: Yes.

MR. KLATZKOW: Okay.

MR. SABO: Mr. Chairman, if I could just interject. The median income in Collier County is about 66,500. So if they're talking about 80 percent to 100 percent, 120 percent of median income --

MR. YO VANOVICH: No, no. A hundred, James. It's a 100 percent.

MR. SABO: A hundred percent.

MR. YO VANOVICH: Eighty to 100. Not 80 to 120.

COMMISSIONER FRYER: That's the offer.

MR. SABO: Yeah, correct, but that starts at \$53,000.

MR. YO VANOVICH: For a family of four.

MR. SABO: On the lower end, correct.

MR. YO VANOVICH: Family of four. You've got to remember there are single individuals that that number's somewhere in the forties, if I remember correctly. Am I close, Keith? Yeah.

MR. SABO: Fifty-three thousand to 66.

MR. YO VANOVICH: For a family of four.

CHAIRMAN STRAIN: Did you have something else you wanted to add, James or Rich?

MR. YO VANOVICH: No. I just wanted to make sure --

CHAIRMAN STRAIN: Okay. Anybody have any other further questions of applicant or anybody at this time?

MR. YO VANOVICH: If I just can say, if it's a single person at the 80 percent, that's a \$42,000 income just so you have that frame of reference.

CHAIRMAN STRAIN: Well, before we close the public hearing and go into discussion, I have some lists of things that we've brought up. First of all, the staff recommendations would be accepted. Do you have any problem with that?

MR. YO VANOVICH: It was so long ago, I don't think so.

CHAIRMAN STRAIN: Okay. The setback along Livingston Road will be at 80 feet with an enhanced buffer, meaning it will be the Type D width but the Type B buffer plantings.

MR. YO VANOVICH: Principal structures would be the 80 feet.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: Yeah. I just want to make sure we were clear on that.

CHAIRMAN STRAIN: Correct. You're going to correct the reference to the accessory setback on the eastern side from Barrington Cove so it matches up.

You're going to be providing for essential service personnel first a period of 60 days on a unit and then -- for 55 of the units.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: And then each time they come up they'll, again, have the 60 days to -- for first refusal. And then 28 of those units would be for 80 to 100 percent affordable income range personnel.

MR. YOVANOVICH: Let me correct one thing.

CHAIRMAN STRAIN: Go ahead.

MR. YOVANOVICH: The 60 days is at the initial rental. The re-rental would be 30 days for finding a replacement in the essential service personnel unit.

CHAIRMAN STRAIN: Okay. Because I didn't hear you say that.

MR. YOVANOVICH: I thought I did.

CHAIRMAN STRAIN: You might have. I just didn't get it.

MR. YOVANOVICH: That's why I was correcting it.

CHAIRMAN STRAIN: And the minimum lease period will be seven months.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay. Those are the notes I made. Does anybody have any other notes that we --

COMMISSIONER FRYER: We'd put forth a question of whether they would be willing to go to 12 months.

CHAIRMAN STRAIN: Are you asking that question?

COMMISSIONER FRYER: I'm asking the question.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: It's -- right now -- can I have a moment? Honestly, I'm not ready to answer that question right now.

CHAIRMAN STRAIN: Sure. We'll take a pause for five minutes.

COMMISSIONER DEARBORN: Mr. Chairman, can I say one thing?

CHAIRMAN STRAIN: Yes.

COMMISSIONER DEARBORN: Ask one question? The question is, would they be willing to go to just 12-month rentals only?

CHAIRMAN STRAIN: Minimum.

COMMISSIONER DEARBORN: With the belief of -- that we're going to -- my question is, so I come down here on a short -- I know, for example, lots of companies do short-term contracts. So we're going to penalize those people that want to come here for Arthrex or -- I know there's also mobile nursing that travel here that are on short-term. There's a variety of different things that would come here on six-, seven-, eight-month categories. And I'm not playing into yet the decision one way or the other. I'm just saying to you, I don't see an issue of being -- requiring a 12-month minimum. Why penalize someone that can only come here on a work deal for seven or eight or nine months?

MR. KLATZKOW: So what's the public purpose for a 12-month limitation?

COMMISSIONER DEARBORN: Yeah. I don't get it.

COMMISSIONER FRYER: Well, anecdotally, again, I think that people take better care of property the longer that they stay there. And the shorter term, I just think, tends to bring about less regard for the premises they're occupying than a longer term.

COMMISSIONER FRY: If the applicant wants to stick to your guns on the seven-months minimum, I'd like it stipulated that there is the premium for the seven-month. You know, as you stated,

I'd actually like that written in, because I believe, in my mind, that addresses a concern of a lesser quality of people on a shorter-term lease, which I think is the overall concern.

If you're paying \$1,950 average per month versus 17,50 because you're renting for seven months, to me that further excludes the income levels that can afford that and would seem to serve the purpose of a high-quality of resident.

CHAIRMAN STRAIN: Mike, this is the last time you get to speak to us, so let's hear it.

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

I'd just like to remind the commission that currently we have a six-month regulation for tenureship within a leasing period by our LDC. For all other geographic or all other residentially zoned properties in the county, we have a current regulation that requires six months. Seven months would be actually greater or more restrictive than what the LDC would require.

Twelve months, obviously, would double that. And I just wanted to provide that in terms of perspective in terms of what this ask is in relationship to the other residentially zoning districts within the county.

MR. YOVANOVICH: And, Mr. Fry, the concept --

COMMISSIONER DEARBORN: Thanks, Mike.

MR. YOVANOVICH: Oh, I'm sorry, Mike. That will be the last time I get to interrupt you.

We certainly have -- the concept is not a problem for us having a minimum of seven and that there be a premium paid for that seven-month lease versus the 12-month lease. I just don't want to put a dollar threshold in the PUD.

So I don't have a problem saying that there has to be a premium payment for the seven-month to the 12th-month option. Does that work for you?

COMMISSIONER FRY: You say you would --

MR. YOVANOVICH: We would charge a premium. If you rented from --

(Simultaneous crosstalk.)

COMMISSIONER FRY: -- language you would charge a premium for a seven-month -- for leases shorter than 12 months?

(Simultaneous crosstalk.)

MR. YOVANOVICH: It would never be less than seven, and anything less than 12, there would be a premium rent charge.

COMMISSIONER FRY: But you're not comfortable specifying a dollar amount --

MR. YOVANOVICH: Right.

COMMISSIONER FRY: -- or percentage.

MR. YOVANOVICH: Right. It's just difficult to do, you know, with the --

MR. KLATZKOW: You know, we have to enforce this as a county. Keep that in mind when you're putting together stuff for the ordinances. I mean, seven-month minimum is one thing. But trying to figure out what the rent discount is is -- I don't know how we're going to do that.

COMMISSIONER FRY: Point taken.

COMMISSIONER HOMIAK: It's too much. I'm just wondering -- I'm sure -- I know in our homeowners association our rentals for a home are 90 days three times a year, and another association it's 180 days, once a year. So I'm sure these homeowner associations have their lease agreement in their documents, and it's less than a year.

COMMISSIONER FRY: Got it.

CHAIRMAN STRAIN: It doesn't mean they can do it.

COMMISSIONER HOMIAK: One year. Well, not all of them I know. The Strand has a lot of associations, so I doubt they have all one-year leases.

CHAIRMAN STRAIN: But the documents that they have can't supersede our county ordinances. So if we have an ordinance --

COMMISSIONER HOMIAK: Right.



CHAIRMAN STRAIN: -- that says they can't lease less than seven months, I don't care if their homeowners say they can lease three months. They've still got to do seven months. Now, how they're doing that, nobody's complaining about it, so it's probably not an issue. They've still got to go by what our local ordinance says.

MR. YOYANOVICH: Plus, we're way easier to audit on that commitment because we're one owner and it's an apartment complex. It's not like you're having to deal with 304 different unit owners to verify that that commitment's being met.

CHAIRMAN STRAIN: Okay. Any -- so what we'll end up -- well, first of all, where's your question Stan -- Karl? I mean, not Karl, Ned. You had asked a question that started this discussion. You're the Fryer. He's the Fry. So he already fried your fryer, so...

COMMISSIONER DEARBORN: You jump up from the fry to the fryer.

CHAIRMAN STRAIN: What is your -- what do you want to do with your question? He was going to take a break to answer it. I don't know if you've resolved it now or not.

COMMISSIONER FRYER: It would not change my vote, so I'm dropping the question.

MR. YOYANOVICH: Appreciate that.

CHAIRMAN STRAIN: And the way that last item will read is a minimum lease period of seven months.

So with that, if there's no more questions of the applicant, seeing nobody indicating such, we'll close the public hearing, and we can either start with the discussion or start with a motion, whatever somebody wants to do.

COMMISSIONER DEARBORN: Mr. Chairman, I think we should start with discussion.

CHAIRMAN STRAIN: Yes, sir. Okay. Go ahead.

COMMISSIONER DEARBORN: I defer to you, sir.

CHAIRMAN STRAIN: I just read off my stuff as far as suggestions go. I'm -- I don't know what direction this board's going to go. I had addressed some concerns I had originally because of the change to the GMP. I really have seen nothing new that changes my position on that, so my position on that will still remain the same.

Tom?

MR. EASTMAN: I just had a question regarding essential service personnel. I think that that has been defined in the past to include government workers, police and fire, medical, people employed by the hospitals, et cetera. I don't know that it extended to construction workers and Arthrex.

CHAIRMAN STRAIN: Well, I can -- yeah, I can pull it up here in a minute. Are you guys getting it?

MR. YOYANOVICH: Yeah, we have it. Do you want me to read it into the record, Mr. Chairman?

CHAIRMAN STRAIN: Yeah, that's fine.

MR. YOYANOVICH: What we have done in others, it says, in Collier County, essential personnel -- essential services personnel is defined as follows: Those individuals employed in the community as teachers, educators, other school district employees, community college and university employees, police and fire personnel, healthcare personnel, skilled building trades personnel as listed in the U.S. Department of Labor general division -- I'm sorry -- General Decision No. FL150012 dated 3/20/2015 for building construction in Collier County as may be amended or superceded from time to time, and government employees.

If we need to be clear, I assumed Arthrex fit the definition of medical because that's what they're --

MR. EASTMAN: I stand corrected, Rich. You're clearly right based upon that definition.

MR. YOYANOVICH: I want the record to be clear. If I need to add something to address Arthrex or other companies that provide these types of medical devices, we want to make sure they're in that definition.

CHAIRMAN STRAIN: Well, in your write-up to this definition, why don't you -- don't reference Arthrex by company --

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: -- but reference the kind of personnel they have so that that personnel level is included.

MR. YOVANOVICH: I will. I just wanted to make sure when that -- I'm assuming that's -- that clarification is wanted by the CCPC when they see it.

CHAIRMAN STRAIN: I think -- well, by simply using it in one of the stipulations, it has to be provided.

MR. YOVANOVICH: We'll put something together that meets the spirit and intent of what I just said.

COMMISSIONER FRY: If you added the definition, "medical device manufacturer," that would certainly cover Arthrex.

MR. YOVANOVICH: Probably get you there.

MR. KLATZKOW: So we're going to have a separate category now for Arthrex now as far as the land development regulation.

MR. YOVANOVICH: No.

MR. KLATZKOW: Let's -- I realize how valuable Arthrex is, but a secretary for Arthrex is not any more valuable than a secretary for any other company in this county.

CHAIRMAN STRAIN: But if we leave it the same definition we've used in another PUD, we'd be okay.

MR. KLATZKOW: Exactly.

COMMISSIONER FRY: Fair enough.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: And that other PUD, I think Milano, whatever that one's called over there now by Lord's Way.

MR. YOVANOVICH: Yeah.

CHAIRMAN STRAIN: That's the one I believe -- is that the one you just used?

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: Okay. That's the one I thought. I remember that from the past. Okay. But resurrect that.

MR. YOVANOVICH: We will.

CHAIRMAN STRAIN: Okay. Okay. Any other discussion? Ned?

COMMISSIONER FRYER: At the time of transmittal I had some serious misgivings about this project, but I voted to transmit, and I also stated some concerns that I had at that time. I also believe that the developer and the developer's agents have gone a good distance toward accommodating many of the concerns that have been put on the table, and I compliment them for that; however, the main sticking point that I have at this time has to do with compatibility of the developments that surround or about the Allura project.

Mediterra, the DU per A is .56; half an acre roughly. Brandon, 3.99 dwelling units per acre; under 4. Sandalwood, 3.1 dwelling units per acre. RMC Enclave, 4.02 dwelling units per acre. Royal Palm International Academy, 3.37 dwelling units per acre. Marsilee Villas, 2.63. Then Allura, 8.46.

Now, I'm not saying that as a matter of judgment on my part per se that single-family and multifamily can't live adjoining one another. That's not my position. But I do think that compatibility is significant. And in this case I think as a criterion, and the compatibility criterion in my judgment has not been met by this project. And so for that reason I'm going to vote no.

CHAIRMAN STRAIN: Okay. Does anybody else have any other comments? Karl.

COMMISSIONER FRY: Yes, sir. In the interest of eliciting viewpoints of other Planning Commissioners, I'd like to share my thoughts.

I'm conflicted on this issue because I feel like we're between a rock and a hard place here. I believe that -- I do see some justification, and I don't see it as an absolute not to have an apartment complex adjacent to single-family homes. I have that in my neighborhood. My kids ride by it and walk by it on a regular basis on the way to Target. It's a considerably less caliber apartment complex than what you're proposing here.

This particular location is on a major -- is on a corner. It's accessible on the main roads, not through any neighborhoods. So in a way it's cut off traffic-wise from the neighborhoods. Those are positive. Also another positive I see, a potential positive, is that you are allowing people that don't have the down payment for a single-family home to buy one, or they're just not ready to buy one, but they have pretty high income. These are not -- you could buy a house with \$1,700 a month if you had a down payment.

So to have the ability to have ESP units available and rental units which, by nature, is going to apply to some people that single-family homes do not, but to be able to put them inside the TCMA -- and as I understand, the point of a TCMA is to concentrate development somewhat in an area to avoid sprawl out to the east.

So I see those as -- this is kind of the rock, and then I got to the hard place. Not a bad idea to have the ability for teachers if they want to rent rather than own a home. The firemen that work there, people from Arthrex. I mean, all the types of things to have a very local and central location to live. To me, those are positives.

I've driven by Inspira. I haven't toured it like Commissioner Dearborn. Thought it was beautiful. As a younger person or in a certain circumstance, I could see myself wanting to live there with the gigantic pool and amenities and those types of things. So I don't think the -- I think a very good job has been done by the applicants and by the team for the applicants of demonstrating sensitivity to the site plan: Buffering, setbacks, the quality of the apartment and the kind of people that you will attract at those rents and that type of unit.

So the wildcard that I said earlier, to me, like I said, is De La Rosa, which I look at from a standpoint, if I lived in Barrington Cove, how would I feel about the prospect of De La Rosa going in? I believe the sentiment is probably that it won't go in or at least it won't go in according to that site plan that's been presented. But the fact I do see some relevance to is that it's approved at seven units per acre. So whatever they end up doing there, they can build at a density of seven units per acre. And because it was approved a long time ago without -- at least it doesn't seem like it had the resistance that this has had -- you guys have very effectively proposed or presented.

You know, you've got less setbacks and higher building heights that are at least possible there which, in my mind, if I'm living in Barrington Cove I'm thinking might be a more intrusive impact on my -- on a certain area of my neighborhood than this thing would overall be in terms of just how much of a sense I have of it being there because it's pretty well hidden.

My main concern is traffic. And I think it's -- I'm not alone in that. And I understand we meet the criteria for -- by the numbers. It doesn't trip and triggers where it's over the thresholds to cause the roads to fail; however, just because we don't plan our traffic for peak season doesn't mean that people should necessarily be told they have to live with gridlock for -- predictably, for six months out of the year.

I would like -- my hard place is that I think there does not seem to be any kind of an answer for the north/south traffic equation that will make this possibly get better as we add Oakes Farm, as we add the new high school, even the interconnection of Veterans Memorial Boulevard over to Old 41, I'm not sure how much that would alleviate the north/south other than people trying to get over toward the coast.

So I'm not sure -- I like the concept of this apartment complex. I like the design of it. But my concern is the density with respect to the traffic that it generates.

I wish you could say -- I've asked the question: How many units do you need to be able to create this caliber of apartment complex and -- you know, but reduce the density? Because I -- in the last meeting I voted no, but I proposed that we extend that seven units per acre that's in De La Rosa, but

spread it out across this total acreage, have it better buffered, and have it be a less overall impact to the neighborhood but still have the apartments located for all the other benefits that it provides, but I was told that 300 is a sweet spot and that below 300 units you cannot justify that level of amenity.

To me, that's the great unfortunate aspect of this, because not much has changed. You made a few more concessions, which I certainly appreciate for the betterment of all but, fundamentally, it's kind of -- it's mostly the same development.

And so the traffic conundrum hasn't changed. So I find myself in a similar position -- or like I said, slightly different but similar position to Mr. Strain where I have a hard time voting for it at the density of 8.55. I could vote for it at a density of seven, which I believe is a reasonable way to balance all the interests in this, which is what I think our job is, or at least I look at as my job up here to try to balance the interests of the neighborhood, the county, you know, the potential positive interests of all so we all walk out -- you know, nobody wins, but nobody people -- you know, people walk out not having -- feel like they were trampled on.

Thank you.

CHAIRMAN STRAIN: Okay. Anybody else have any comments? Is there a motion from anybody?

COMMISSIONER DEARBORN: Mr. Chairman, I have one more comment, if I can.

CHAIRMAN STRAIN: Sure.

COMMISSIONER DEARBORN: A lot of great points have been brought up about this, and I want to just readdress in my world of real estate. In most of the gated communities I'm familiar with, including those represented here today, there's some great communities there.

Rentals in homes in these gated communities is rampant, whether people want to admit it or know about it or not, and a lot of them are off the record, and a lot of HOAs I'm aware of allow rentals, 90-day minimum, minimum three times a year, and I can rattle off a lot of gated communities in North Naples that allow that.

To me, as a homeowner in a gated community, like these nice ones that are represented here today, I don't personally like, as a homeowner, having people coming and going in our, call it, our family, our gated community, especially off the record. Kind of hard to -- we've seen some struggles at a county level of how to regulate all that.

What I do see here from this project is that by making these nicer, higher-end apartments available, A, we can attract people to this area, professionals, first responders, those that we -- essential to our county greater than we do now; number two, I think it will alleviate a lot of people, investors, buying a property in a gated community for the sole purpose of renting that out off the record, off the county books, et cetera, which is rampant in this county, and you can read the articles that have come out recently about that.

And it's a controlled environment where we're going to provide nice amenities and nice areas. The one lady that was here, so sweet with her kids, and I appreciate her time, she even mentioned, she was in Orchid Run, I think, another apartment complex on a pretty busy corner of Airport (sic) and Livingston, and they came down for a year before making the move to buy and become a part of our Collier County community.

And I think that, as a community, I understand the challenges with traffic. We could sit here and talk about challenges with traffic on every road in this county. But I think at the end of the day this is a good thing in the long run for the county as a whole, and I think that whether that makes people in those communities happy or not -- and I'm in that North Naples area -- I think that in the long run it helps us out. It cuts down on people trying to rent and turn these homes in these gated communities into rentals which is going on in my world all the time. I just wanted to say that for the record.

CHAIRMAN STRAIN: Okay. Well, that takes --

COMMISSIONER HOMIAK: I agree with you.

CHAIRMAN STRAIN: That takes us to the -- someone needing to make a motion, and I



will -- we'll have to do them separately. We have a GMP amendment first and a PUD second.

The GMP amendment is PL20170004419, Livingston Road/Veterans Memorial Boulevard east residential subdistrict. Does anybody want to make a motion on that item?

COMMISSIONER DEARBORN: So moved.

CHAIRMAN STRAIN: To what, approve or deny?

COMMISSIONER DEARBORN: Approve.

CHAIRMAN STRAIN: I figured as much, but I'd like you to say it for the record. Is there a second -- well, before -- is there a second for discussion?

COMMISSIONER HOMIAK: I'll second it.

CHAIRMAN STRAIN: Okay. Motion made by Patrick, seconded by Karen.

Now, anybody want -- have any discussion on the motion?

(No response.)

CHAIRMAN STRAIN: From my perspective, as I mentioned earlier, I haven't changed my position because -- basically because of the GMP at this point. I don't think that this could have been expected by anybody doing their due diligence in the neighborhood. The GMP wouldn't have provided for it. Most of the provisions in the GMP don't allude to this kind of density for this kind of use. And so I think from that perspective, I'm real concerned about the fact the GMP -- it could not have been expected from reviewing the GMP.

I don't believe it's compatible due to the scale and the massing, which is inconsistent with the local development patterns. It's not just the fact that it's -- we've had examples of where it's consistent with other residential in other parts of the county, but in this location there isn't anything quite like this.

The higher density, we know, will produce more traffic. Basically they're going from what was previously allowed at about 189 up to 304. You've got to have more traffic with more units. And right now that area has got a difficult issue with traffic.

It creates an isolated district for a higher density within the area. We've seen the evidence by staff that outside of this project the highest density, I think, is 4.02, and this is over double that.

It provides a unique advantage to one property owner. This is an occasion where this one property is going to have that higher element. And the change is not needed to develop the property with what would have been allowed without a GMP amendment, which I estimate to be about 189 units.

And so for those reasons, I can't support the motion to approve the project. Anybody else have any discussion?

(No response.)

CHAIRMAN STRAIN: Okay. Based on the motion to recommend for approval, all those in favor of that motion signify by saying aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Could you raise your hand just -- how many? Two.

COMMISSIONER HOMIAK: (Raises hand.)

COMMISSIONER DEARBORN: (Raises hand.)

CHAIRMAN STRAIN: Okay. I wasn't sure I heard anybody over here. Thank you. All those against the motion, signify same sign.

COMMISSIONER FRY: Nay.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye. Okay. So it's 3-2 motion denied. And I don't know if we need to have any kind of -- if there's any other compromise that we might want to consider to send to the Board of County Commissioners. I don't know of one offhand, so I'm letting our vote stand from my perspective. Does anybody else have anything they want to consider?

COMMISSIONER FRY: I would vote in favor of the project at seven units per acre, 249 units, under similar design parameters otherwise.

CHAIRMAN STRAIN: Okay. Okay. With that, Richard, that's your response: A recommendation of denial's going to go to the Board of County Commissioners.

MR. YOVANOVICH: I understand. You still have a PUD you have to vote on.

CHAIRMAN STRAIN: Oh, that's right. Same -- and I'm going to basically -- thank you for reminding me.

The PUD is PL20170004385. Is there a motion for this PUD?

COMMISSIONER DEARBORN: So moved.

CHAIRMAN STRAIN: Seconded by?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Karen. The motion is to approve?

COMMISSIONER HOMIAK: Yes.

COMMISSIONER DEARBORN: Yes.

CHAIRMAN STRAIN: I would have the same discussion with the exception that under this one I'd add one other caveat that it's inconsistent with the GMP only because I can't find a way to get there through the GMP.

So with that, does anybody else have anything?

(No response.)

CHAIRMAN STRAIN: All those in favor of the motion to recommend approval, signify by saying aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Those opposed, signify same sign.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

Motions carries 3-2. Thank you very much for your time.

MR. YOVANOVICH: Thank you.

CHAIRMAN STRAIN: Motion fails 3-2, I'm sorry. Motion to approve fails 3-2. I'm running behind today.

Let's look at new business. Is there any other new business? I don't see any listed.

Old business? Mr. Bosi, you are definitely old business. I know -- I understand when I was late this morning that Patrick had brought up that Mike is leaving. I found out a couple weeks ago, I think, or less. I was shocked and dismayed.

I've been doing this for 18 years. I think Mike's been doing it at least that long or close to that long. I will miss his guidance. I certainly will miss his professionalism. He cannot -- nobody could have done it better.

And, Mike, I'm going to miss you. I want to thank you for all the time you've put into the help with citizens of Collier County, because you have kept us on a path, and we've always had arguments and disagreements with the boards trying to get things to the right side up and whatever, but you've always given us good advice, and I want you to know how much I appreciate it personally, and I'll miss seeing you here, so...

MR. BOSI: Thank you, Chair. And I'd just like to say, in closing, it's been 17 years. It's been a great 17 years of professional development, personal development, watching the community grow, watching the evolutions of the planning process and the development and the attention towards sustainability and the absolute painstaking efforts that this county does go to to make sure that we're trying to provide the most sustainable future and the best arrangement from a land-use perspective.

And as we've seen in today's hearings, it's not easy. It's hardly ever easy, because there's competing interests and there's things that are demanded upon this place, but there's also certain standards in a way that the population wants to feel. And it's always an evaluation. It's always a balancing

judgment effort. And I think that leads to good discussions. It leads to positive outcomes.

And I will -- will miss those discussions. I will miss the wisdom that the Planning Commission provides to the Board of County Commissioners and, most importantly, will miss the friendships that I was able to develop. So thank you.

COMMISSIONER DEARBORN: How about a standing ovation, Mr. Chairman, for Mike Bosi.  
(Applause.)

MR. BELLOWS: And I'd also like to say in my 30 years with the county, there hasn't been a better manager -- director.

(Applause.)

MR. BOSI: Thank you, guys.

CHAIRMAN STRAIN: Mike, if you miss us too much, turn to Channel 97.

COMMISSIONER DEARBORN: They don't get that on the East Coast.

CHAIRMAN STRAIN: Then you can just say, thank God I'm not there anymore.

MR. BOSI: Will do.

CHAIRMAN STRAIN: Thanks, Mike.

That takes us to old business. I don't know of any others. Well, I just did old business.

Public comment, nobody's left to comment. With that, is there a motion to adjourn?

COMMISSIONER FRYER: So moved.

CHAIRMAN STRAIN: Made by Ned. Seconded by?

COMMISSIONER FRY: Second.

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

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DEARBORN: Aye.

(No response.)

CHAIRMAN STRAIN: We're out of here. Thank you.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 2:22 p.m.

COLLIER COUNTY PLANNING COMMISSION

  
MARK STRAIN, CHAIRMAN

These minutes approved by the Board on 9-5-19, as presented \_\_\_\_\_ or as corrected .

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