

March 5, 2020

TRANSCRIPT OF THE MEETING OF THE --
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, March 5, 2020

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:

Mark Strain, Chairman -
Karen Homiak, Vice Chair -
Edwin Fryer
Patrick Dearborn
Karl Fry
Stan Chrzanowski

ABSENT:
Joe Schmitt
Tom Eastman, Collier County School Board Representative

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Tim Finn, Principal Planner
Jeffrey Klatzkow, County Attorney
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

CHAIRMAN STRAIN: Okay. Ladies and gentlemen, if everybody will take their seats. This is -- welcome to the March 5th meeting of the Collier County Planning Commission.

And now that you've sat down, could you please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

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

COMMISSIONER FRYER: Mr. Eastman?

(No response.)

COMMISSIONER FRYER: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER FRYER: Mr. Fry?

COMMISSIONER FRY: Here.

COMMISSIONER FRYER: I'm here.

Chairman Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER FRYER: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRYER: Mr. Schmitt?

(No response.)

COMMISSIONER FRYER: Mr. Dearborn?

COMMISSIONER DEARBORN: Present.

COMMISSIONER FRYER: We have a quorum of six.

CHAIRMAN STRAIN: Okay. Mr. Schmitt notified us last time he couldn't be here, so he has an excused absence.

Addenda to the agenda. Just so -- for the benefit of the public, we have a long agenda today. We have six items. The first one is going to be a -- one that was continued. They're always first up, and that will be Hyde Park Village Stewardship Receiving Area. I don't know how long that will take. But right after that is two items that will be discussed together, but they're companion items. A GMP change for the -- it's called the Oakes Boulevard. It's on Oakes Boulevard and Autumn Oaks Lane. I think it's called the senior --

COMMISSIONER FRY: Naples Senior Center.

CHAIRMAN STRAIN: Naples Senior Center. And then we have a PUD for that same location. So those will be after Hyde Park. And then this afternoon -- then probably by this afternoon, hopefully we'll get into the Ventana Pointe, which is, again, two companion items. One is a GMP change, and one is a PUD, and then the last thing is the 7-Foodmart Commercial Planned Unit Development.

So that's the order we'll be hearing them today. I can't tell you how fast we'll get through each one, but we will move as rapidly as the testimony allows.

So with that, we'll move to Planning Commission absences. Our next meeting is 3/19. Does anybody know if they're not going to make it?

(No response.)

CHAIRMAN STRAIN: Okay. And then approval of the minutes. We were electronically sent the February 20th minutes. Does anybody know if they're not going -- anybody have any questions or corrections to those minutes?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion for approval?

COMMISSIONER DEARBORN: So moved.

COMMISSIONER FRYER: Second.

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CHAIRMAN STRAIN: Made by Pat. Seconded by Ned. All in favor?

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries.

BCC report and recaps, Ray?

MR. BELLOWS: Yes. On February 25th the Board of County Commissioners heard the CASE PUD. That was on the regular agenda, and that was approved 5-0.

CHAIRMAN STRAIN: Okay, thank you.

Chairman's report. One thing I want to mention to all of you, and for many, many years -- in fact, I've been here 19 years, and I think all those years, Judy Puig has been helping the Planning Commission. She moved to another assignment elsewhere in the county. So we certainly are going to miss her, and I want to thank her publicly for all of her efforts. That was one lady who fretted over every single page of every packet and made sure they're as perfect as they could be before us. We've benefited highly from her, so...

MR. BELLOWS: I concur. We in the Zoning section tremendous -- appreciated her efforts tremendously.

CHAIRMAN STRAIN: Well -- and I know you've got Diane Lynch, I believe it is.

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: I don't know if she's temporary or permanent, but she's doing fine, and I think that whoever you put there will make it work.

MR. BELLOWS: We'll recruit her.

CHAIRMAN STRAIN: And we'll make it work. But I just want to thank Judy. She did such a good job for so many years.

***And we have nothing on the consent agenda, and that will take us into our first advertised public hearing, and this is a continuation for the Hyde Park Village Stewardship Receiving Area. It's PL20180000622.

All those wishing to testify on the Hyde Park Stewardship Receiving Area, please rise to be sworn in by the court reporter. This is not the Naples Senior Center, so...

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

CHAIRMAN STRAIN: Okay. Disclosures. We'll start with Stan. By the way, I forgot, Tom Eastman did say he had another conflict today, so he couldn't make it as well for an excused absence.

Go ahead.

COMMISSIONER CHRZANOWSKI: Yeah. I spoke to Mr. Yovanovich, and only emails in the public record.

CHAIRMAN STRAIN: Karl.

COMMISSIONER FRY: I don't believe I have any new disclosures since the last meeting.

CHAIRMAN STRAIN: Well --

COMMISSIONER FRY: I have spoken with Mr. Yovanovich and other items that are in the public record.

CHAIRMAN STRAIN: Okay. Ned?

COMMISSIONER FRYER: Materials in the public record, meetings with Mr. Yovanovich and with staff.

CHAIRMAN STRAIN: And I have had all the materials and public record. Staff and I may have talked about it while I was still in my other office. I can't remember if we have or not. And I know I did speak to the applicant and maybe Mr. Yovanovich, the applicant early on, a long time ago. I don't even remember what topics we discussed at the time other than that was the SRA, so -- and that's all I can think of now.

Go ahead, Karen.

COMMISSIONER HOMIAK: Same as last time; I spoke to Mr. Yovanovich and emails.

CHAIRMAN STRAIN: Patrick?

COMMISSIONER DEARBORN: Same, email correspondence.

CHAIRMAN STRAIN: Okay. And the way we're going to start this out -- I don't know if the applicant wrapped up everything they wanted to present or if they have some more information they want to, then we'll go to questions from the Planning Commission -- well, we'll go to the staff report, then questions to the -- questions of the Planning Commission, and then right to public hearing.

MR. YOVANOVICH: I do think we left off with staff, and I think staff was close to being done, but I'm not 100 percent sure, and we had had some public comment. We took some stuff out of the order. So it's the pleasure of the Planning Commission how you wish to proceed.

CHAIRMAN STRAIN: Well, unless someone on the Planning Commission has an objection, I'll just proceed as normal. If something's already been covered, we don't need to cover it twice. We'll just go into -- but I wanted to give you an opportunity. Is there anything you wanted to add since the last time you presented?

MR. YOVANOVICH: No. We had completed our presentation. And I think you -- I don't know if you had finished your questions with us, but --

CHAIRMAN STRAIN: I haven't.

MR. YOVANOVICH: I know you haven't. But I don't know about the rest of your colleagues.

CHAIRMAN STRAIN: I know. We'll get to them as soon as I -- and, Tim did you provide your staff report last time?

MR. FINN: No, not last time. For the record --

CHAIRMAN STRAIN: Well, we'll -- that's okay, because what we'll do is we'll go back to questions of applicant --

MR. FINN: Okay.

CHAIRMAN STRAIN: -- and then resume our normal course of procedure.

MR. FINN: All right.

CHAIRMAN STRAIN: Okay. So with that, from last time, even to today, does anybody on the Planning Commission have any questions of the applicant at this time?

COMMISSIONER FRY: Yes.

CHAIRMAN STRAIN: Go ahead, Karl.

COMMISSIONER FRY: Sorry to make you stand up, Rich.

MR. YOVANOVICH: I need to get my squats in.

COMMISSIONER FRY: So we have -- in front of us we have a new exhibit today, and I think it's clarification of the canal, the Faka Union Canal, which is between Hyde Park and the residents to the west, the Estates neighbors.

MR. YOVANOVICH: I don't know what you're looking at.

COMMISSIONER FRY: What do we do in this situation, Mark? Do we --

CHAIRMAN STRAIN: Give him a copy for the overhead. Tim's got one right there.

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COMMISSIONER FRY: Tim's got one? The TVs don't appear to be on.

CHAIRMAN STRAIN: Well, do you have any other questions we can go to while they figure out how to make the electronics work?

COMMISSIONER FRY: No. I'm looking for a clarification of the canal according to the resident -- the canal, oh, here we go.

CHAIRMAN STRAIN: There we go.

COMMISSIONER FRY: So, Rich, looking for clarification, and also I guess from staff in terms of the canal is, I'm sure, a drainage right-of-way, Collier County, an easement, the homeowners paying taxes on land, including the entire canal plus some on the other bank of the canal.

Rich, clarify what the buffering is between Hyde Park and the residents to the east and how we typically handle this type of situation with a canal intervening between two properties.

MR. YOVANOVICH: Let me -- I'm getting coached. I need a second. Thank you.

One thing I want to make sure we're clear on the record is, first of all, the canal's about 100 feet wide, which is correct. As part of our commitments for this project, we are providing the county what they currently don't have which is an access easement to actually maintain the canal. Otherwise, they would be using the neighborhood to maintain the canal or would have great difficulty in maintaining the canal. So we are providing them with a 20-foot-wide easement on our side of the property.

On our side of the property, we're going to have a 65-foot-wide buffer with a 15-foot Type B planting buffer along -- along our property line as well.

So there is a -- there is a participation by this developer in seeing that the drainage in the whole regional area is -- has the opportunity to be properly maintained for the benefit of the community. So we are active participants in assisting in that canal being a functioning canal. We're not just sitting idly by not participating in the canal. Just like the neighbors to the west have an easement on their property, we will have an easement on our property.

Now, as far as taxes and how the Property Appraiser factors in that a portion of their -- a person's property is encumbered by an easement, I don't know but I would assume there would be a reduction in the value of the land because that property is encumbered by an easement as well.

COMMISSIONER FRY: Okay. In the last meeting there was some discussion that the residents of Hyde Park also -- I don't remember who made this comment, but also would like to be able to see the canal and enjoy the water view. But you've mentioned a Type B buffer, which I assume would restrict the -- as I understand, a Type B buffer, it's 90 percent opaque within one year.

MR. YOVANOVICH: It's 80 percent opaque.

COMMISSIONER FRY: Eighty percent opaque within one year. So what would the views be like for both the residents of Hyde Park of the canal and also the Oakes -- not Oakes. I'm sorry. Naples Senior Center on my mind -- the Golden Gate Estates residents on the west side of the canal, what will they each see of each other, I guess, of the canal.

MR. YOVANOVICH: Of the canal.

COMMISSIONER FRY: Yeah.

MR. YOVANOVICH: Well, the opacity of 80 percent is at a six-foot height, so most people will not be able to see through that buffer when they're standing up. So I think that there's going to be a buffer both for the residents looking across and a buffer from us looking across due to the opacity of that landscape buffer.

Now, if you're on a second floor, obviously, looking out a second-floor window, you're going to be able to see over that hedge. But if you're standing on the ground, there's very few people I know that are going to be tall enough to see over that hedge.

COMMISSIONER FRY: Okay. Have there been any discussions with those residents in terms of buffering and the border between the two developments?

MR. YOVANOVICH: There's been some discussions with some of the residents about the buffering, and we've explained the buffer that's going to be there as part of our petition. And we are confident that that is a more-than-adequate buffer between the two uses.

COMMISSIONER FRY: Thank you.

CHAIRMAN STRAIN: Okay. Ned.

COMMISSIONER FRYER: I had a good conversation with Mr. Yovanovich yesterday in which, among other things, we spoke about a possible solution to an issue that I have or at least, perhaps, a basis for a conversation and, if not here, then maybe at the Board of County Commissioners' level.

But from my perspective, in a development like this, the concept of diversity is very important. And to me, that means making special provisions available for what I would call essential services personnel rather broadly drafted, rather broadly defined.

And I understand the concerns that have been expressed over single-family dwelling fee-simple units being encumbered for 30 years. I understand and appreciate that. And so I had suggested yesterday, perhaps, following the Rivergrass model on single-family fee-simple units, that there be a fund established to help out essential services personnel with their down payments.

Also, in view of the fact that there will be, undoubtedly -- or probably rental units in the multifamily areas, it seemed to me that that would be an area where there could be a more traditional form of assistance given to essential service personnel in the form of a rent reduction. So that was the conversation that we had. I've been trying to think a little bit out of the box.

I understand the constraints that are on the shoulders of the developer because two bites will be taken at the apple, and this is just the first one. The Board of County Commissioners will also weigh in, and I understand the position that that puts the developer in. But I would be remiss if I hadn't expressed my own concerns over a need for diverse housing for the benefit of essential services personnel.

And, Chairman, I have some other issues, but that's the most significant one, and I'm going to, if I may, reserve the others after the public speaks.

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

(No response.)

CHAIRMAN STRAIN: I'm trying to sort out my questions between the applicant and staff, because I have quite a few of staff. But my assumption is last time you went over your deviations.

MR. YOVANOVICH: We did.

CHAIRMAN STRAIN: And was that you or Bob that did that?

MR. YOVANOVICH: Mr. Mulhere.

CHAIRMAN STRAIN: Can I ask Bob a question?

MR. YOVANOVICH: Of course.

CHAIRMAN STRAIN: Thank you.

MR. MULHERE: Hi.

CHAIRMAN STRAIN: Good morning, Bob.

MR. MULHERE: Bob Mulhere, for the record. I guess I should state that.

CHAIRMAN STRAIN: I'm not going to get into the details of each deviation. You've already gone over those, I understand.

MR. MULHERE: Yep.

CHAIRMAN STRAIN: Out of the deviations that you have, how many of them are identical to the deviations that -- if they were provided to Ave Maria? I'm -- Ave Maria's the only

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other SRA in which -- well, we had two other -- we had another SRA, but that particular one was a precedent-setting SRA, and I was wondering if you have any other -- have you compared your requested deviations to Ave Maria's?

MR. MULHERE: I did not. I did not.

MR. YOVANOVICH: Mr. Strain, when Ave Maria went through, there was not a requirement to identify deviations. So I don't know -- there's no easy way then to review the entirety of the Ave Maria SRA to figure out what the requirements were at the time versus what was approved. It was before we started the separate identification of deviations. If you recall, that was -- it's not a recent thing, but it did happen later on in the process. So we don't know.

CHAIRMAN STRAIN: I was just trying to provide the benefit of the doubt to your arguments in regards to establishing precedents for deviations. That's something I try not to do, and I was hoping that you would have done an analysis to tell me which ones may have been utilized already.

MR. MULHERE: I did not do that. They are -- if not the same, certainly similar to those that were in the Rivergrass Village SRA, which was approved.

CHAIRMAN STRAIN: Which -- yeah, that wasn't approved by this board, though.

The recommendations that are provided by staff -- and the document I'm starting with is the -- well, it's the SRA, A1, which is that -- that is the SRA document.

There are 12 of them. Are you objecting to any of those?

MR. MULHERE: Well, there are a couple that we believe are, yeah, not necessary, so I guess we are objecting.

CHAIRMAN STRAIN: Can you tell me which ones?

MR. MULHERE: Sure. Condition No. 2, per environmental staff, update master plans to show the LSPA areas. That was already resolved. I mentioned this at least five times to staff prior to this hearing, and prior to the last hearing, that we discussed this with the environmental staff, and they are fine with us identifying those areas at the time of the first plat or SDP.

CHAIRMAN STRAIN: I'll just ask them to verify that.

MR. MULHERE: Yep. Per Collier County Sheriff's Office, at buildout there will be a need for a police substation such as the substation built near the intersection of CR846 and 39th Avenue. I'm not sure why that's a condition. They did not ask us to provide a substation. They simply said one will be necessary, basically, to support growth in the entire area. We pay impact fees, and that shouldn't be a condition. They didn't ask for one.

CHAIRMAN STRAIN: Right. And what I'll do, Bob, is every one of these you're in conflict with, I'll ask staff to explain their position whatever it's -- whatever department that's here to do that.

MR. MULHERE: Okay. Condition No. 5, per North Collier Fire Control and Rescue District, at SDP or platting, the project will be evaluated for compliance with Florida fire per [sic] engine code regarding department access roads and water supply.

Well, we understand that. That's already a requirement in keeping with this board's policy and others. There's no reason to restate something. It's redundant.

There. Hopefully that comes up now. There we go.

Let me see. So then the last, I believe, three that we have disagreement with are Staff Conditions 10, 11, and 12, all of which deal with recommendations by housing staff relative to affordable housing.

CHAIRMAN STRAIN: Okay, thank you. That saves us time on that part of this.

COMMISSIONER FRYER: Chairman?

CHAIRMAN STRAIN: Go ahead. Yeah, go ahead, sir.

COMMISSIONER FRYER: On No. 1, has that been resolved? I think it was -- I think

both staff and the applicant agreed that No. 1 was resolved at the last meeting. Is that the case?

MR. YOVANOVICH: Number 1? Yeah, we agreed to the approval -- the requirement that the DCA be approved as part of the SRA. That was never a disagreement.

COMMISSIONER FRYER: Okay. So there's no disagreement over No. 1?

MR. YOVANOVICH: Correct.

COMMISSIONER FRYER: Okay.

CHAIRMAN STRAIN: Okay. In -- and I've got a series of numbers here. I'm not sure which -- it's -- I can't even go by pages. There's a 603-page document, and in there the environmental section had said they support this petition subject to the following condition of approval, and it wasn't one that I just necessarily ran by. Prior to the issuance of the first SDP or PPL, a listed species management plan must be provided for review with approval from FWCC and/or USFWS for management of the Florida panther, parenthesis, puma concolor coryi -- I guess that's the panther's name -- and all other listed species. Do you have any objection?

MR. YOVANOVICH: No, we agreed to that, Mr. Strain. I mean, I can -- we only identified the ones we disagreed with.

CHAIRMAN STRAIN: That's fine. I just want to make sure. Some of these are out of context --

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: -- so they're scattered throughout the document.

MR. YOVANOVICH: Understood.

CHAIRMAN STRAIN: I have concerns over the affordable housing, but Cormac Giblin had emailed me to meet, and I told him I'm not meeting with people. So he is here today. I've asked him to come to explain his position. We'll hear that firsthand.

MR. YOVANOVICH: I think he was the last one up last time, so...

CHAIRMAN STRAIN: Yeah. And I wasn't here. And I don't know if the Board, then, would rather not hear it, but I --

MR. YOVANOVICH: No, I just wanted to -- I'm sure he's ready.

CHAIRMAN STRAIN: I'm just moving through. I'm eliminating all the ones I know you guys probably went over.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: The neighborhood recreational areas that you have in your SRA, did you -- I didn't see those specifically located on the master plan. Are they?

MR. YOVANOVICH: Are you talking about the amenity area or the smaller areas?

CHAIRMAN STRAIN: 5.1.1.A. It's under the section "neighborhood general context zone."

MR. MULHERE: Mr. Chairman, we did not identify. We don't know the locations of those yet, typical to any fairly large development area, but we did limit the size.

CHAIRMAN STRAIN: Limit the size. In the area, though, is -- could you put your master plan up.

MR. MULHERE: Sure.

CHAIRMAN STRAIN: There you go. So what area of this master plan would that neighborhood recreation area be limited to?

MR. MULHERE: So it could be, for example, in a number of different locations, and I'll show you.

CHAIRMAN STRAIN: Like anywhere on the map?

MR. MULHERE: No. Well, I doubt that, but let me just -- yeah, okay. So, you know, we are -- we are providing for a minimum number of multifamily in the village center, so there could be a recreation area there or somewhere there. There could be one here for what likely may

be a multifamily product. It wouldn't be very big. It might be just a small pool with, you know, a cabana area for a particular neighborhood.

I don't know that you'd see any anymore. But as this project develops, let's just assume that maybe there is a demand in one neighborhood or another. You know, maybe there's something here. That's why we did limit the size.

CHAIRMAN STRAIN: So you don't have any -- so it could go in neighbor -- it could go in the neighboring -- neighborhood edge. It could go in the neighborhood general, or it could go in the village center.

MR. MULHERE: Correct. Yes. We'd have to show it at the time of plat, though.

CHAIRMAN STRAIN: Okay. When we get to your Development Standards Table, then my concern is if you put it up against residential, what kind of buffers and walls and provisions are we going to have? Because we asked this -- I've asked this question every single time it's come through, so --

MR. YOVANOVICH: Just to ask for clarification, internally or externally?

CHAIRMAN STRAIN: Internally as well as externally. The more you would put that to the west side of this property, the more that's going to be disturbing neighborhoods outside the project.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: And I'm trying to make sure that you centralize it. You keep it for your community. And then if you're going to put it in the neighborhood area, neighborhood edge, then at least you've provided some buffers and walls to protect the neighbors around it.

MR. YOVANOVICH: Okay. I understand.

CHAIRMAN STRAIN: Which takes us to the neighborhood general development design standards. And I notice there you have a column for the neighborhood recreational areas and pools. It might be a good column to annotate with a footnote or something to indicate the things I just asked about, if you're willing to do that.

Under your multifamily, you have zero lot line and townhouse. You're looking at a 20-foot-wide unit for a zero lot line. So that means it's only -- because you've got five and five. Five and -- is it, yeah, five and -- five and zero. So you're looking at a 15-foot-wide unit; is that what your intention is if it's a townhouse, or a zero lot line?

MR. MULHERE: No, 20-foot-wide unit.

CHAIRMAN STRAIN: Lot width is 20-foot-wide per unit.

MR. MULHERE: Right.

CHAIRMAN STRAIN: So if you have a lot at 20 feet, you've got to have setbacks on that lot and the sides, right?

MR. MULHERE: Well, if they're -- I guess I'm saying if they're attached units, there would be --

CHAIRMAN STRAIN: Zero lot line. Let's talk about the zero lot -- because it's under the column zero lot line or townhouse.

MR. MULHERE: Let me just get to that in the SRA document so I can --

CHAIRMAN STRAIN: Okay.

MR. MULHERE: Okay. I'm there now. The minimum lot width is 20 feet per unit, and then --

CHAIRMAN STRAIN: Right, right. So if the lot is 20 feet, Bob, how do you -- on a zero lot line, how did you do your setback? The setbacks are zero or five feet, but you can't have zero on both sides, right?

MR. MULHERE: No, that's correct. You'd have to have five foot on one side and zero --

CHAIRMAN STRAIN: So your unit's width is going to be 15 feet for zero-lot-line

homes. Is that what you're saying? I mean, that's barely a two-car garage. I mean --

MR. YOVANOVICH: Mr. Strain, I think that's a good catch on your part. We would never have a unit less than 20 feet in width, even with the setbacks. So if we need to modify the footnote, we'll -- we understand your comment.

CHAIRMAN STRAIN: Okay. So as long as you understand it, at the end we'll wrap it up with those comments.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Okay. The minimum side yard for other multifamily, it's 10 feet. Now, those can go up to 50 feet high zoned. So you're looking at a 10-foot setback? That's --

MR. MULHERE: I'm just looking at the height, Mr. Strain.

CHAIRMAN STRAIN: Three point five stories, NTE 50 feet with the actual height 60 feet.

MR. MULHERE: That matches -- well, I believe that matches the setbacks that are identified in the RLSA. I'm assuming they wanted a compact development. And the height is the same as what's in the RLSA.

CHAIRMAN STRAIN: Okay. Well, I mean, if that's what -- I haven't compared it to the RLSA standards on those numbers. I assume this table was going to be prominent, and that's why I asked about it.

Under maximum building height zoned, two stories, NTE 42 feet. So that's zoned height, and then you've got 50 feet for actual height. So that means under a single-family house, you could have a 50-foot-high house, 42 feet of it could be zoned. I mean, what are you building that's so cavernous as two stories at 42 feet, just out of curiosity? That's way above our standard. We're looking at usually 35 feet with 42 being the actual. You guys have bumped it up, and I'm just wondering how you're -- what kind of product you're proposing.

MR. MULHERE: I'm not sure that we would be -- again, I think we matched what was provided for. I'm not sure that we intend to build something that's that tall. I mean, you could have -- I don't know, you could have fairly high ceilings, at least on the first floor, but I think you're correct. We can -- I'll make a note to discuss that here when we have a break.

CHAIRMAN STRAIN: Okay. I'm just trying to get --

MR. MULHERE: You're under single-family detached and attached, really, right?

CHAIRMAN STRAIN: Yes. Your single- and two-family product. And your -- well, your zero lot, too. I mean, how are you going to do -- I'm just curious. Why do you need 42 feet for two stories? I mean, that's just -- especially, this is a moderate-priced project, if I'm not mistaken.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: You're certainly not along-the-coast type pricing.

MR. MULHERE: I'll speak with the client and see if that number is excessive for what they typically would build.

CHAIRMAN STRAIN: Okay. Neighborhood edge context zone. Let's see. You have -- and under that neighborhood general table, 5.12, does it apply to the neighborhood edge context zone -- or the neighborhood edge is the next one. I'm sorry.

MR. MULHERE: Yes, correct.

CHAIRMAN STRAIN: What I caught there was if you -- and I'm trying to pull this up from memory. If you go to 5.2.1.A(2).

MR. MULHERE: 5.1.2 or, I'm sorry --

CHAIRMAN STRAIN: 5.2 --

MR. MULHERE: Got it.

CHAIRMAN STRAIN: -- .1.A, permitted uses and structures, (2), multifamily dwelling units if located within a half mile of village center.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. Now, that means it would come under the 5.2.2 table. Where's the multifamily dwelling units there?

MR. MULHERE: They're not. They're an allowed use, but the development standards, if you want me to clarify, I'll say the development standards shall be as provided for. I mean, that was the intent.

CHAIRMAN STRAIN: Okay. But shall be provided for where? The other table is defined as the table that goes with neighborhood general, not neighborhood edge. So your neighborhood edge table doesn't contain anything for multifamily. That's what I'm trying to figure out.

MR. MULHERE: But -- so I'm -- maybe I'm misunderstanding the question. So it refers you to 5.2.2, Table 2. Yeah, I think that's a good catch. That probably is supposed to be 5.2.2.1 -- 5.2.1.

CHAIRMAN STRAIN: That's the only --
(Simultaneous crosstalk.)

MR. MULHERE: I don't know. That's where multifamily is, so...

CHAIRMAN STRAIN: Yeah.

MR. MULHERE: Yes. Yes, yes, I see that.

CHAIRMAN STRAIN: Okay. So you're going to make that correction?

MR. MULHERE: Yes, I made a note. I'm not sure we even need the note. It's under the same section.

CHAIRMAN STRAIN: Well, it's under neighborhood edge context zone, and the other section is under neighborhood general development.

MR. MULHERE: Yes, 5.2.1.

CHAIRMAN STRAIN: Right.

MR. MULHERE: Gotcha. Right, thank you.

CHAIRMAN STRAIN: Under the 5.2.2, neighborhood edge development and design standards table --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- your lot width on that one needs to have the same potential clarification that we talked about --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- in the prior one under zero lot line.

MR. MULHERE: Yes, as well as the same thing with the question relative to the height for single-family in both.

CHAIRMAN STRAIN: Right. I got that all highlighted, so I figure you'll come back with the same answer on all of them.

MR. MULHERE: Right.

CHAIRMAN STRAIN: As we move down to village center development standards, under your Table 5.4.2 --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- it says, on the top heading. Multifamily and ALF group housing only, and under minimum floor area it says 700 square feet per unit. Now, a certain land-use attorney was involved in a project recently that had a concern over that applying or not applying to the ALF units, senior living units. Is that what your intent was? So even your ALF units will be 700 square feet per unit?

MR. MULHERE: No.

CHAIRMAN STRAIN: Okay. Well, you probably need to correct that.

MR. MULHERE: We typically add a footnote. I was just looking to see if it was there.
But, yes.

CHAIRMAN STRAIN: I didn't see it, so...

Your front yards are zero or 10 feet. You do know that we look at 12-foot setbacks when it comes to -- from the front yards for the utility easement because your overhangs can't go into the utility easement?

MR. MULHERE: We changed it in the other tables. It needs to be changed in this one. Twelve feet. That's what Utilities requested.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: Ten or 12. The minimum of 10 was what they asked for. Not zero to 10, but 10.

CHAIRMAN STRAIN: Right. Well, that's what they asked for is 10 feet, right. But I'm just giving you a heads-up. The County Attorney's Office has previously issued a statement that you can't have the overhang going into that 10 feet either.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: So long as you're aware of that.

Okay. Under development standards on that same table, minimum setback from a nonresidential tract. Then when you get to nonresidential and mixed-used buildings, it's five feet. What does that mean? It's five feet from itself?

MR. MULHERE: No, from another tract that's also designated --

CHAIRMAN STRAIN: So any nonresidential tract against a nonresidential tract will still be five feet?

MR. MULHERE: They'll have 10 feet, yeah.

CHAIRMAN STRAIN: Okay. I'm moving on, Bob. We'll get through this sooner or later.

I did notice that you did not use persons per household in your analysis for fiscal neutrality. It's reading persons per unit, so -- is that -- I mean, it's right there in black and white. I'm assuming you know that.

MR. MULHERE: In the SRA document?

CHAIRMAN STRAIN: Yeah.

MR. MULHERE: Tell me where you're looking.

CHAIRMAN STRAIN: On Page 256. Page 35 of the financial impact model.

MR. MULHERE: Oh, no. That was my question. You're talking about the financial analysis.

CHAIRMAN STRAIN: Yes.

MR. MULHERE: Yeah, so --

CHAIRMAN STRAIN: I just wanted acknowledgment you're using persons per unit, not persons per household.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: Okay. And then -- that's it for now, Bob. I'll probably have more, but that's it for now.

MR. MULHERE: Yeah. That's okay. Got it.

CHAIRMAN STRAIN: Thank you. Anybody else have any questions of the applicant? If not, we'll turn to staff report.

Oh, Rich?

MR. YOVANOVICH: I wanted to answer your height comment on the single-family.

CHAIRMAN STRAIN: Yeah.

MR. YOVANOVICH: Okay. The Land Development Code doesn't distinguish height in the neighborhood general between single-family and multifamily, so we're fine with, on the single-family table, going to zoned 35, actual 42.

CHAIRMAN STRAIN: Okay. That would help clarify for somebody wanting to do the same thing in the future. We don't have a precedent. I'd rather keep it 35. It's worked that way in the county for all the years that I've been here.

Okay. Tim, it's all yours. And then I'd like to hear, after we get done with you and our questions of you, Cormac Giblin's here, and I definitely want to listen to his position on the affordable housing.

MR. FINN: Okay, okay. For the record, I'm Tim Finn, principal planner.

Staff is constrained from recommending approval of this Petition SRA PL20180000622, Hyde Park Village SRA, to the Planning Commission; however, staff could recommend approval subject to the following conditions of approval outlined in the staff report.

CHAIRMAN STRAIN: Okay. So all of the conditions in the staff report that Mr. Yovanovich and I went over, staff's in a position that they're all necessary, and you're still saying basically those are going to be required?

MR. FINN: Right, unless other staff says otherwise.

CHAIRMAN STRAIN: Okay. Did -- you know, you heard his position where some of them, he thought, had been worked out with staff. Are any of those pertaining to yours, or are they other departments?

MR. FINN: Other departments.

CHAIRMAN STRAIN: Okay. And I'm trying -- you know, there's so many pages of this stuff anymore. Here it is right here.

Okay. So what I'll do is we'll have to see who's here who could represent those departments to explain their position --

MR. FINN: Okay.

CHAIRMAN STRAIN: -- against the applicant's position.

MR. FINN: Okay. All right.

CHAIRMAN STRAIN: Anything else you wanted to add to your staff report?

MR. FINN: I would like to talk about deviation -- in the staff report, it's Deviation 15, which is -- in the SRA document it's Deviation 6.6.4 dealing with lifestyle signs.

CHAIRMAN STRAIN: Okay.

MR. FINN: I don't know whether or not you wanted to go through that now or later on.

CHAIRMAN STRAIN: No, we can go through them now. It's your staff report. So if you want to talk about it, this is the best time.

MR. FINN: Yeah. Regarding the lifestyle signs, there isn't anything in the LDC that defines lifestyle signs or anything of that sort. The closest sign that we would allow in this regard is real estate signs. So we will -- we will continue to not support this deviation.

I would like to know -- we do have a couple of videos of this type of signage that's being questioned through the main drag at Ave Maria and another one on Tree Farm Road outside Compass Landings. I'm not sure if you would like to see these videos, but we do have them on the monitor if you would like to see them.

MR. KLATZKOW: Do they have this deviation anywhere else?

MR. FINN: Like in Rivergrass or any other --

MR. KLATZKOW: Anywhere else.

CHAIRMAN STRAIN: Anywhere else.

MR. FINN: No, we don't; no.

MR. KLATZKOW: All right. I'm very leery about changing the sign code for anybody because there are so many constitutional challenges to it that once you have a preference to one person, all of a sudden your whole sign code now becomes subject to challenge. So that -- it's going to be this office's opinion that -- not to allow the deviation. They can live with the same signs as everybody else.

CHAIRMAN STRAIN: Okay. Thank you, Jeff.

And, Tim, from the perspective of your staff's review and your review of this, you haven't been here, what, a few years now?

MR. FINN: Yeah, about two-and-a-half years.

CHAIRMAN STRAIN: Okay. A long time ago deviations started a process. They were exceptions, I think, at one point and now they're deviations. And we've memorialized them a lot of them over the years. Road widths, for example, things like that.

When we had this new product out east allowed because of its uniqueness and the way it was supposed to be a new town concept, these standards were set by the property owners out east. They're the ones that participated, put the product together, and then sent it through a public process. So I'm reluctant to add new deviations, because we'll get in the same quagmire we're in within the urban.

We give it to one, we keep giving it and giving it and giving it. And that's why I asked for a comparison to Ave Maria, because that was the only -- that was the first precedent-setting town, village, or development that occurred out east. And as a result of that, I wanted to see where we stood on that.

At some point, it might be helpful if staff -- I know you guys are swamped, and if I get time, I'll try to do it -- to see what Ave Maria has for deviations. There's almost 300 pages in their document, if you recall. It's a rather big document. And it would be nice to know what deviations we approved there, because at that point I feel it's almost -- the other people are entitled to request a similar deviation. So that's what my question was in asking the applicant about a comparison to Ave Maria.

And we had -- I had done that with the applicant on Rivergrass. I did that, though, when I was meeting with them when I was in office -- in my other office, and I met with them separately. So I'm not sure -- I can't remember if they produced that document or not. That was 2,000 pages of paper at that one, so --

And, Rich, we'll get back to you after we finish with staff.

MR. YOVANOVICH: I just wanted to comment on that topic.

CHAIRMAN STRAIN: It's okay. We'll get back to you.

Okay. So as far as staff position's goes on all the deviations, I'm just telling you my concern over new deviations. And if there was a way to find out how Ave Maria -- and I was here for that, but, again, that was hundreds of pages as well, and I can't remember how we processed those differences at that time, but it would be worth looking at, so...

MR. KLATZKOW: And in echoing your concern, it's always been this office's concern that I've got an LDC which has decades and decades of experience behind it, and if you're going to grant an exception to that LDC, I think there needs to be a palpable reason for it other than an ask, because I keep seeing the same deviations over and over again where staff's recommending them and wondering, well, why do you I have an LDC code on that if staff is just going to say it's not necessary. So either your regulations are necessary and enforceable or, you know, you shouldn't have them.

CHAIRMAN STRAIN: I appreciate that, Jeff, because I just -- I am worried about the precedent-setting nature, and we've gone, I think, now, looking back the way it's all gelled out, probably too far in the way we've handled the urban area in that regard. But that's water over the

dam at this point.

MR. KLATZKOW: And, again, I'm not saying that the request is unreasonable. What I'm saying is if you keep granting these requests, then your LDC provision is unreasonable.

CHAIRMAN STRAIN: Okay. Anything else, Tim, you wanted to add to the staff report?

MR. FINN: Ray, to you.

MR. BELLOWS: For the record, Ray Bellows.

I was just going to concur with the assessment of the assessment of the County Attorney. It's our staff's opinion that, especially where the sign isn't specifically referenced as a type, it's hard to ask for a deviation from something that's not listed as a sign type.

CHAIRMAN STRAIN: You know, though, I guess staff doesn't concern itself with previously -- previous actions that may have been precedent when it looks at a deviation?

MR. BELLOWS: Well, all deviations are PUD specific, because there are compatibility issues that differ from site to site, so we don't just say because it's granted in one -- but a case could be made by an applicant that, "hey, you granted it there, what's the problem here" kind of approach.

In regard to Ave Maria, it's my understanding that those may not have been legally permitted signs. We have to --

CHAIRMAN STRAIN: Well, I don't know just signs. I'm looking at -- there's, what, 19 or 20 deviations here.

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: If Ave Maria had some of those same deviations -- I remember they came in with cross-sections of their streets and all that. There was a lot of stuff in the Ave Maria application. If some of those were being requested here, and they were the same basis --

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: -- I'd be hard pressed to say they are not entitled to them.

MR. BELLOWS: Yeah. And we're -- we had this discussion a couple of years ago with the Planning Commission where deviations are most commonly referenced or asked for, we will take a look with our LDC amendment team to see if that really should be a change in our code.

CHAIRMAN STRAIN: Okay. Well, it's just something to consider when you guys look at it. I'll try to go back and reread Ave Maria and see if there's anything in there I could help you with.

MR. BELLOWS: Okay.

CHAIRMAN STRAIN: But since it's going to come up more often -- I think there's two or three more of these villages coming through the process, so...

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: Okay. So are we finished, Tim, with your -- or do you have more you want to --

MR. FINN: Well, with regard to the deviation, are we recommending approval of it, or are we --

CHAIRMAN STRAIN: We'll have to wait till the end.

MR. FINN: Okay. All right.

CHAIRMAN STRAIN: We're not voting yet. We'll vote on all that together at the end.

MR. FINN: All right. Thank you.

CHAIRMAN STRAIN: Is that it?

MR. FINN: That's it.

CHAIRMAN STRAIN: Okay. With that, any questions of Tim before we go to other staff members?

(No response.)

CHAIRMAN STRAIN: Cormac, I appreciate you attending. I didn't know if you had planned to or not. I know you'd tried to meet, and since my efforts around here have changed, I wasn't able to meet, so...

MR. GIBLIN: Always a pleasure. For the record, Cormac Giblin, the Housing Operations manager for Collier County.

I have three brief slides that I think can help understand the reasoning that went into the staff report on housing affordability.

CHAIRMAN STRAIN: Okay.

MR. GIBLIN: First -- the first slide has the two standards of review, the two section of code that I use when making my review of an SRA application.

The first comes from the Future Land Use Element, and it's Policy 4.7.2., that says that villages are primarily residential communities with a diversity of housing types and mix of uses. That's kind of the first step that the GMP requires.

The next one, we go to the LDC. It gives a little bit more detail on that question of what does a diversity of housing types mean. I think we can get a little bit more insight to that by reading the Land Development Code, Section 4.08.07, that says that village design criteria, that villages should offer a range of housing types and price levels to accommodate diverse ages and incomes.

Now, that's where we get a little bit more meat on the bones on what are we talking about when we're talking diversity. We're talking about diversity of price levels, ages, and incomes.

And let me go to my next slide. And, again, this is taken straight out of my staff report but just to offer a little summary here.

The SRA document does not detail how many units are going to be offered at various income levels or price points. They do have an accompanying economic feasibility analysis that does, but none of that carries any weight in terms of the SRA document in terms of enforceable or something that could be monitored.

The staff recommendation was that since the application did not address these issues, that a housing needs analysis should be performed to get to the answer of some of these questions.

The applicant did not go forward with that study and, instead, all we have left to fall back on is their economic analysis which shows that they are proposing 300 multiunit buildings with a sales value of about \$168,000 each, 534 single-family Product A that would sell for 282,000; 598 single-family Product B which would sell for 344,000, and 368 units of their Product C which would be priced at around \$373,000.

And so while the housing needs analysis itself is not a requirement of code, it would have provided staff with some of the background or insight on how to answer those two questions on does it meet Growth Management Plan policy and does it meet the requirement in the Land Development Code.

Now, absent them providing that analysis to us, we have a recommendation. We've gone through their same projected sales prices and numbers, and we have a recommendation that if they were to just commit to do 15 percent of each of the three lowest categories that they say in their economic analysis that they're planning on doing, that would then provide that meat on the bones, provide something that is monitorable and enforceable over the long term to guarantee that these are the price points and units that actually get built.

Again, the property may sell. There may be a different developer. Economic climate in Collier County may change. These are just protections based on a point in time and the circumstances that are involved that go behind it.

So staff recommendation is that if the developer would commit to a portion, a small portion, 15 percent of the units that they already say they think are going to be in these income

ranges or price ranges, then that would give enough meat on the bones to move this forward with a recommendation of approval that it does meet those two tests in the Comp Plan and the LDC.

CHAIRMAN STRAIN: Okay. It's a good explanation.

I have a couple questions. I've noticed that at times -- we have an affordable housing program, and it's incentive-based based on density, I think. We have had projects come in, and they've negotiated on-the-fly changes to the program by adding paragraphs to a PUD -- in this case, PUD -- that provide some kind of -- some kind of affordability for certain people for a certain amount of time under certain conditions.

How does that -- how does that work with your Affordable Housing Department? I mean, it's outside of what we normally do. We don't have a script for it. It seems to be done on the fly at meetings. This one you've done some analysis on in asking for a specific number, and you've provided some recommendations.

So how does those recommendations versus the other on-the-fly activities when it gets to the Board level compare as far as your department's ability to record it as affordable, monitor it, and make sure it stays in the program the required number of years?

MR. GIBLIN: Sure. I'll say that staff is not a fan of the on-the-fly negotiation. We would prefer to have these discussions up front and before an application is submitted, or certainly before it gets to the Board level. My department has issued memos to Growth Management stating that, you know, there are certain things that we would like to kind of negotiate out up front.

The answer to your question is, whenever something winds up in a development order, a PUD, or an SRA, and if it pertains to housing affordability, we put it on our monitoring list. So it does become very difficult when Project A has a certain set of criteria and period of length and other parameters, then you have Project B, C, D, E all through Z trying to monitor what each specific development order requires of each development.

So I think that a uniform commitment would be a way to go in the future. For example, the previously approved Rivergrass SRA, that was essentially an on-the-fly commitment that the applicant made to donate \$500,000 to the Community Foundation for them to use the down payment assistance for future residents of Rivergrass.

The Board of County Commissioners, through the development and approval of the Community Housing Plan over the last two years, created a special segregated fund. We call at the Local Housing Trust Fund. And one of the revenue sources that is specifically identified for that fund is -- or are funds from Developer Contribution Agreements. That, perhaps -- if staff would have been consulted or asked, that would have been probably the more appropriate place for a donation such as that to go rather than directly to the Community Foundation. We feel that we can get more bang for the buck, and we have a whole list of programs that we run through rather than just down payment assistance for folks in Rivergrass or whichever SRA it might be.

That's an example of how, if things were negotiated up front -- I understand there's issues with the time period. You know, typically, if somebody applies for an affordable housing density bonus, it comes along with it in exchange for that bonus of density and the bonus of market rate units that that also brings and the increase in profit to the developer. There is a 30-year restriction that those units must remain affordable and on the books for 30 years.

Certainly, on a case-by-case basis, we would be willing to work with applicants to determine what works for their situation. Is it five years? Is it three years?

And just to finish up, Ave Maria was a very good example of that. Ave Maria, in the end, I believe about 22 percent of all the units that were approved in the Town of Ave Maria were -- had affordability restrictions in some way. Some of them at the lower incomes on the rental side were longer, some on the ownership side were shorter or expired. And they also -- to address some of the very low income that this recommendation doesn't contemplate except for when you get to the

bullet point below, Ave Maria also donated land off site to accommodate the very low income.

CHAIRMAN STRAIN: The idea of this overlay was to provide compact villages, towns, CRDs, hamlets, and other things so that we'd have less spread-out urban sprawl in multiple-acre tracts throughout the entire 159,000 acres. Well, what's left of it. It was about 95,000 that could have been built upon that wasn't wetlands.

How does one accomplish the goal of being as compact as they should if they don't provide affordable housing for the required commercial at least that's going in, because the whole goal is to keep people off the roads. And if they're living in the community where the commercial is, they can walk to work, bike to work, get there quickly.

In this case, if there's nothing committed to and they hire people at lower wages, which will happen in some of the retail and commercial components, grocery stores, whatever, even if it's not a grocery store, just a retail establishment, those folks may have to end up driving there from elsewhere in the county where they'd have a better chance of being in this facility if it was compact enough to include affordable housing. Is that generally a true statement?

MR. GIBLIN: It is. And, again, it would be up to this board and the Board of County Commissioners to determine if the range of housing types and price levels that they are proposing meet that intent of compact, innovative, flexible design that the Rural Lands Stewardship Area was created for.

CHAIRMAN STRAIN: I did a quick search in the Clerk's files last week or the week before when this first came through to look at if there's any reference to affordability for the Rural Lands Stewardship Area, because it's kind of like a blank.

Well, at the time, the statement that I found from an EPOC, I think that was the paragraph that had it -- it was in the executive summary. It said that -- they said that they would -- that DRIs automatically have a requirement, but we know that program's pretty much diluted by now, and that for those that weren't DRIs, they could be handled -- affordability could be handled on a case-by-case basis through the SRA process, which is what I think we're attempting to do here today.

And I know we've had some pushback on that, not necessarily by this developer but by the previous villages as not being required. I think it is. It's just not as clearly stated, but it is -- was part of the process. It was something that I think can be discussed like we're doing here today.

So I understand your request, and I turn to my others to see if you guys have any questions on it. Go ahead, Ned.

COMMISSIONER FRYER: Cormac, I want to thank you for coming forward with this -- first of all, the alternative proposals of offering up a needs analysis or accepting a 15 percent undertaking. And, to me, that would have been a complete fulfillment of how I see diversity being satisfied.

I understand also that a needs analysis is not required. But recognizing that the applicant has the burden of proving by competent and substantial evidence all the points in the application, it certainly -- at least from my perspective, a needs analysis would have been highly probative and would influence me in determining whether the desired and required, in my judgment, diversity had been fulfilled.

So thank you for bringing this forward. And I think that there remains, at least from the standpoint of where I'm going to vote on this, there needs to be some more done, whether it be the proposals that are outlined in Points 10, 11, 12, or whether it be some other viable means of achieving the needed diversity is something that I would like to see discussed. If not here, then I hope that the Board of County Commissioners will deal with it.

Question for you: What is the average sales price of a single-family residential unit in Collier County?

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MR. GIBLIN: You're catching me a little off guard. I believe it's around 360-, \$375,000, but I'll have to look at that in the break.

COMMISSIONER FRYER: Okay.

COMMISSIONER FRY: That is the median, not the average.

MR. GIBLIN: I'll have to research that for you.

COMMISSIONER FRYER: Okay. Yeah, I'd like to know before we complete our discussions on this, if you wouldn't mind.

And let me see what else I have for you, Cormac, if anything. Oh, I know. What would your -- what is your point of view as an expert in this area of way of addressing diversity by means of offering up a sum of money the way Rivergrass did to be used in assistance of those purchasing single-family residential dwellings meeting their down payment obligations? And what if that were paired with another way of achieving affordability in apartment units that, in that case, wouldn't be a burden, a 30-year burden on resale value of those units? What would your take be on a two-pronged approach that I -- like I suggested to achieve diversity?

MR. KLATZKOW: This is deja vu all over again. I mean, years ago I remember the Board of County Commissioners extracting cash out of the developers to be used for affordable housing, and one development after the other said, okay, we'll give you -- we'll make this payment, we'll make this payment, we'll make this payment. Then a few years later the thought process was, well, maybe we should never have done that, and now all those obligations were erased.

I mean, honest to God, either require the affordable housing or don't require the affordable housing. It's a policy decision. This "we'll write you a check so you can do something else," we tried that in the past. It didn't work. It just didn't, because as soon as the development community hit the recession, it was like, you know, these obligations are awful. You extracted this from us. It's unlawful. And the next thing I know, they were all off the books. I just feel like this is just deja vu all over again.

COMMISSIONER FRYER: May I ask the County Attorney then, this seemed to have been instrumental in the Rivergrass vote at the Board of County Commissioners level.

MR. KLATZKOW: Yeah, and I know, and it was on the fly, just like the other ones were on the fly 10 years ago, 15 years ago. And, you know, I was sitting here, and I'm going, oh, Jesus, not again.

Again, if this board wants to recommend that as a matter of policy that there should be diversity of housing, including incomes, that's fine. The Board of County Commissioners can make a policy. But to simply create a fund and have developers throw it into the fund, we tried that in the past, and I am telling you, it just was awful, and it did not work.

COMMISSIONER FRYER: Thank you.

MR. GIBLIN: If I could piggyback on the County Attorney. He is correct, 10 years ago it was done in an unformalized matter. Over the last two years we did kind of attempt to formalize that through the passage of the affordable housing -- local Affordable Housing Trust Fund with this designated as a repository for it should that happen.

But to answer Commissioner Fryer's question, I think the donation of funds would be the solution of last resort. Our division would always like to see the units provided in some manner.

CHAIRMAN STRAIN: See, a donation of funds doesn't mean the funds will be used in a locality where it's needed. It's going to be wherever the county can squeeze it to be used. I mean -- and I'm more concerned about the premise under this overlay that required these compact villages to be somewhat self-sustaining. And, actually, in Ave Maria's fiscal analysis, they used the affordable housing component as a justification for their neutrality, and I'm still worried about that.

And I think, Patrick, you wanted to ask a question.

COMMISSIONER DEARBORN: Well, just a general question. Issues with this affordable housing, which, again, the intent's always great, and I see price points here. This is a general question, maybe not specific to this project, but are there any controls in place for -- let's say I can afford a multifamily property. I'm a retiree on a fixed income or a first responder here in Collier County on a limited income.

I can afford the price of the property. Are there any controls in place to control the cost of the fees associated with those properties?

MR. GIBLIN: No. We look at a total cost of ownership should not be less [sic] than 30 percent of your monthly income. So those mandatory fees, CDD fees, association fees, those would be lumped in with taxes, insurance, principal.

COMMISSIONER DEARBORN: Understood. And I think the issue is, that I see -- again, this is not related to this project per se, but in general, in my experience when things are being built, developers absorb and carry a lot of the costs of all the fees associated with running a community. Once the developer's out and it's turned over to the homeowners association, I've never heard of association fees ever going down. I've heard of them going up astronomically, and then all of a sudden someone that could squeeze in this property, the developer's happy, they got the sales, and now there's an issue, and then we see property values and people having to move out, and it defeats the purpose of people actually being able to live there, like the chairman said, and walking to work, walking to places, riding their bikes, et cetera.

So just a general comment and question. I know it's beyond your realm of control, but that's something I think that we need to really look at. It's not just when the developer's there. When the developer leaves, and then the prices go up, now all of a sudden it's not affordable anymore. So affordability should mean long term, not just short term until the developer gets out. Yeah.

CHAIRMAN STRAIN: Okay. Anybody else?

MR. YOVANOVICH: Mr. Strain, when is it appropriate to --

CHAIRMAN STRAIN: Well, let's just finish with staff. You're going to have a rebuttal opportunity.

MR. YOVANOVICH: I want to cross him.

CHAIRMAN STRAIN: You want to cross?

MR. YOVANOVICH: I do.

CHAIRMAN STRAIN: Then now is as good a time as any. Go ahead.

You didn't have to accommodate him, Cormac.

MR. YOVANOVICH: That's okay. I could have figured it out if I had to.

I'll start with -- I'll start with a question that doesn't require the PowerPoint. You're close. That's good. Thank you.

As we sit here today, what is Ave Maria's affordable housing requirement?

MR. GIBLIN: It was --

MR. YOVANOVICH: No, no, today.

MR. GIBLIN: -- limitation of the DRI requirement.

MR. YOVANOVICH: When did we -- when did the Ave Maria SRA get amended to totally eliminate the affordable housing requirement?

MR. GIBLIN: Two thousand -- I do not have the date in front of me. I think it was a year before the state's removal of the DRI requirement.

MR. YOVANOVICH: So as we sit here today, the precedent out in the SRA is to not require the provision of affordable housing, correct?

MR. GIBLIN: Before the removal of the requirement, they had already made the land donation to accommodate the very low income off site.

MR. YOvanovich: How many acres was that?

MR. GIBLIN: It was 30 acres, I believe. It was Faith Landing Development in Immokalee. And they had also built the Townhouse Community, which had price points in the 150s, and sold several of those to homebuyers.

MR. YOvanovich: With or without the affordable housing 30-year commitment?

MR. GIBLIN: It wasn't 30 years. I think it was five years.

MR. YOvanovich: So as far as what you're requesting of this developer, this is the first time you're asking for this type of commitment out in the SRA?

MR. GIBLIN: These are staff recommendations. We would be happy to sit with the applicant and hammer out any appropriate accommodations you'd like. But absent that, these would be staff recommendations.

MR. YOvanovich: Where in the Comprehensive Plan does it refer to affordable housing?

MR. GIBLIN: Well, Comprehensive Plan refers to it in many places. The Housing Element is one place.

MR. YOvanovich: So let's look at Policy 4.7, the part you didn't show to the Planning Commission. You see the highlighted provision?

MR. GIBLIN: Yes.

MR. YOvanovich: Did you have a chance to read it?

MR. GIBLIN: I've read it, yes.

MR. YOvanovich: So here it says, if you want to get an increase in base density, you have to do affordable/workforce housing, correct?

MR. GIBLIN: Correct.

MR. YOvanovich: Are we asking for an increase in the base density?

MR. GIBLIN: No.

MR. YOvanovich: So the code directly dictates when affordable housing is to be applied in the SRA if you want an increase in base density, correct?

MR. GIBLIN: I think that would apply only if you were looking to increase base density.

MR. YOvanovich: So now you want to refer to Policy 4.7.2 about the requirement to have a diversity of housing type and mix of uses appropriate to the scale and character of the particular village; is that correct?

MR. GIBLIN: Yes.

MR. YOvanovich: Okay. So if I offer multifamily and single-family, is that not a diversity of housing types?

MR. GIBLIN: I think that diversity would be in the eyes of the beholder. Is a 16 percent to 84 percent ratio diverse or is more of a 50/50 or is it 1 to 99. That would be individual judgment.

MR. YOvanovich: Look, all I can do is I can look at the black and white, and when the black and white is not defined, you go to Webster. So would you agree with me that the dictionary definition of a diversity would include the provision of multifamily and single-family housing types?

MR. GIBLIN: I think it would depend on the ratios of each.

MR. YOvanovich: You don't want to -- shall we pull up Webster and talk about what diversity really means?

MR. KLATZKOW: Rich, wrap this up. I mean --

MR. YOvanovich: No, no. I'm going to ask the questions, Jeff.

MR. KLATZKOW: No, no. I mean, there's cross-examination, then there's being argumentative.

MR. YOVANOVICH: I just want to understand where I would find it in the code.

MR. KLATZKOW: All right. Put on the first slide again.

MR. YOVANOVICH: Which first slide?

MR. KLATZKOW: Your first slide.

MR. YOVANOVICH: I tell you what, Jeff, you can rehabilitate your witness when I'm done.

MR. KLATZKOW: I'm not here to rehabilitate or not. I'm just saying, stop being argumentative. I mean, you come here and, you know, you ask the Board for something, and then years later you say, well, now we have precedent. And I'd just like this board to remember that.

MR. YOVANOVICH: I'm not -- Mr. Strain -- I mean -- sorry. Mr. Klatzkow, I'm not the one who talked about precedent back to Ave Maria. I just want to make sure, if we're going to talk about any precedential value of Ave Maria, it applies throughout the discussion, so --

CHAIRMAN STRAIN: You're mixing apples and oranges. And I'm not trying to interrupt your cross-examination of Cormac, but there's pieces missing in both of you guys' request, your question and his response.

Ave Maria was a time prior to the recession, or about the recession time, when they agreed to certain terms and conditions. They met the standards that we felt were applicable at the time. They changed before we had a plethora of affordable housing during the recession, and we started backing off all of our requirements for affordable housing thinking we had plenty on the ground. That's where we rescinded those previous dollar amounts, because we just -- everybody rethought, how much affordable housing do we need? Is that the right way to go?

MR. YOVANOVICH: Mr. Strain, you know, I've been around a long time.

CHAIRMAN STRAIN: And I've been around longer than you, because I met you when you first got here, if you'll recall.

MR. YOVANOVICH: Although my hair color has caught up.

CHAIRMAN STRAIN: Yes, it has, but your beard hasn't.

MR. YOVANOVICH: No. Well, I can't get it to grow that long.

The reason the financial requirement went away is there was a concern about the legality over the first place. It had nothing to do with there was more than enough affordable housing. The question became, was that a proper exaction or not? It had nothing to do with the amount of affordable housing available. That's my recollection. You may remember --

MR. KLATZKOW: And my recollection is that the Board of County Commissioners had a discussion of whether or not we should have inclusionary zoning. The developers went out of their minds when they heard that. In order to get out of the requirement of inclusionary zoning, which was a requirement at that time, they, in essence, wrote a check, you know, so -- just to get out of that requirement. Then the recession hit. That's my recollection.

CHAIRMAN STRAIN: After the recession, everybody changed their attitude for a period of time, and it's now reverting back.

MR. YOVANOVICH: Well, there was -- for the record, there has never been an inclusionary zoning ordinance adopted in Collier County, and you would know it and I would know it. There's never been an affordable housing inclusionary zoning ordinance adopted in Collier County.

There's always been the Comp Plan, but there's never been an ordinance regarding -- requiring inclusionary zoning. There was an informal policy to address that of this exaction process, and people realized that maybe that exaction process was not the most legally sufficient way to address an unwritten inclusionary policy.

There was a discussion about adopting one. There was a discussion about adopting one, but it was never adopted. And since then, as we're all aware, there's a state statute that says, if

you're going to adopt an inclusionary zoning for affordable housing, you have to make sure it doesn't fiscally impact the developer, which means he doesn't lose his profit, he doesn't have to pay his impact fees. That's what the statute now --

MR. KLATZKOW: But this is not a rezoning. You keep arguing that. This is not a rezoning. You guys argued years ago this was not a rezoning. You won that argument. Now you're arguing that this is a rezoning so you shouldn't -- you are now excluded from that.

MR. YOVANOVICH: Well, what I'm arguing is the Land Development Code in no place requires us to provide affordable housing.

MR. KLATZKOW: Look at the monitor. That's what staff is arguing.

MR. YOVANOVICH: I got what staff is arguing. If you'd let me finish the questioning, I would like to --

CHAIRMAN STRAIN: Okay. But once he answers your question, it's over with. Go on to the next point, please. That will stop all this back and forth.

MR. YOVANOVICH: I don't think it will, but that's okay.

CHAIRMAN STRAIN: Well, it will from our side of it. How's that?

MR. YOVANOVICH: We'll see.

Under the Land Development Code provision that you put up there, where does the word "affordable housing" show up?

MR. GIBLIN: It doesn't.

MR. YOVANOVICH: It doesn't. It just says "income thresholds." So if I want to guarantee you I'll sell a house to at least so many people that make at least 200,000 and another number of houses to people who make at least 300,000, and I agree to do another certain number of houses for people who make at least \$400,000, I've satisfied that requirement, correct?

MR. GIBLIN: Sure.

MR. YOVANOVICH: So how did you go from the leap of that's the provision that let's you impose a 15 percent requirement for affordable housing?

MR. GIBLIN: Because there was -- you did not make those commitments in your SRA. We had nothing to go on.

MR. YOVANOVICH: So --

MR. GIBLIN: So those are our recommendation.

MR. YOVANOVICH: So during the break we'll talk amongst ourselves and commit to certain income thresholds, and we'll come back, and we'll put them in the SRA document. But that will satisfy your requirements under the Land Development Code, correct?

MR. GIBLIN: It will satisfy mine. Again, my last bullet point is that you also need to satisfy the Planning Commission's interpretation of that and the Board of County Commissioners.

MR. YOVANOVICH: I will agree I have to satisfy the Board of County Commissioners to the extent it's consistent with the black-and-white rules that have been adopted by the Board of County Commissioners.

That's all.

CHAIRMAN STRAIN: Okay. Thank you. Go ahead, Ned.

COMMISSIONER FRYER: Cormac, with respect to the obligation of diversity -- and that is an obligation both in the GMP and the Land Development Code -- a Webster's dictionary definition of diversity would perhaps be somewhat frozen in time. And from my point of view, the best definition to be used would be to look at it through the prism of what we have here in Collier County and what our current needs are. And to my way of thinking, our current needs are to include essential services personnel to make opportunities available for them so that they can be available to respond to their job on short notice in the event of an emergency.

And so within that prism, to me the satisfaction of diversity is achieved best by looking at

creating opportunities for people to -- the people within the target group that we are soliciting, opportunities for them to live here economically. And wouldn't you say that that is a legitimate definition of diversity or one potentially legitimate definition of diversity in these times?

MR. GIBLIN: It is. And since the GMP does not define what it means when it says diversity of what, it could be multifamily or single-family. It could be two-story or one-story. It could be red and blue. You know, diversity could mean many different things. That's why we have the additional clause from the Land Development Code that says diverse ages and incomes. So now we're getting more specific. So that means rich and poor, rich and richer. You know, but we need to have something to go on.

COMMISSIONER FRYER: So would it also be fair to say that if a developer came in and had several different colors of houses, that that might be a certain kind of diversity but not necessarily the sort of diversity that would be desirable for our county at this point in time in history?

MR. GIBLIN: Exactly.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Okay. Anybody else? Karl?

COMMISSIONER FRY: Just a clarification, Cormac. If Rich and the applicant come back after the break and they do have some sort of allotment similar to your table where they're guaranteeing certain percentage of home income levels or price ranges, that would be acceptable to you?

MR. GIBLIN: Fabulous.

COMMISSIONER FRY: I'll just comment that, I mean, one of the things that I think is a positive of this particular development is the price ranges that have been indicated in that they are not exorbitantly high like we're used to in other parts of Naples. And that in itself represents a bit of affordability. But I do see the merit of having those documented in the SRA so that that commitment -- we can count on that commitment.

I have to express, I guess, a frustration as being the newest member of this commission is that we come in here, and every project, affordable housing comes up, essential services comes up, and we have to come up with some creative on-the-fly solution, and then it goes to the County Commission and they override or they do something more creative.

That doesn't seem to me to be the way this should work. It seems to me that we -- as Mr. Klatzkow said, we have provisions. It's a bonus, you know, in terms of density for affordable housing. I believe it's a great component of all developments.

But how do we build it into the LDC and the master plan so that it is a formula that can be more universal for these developments? It comes up every time. Why can't we build it in so that we don't have to create a custom solution for every development on the fly? That's a rhetorical question, I guess. But I'm hoping that there is some way that that can happen so we're not in this position week in and week out.

MR. GIBLIN: To answer your question, you know, there are some amendments moving forward of the Rural Lands Stewardship Area. There's the white paper amendments, and then the five-year amendments, some of those will become clear as -- or some of those amendments will address some of those issues.

COMMISSIONER FRY: Thank you. Glad to hear that.

CHAIRMAN STRAIN: Anybody else of Cormac while he's here?

(No response.)

CHAIRMAN STRAIN: Thank you, Cormac.

Is someone from environmental staff here?

MS. COOK: Good morning. For the record, Jamie Cook, principal environmental

specialist.

CHAIRMAN STRAIN: Good morning.

MS. COOK: Good morning.

CHAIRMAN STRAIN: Don't pass you in the hallways like I used to, so I have to ask you questions today.

MS. COOK: Sure.

CHAIRMAN STRAIN: You heard the applicant's comments about the Recommendation No. 2. What was your position on that, if -- do you recall? Do you want me to read it to you? It says, per environmental staff, update master plans to show the LSPA areas.

MS. COOK: Prior to the staff report being written, there was a conflict between the master plan and the deviation request, so that is why the condition was written in the staff report that way. The master plan and deviation request have since been updated so that they now match.

CHAIRMAN STRAIN: Okay. So we can omit Deviation 2 -- I mean, Recommendation 2?

MS. COOK: Correct.

CHAIRMAN STRAIN: Thank you.

MS. COOK: You're welcome.

CHAIRMAN STRAIN: That's the only one I have, I think, of you. Appreciate it.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Nope. Thanks, Jamie.

MS. COOK: Thank you.

CHAIRMAN STRAIN: Is anybody here from Collier County Sheriff's Office?

(No response.)

CHAIRMAN STRAIN: Okay. Tim, I need you to talk to me about No. 4. Where'd you get that from? How'd it get there? Per Collier County Sheriff's Office, at buildout there will be a need for a police substation such as the substation built near the intersection of CR 846 and 39th Avenue Northeast.

MR. FINN: When I had asked for the staff section for the staff report, this is what they came back with --

CHAIRMAN STRAIN: Who's they?

MR. FINN: Collier County Sheriff's Office. I don't recall the name.

CHAIRMAN STRAIN: Okay. So the Sheriff's Office asked -- basically said there's a need for a substation --

MR. FINN: Yes.

CHAIRMAN STRAIN: -- which there's probably needs for lot of substations.

MR. FINN: Correct.

CHAIRMAN STRAIN: But what does that have to do as a require -- a recommendation from staff? You're not recommending anything specific. So is -- I'm just -- you're recommending a -- it doesn't say you're asking for land from the applicant and you have some provisions that entitle you to do so. It doesn't say anything like that.

MR. BELLOWS: Yeah. For the record, Ray Bellows.

The condition probably should have been more specific to this project. Would this project be providing this substation? They're saying that they would like one in that area.

CHAIRMAN STRAIN: But as the -- is there a specific RLSA standard --

MR. BELLOWS: No.

CHAIRMAN STRAIN: -- that requires a substation of a village?

MR. BELLOWS: No.

CHAIRMAN STRAIN: Okay. So they could have negotiated that with the developer. You guys added it just saying that there's a need to have one in the area. But was that intended for us to negotiate it with the developer then?

MR. BELLOWS: I think it should have been written so the staff would be requiring -- or requesting that it be added as part of this SRA.

CHAIRMAN STRAIN: What will be added?

MR. BELLOWS: A substation.

CHAIRMAN STRAIN: But how do you get that to meet the code? And maybe at break you could kind of take a look at it a little closer.

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: We can do -- we can't provide -- we can't take exactions that don't have a rational nexus, and I don't know if this one does. So would you --

MR. BELLOWS: It doesn't.

CHAIRMAN STRAIN: It doesn't? Okay. So we're really going to Strike No. 4, unfortunately. And maybe when you guys communicate with the sheriff's department you can get together and --

MR. BELLOWS: We'll definitely do that.

CHAIRMAN STRAIN: -- figure out a way to produce some better language that --

COMMISSIONER CHRZANOWSKI: Hey, Mark?

CHAIRMAN STRAIN: Yeah.

COMMISSIONER CHRZANOWSKI: Isn't there an impact fee that would cover that?

CHAIRMAN STRAIN: There is. We have jail and --

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: -- both -- yeah, we have impact fees.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Well, that's all the stuff that should have probably occurred as a discussion before it got added as a staff recommendation. That's all I was trying to figure out.

Number 5, is there anybody from the Fire Department here?

(No response.)

CHAIRMAN STRAIN: Tim, unfortunately, it falls on your shoulder. Where'd you get that one from?

MR. FINN: Daniel Zunziquy (phonetic). When I requested the staff section from him, this is what he brought back with.

CHAIRMAN STRAIN: Okay. If this wasn't here, would he still have to make sure it meets fire prevention code?

MR. FINN: Yes, definitely.

CHAIRMAN STRAIN: All right. Then we don't need it as a staff recommendation.

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: So let's -- if we can stop having to have these discussions and just not put stuff there that we don't need, that would be very helpful.

Okay. So we don't need 2, 4, or 5, and we've talked about 10, 11 and 12. Anybody else have any questions of staff?

COMMISSIONER FRYER: No.

CHAIRMAN STRAIN: Okay. Are there any public speakers, Ray?

MR. FINN: First speaker is Angel Raudner.

MS. RAUDNER: I'm going to yield my time to Hannes, if that's all right.

MR. FINN: Okay. Hannes Raudner.

CHAIRMAN STRAIN: Okay.

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MR. YOVANOVICH: Mr. Strain, he spoke at the last hearing. We took him out of order.

CHAIRMAN STRAIN: Oh, if that was the case -- is that what occurred?

COMMISSIONER HOMIAK: Yeah.

CHAIRMAN STRAIN: I don't mind hearing him again. Is there a prohibition to that? Then we'll hear him again.

MR. RAUDNER: Thank you. I appreciate it.

CHAIRMAN STRAIN: Go ahead, sir.

MR. RAUDNER: All right. My name is Hannes. I spoke last time. Thank you for letting me speak again. I'm a little bit better prepared this time. I'm sorry to have to come back. This is actually a side issue in every sense.

COMMISSIONER FRYER: Would you mind spelling your last name, sir.

MR. RAUDNER: Excuse me.

COMMISSIONER FRYER: Would you mind spelling your last name, please.

MR. RAUDNER: R-a-u-d, like Denver, n-e-r.

COMMISSIONER FRYER: Thank you.

MR. RAUDNER: So we see here, this here is Hyde Park, a little larger, and these here in yellow are the properties of nine owners who are along the western border of Hyde Park development. It's the canal side. You can see on the canal, our land goes over to the other side. And so Hyde Park actually does not have access to the canal. That would be only over our land.

And so I have another sheet here. I'm sorry. It is a little more complex, but it shows here this is our boundary line, our border line here. This here is the canal. This is 16 feet. They belong to us under what we call the other side, the Hyde Park side.

I know there were discussions with water management about easement, and so water management got 20 feet from Hyde Park as a maintenance easement. We already have 100 feet given as an easement from our side, which includes the canal plus the 16 feet we are talking about.

Discussion now is that these two easements are going to be combined, leveled, sod being put on it and maintained, I believe, by the county, or I don't know who is going to maintain it, depending on these discussions.

So if these two pieces of easement are joined together, they will create just one grassy place going from the boundary line of the easement all the way to the canal, including both easements. So now everybody from the Hyde Park development has access over the easement right to the canal onto our land.

Our question -- and it affects nine property owners along the western boundary. Our question is, what is the legal situation? What if a child falls into the canal? Who is liable if somebody gets injured? Who will be liable in this area, unless something is done to avoid access to the easement?

So I'm suggesting here as a solution to put a chain-link fence on the western side of the easement so the easements are all separated from the Hyde Park development and, therefore, secured from trespassing, basically. So this is one point. This is not clear. Who is liable? Are we liable for any of the public traffic that's going to happen on our land? I don't know. But that's why I'm bringing the question to you for your consideration.

COMMISSIONER FRYER: Sir, we can't provide legal advice.

MR. KLATZKOW: The zoning doesn't change the issue, whether the zoning goes through or not. At the end of the day -- and I'm not sure where staff is -- the county may have to condemn at least an easement on this in order to get the access it needs to maintain the canal. I don't know where staff is on this. But, you know, whether you approve -- recommend approval or disapproval, it doesn't change the fact.

And this issue was ubiquitous in this area where you've got these little strips on the other side of a canal owned by, well, the people on the other side of the canal. It happens all over the place.

Frangipani Road is one of them where people are using it as an access point to their properties, and it's actually owned by the people across the canal. It's just how the area developed. And over the course of time, the county's going to have to address it.

CHAIRMAN STRAIN: So we don't have -- we're not going to have an answer for you on that today. That's not what we do. I certainly understand your concern. I live in the Estates as well, so I know what your concerns are.

I don't know how to answer your question, though. I mean, it's probably one you need to pose to an attorney that you hire to look into it, maybe a -- some kind of specialist attorney looking at easements and things like entitlements and things like that. But we're not the right body for that, unfortunately.

MR. RAUDNER: Okay. I have another point. Sorry.

COMMISSIONER CHRZANOWSKI: While we're on this, could I ask something? Jeff, how do the rules about navigable waterways pertain to the Collier County canals?

MR. KLATZKOW: They really don't. At the end of the day, the primary purpose of these canals isn't for boating. The purpose of these canals is to make the whole area habitable. I mean, people tend to forget, you couldn't live in most of Collier County before the canals were put in and, you know, the whole point of the canals is, in essence, to drain the swamp so that people can live here.

COMMISSIONER CHRZANOWSKI: And you have weirs in the way. But there are certain rules that the Corps of Engineers has passed saying, if you can boat from one area to another, carry your canoe, whatever, and it's interconnected, it becomes a navigable waterway.

MR. KLATZKOW: Yeah, but the issue here is that the land underneath most of these canals is owned privately.

COMMISSIONER CHRZANOWSKI: I know.

MR. KLATZKOW: All the canals are -- essentially, they're just easements.

COMMISSIONER CHRZANOWSKI: I know. And I have canoed a lot of these canals across people's properties --

MR. KLATZKOW: Yes.

COMMISSIONER CHRZANOWSKI: -- because it's a navigable waterway.

MR. KLATZKOW: And we've put in ramps to allow people to do that. Whether or not at the end of the day there's an actual right to do that is an open question.

COMMISSIONER CHRZANOWSKI: That's what I was curious about. Thanks.

CHAIRMAN STRAIN: Let's let the gentleman wrap up his questions or his concerns, if you could, sir.

MR. RAUDNER: Yes. The other part -- my second concern is about the visual buffer between these two developments. So the new development is basically a township with, as you pointed out so correctly, these very narrow side easements and then two stories tall. I hope they don't build 40-foot-tall high buildings.

So there will be, from the Golden Gate point of view, a township developed that's totally different in style and character than what is Golden Gate. It will be manicured. It will be nice cut grass and beautiful, whereas Golden Gate on the other side, as you all know, it's a bit rough and tumble. It is rugged. There are large parcels along the canal, older parcels approximately four feet -- four acres large, and then on the other side the new development is a 700 -- 7,000 [sic] square foot postage stamps. They're really small, small, small, and that's to get the density. We understand that. I'm an architect.

So -- but on the other side, there is a big difference. So we are requesting an enhanced visual buffer between these two developments. I don't think this is unreasonable considering that they are coming in here when our beautiful -- I mean, this is the -- this is the view we are used to, right, and now a township comes there. So I don't think it is to ask too much to have an enhanced visual buffer between these developments.

CHAIRMAN STRAIN: That's something we can ask the developer to describe after you finish.

MR. KLATZKOW: But just so you know -- and I don't know where staff is on it. But if staff decides to take that strip as a maintenance, it's going to clear-cut it. So whatever trees you see there now, if staff elects to take this, those trees are going to be gone.

CHAIRMAN STRAIN: Right. And that's why we'll ask the developer to define the buffer. We'll hear some more on that when you're finished.

MR. RAUDNER: Yeah. We're asking for 15 feet wide, a buffer which is about 15 to 20 feet tall with 80 percent opacity.

CHAIRMAN STRAIN: Okay. We'll get into that.

MR. RAUDNER: Thank you very much.

COMMISSIONER DEARBORN: Thank you, sir.

CHAIRMAN STRAIN: Thank you, sir.

And with that -- I've been trying to talk slower for our court reporter today. I hope I succeeded. We're going to take a break and resume at 10:45 so the young lady can rest her fingers.

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

CHAIRMAN STRAIN: Ladies and gentlemen, if you'd please take your seats, we'd like to resume the meeting. Everybody, if you could sit down. We will start to resume as soon as everybody's in their seats, including Tom. Okay, everyone.

Tim, we left off with public speakers. Do you have any more registered public speakers?

MR. FINN: Yes. Next public speaker is Rae Ann Burton.

CHAIRMAN STRAIN: Ray who?

MR. FINN: Rae Ann Burton.

CHAIRMAN STRAIN: Rae Ann Burton, are you here?

MS. BURTON: Yes.

CHAIRMAN STRAIN: Okay. She's here. Thank you. Ms. Burton.

MS. BURTON: Thank you.

CHAIRMAN STRAIN: Were you sworn in when we started this morning?

MS. BURTON: I didn't really get here in time.

CHAIRMAN STRAIN: Then this young lady here will swear you in.

MS. BURTON: Okay.

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

MS. BURTON: Yes, to my best ability.

Okay. Thank you.

Good morning, members of the Planning Commission. My name is Rae Ann Burton, 2530 31st Avenue Northeast, rural Golden Gate Estates.

My concern is the 9A Hyde Park. It will connect to Rivergrass, which this board denied, will complete the original footprint the Rural Land West that was withdrawn by the developers to build less restrictive and cheaper sprawling villages. This runs counter to what is considered in the best interest of the county.

This village is one of four which will increase population to 14,917. If two cars are permitted per unit, that's 37,293 cars impacting the already congested traffic on Oil Well,

Immokalee, and now Everglades, Randall, and Golden Gate Boulevard.

Please adhere to the original RLSA plan, 16,800 or 9 percent to be developed. Do not build urban sprawls surrounding against the Estates.

The Estates is a sanctuary from city, towns, and sprawling villages, noise, traffic, pollution, and crime. Many moved to enjoy the environment, the wildlife and peace and quiet without HOA fees or restrictions on putting out the American flag, the choice of house colors, or plants around the house or if I can leave my motor home in my driveway, or business vehicle.

This board takes hard stands against many issues that will destroy the Estates, increase fees and taxes. This board really hears the concerns and fears of the Estates community. For this, I want to thank everyone for really listening to the residents and not allowing county or developers to destroy our little piece of paradise.

I will be going to the Board of Commissioners meeting when this comes before them, but I ask why I get up at 6:00 a.m. to go to the meetings that are set at 9:00 a.m. when the very people that have concerns cannot come, to voice my fears and concerns only to fall on deaf ears.

I even asked at the last county board meeting, how can you approve an incohesive village when the Planning Commission committee and 25 residents that could come asked to deny?

The developers claim they have the right to build villages. I ask, what about the rights of the residents that live in the Estates? Do we not have a right to enjoy our property without the congestion of urban sprawl choking us with traffic, pollution, and noise?

I want to thank everybody again on this board for you [sic] truly hear the residents of the Estates, consider our desires, needs above that of the county and developer, thank you.

CHAIRMAN STRAIN: Okay. Thank you. Ms. Burton, just one comment.

(Applause.)

MS. BURTON: Yes.

CHAIRMAN STRAIN: When you go to the Board, you may want to -- your beginning statement, this was not and is not part of the former Rural Lands West. It's a separate piece of property owned by a separate developer.

MS. BURTON: It replaces the footprint. It's in the same --

CHAIRMAN STRAIN: No, it doesn't. It's outside the --

MS. BURTON: It's supposed to be below Rivergrass, correct?

CHAIRMAN STRAIN: No. Hyde Park is to the west of Rivergrass.

MS. BURTON: Okay.

CHAIRMAN STRAIN: It's in the old burrow's [sic] pit.

MS. BURTON: Thank you.

CHAIRMAN STRAIN: It had nothing to do with Rivergrass. So I want to make sure you start out with that.

MS. BURTON: Yeah. It gets confusing. You try to look at all these maps and everything, and pretty soon you don't know where you are.

CHAIRMAN STRAIN: Yes, it does. One point -- what, 1.475 million acres. That's a lot to keep track of, so...

MR. KLATZKOW: It used to be Winchester Lakes.

MS. BURTON: And thank you for doing so.

CHAIRMAN STRAIN: Thank you.

Okay. Any other speakers, Tim or Ray?

MR. FINN: No, that's it.

CHAIRMAN STRAIN: Now, is there any other members of the public who have not spoken that would like to speak on the Hyde Park issue?

(No response.)

CHAIRMAN STRAIN: Okay. Hearing none, we'll move to the rebuttal opportunity. Oh, first of all, any other questions of the Planning Commissioner?

COMMISSIONER FRYER: Not at this time.

CHAIRMAN STRAIN: If not, we'll go to rebuttal by the applicant. And before you start your rebuttal, Rich, could you or Bob define the buffers that are proposed on the western side?

MR. YOVANOVICH: It's on your screen.

CHAIRMAN STRAIN: Well, no, it's not. There's something else on the screen.

MR. MULHERE: No, actually, I'm on MUNI code right now. I'll show you, if you give me a second. Right here, but I'll read it.

CHAIRMAN STRAIN: Oh, I thought you had a cross-section. You don't have anything --

MR. MULHERE: No.

CHAIRMAN STRAIN: -- visual?

MR. MULHERE: We comply with the LDC requirement for a Type B landscape buffer.

CHAIRMAN STRAIN: Oh, you're doing a Type B?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. Well, that's a pretty good buffer.

MR. MULHERE: Yes. And also, I just did want to mention that there is a -- there will be a water management berm approximately two feet, and that landscape buffer will be on top of that. So it will actually be a little bit higher.

CHAIRMAN STRAIN: Okay. The width of the buffer will be?

MR. MULHERE: Fifteen feet for the planting area, but we have a 65-foot-wide green space.

CHAIRMAN STRAIN: Okay. And the opacity will be 80 percent within one year?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: And I think that's some of the points that the gentleman had asked about. Okay. That's the only question I had.

Rich, it's all ours.

MR. YOVANOVICH: I don't have a long rebuttal. I do have a couple of comments and, I guess, suggested provisions that -- to add to the SRA.

One, I did look up the term "diversity" while we were sitting and waiting, and I'm 100 percent certain that our commitment to provide at least 300 multifamily units and not to exceed 1,000 multifamily units together with the single-family commitment satisfies any definition you want to come up for with diversity. It's multiple product types, housing types. I think that absolutely meets the definition of diversity.

Not to -- not to mention the fact that in the real world, builders offer multiple footprints of the different product types. So there is diversity. And for someone to say that the fact that we're providing multifamily and single-family is not enough assurance that there's a diversity product type is not living in how it really happens in the real world. So diversity of building types is clearly going to be met by the provisions.

I think, likewise, income levels are also addressed by the different product types and the different pricing points that will be in the product -- in the SRA.

However -- and I did talk to my client about assuring income-level diversity, and we will put in the SRA that we'll sell at least 50 units to people making 175,000 or less income level, 50 units to people making \$225,000 or less, or 50 units for people making \$275,000 or less to address Mr. Giblin's concerns about assuring income-level diversity.

The code does not --

COMMISSIONER FRYER: Would you repeat that, please, sir.

COMMISSIONER FRY: Are you talking income levels or --

MR. YOVANOVICH: Income levels. He's concerned about me meeting the income-level threshold, and he acknowledged that I don't have to meet affordable. I just have to have income levels. So we're going to do 50 units making 175,000 or less, family income; 50 units 225,000 or less income levels; and 50 units making 275,000 or less. If that is a requirement of the code, we'll go ahead and add that to the SRA.

CHAIRMAN STRAIN: Okay. A couple ifs. If it's a requirement of the code, which you probably already know that answer. Number 2., income levels of what this community is supposedly going to be -- seems to be heading towards folks that may be part-timers, they may be retirees, they may be on social security but their income levels may not be income levels based on the fact they're a working entity. They may be simply retired and living off income -- savings and things like that. That's not income.

MR. YOVANOVICH: Well, Mr. Strain, that's why the numbers are 50, 50, and 50. There will obviously be others that are going to live in this community. My whole point by watching you smile is that I thought that was not the strongest argument for the county to require us to do affordable housing, the fact that we don't have something in our SRA addressing family income levels.

We know that the code doesn't require that. We are the type of project that the county wants. Neal Communities has been here for years. The product type that they develop is quality and at price points that -- what everybody's worried about, essential service personnel being able to afford and live in is there. It's a fact of life, and to now try to impose a requirement that is not in the code by stretching an argument about income levels is unnecessary and, frankly, I think, harmful to delivering the product types you want.

And with that, we request that you forward to the Board of County Commissioners our product, our project, as proposed with the modifications that we've agreed to. We will not agree to an affordable housing requirement of any sort as part of this, and we request that you recommend approval to the Board of County Commissioners, and I'll be able to answer any questions you want.

CHAIRMAN STRAIN: I'll start with Patrick.

COMMISSIONER DEARBORN: I just had a quick clari -- I couldn't understand -- you were mentioning income levels. I thought I heard 225,000, 250,000.

MR. YOVANOVICH: I said 175-, 225-, and 275-.

COMMISSIONER DEARBORN: Income levels for a perspective person buying --

MR. YOVANOVICH: Yes. If we have to meet a threshold of diversity of income levels, we'll guarantee that diversity through these income levels.

COMMISSIONER DEARBORN: Wow.

CHAIRMAN STRAIN: I mean, Patrick, at that level, they won't -- there's no affordable housing necessity.

MR. YOVANOVICH: Correct. There is no affordable housing requirement.

CHAIRMAN STRAIN: Someone earning 175,000 a year doesn't need to be in an affordable housing program, so it couldn't be.

COMMISSIONER DEARBORN: I got that.

CHAIRMAN STRAIN: So it doesn't make any sense.

MR. YOVANOVICH: Code doesn't require it.

CHAIRMAN STRAIN: Huh.

MR. YOVANOVICH: Code doesn't require affordable housing. It just says income levels.

CHAIRMAN STRAIN: It says a mixture, or I forgot the exact language. But, you know, your interpretation of the code has always been one way of doing things, and occasionally this

board might have a difference on the opinion on that, so...

MR. YOVANOVICH: I can only read the black and white.

CHAIRMAN STRAIN: Yeah, and so do we.

Anybody else have any questions? We're at the wrap-up point. Karl.

COMMISSIONER FRY: I guess I found that somewhat humorous in that --

MR. YOVANOVICH: Yeah.

COMMISSIONER FRY: And I guess it's not an attempt to be facetious that those income levels in any way represent housing for essential services personnel, those income levels represent -- so my question -- here's my question.

Cormac was asking -- as I understand it, was asking you to commit to the housing analysis you did by taking 15 percent of the price ranges that you said you would be providing and putting them in the SRA as a, we will do this many, 50 homes in the price range of X, 45 homes in the price range of Y, and 50 homes in the price range of X. So out of 1,600, 1,700 units, I think it was a couple of hundred units that he wanted to have in there with a dictated price range that they would be sold for. It wasn't on income levels.

MR. YOVANOVICH: It was not price range. He wanted income levels at gap and moderate and whatever else he had in his category. He did nothing about price points of what our price points were. He wanted income levels and to force us to comply with your affordable housing requirements that are in your code. Income level restrictions is what he proposed.

He in no way talked about price points of units. He said the way he was going to assure price points of units was to force us to income restrict those units. That's what he said.

COMMISSIONER FRY: My understanding from the -- we can put the slide back up. My understanding was that he was looking at the income levels and what price range they could afford and asking you to commit to those price levels.

MR. YOVANOVICH: No, he was not. He was -- I don't know -- we have to switch back. Thank you, Tim.

What he asked was, he wants income level of 45 units in the multifamily to meet the low income, which is 80 percent or less.

CHAIRMAN STRAIN: Karl, we can call Cormac back up. Would that help clarify?

MR. YOVANOVICH: I'm just telling you what I heard him say. Maybe I'm wrong.

CHAIRMAN STRAIN: I know, but since there's a debate about it, and he's standing right there in the back of room, and he's anxious to come up here and straight it out for us --

COMMISSIONER FRY: I would welcome that.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: I would, too.

MR. GIBLIN: Good morning, again. Cormac Giblin, for the record.

The question is whether the code requires differentiation of incomes and/or price points, I think is the question. I think that the code does request that there be a variety of incomes and price points.

CHAIRMAN STRAIN: To make something affordable?

MR. GIBLIN: Not necessarily affordable, just diverse.

CHAIRMAN STRAIN: Diverse.

MR. GIBLIN: Diverse. The suggestion on the screen was simply taking the applicant's own feasibility analysis of what they say they plan on building and trying to guarantee at least some of it will get built in what they said they already were going to.

MR. YOVANOVICH: At the price points.

COMMISSIONER FRY: Were you asking for price points?

MR. GIBLIN: It's both. The code requires both. It says prices and incomes.

MR. YOYANOVICH: Can I ask a question? Are you asking us to guarantee in the multifamily that we provide 45 units for people making in the low-income range?

MR. GIBLIN: Yes.

MR. YOYANOVICH: So it's -- he wants me to provide affordable housing. You want us to provide 80 units for people making in the income range of moderate, which is 80 percent or less?

MR. GIBLIN: No. Moderate is 120 percent or less. Low is 80 percent or less.

MR. YOYANOVICH: And then you -- oh, so the low is 80 percent or less.

MR. GIBLIN: Correct.

MR. YOYANOVICH: And then you want us to provide gap income-restrict housing.

MR. GIBLIN: At 140 percent --

MR. YOYANOVICH: Gap income-restricted housing under your current affordable housing standards?

MR. GIBLIN: Right. In accordance with what you said your price points planned on being.

MR. YOYANOVICH: Which includes a 30-year restriction on sale and rental and all those good things; is that correct?

MR. GIBLIN: I've already gone on record saying that we'd be happy to negotiate with you whatever you think is best.

MR. YOYANOVICH: I'm just trying to understand -- well, the answer to the question is we're not going to agree to the income restrictions that are being proposed.

COMMISSIONER FRY: How about the price points? If the -- I mean, he's basically saying, take a percentage of the units you already say you're going to sell and say I will say -- I will sell 15 percent of those at those price points of each of those product categories. Is that something you would commit to?

MR. YOYANOVICH: Well, if we do apartments, I don't sell units at \$168,000. So that's --

CHAIRMAN STRAIN: You know, we're starting to modify the program on the fly again, and that's going to get so ridiculous. We need to stay away from either they -- either they're going to buy into the program, as staff has recommended, or they're not. And I think he's saying they're not.

MR. YOYANOVICH: No. Staff has even said the program's negotiable. We don't have a program.

CHAIRMAN STRAIN: But you didn't negotiate anything.

MR. YOYANOVICH: We don't have a program that requires this.

MR. KLATZKOW: You've got a staff recommendation. You don't agree with it.

MR. YOYANOVICH: Correct.

MR. KLATZKOW: There you go.

MR. YOYANOVICH: But we'll address the income diversity if we have to through what we've proposed.

MR. KLATZKOW: But keep in mind, just because you sell a house for \$200,000 or \$300,000 does not really get to the point of getting essential work -- work is a home [sic], because I could be retired, \$180,000 pension, but I've got \$500,000 in cash to buy the house. So, you know, just having a price point on that house doesn't do it, but there you go.

CHAIRMAN STRAIN: Karl, you done? No? Go ahead.

COMMISSIONER FRY: I thought the purpose of what Cormac was suggesting -- and I'm not taking it in its pure form, just the intent, was to avoid a situation where you say we're going to build this type of housing, and then you come back and build homes that cost twice that much

which, by the nature of their price, price a lot of the people out of the market. I said -- and I told you, one of the things that I find a positive about this is that at the price points you are presenting, it does represent opportunities for a diversity of income levels and backgrounds and products, and it does, in my opinion, meet the qualification and the definition of diversity.

MR. YOVANOVICH: And my -- remember, we have to go back to the very beginning when Mr. Greenberg got up here and said, Neal Communities is here from the very beginning until the very end because they're the developer and the builder. And we all know the quality and price points for Neal Communities in Collier County. It's not as if we're developing it and then going to flip to a builder. That's the distinction. You have someone here who's from the beginning to the end. So you have those assurances, Mr. Fry, because you're familiar with Neal Communities.

COMMISSIONER FRY: So the assurances are based on history, but there's nothing --

MR. KLATZKOW: There's no assurances. This could be a complete retirement community for all you know. It's just, you have a staff recommendation. They don't agree with it, all right. We're not going to cobble it on the floor, all right. We're not, all right. So it will go to the Board of County Commissioners, and we'll see what happens with your recommendation one way or the other.

CHAIRMAN STRAIN: Okay. Ned.

COMMISSIONER FRYER: Cormac, in your area of expertise, I assume you have a fairly good idea of the average salaries of essential services personnel like sheriff's deputies, firefighters, paramedics, teachers, and the like. In your judgment, would -- the proposal that was offered just now, would that likely be of assistance to any of those people?

MR. GIBLIN: The 50 units that -- for households that make 175,000 a year, 50 that make 225-, and 50 that make 275-, no, those would not be in any of those essential service incomes.

COMMISSIONER FRYER: Thank you.

MR. YOVANOVICH: I just wanted to be -- for the record, that was never my intention. I never said that's what our goal was to meet, okay?

CHAIRMAN STRAIN: Anything else of Cormac?

(No response.)

CHAIRMAN STRAIN: Thank you, Cormac, again.

MR. GIBLIN: Thank you.

CHAIRMAN STRAIN: Richard, are you finished with your comments and rebuttal to the extent you had it?

MR. YOVANOVICH: I think I am. I think I'm done.

CHAIRMAN STRAIN: Well, no. It's not think. If you are, you are. We're going to go on.

MR. YOVANOVICH: Depending on if you ask questions.

CHAIRMAN STRAIN: Go ahead, Ned.

COMMISSIONER FRYER: With respect to the lifestyle signages, are you insisting upon that?

MR. YOVANOVICH: It's already in Ave Maria. I find it hard to believe -- Ave Maria's an RLSA program. I don't understand why it wouldn't be appropriate for us.

COMMISSIONER FRYER: I just wanted to understand your position.

MR. YOVANOVICH: We'd like it, of course. We've asked for it.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: With that, we'll close the public hearing. We'll go for discussion to start with and then a motion. So anybody here have any discussion? Stan?

COMMISSIONER CHRZANOWSKI: Yeah. I just want to get a couple things on the

record.

You were all sent a LiDAR, the light detection and ranging topo of this site. And if you -- for those in the audience that don't get that, if you look at Google Earth, to the west of this there's a place called Winchester Head. It's a very depressed area. This area historically, from the topography, all used to drain across into Winchester Head until they built the Faka Union Canal, which cut off the drainage that went to Winchester Head. So, historically, this whole area drained into that head.

And if you look at the LiDAR you can see it, and even on the aerial photos you can see it. Nobody builds in Winchester Head. It's all subdivided. It's all sold. I think Collier -- the place that buys the land has bought a lot of these parcels, but there are still a lot that are privately owned, but nobody's building on them because the land is so low it floods.

There's two roads through Winchester Head, and Winchester Head, when it drains, goes to the south through Winchester Slough, and some people call it Horse Pen Strand.

The flow that goes is obstructed by the roads. A long time ago, we suggested that they take those two roads out and build a road along the canal to access those roads from the other side. Well, that was -- they said that was too hard to do. So what they did instead was they put roadside swales in to drain Winchester Head into the canal, which drains Winchester Head. So anybody that thinks that they're environmentally sensitive because they want to preserve Winchester Head, you're just messing the whole place up. So, anyway, that's where we're at right now.

Your water that used to go all into Winchester Head and then south that we're trying to restore historical drainage, we're never going to do that. This place is going to be messed up. To my way of thinking, we have something -- and I'm the one that permitted this excavation a long time ago, and I'm glad to see it turn into a subdivision.

Now, you guys have a lot of problems with the type of housing and all. That doesn't bother me that much, but the engineering kind of does. And to me this is a good use for this project, and that's all I've got to say.

CHAIRMAN STRAIN: Okay. Anybody else have any discussion? Patrick?

COMMISSIONER DEARBORN: I'm just clarifying. It's been a long morning.

So, again, staff made recommendations that the applicant is not going to do, correct?

CHAIRMAN STRAIN: Correct. Not all of them. They're going to do some of them, but they're not going to do all of them.

COMMISSIONER DEARBORN: But staff recommended approval only conditionally on all those being met, correct?

CHAIRMAN STRAIN: With the exception of the three they now have conceded weren't necessary.

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: Numbers 2, 4, and 5, I think it was.

COMMISSIONER DEARBORN: So is staff approving this as it is now or not?

MR. BELLOWS: Correct. Minus Conditions 2, 4 --

CHAIRMAN STRAIN: No. They're approving -- no, no. They're not approving the project. The recommendation says assuming those -- they're recommendations are met, the applicant's still not -- he's not agreeing to meet those remaining recommendations. That's what it boils down to.

COMMISSIONER DEARBORN: Understood. Thank you.

CHAIRMAN STRAIN: Anybody else? Go ahead, Ned.

COMMISSIONER FRYER: I am very inclined to support staff's recommendations for a myriad of reasons, but I'm not going to go into any that I have already spoken about either today or the last time we talked about this.

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One of the things that we talked about last time had to do with fiscal neutrality, and I take the County Attorney's point that we're never going to get to a number of fiscal neutrality. That just it's not to be achieved; however, I think there were sufficient miscalculations or flawed assumptions in the financial analysis that the applicant offered that I'm not able to determine just how far short of fiscal neutrality we're really going to land. And just one example -- and I won't go into a lot more, but just one example that I didn't mention last time.

With respect to the North Collier Fire and Rescue annual operating impact, it was said in that report, however, a vote on non-ad valorem fire assessment fees is included on the August 28th, 2018, ballot. If approved, the fees will go into effect, blah, blah, blah, blah, blah.

And so that was one of the assumptions that had been made that the project will be fiscally neutral. And, of course, as we know, that non-ad valorem assessment failed. It did not pass.

So I have -- I continue to have issues with that study that was submitted. I've alluded to my concern over lifestyle signage. And, again, I think County Attorney makes a good point that if you open that Pandora's box, you are going to inevitably encounter lawsuits from people who believe they're being discriminated against for various reasons. And I think it's better to just keep that door closed.

I don't think diversity has been met in the context of Collier County today. And I looked up the definition of diversity also during the break, and Merriam Webster, and it was as I expected it would be, fairly locked in time and fairly generalized. But what I want to see is meaningful diversity that -- as it would be addressed to the circumstances and needs of this county, and I don't believe that's been met without something being done for essential services personnel.

And those are the reasons why I'm going to vote against it. Thank you.

CHAIRMAN STRAIN: Okay. Anybody else? Karl?

COMMISSIONER FRY: I guess I have -- I can only compare this in my short tenure here with Rivergrass, which came before us, and I have considerably less concerns about this than I did about Rivergrass for a few reasons. One is that I think they do show, you know, they have multifamily toward the middle, and then they have single-family toward the outside. So there's a changing of the density.

It is bordered by -- on two sides by Golden Gate Estates residents who do not want interconnection from their neighborhood into this, speaking as somebody who lives in an urban Estate neighborhood.

I have two -- I guess two questions in terms of the deviations of the conditions of the staff. I need to have those repeated so I can be clear on those. But one is, I'm not an expert on the types of buffers that there are, Type B, Mark, you seem to respond that, oh, that's a pretty good buffer.

My question is the sensitivity to the concerns of the people that do live across the canal. I understand there's a swale down to the canal, and then there's a swale up from the other side, and so the canal is recessed somewhat.

Is a Type B buffer enough to satisfy the aesthetic view concerns of the neighbor? And I guess I would like to solicit the input of my fellow Planning Commissioners, and then I have one other question for your input after that.

CHAIRMAN STRAIN: The comment that the speaker made was they wanted to see a 15-foot-wide buffer, which this one is, and they want to have it be at least 80 percent opacity, which this one is. So I'm not sure what else --

COMMISSIONER FRY: They said 20 to 25 feet high, and so I'm not sure about the height --

CHAIRMAN STRAIN: Well, I mean, the stuff will grow after time, but we don't -- they don't go in at that size. I don't -- I don't know if we've ever seen anything go in quite that size. They can put berms -- they are going to put it on top of a two-foot berm, so the plants will always

be a little bit higher just to begin with. Without rereading the code, I can't remember what height they'll start at. I think it's around 12 or 14 feet or something like that.

MR. BELLOWS: It's my recollection, but I could verify that if you'd like.

COMMISSIONER FRY: So it would be 80 percent opaque after a year, up to a height of about 12 or 14 feet? Is that --

CHAIRMAN STRAIN: No, up to six feet, I believe.

COMMISSIONER FRY: Oh, up to six feet.

CHAIRMAN STRAIN: But it will be top of a 2-foot berm, so...

MR. BELLOWS: Yeah.

COMMISSIONER FRY: So up to eight feet.

CHAIRMAN STRAIN: Then you've got the canopies of your larger vegetation showing up, and that's so the brush -- the bushes below the smaller shrubbery will actually fill that space up.

COMMISSIONER FRY: So they would have some visibility of the second story of homes for the most part?

CHAIRMAN STRAIN: Well, they're also set back 65 feet. So they've got a distance that gives them some latitude there where your line of sight's going to be much shallower.

COMMISSIONER FRY: Okay. Unless there are concerns from the other planning commissioners about that, that sounds like a reasonable buffer to me.

My other question has to do with, I think -- the way I took Cormac's point was, do they have to build the products that they say they're going to build? Is there anything in the -- in this document in what we're approving that commits them to building the products that they say they're going to build? To me, the products that they say they're going to build do represent a diversity of price ranges and, obviously, with that, income levels that can forward them. So please clarify for me what -- you know, what commitments are in this, if any.

COMMISSIONER FRYER: Presumably they would be in the ordinance, would they not?

CHAIRMAN STRAIN: They will be. They've got to have a certain amount -- well, here, I can read it to you. The minimum of 300 dwelling units and a maximum of 1,000 will be multifamily. The rest will be of the other mixes that they asked for. So somewhere between 300 and 1,000 multifamily units of the 1,800 residential units. So whatever they don't do multifamily they'll do of the other combinations they have under their principal uses.

A minimum of 45,000 square feet of commercial development and a minimum of 18,000 square feet of civic, governmental, and institutional uses in the village center context zone. They can put assisted living in there, and they have a maximum of 5,000 square feet for any recreational buildings and a maximum of 30,000 square feet for wellness and commercial development in the village.

COMMISSIONER FRY: So as I interpret that, the diversity's represented by the fact that there are a certain number of multifamily versus single-family. So two different housing types, but no commitment to the price ranges as they have in their affordability study. We are just putting faith in the market forces that the homes that they build will turn out to be in the relative price ranges?

CHAIRMAN STRAIN: We're not tying them to any price range that I know of. I mean, their fiscal analysis uses one for a fiscal-neutrality calculation, but they're not locked into that. They can up them or down them, whatever they want to do with them.

COMMISSIONER FRY: Then I guess my question is, how is the requirement for diversity of housing types, ages, and incomes met without further commitments?

CHAIRMAN STRAIN: I think that's what we've been talking about. I mean, Richard's --

COMMISSIONER FRY: I'm asking your opinions.

CHAIRMAN STRAIN: Well, my -- I'm not testimony, but, I mean, I've got a problem with the diversity issue, but that's not my biggest issue, so...

They're taking diversity as being focused on types of housing. It doesn't say it's limited to that. Diversity could be in the minds of the interpreter. I look at what precedent-setting projects we had. Ave Maria's the only one. Ave Maria set this -- in my mind, provided the precedent for how we look at financial impact analysis and things like diversity of housing in regards to, when they came in, they agreed to limit it to certain amounts of affordability. And, as Cormac said, apparently they have quite a bit still.

So that's where we started. Now all of a sudden the argument's being changed because it wasn't as crystal clear as some people think, that it can be meant to mean something different than what we looked at when we did Ave Maria, so...

That's -- that's -- things change with times. I'm not -- at this point, without going back and doing extensive research and all the original documentation of which I don't even know how much of it's available, I couldn't answer it any clearer than that.

COMMISSIONER FRY: So based on what -- notwithstanding what is yet to be said by yourself, Mr. Chairman, and others, my only main hesitation with the project right now is the fact that I believe there should be some commitment to the price ranges of homes that would be built, because I think that speaks to the requirement for the diversity of income levels, ages, and housing types. If -- housing types, I believe, is covered, but I don't believe ages and income levels is covered adequately in terms of meeting the requirement. But that's really my main concern, notwithstanding what else is said.

CHAIRMAN STRAIN: Anybody else? Karen.

COMMISSIONER HOMIAK: This is the only -- staff recommendation is the only thing that we have to go on. We either agree to it or not.

CHAIRMAN STRAIN: Well, yeah.

COMMISSIONER HOMIAK: And --

COMMISSIONER FRY: We put conditions on approval on a regular basis.

CHAIRMAN STRAIN: We can condition it. I mean, if you're suggesting you don't -- you think this could be modified in another way better than what Cormac had suggested, by all means, that's our ability. We can make a recommendation to do that. Is that what you're asking?

COMMISSIONER HOMIAK: Right. Yes. I mean, this is what we have before us. We can either --

CHAIRMAN STRAIN: Right.

COMMISSIONER HOMIAK: -- go with the staff's recommendation or not.

CHAIRMAN STRAIN: Or modify it if we have the understanding of how to modify it, if we want to. I mean, this board makes recommendations based on our discussions, and they can coincide with staff or they don't have to. They can coincide with the public or they can coincide with the applicant. It's up to us, what we send to the Board.

COMMISSIONER HOMIAK: So we could keep out the 15 percent and just go with the sales price.

CHAIRMAN STRAIN: Well, I think -- I don't -- trying to do that here on the fly today, I think, would be a huge mistake.

COMMISSIONER HOMIAK: Well, I know. That's why I said, so you have this or not --

CHAIRMAN STRAIN: Well, unless you -- unless you've done something that you've got a product or something you've produced in preparation of this. I don't have one.

COMMISSIONER HOMIAK: I wouldn't do that.

CHAIRMAN STRAIN: I wouldn't either --
(Simultaneous crosstalk.)

COMMISSIONER HOMIAK: -- petitioner.

CHAIRMAN STRAIN: Okay. Anything else?

COMMISSIONER HOMIAK: No.

CHAIRMAN STRAIN: Patrick, did you have anything?

(No response.)

CHAIRMAN STRAIN: Well, that leaves me, and I can -- I have a -- first of all, I don't think the standard procedure for fiscal analysis is what was done in Rivergrass nor what it was done here. I think the FIAM that was originally utilized that Hank Fishkind created was an open-source document that had the ability to change units and values so you could see them, and you can see how a change in absorption rates or using a different person's per household versus persons per unit or a different seasonal calculation affected the fiscal neutrality, so then you could ask for more better questions about it. You could research it better. And then when you get to the point where we're making a decision, we can make suggestions on if something changed this way, we would want to see this done or something like that.

By not providing an open document, one that's unlocked, I cannot assess the document and, therefore, I cannot make a recommendation of approval for this project just on that alone, well enough the fact I share concerns with the others over the diversity of housing. I think diversity is much broader in context than what is interpreted by some.

I think that the deviations -- and I'm very reluctant to see new deviations occur out in the Rural Lands Stewardship Area since that program was specially formulated for what the landowners wanted and said they could produce out there in order to obtain the same density that the area would have produced if it was all five-acre homes. Obviously, we know all that seems to be changing rapidly.

But at this point I know that it was supposed to be a new-town concept, and if the property owners who wanted this so much the way that it would have benefited them to be able to build, I can't see why we need deviations at this point. Excepting those that may have occurred during Ave Maria, I don't want to see the door open for any more.

So those are the reasons I couldn't support this to the Board of County Commissioners, and that's the gist of it right there, so...

With that, since we're all done discussing, someone needs to make a motion either for or against. If the motion is made in favor, I'd like the motion maker to include the changes that were acknowledged by the applicant as they went through the marked-up document and then make a comment about which staff recommendations -- excepting Staff Recommendations 2, 4, and 5, which have been dropped, where they are in the staff recommendations. So with that, I'll turn to the rest of you for a motion. Karl, you look puzzled.

COMMISSIONER DEARBORN: Mr. Chairman, just -- I'd like to hear -- if staff would comment again on exactly what deviations they're making -- recommendations they're making, then I think we can make a motion.

CHAIRMAN STRAIN: So, Tim, I think, there's 12 deviations -- or, oh. Deviations or recommendations?

COMMISSIONER DEARBORN: Recommendations.

CHAIRMAN STRAIN: Recommendations. There's 12 recommendations. It's my understanding you guys are sticking by all of them except 2, 4, and 5.

MR. FINN: Except 2, 4, and 5, that's correct.

CHAIRMAN STRAIN: Okay. Does that clarify it, Patrick?

COMMISSIONER DEARBORN: (Nods head.)

CHAIRMAN STRAIN: Okay? Is there a --

COMMISSIONER FRYER: I make a motion.

CHAIRMAN STRAIN: Go ahead, sir.

COMMISSIONER FRYER: I move that we accept and adopt as our own staff's recommendation for the reasons that it noted in its 12 points and, in particular, I am most concerned about the applicant's failure to come up with a viable solution to Points 10, 11, and 12, also the lifestyle signage, and I think the fiscal-neutrality argument is replete with miscalculations and flawed assumptions.

CHAIRMAN STRAIN: Okay. So there's a motion made for denial with those comments. Is there a second?

(No response.)

CHAIRMAN STRAIN: I'll second the motion.

Further discussion? Does anybody want to discuss this matter any further?

(No response.)

CHAIRMAN STRAIN: Okay. With that, I'll call for the vote. It's a motion to recommend denial. All those in favor, please do so by raising your hand and saying aye.

COMMISSIONER FRYER: Aye. (Raises hand.)

CHAIRMAN STRAIN: Aye. (Raises hand.)

COMMISSIONER DEARBORN: Aye. (Raises hand.)

CHAIRMAN STRAIN: Three against. All those in --

COMMISSIONER CHRZANOWSKI: (Raises hand.)

COMMISSIONER FRY: Aye. (Raises hand.)

COMMISSIONER HOMIAK: (Raises hand.)

CHAIRMAN STRAIN: Three in favor and three against. So it's a tie vote. We can send it to the Board with a tie vote, which is basically a no vote.

MR. KLATZKOW: You will be a recommendation 3-3.

CHAIRMAN STRAIN: Okay. That will wrap it up. Thank you all for your time on this matter. We appreciate it.

CHAIRMAN STRAIN: ***Okay. Ladies and gentlemen, if you're here for the Hyde Park one, please exit so you can have your conversations in the hallway. And with that, I'd like to announce the next two items that we'll be talking about. They'll be discussed concurrently, but they'll be voted on separately.

***The first one is PL20180002621. It's for the change to the Golden Gate Estates sub-element on the -- for a project social -- yeah. It's called the Naples Senior Center. There it is. It's not highlighted. Oakes Boulevard and Autumn Oaks Lane with -- approximately 350 feet south of Immokalee Road, and the second one is for PL20180002622. It's for the same location, but that's the Planned Unit Development for the zoning.

All those in -- wishing to discuss this item -- no. All those wishing -- who are here to discuss this item, please rise to be sworn in by the court reporter. If you're going to speak on this item, please stand up, if you're going to speak on the senior living.

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

CHAIRMAN STRAIN: We'll start disclosures with Stan.

COMMISSIONER CHRZANOWSKI: Yeah. The usual collection of emails, pro and con, conversation with Rich Yovanovich, and I'd like to discuss that -- or disclose that I am one of the two oldest members on here. I'm 73. I'm a senior citizen. I'm also one of the --

CHAIRMAN STRAIN: He's the second one.

COMMISSIONER CHRZANOWSKI: -- the two youngest members of the Reserve Officers Association of Collier County. They're all senior citizens.

My wife's a senior citizen. All 11 of her living brothers and sisters are senior citizens, and the guys I canoe with are senior citizens.

CHAIRMAN STRAIN: Stan, you're going way beyond disclosure here.

COMMISSIONER CHRZANOWSKI: I don't know that any of that pertains, but I figured I'd get it out.

MR. KLATZKOW: You're a senior citizen.

COMMISSIONER CHRZANOWSKI: I am, yes.

MR. KLATZKOW: Very good.

CHAIRMAN STRAIN: Oh. Go ahead.

COMMISSIONER FRY: I have a couple.

CHAIRMAN STRAIN: Karl.

COMMISSIONER FRY: I was formerly, when we were first approached by the Naples Senior Center, Mr. Passidomo, in 2018 I was then president of the Naples -- of the Oakes Estates Neighborhood Association. I was part of a group that visited Naples Senior Center for an initial presentation. I was on the board when we invited them to come and present to us. I don't remember if I was there for any -- if they did additional presentations, a second presentation at the board.

About two weeks after I was appointed to this commission I resigned from my position on the Oakes Estates Neighborhood Association.

Since then I've attended one Oakes Estates board meeting six, seven months ago, and I attended the first of the two NIMs. I have had conversations with Mr. Yovanovich; with Mr. Ellis, the current president of the Oakes Estates Neighborhood Association; Mr. Palladino, another Oakes board member, called me. I had a conversation with him.

I live in the neighborhood, and so, therefore, people have asked me on the street about this project, and my position has been that after taking this role, I have pledged to be objective, as I do on every issue, to come in and listen -- to read the packet, conversations, but also to listen to all the information that's presented by the applicant, public speakers, and then make what I think is the right decision weighing all factors.

MR. KLATZKOW: Does anybody in this room object to Commissioner Fry hearing this matter?

(No response.)

MR. KLATZKOW: That is a no.

COMMISSIONER FRY: Okay.

CHAIRMAN STRAIN: Ned?

COMMISSIONER FRYER: Usual, public record materials, as well I have met with Mr. Yovanovich and Mr. Passidomo. I've had a telephone conversation with Mr. Ellis, and I have had meetings with staff.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRY: Mr. Chairman, I forgot one disclosure. I did -- back when I was still associated with the Oakes Estates Neighborhood Association did have a couple of phone calls with Mr. Passidomo regarding follow-up on their presentations.

CHAIRMAN STRAIN: Okay. This goes back a ways. I had met with the property owners -- I believe they were the neighborhood property owners -- a long time ago when they were looking to figure out what they had to do for zoning or how this fit into what they wanted to do. Not this facility, because at the time I don't think they had any ideas for this. And I don't remember their names. It's been a long time.

I know that we had subsequent conversations when I was working in the Developmental Services building with staff over -- especially David Weeks as how this was looked at, to what

extent it was grandfathered in, to what extent they needed a zoning change.

And I can't remember if I had any discussions with Rich Yovanovich on this. I don't think we did. I'm trying to think. Oh, I attended the Oakes citizens advisory -- what is the name of that organization?

COMMISSIONER FRY: Oakes Estates Neighborhood Association.

CHAIRMAN STRAIN: Yes. Tuesday night I was there for a specific reason. Had nothing to do with this, and this was just mentioned, and the -- on the agenda items as things that was -- they were coming up, and they're trying to make sure people showed up for today's meeting, but I didn't participate in that discussion.

And then I have had communications with various members of the public that live in the neighborhood, and I've received a pile of emails from people both for and against. I forwarded all those to staff. I think that's everything I can remember.

Go ahead, Karen.

COMMISSIONER HOMIAK: I've received many emails both for and against, and I spoke to Mr. Yovanovich.

CHAIRMAN STRAIN: Go ahead, Patrick.

COMMISSIONER DEARBORN: For the record, not a senior citizen yet. In eight years I will be. Number two, various emails for and against. Nothing else.

CHAIRMAN STRAIN: Just out of curiosity, how senior -- because, you know, how senior do you have to be to be senior?

COMMISSIONER DEARBORN: I've been informed 60.

CHAIRMAN STRAIN: Oh, my God.

COMMISSIONER HOMIAK: I'm a senior citizen, too.

CHAIRMAN STRAIN: I think I'm ancient.

MR. KLATZKOW: And when you're 60, it's 65.

COMMISSIONER FRYER: I have a further disclosure to make. I'm also 73 years of age, but I read at the 74-year-old level.

COMMISSIONER CHRZANOWSKI: And I have another disclosure to make.

CHAIRMAN STRAIN: Uh-oh.

COMMISSIONER CHRZANOWSKI: Yeah. Terry Metzger, who owns Cypress Cycle, used to fix my motorcycle. So I called him when this came up because I was wondering why he wasn't part of the parcel and how he felt about it.

CHAIRMAN STRAIN: Okay. With that, we'll turn it over to Rich Yovanovich.

MR. YOVANOVICH: Before we start, I was taken a little caught off guard by the request, "do we have any objection." And I've known Mr. Fry for a long time, so, please -- please don't take this any way other than if I were doing jury selection, the judge would not let you be on the jury. I would easily be able to strike you, because as hard as you may try to be objective, when you live in that neighborhood and you have to answer to all of those residents within that community, I think it's going to be difficult for you, unless you're an extraordinary person that most of us are not, to truly listen to this with clear objectivity and vote on this with clear objectivity. And I don't really -- I don't take this lightly. I really request that you do not participate on a vote on this matter.

CHAIRMAN STRAIN: He's directing it to --

COMMISSIONER CHRZANOWSKI: I know, but I just would like to second what he says. I don't want to put him in the position of taking a vote on this.

CHAIRMAN STRAIN: We don't abstain from voting because someone doesn't want us to vote. We are supposed to abstain from voting if we have a financial impact from the result of our vote, and I don't know --

(Simultaneous crosstalk.)

MR. KLATZKOW: The issue is it would --

CHAIRMAN STRAIN: -- rises to that level.

MR. KLATZKOW: You guys are all volunteers. The last thing you need to do is somebody, you know, file a complaint against you when you're just doing a civic duty here.

Commissioner Fry, you can abstain based on an appearance of impropriety if you want to. I asked that question to protect you.

COMMISSIONER FRY: Based on what?

MR. KLATZKOW: Appearance of an impropriety. I asked that question because I didn't want later, depending upon how the vote went, you be criticized. There's been an objection that you hear it. My suggestion is that you don't hear it.

COMMISSIONER FRY: When you say that, are you suggesting that I leave the room, or what exactly are you -- what are my options, I guess?

MR. KLATZKOW: You can either -- you can hear this and not vote if you wish.

COMMISSIONER FRY: And not speak at all?

MR. KLATZKOW: Not speak, not vote, okay, just basically be a pumpkin up there and listen to it, or you can take an early lunch. And, you know, we have other matters.

CHAIRMAN STRAIN: A couple hours.

MR. KLATZKOW: We have other matters today, though. I think this is going to probably go through --

UNIDENTIFIED SPEAKER: Or he can vote.

MR. KLATZKOW: He can, but then he's putting himself in jeopardy, and you know what? I'm just here to protect you. You know, it's up to you. You don't have a financial interest in this. Technically I believe you can vote but, you know, do you want that cloud hanging over you?

COMMISSIONER FRY: Let me tell you what I had planned to do or how I had planned to handle this situation. Admittedly, it's a very personal situation for me, as I do know a lot of people involved in this.

I plan to listen, and I plan to state my observations both ways. I had planned to vote. And I was proposing this based on an assumption. The assumption is that I'm not making it a secret that I live in Oakes Estates, I'm not making a secret that I have some history with the project. That's about 15 months ago since my main involvement, and that the County Commission -- there are other commissioners on this commission are able to assess what I say based on the knowledge that I live in the neighborhood and discount it, take it for what it is in any way that they so choose.

I also believe the county commissioners are mature professionals that would understand that I have a potential -- or I have a past history, and they also would make their own decision as to whether to discount what I have to say or not or put some weight into it because I do live in the neighborhood and have a little bit of additional perspective that other people on this commission do not.

I have to assume there are times where issues come before this commission that do directly impact one of these commissioners.

I do not feel personally impacted by this project. I do not feel -- I have no financial stake in it. I do not feel that where I live it has any impact on me in terms of the property value of my home. I believe it's one of many issues we've faced in the neighborhood that have to be discussed and vetted.

And so I guess I would yield to additional viewpoints in terms of I'm willing to -- sitting here like a pumpkin does not seem like a particularly good --

MR. KLATZKOW: Commissioner Fry, there's no profit for you hearing this. Look,

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we've gone through a lot of Planning Commission meetings. This is, for reasons which escape me, a controversial matter, and there's no profit for you sitting here and hearing this, for you to get excoriated later with or without any cause.

CHAIRMAN STRAIN: I think he's recommending that you step down.

COMMISSIONER FRY: I think you're recommending that I --

MR. KLATZKOW: I think I'm recommending --

COMMISSIONER FRY: -- recuse myself.

MR. KLATZKOW: -- that rather than be a pumpkin, you just --

COMMISSIONER FRY: Leave the room.

MR. KLATZKOW: Just enjoy the break.

COMMISSIONER CHRZANOWSKI: Excuse me. Jeff, what's the problem with him adding to the meeting by talking?

COMMISSIONER FRY: Without voting.

COMMISSIONER CHRZANOWSKI: Without voting.

MR. KLATZKOW: Because, look, either you're in or out, all right.

COMMISSIONER FRY: If that's your -- I did come to you long ago and --

MR. KLATZKOW: Yeah. I'm trying to protect you, sir. I mean, you know, I don't think it would be -- I don't think it would be any merit --

CHAIRMAN STRAIN: Ma'am, you can't contribute from the audience. So please don't.

MR. KLATZKOW: I don't think there would be any merit to the criticism. Having said that, I've been in this community a long time. I've seen articles in the *Naples Daily News* excoriate a planning commissioner for having lunch together.

It's -- among other things, it's -- I don't think, for what you're being paid to do this, is -- this is worth -- this is worth it.

COMMISSIONER FRY: Will I still get paid for today?

MR. KLATZKOW: You will get -- you will still get your normal stipend, yes.

COMMISSIONER FRY: I think -- listen, I mean, I feel -- I feel somewhat betrayed by the outcome because I'm here in good faith. I took this role in good faith. I do not think this is right. I will yield to the advice of the County Attorney, and I will exit the room. But I -- you know, I came here, intended to do my duty with the full knowledge. Anybody else can discount or take it -- what I say into account, but I will honor your legal recommendation.

MR. YOVANOVICH: He can participate as a member of the public, though; he can speak. I want you to know --

MR. KLATZKOW: Rich, you're the one who's objecting here.

CHAIRMAN STRAIN: Richard, if you take -- if you withdraw your objection, maybe that will settle it.

MR. YOVANOVICH: No. I just want to make sure he knows he also has the right as a public person to speak under the public.

MR. KLATZKOW: Commissioner Fry, go home. I mean, that's my recommendation.

COMMISSIONER DEARBORN: Chairman Fry, thank you for your good -- you're a good citizen for -- I'm not weighing in, but I feel bad for you in this position, man, but I respect you for saying what you said, all right?

COMMISSIONER FRY: All right. Goodbye.

CHAIRMAN STRAIN: Thanks, Karl.

(Applause.)

CHAIRMAN STRAIN: With that, I guess the presentation's yours.

Ladies and gentlemen, we can't -- please, we've got to run forward here. Go ahead, Rich.

MR. YOVANOVICH: All right. Can I at least wait for him to pack up? Can we take a five-minute break -- since there was the last item?

CHAIRMAN STRAIN: This isn't the last time.

MR. YOVANOVICH: No. Since I was on the last item, I'm only asking if I can have a five-minute --

CHAIRMAN STRAIN: Yeah. You can have a five -- a potty break they call those? Yeah. Let's come back at 11:45. We'll work --

MR. YOVANOVICH: If you don't mind.

(Commissioner Fry left the boardroom for the remainder of the meeting.)

(A brief recess was had from 11:38 a.m. to 11:45 a.m.)

CHAIRMAN STRAIN: Richard, all this commotion is your cause, so are you --

MR. YOVANOVICH: I'm ready.

CHAIRMAN STRAIN: Do you feel better now you've had a five-minute break?

MR. YOVANOVICH: You know, I am 14 months away from being a senior citizen, so I needed that.

CHAIRMAN STRAIN: You mean senior senior.

MR. YOVANOVICH: No, no, no. We qualify.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: According to Mr. Dearborn.

CHAIRMAN STRAIN: Just so the audience knows, we break at noon for lunch. We're going to be here till late this afternoon, so we are going to have a lunch today. We're going to be close to noontime to break again, and it won't be five minutes, though. It will be one hour. And we have been here since this morning, and we're going to be here till late this afternoon, and that's the way our meetings are --

COMMISSIONER HOMIAK: They came by bus.

CHAIRMAN STRAIN: I can't help it.

COMMISSIONER HOMIAK: Maybe we could let them speak.

CHAIRMAN STRAIN: Well, I tell you what. I'm going to go to lunch at noon. You guys can continue if you want.

Go ahead, Rich. You want your presentation?

MR. YOVANOVICH: If I'm allowed to go forward, I'd would like to do that, yes, sir.

CHAIRMAN STRAIN: Absolutely.

MR. YOVANOVICH: Still good morning. For the record, Rich Yovanovich on behalf of the Naples Senior Center.

The CEO and president, Jackie Faffer, is going to be making a presentation. There are numerous board members here that will, I understand, be speaking during the presentation, so I'm not going to introduce them individually.

The remainder of the project team besides myself is Wayne Arnold, who's the professional planner on this project; Jim Banks, who's our transportation engineer; Michael Herrera is our professional engineer; Tyler King is our biologist; and Renee Zepeda is our architect, and they will -- Mr. Banks and Mr. Arnold will be making a presentation, but the remainder of the people will be here to answer any questions you may have.

As you will hear from Jackie and the remainder of our team, the senior center provides much needed services to a rapidly growing population in Collier County, obviously, seniors. It's undisputed that seniors are underserved in Collier County. Senior services are, like childcare services, are an essential service and must be provided by someone in Collier County, and the Naples Senior Center has gladly taken on that role, and you'll hear that role has expanded since it originally opened in 2014 with 80 members, and over 1,400 members now.

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If you've been to the Costello Drive location, you'll quickly realize that that space has been outgrown, and a permanent home is necessary to provide services to this growing population.

It has not been easy to find a location that meets the needs and provides the services to seniors. It's been a two- or three-year process to get to this location. You will hear from Jackie and from other members just how high the standard of service is that are being provided by the Naples Senior Center, and not just any location would suffice to provide these services.

I'm sure you will hear that we could go somewhere else and we can provide services, but we can't go somewhere else and provide the quality of services that the Naples Senior Center currently provides and wants to provide in the future.

I'm sure those of you who are familiar with the Collier County Growth Management Plan will know that there is not an available parcel of land in the location necessary to provide the services that the Naples Senior services [sic] currently provides and plans to provide in the future.

We are not a commercial use, and people who try to fit us into the commercial use and say we should be in an activity center are misguided on the mission of the Naples Senior Center and the services that are provided. We can't go in an activity center. We can't go in a crowded shopping center and take over an abandoned grocery space. That's not the mission of the Naples Senior Center, and that's not the quality of services that the Naples Senior service wants to provide.

Because of the lack of space, we're naturally in front of you with two petitions. The first petition, briefly, is to create a new subdistrict under the Golden Gate Area Master Plan to allow for up to 30,000 square feet of building for senior services. Those services are limited to senior services. You can't creep into some other commercial use. When you look at the subdistrict, it is very clear it's for senior services, and that's on about 8.6 acres of the total 13.6-acre parcel.

The second petition very briefly is a petition to rezone the property to a community facility PUD. Again, the uses allowed on that property are limited to senior services. They're not commercial uses. No other use can happen on that property.

I just want to make it clear that there's people who are saying, what happens if the senior center fails? We're confident that that's not going to happen. But at some point in the future if there's a change in use, if we're successful, they'll have to go through -- whoever wants to change the use will go through the very same process we're going through today: Amend the Comprehensive Plan and amend the zoning. That is not an easy task, as you know.

So the fear that somehow what we build will somehow morph into something else is an unrealistic fear and not supported by the process that is required and the neighborhood involvement that will be required to change it to somehow a different type of use.

I want to introduce -- because I want to make sure Jackie has adequate time before you take a break -- Jackie Faffer, the CEO of the Naples Senior Center, for her remarks and a short video that she has with those remarks, and then I'll get back up here probably after lunch and go through the details of the petition --

CHAIRMAN STRAIN: Okay. Just so everybody knows, after the presentation is finished, we go back to our staff. This case, we have two staff reports, one for Comprehensive Planning and one for Zoning staff, and then at that point we'll go to public speakers. And because there are so many public speakers registered, you will be -- we'll stick to the adherence of a five-minute discussion, no more than. And if you can simply acknowledge the prior speaker's actions and you agree with them or disagree with them, that would be -- shorten the time even further.

We'd like to get done with this today. We can only do that if we can get through everybody today, so we'll do our best. And, unfortunately, I know that lunch is something that not everybody needs, but we usually take -- we take a break every single meeting at noontime.

So, ma'am, it's all yours.

DR. FAFFER: Thank you. Chairman Strain and Commissioners, thank you very much for the opportunity to present our vision for the new Naples Senior Center. This project is of utmost importance to serving our 1,400 members who are the older adults and seniors of Collier County and who have only our center to provide the professional services and programs you will hear about today. And since we mentioned age, I will tell you that our membership ranges from 60 to 105.

Let me talk with you about our mission for serving our community seniors and why this location uniquely accommodates Naples Senior Center's vision for how to do that in the best way possible.

I'd like to start with some history. In 2012, I was asked by a professional colleague in the northeast for assistance in locating a senior center for his mother in Naples. I was stunned to learn there wasn't one. No therapeutic and social programming for one of Collier County's largest demographics and vulnerable populations. I, therefore, worked with FGCU on a needs assessment which identified the overwhelming loneliness and isolation of seniors in Collier County. As the then head of the social work division summarized, older adults are alone and lonely.

With the support of a dedicated board of trustees, we raised philanthropic funds to open our center in January 2014. We had 80 members when we opened our doors on Costello Drive, and the first person to walk through those doors came up to me and told me that her husband passed away three years ago, and our opening lunch program would be the first time she shared a meal with others since his passing.

Just six years later Naples Senior Center has become an integral part of the social services fabric of our community. Though the demand has been robust and our membership has grown to 1,400, we control the number of people who attend at any given time by requiring registration for programming and establishing satellite locations.

Let me share with you what we do with our staff of 20 professionals and generous numbers of volunteers every day in small-group activities at the Naples Senior Center. Everything from chair yoga to arts and crafts to music sessions and so much more.

Please direct your attention to the schedule on the screen, and I will walk you through a day of programming. A Tuesday. Staff and volunteers arrive between 8:30 and 9:00. Between 10:00 and 12:00 in the senior center, we have Tai Chi classes, a Spanish class, brain boosters and art class, a ZIP code party for people to socialize with neighbors, and a bereavement group, all small groups between 10 and 25 members.

Between 11:00 and 3:00, we have more art and exercise classes, a book club, a computer class, dance, and a sing-along. Those activities have between 10 to 35 attendees. Also during that time we have cards and mahjong with a maximum of 70 participants.

On the second floor, between the hours of 10:30 and 2:30, we have a maximum of four dementia respite groups with a total attendance, including staff and volunteers, of 72.

By 3:30, programming ends and members and volunteers leave.

Let me take a deeper dive into our programming. We have the only dementia respite program in the entire county where dementia patients participate for four hours of structured therapeutic activities while their caregivers get much-needed respite to run errands and care for themselves.

Naples Senior Center has a geriatric case management program through which professional case managers work with frail seniors to enable them to age safely and with dignity in the community, often avoiding nursing home placement.

To give you a clearer picture of what happens at Naples Senior Center, I would like to show you a very brief video.

(Video being played.)

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"It is estimated that one out of every three seniors in the United States wakes up every morning feeling isolated or lonely. Research has shown that seniors who feel this way have higher rates of heart disease, are more likely to develop Alzheimer's disease and more prone to live with depression and anxiety.

Naples Senior Center opened its doors as the first senior center in Collier County in January 2014 to ameliorate senior isolation and loneliness. Since that time, membership has increased from 80 to 1,400.

Programs have developed and expanded to meet the needs of our local seniors. The first program offered when Naples Senior Center opened its doors in January 2014 was Lunch and More, a weekly hot lunch followed by engaging entertainment or informative lectures. Classes in a variety of art mediums stimulate creative expression and provide the members with a sense of achievement.

Senior center members, many of whom have never picked up a paintbrush or pastel, see their artwork displayed and, in a few instances, shown in juried art shows and even sold.

Naples Senior Center members, so appreciative of the opportunities given to them, also recognize the importance of giving back to the community. They look forward to painting bowls for the Empty Bowls program addressing food insecurity in Collier County. The members participating in NSC's needleworks program knit and crochet lap robes and shawls for women undergoing treatment for breast cancer at Naples Community Hospital and Lee Memorial Health System, and caps for children undergoing chemotherapy.

Naples Senior Center partners with many non-profit organizations in the community to provide important information to our seniors. One of the organizations is Shine, which helps older adults better understand what is available to them through the various Medicare programs.

We all know the importance of healthy activity at every age, but particularly as one gets older. Naples Senior Center has vibrant and varied wellness activities engaging to fit every level of physical capacity. These activities include Tai Chi, line dancing, chair exercise, and yoga.

The Alzheimer's Association states that one in nine individuals over the age of 65 will be diagnosed with dementia. Is it any wonder that five years ago NSC had one dementia respite group and today there are 10, including three on Marco Island.

Through this four-hour structured group facilitated by a clinical social worker, participants are engaged in activities that stimulate their minds and their spirits while giving their caregivers four hours of respite to take care of themselves.

One of the highlights is music therapy facilitated by a credentialed music therapist. The enjoyment of music is universal. Senior Center members participate in sing-alongs and HUG, the happy ukulele group.

Like everyone, seniors come to depend upon technology. NSC offers computer classes and special classes on smart phones and tablets.

Please visit us and experience the connections we create Monday through Friday from 10:00 a.m. to 3:30 p.m."

DR. FAFFER: I know you've reached your lunch hour. I will wrap up very quickly, if you'll allow me.

Research has shown that isolation and loneliness seriously impact the health of seniors, often leading to depression, significant medical conditions, and even death. In fact, a 2015 study at Brigham Young University found substantial evidence that individuals lacking social

connectedness are at risk for premature mortality.

As a doctor of social work and with Collier County's demographics being what we are, I believe we are on the precipice of a health crisis. Our programs and activities provide a portal through which we identify physical, emotional, social, food insecurity, and financial needs and develop individual programs to address these sometimes life-threatening situations.

All of this time, Naples Senior Center has relied upon the generosity of our donors and private foundations to fund our operations, staffing, and programming. That is more than \$3 million each year to care for seniors in our community, and this care is not supported by Collier County tax dollars.

We now operate a satellite program in Marco Island for our dementia respite services, and we see the future of our service delivery model to be additional satellites in fast-growing parts of the county; however, we need a new center to accommodate the core of our membership right here in Naples.

So why is this new location perfect for us? This location is large, more than 13.6 acres of land. This will finally enable us to provide therapeutic programming in a therapeutic setting. We can incorporate gardening activities, walking paths, outdoor Tai Chi, and simply getting our members outside to enjoy the sunshine and the significant health benefits of being in a natural, beautiful setting.

The size of the space means we can have these passive activities at the same time we have ample room for our center and parking, as well as deep setbacks and generous landscaping buffers all around the site to ensure we are compatible with the neighborhood.

The vast majority of our programming is scheduled between 10:00 a.m. and 3:30 p.m. outside busy morning and afternoon peak commuting hours.

Our members, forgive me, are elderly. They are not interested in early mornings or late afternoons, and they certainly aren't interested in evenings or weekend programming. We never have offered on-site programs on evenings or weekends, and we have guaranteed through our applications to continue only offering weekday programs during limited hours. This further ensures our compatibility at this location.

The site is central to the majority of our members and volunteers immediately adjacent to a major thoroughfare and accessible via I-75.

We have pursued alternative locations over nearly three years of searching for a permanent home. For various reasons, these locations were not appropriate for us or available to us. And as challenging as this process has been, we have now found the ideal location for Naples Senior Center, and it is at the corner of Valewood Drive and Autumn Oaks Lane.

We are dedicated to being a good neighbor at this location, and we are thrilled that so many of our immediately adjacent neighbors have welcomed us with open arms saying they even want to volunteer.

We are committed to doing whatever we can to ensure that our use of this beautiful site is compatible with its surroundings.

We care for your parents, your neighbors, your aunts, your uncles, and your siblings. We need a location that will allow us to continue providing these essential services to a vulnerable population, often at their times of desperate need.

Collier County has long lovingly embraced childcare services as essential to the well-being of our entire community. We believe that the senior care services we provide are just as essential to the quality of life we all enjoy in Collier County. We simply want to celebrate and care for seniors in Collier County in the same way Collier County celebrates and cares for children.

We, therefore, respectfully request your recommendation of approval of our applications. Thank you for your time and consideration.

(Applause.)

CHAIRMAN STRAIN: Thank you very much, ma'am.

Okay. Ladies and gentlemen, we are going to go forward with our break at this point. I do have a question of the County Attorney's Office. Karl lived in a neighborhood and, as a result, he was -- he's left. Several of us are seniors. Do we need to leave?

MR. KLATZKOW: If I said something, you might forget.

CHAIRMAN STRAIN: With that, ladies and gentlemen, we'll be back at 1:10 and resume.

(A luncheon recess was had from 12:06 p.m. to 1:10 p.m.)

CHAIRMAN STRAIN: Ladies and gentlemen, welcome back from our lunch hour. Now that we're all full and comfortable and, Mr. Yovanovich, if you don't need another break, why don't we go forward with your presentation.

MR. YOVANOVICH: I think I'm a protected class. I'm not sure you're allowed to talk to me like that.

Mr. Strain, welcome back from lunch.

The board for the Senior Center established guiding principles in finding the right location for a permanent home for the Naples Senior Center. On the visualizer, or on the screens, are those guiding principles: A central location for existing and future members, a stand-alone building opportunity, five-plus-acre site to accomplish all of the desired services, a pastoral setting in a noncommercial location and, as Jackie mentioned, open spaces for gardening, walking, and meditation and, most importantly, compatibility with surrounding uses.

We are going to spend a lot of time going through the compatibility of what we're proposing with those surrounding uses, but I want to take you through each of the guiding principles briefly, and then I'll turn it over to Wayne to address the planning principles.

As you've seen before, the location that we're talking about, these 13.6 acres, is outlined in yellow. It's of a sufficient size to meet both the requirement for the 35,000-square-foot building but as well as the outdoor activities that we're proposing to use on the site.

Importantly, we wanted to be centrally located to where the current members are and where the future members are. On the screen is the number of members that we have by ZIP code location, and you can see the star is the location of the property. And we are ideally located to serve our current and what we believe will be the projected future membership, understanding that as membership grows, we will be providing satellite services like we do on Marco. But this was a great location for the current membership and projected growth that we see within the urban area.

Safe and convenient access was paramount to our members, and we have multiple lighted intersection to provide safe and convenient access. There's access at -- at both Valewood and Oaks -- I'm sorry -- Valewood and Autumn Oaks at Immokalee Road is a lighted intersection, and then south is the access that we have from Vanderbilt Beach Road. There's a lighted intersection there with Oakes Boulevard.

So people who are traveling east or west will be able to get access at a lighted intersection. Those who are coming from within the neighborhood or using Oakes as the access will have access at Oakes and Autumn Oaks, which already has an existing right-turn lane for safe and convenient access. So the access criteria was met by this site.

With regard to compatibility and other factors, I don't know if you've all seen what the current use of the property is. These are some photos that show that -- the current warehouse on the site. And I don't think anybody can dispute that the proposed Naples Senior Center -- and I will show you the architectural rendering -- is an upgrade to what's there today, and we've heard many people say they really would like the Naples Senior Center to be their northern entrance to the Oakes community.

To our south is the existing motorcycle repair shop. So our northern neighbors, based upon this conceptual rendering, you'll see a church to our north, a church to -- diagonally from us. You have a county pond, and you have commercial zoning to our right. That's all of our northern neighbors. And on the south is the access to -- I'm sorry -- the motorcycle shop.

We've laid this site out -- and Wayne will get into greater detail -- to make sure that the preserve area, which is the five-acre portion of this, is adjacent to our residential neighbors. You will see that we have a large preserve area with enhanced buffers around the entirety of the property to provide further buffers to our neighbors, and you'll see the sightlines that you will basically not even be able to see this property.

This is the rendering of what we propose to build on the property, and you can see that this Naples center is committed to first-class services for the residents.

Importantly, we had two neighborhood information meetings, and we received input from the community as to what their concerns were. And we've taken every one of those concerns into consideration other than the one "just go away." That was one we didn't agree to. But we knew there were concerns about traffic. And as Jackie mentioned, we have agreed to limit the hours of operation. We're a weekday use. Employees from 8:00 to 6:00, programs from 9:30 to 4:00 p.m. No Saturday or Sunday activity whatsoever.

We agreed to enhanced buffers along Oakes, along Autumn Oaks, along the eastern and southern perimeter of the property, and we agreed to at least a 100-foot-wide preserve along the east and southern boundaries of the property.

We also are agreeing, and will add to the PUD, that parking lot lighting will be limited to a maximum of 15 feet in height and must utilize full cutoff -- full cutoff shielding to make sure no light spillage over into our neighbors.

All programs will be by appointment only. We've limited the open-space uses to quiet outdoor activities. We've agreed at lunch -- because this was a concern that people had -- the biggest activity we have is currently the Wednesday lunch, and there was concern about what would be the traffic of people leaving. Well, not everybody leaves at lunch when lunch is over, but even though we have studied the intersection, we don't believe there will be any issues with stacking on Valewood or Autumn Oaks, we've agreed to provide law enforcement during the lunch dismissal so we can assure that people leave the site in an organized fashion to make sure there's no stacking issues on Valewood or Autumn Oaks.

We've agreed to provide sidewalks along the project frontages at Autumn Oaks Lane and Oakes Boulevard. We've also agreed to limit the participation to 485 people per day, and that's employees, volunteers, and program participants. And we've agreed, if the county staff wants it, that we will provide, on a monthly basis, proof that we're complying with our commitment to no more than 485 people per day, because everybody registers, everybody checks in, and we can easily verify for the county that we meet those requirements.

I'm going to turn this over now to Wayne for him to take you through in greater detail the master plan and how we meet all the guiding principles for the site selection as well as compatibility with the neighborhood.

After Wayne we'll go ahead and open it up to questions. Mr. Banks is here if you have any questions regarding transportation. The TIS is in the backup. Don't want to be too repetitive.

And with that, we'll turn it over to Wayne.

MR. ARNOLD: Thank you.

Good afternoon. I'm Wayne Arnold, certified planner with Q. Grady Minor & Associates.

And what I'm going to start off with is to talk to you a little bit more about the project location. So the exhibit that I've placed on the screen highlights what's going on immediately around our subject property. Our subject property's labeled with the sign that says "subject

property" but, as Rich pointed out, our most immediate neighbor to the north is the First Congressional Church. Diagonally across to the west is a church. As Rich pointed out, there's a warehouse and storage building that's an old nonconforming use that's on the subject property.

To our south is the Cypress Cycle Shop. All this property was formerly zoned commercial, by the way. And you have the cycle shop that's there that repairs ATVs and off-road vehicles as well as motorcycles. There's another church diagonally to our southwest, and there's another church on Autumn Oaks Lane to the east, and there's the Southbrooke commercial PUD to the northeast of our property that touches our common property boundary, and farther to the east on Immokalee Road and on Autumn Oaks Lane is another church.

So from our perspective, we characterize this as truly an institutional area, and from our perspective this is not an immediate residential neighborhood. As Rich said, our most immediate neighbor is a cycle shop and a church and will continue to be after we move forward with the project.

This shows -- on the top left is an image of the church. It's immediately across Autumn Oaks Lane. Rich already showed you a picture of the warehouse building to the right, and to the south is the Cypress Cycle. Hopefully you-all have driven the area and have a good sense for what it feels like to be in that area.

So we're changing the Golden Gate Area Master Plan. We want to create our own subdistrict for about 8.6 acres. We want to rezone all the 13.6 or 13.7 acres to be a community facility PUD. And the five easternmost acres that we have on our site are relegated to open-space uses or preserve only. That is a limitation that's in our PUD and our master plan.

This is the subdistrict language. I'm not going to read all of it, but this highlights that we can have up to 30,000 square feet of floor area, we have limitation for senior services, a two-story habitable limitation on building heights, and that we are required to go through a PUD zoning to obtain anything in this subdistrict.

Our PUD proposes uses that are principal uses, and we've outlined them here. They're related to social services, and these are activity centers for elderly, adult day care, senior centers, family counseling services, old-age assistance outreach programs, senior citizens association. I think the video that Jackie showed you highlights exactly what their activities are on a daily basis, whether it's exercise, counseling, or the luncheon socialization programs. That's what we're here to do.

We also included in our PUD document a list of prohibited uses, and that includes things like soup kitchens and homeless shelters. For some reason, there's misinformation, even though we think we've well informed the neighbors, that somehow we're a residential use. We have no residential overnight use whatsoever of the property. There's no residents associated with this as a permitted use. So we clearly put that in our prohibited uses.

We're not a public welfare office. We're not an offender rehabilitation agency. We're not a refugee service, and we're not a religious facility or a church. So those are clearly things we've spelled out. And I know that -- I think in conversations that Rich may have had with others, you know, the question is, are we willing to somehow limit our proposed uses to only those that we've specified and not some other listing of uses. And we're certainly willing to do that. We feel confident that our list of uses covers everything that the Naples Senior Center needs to do now and in the future.

This is the proposed master plan that's in your packet. And I'm going to take you through some of the key features. We have two access points on Autumn Oaks Lane. One aligns directly with the Valewood intersection that you've seen and heard about. We've placed the building in the center of the site far away from Autumn Oaks Lane and Oakes Boulevard. We've surrounded our perimeter with enhanced buffers that are 20 feet wide along Autumn Oaks and Oakes Boulevard,

and we've committed to landscape buffers and preserves on our eastern boundary.

And then, of course, we have a parking field. And the parking field is important for the seniors because you don't want them to have these -- sea-of-asphalt parking lot to walk across. You want them to be proximate to entry points for the building that can, one, be controlled and then shorten the distance they have to work, because several of the people, while they are very mobile, some need walking assistance, so we need to make sure the parking is around the building and easy to access for them.

And then, of course, we have our water management features which probably are going to be dry detention areas, but we've placed those along Oakes Boulevard and part of our southern boundary to further separate us from our neighbors.

This is a revised plan that we're willing to commit to, and the stars highlight a couple things we did. We met with our neighbors, our immediate neighbors, and were requested to be able to place a natural enhanced buffer along all of our eastern boundary and a portion of our southern boundary. So the areas where I have the yellow stars are areas where we're willing to commit to a 15-foot-wide enhanced buffer. And I'll go through some of the details of that in a moment. And in the areas where I have the green stars, those are areas where we committed that in addition to the buffer, we'll make sure our required preservation areas are a minimum of 100 feet wide. And I think that's important because, one, it clearly demonstrates that not only are we separated from our neighbors but we're creating these layers of landscape buffer, natural vegetation, our own landscape vegetation plus, then, the perimeter landscaping we have to have around a building to further shield and separate this so that we hope we're invisible to our neighbors.

This is the proposed master plan on an aerial photograph. I know it's hard to pick up, but I think it gives you a sense of how separate we are from our immediate neighbors.

This is the image you've seen before. This highlights the enhanced buffer as well as the preservation area that's to the east and southeast. And I point out southeast because where we're adjacent to the Cypress Cycle shop, I haven't committed to the 100-foot-wide preservation area necessarily because I don't think it's necessary in that location, but where we have residential neighbors to our south, we've enhanced the buffer as well as maintained a minimum preserve area of 100 feet in width.

We've gone through several images, and some of these the neighbors have seen. A couple of them they've not but, believe it or not, with this enhanced buffer that we've committed to on Autumn Oaks Lane, for instance, you do see a building back there. You see part of a roof line through the vegetation that we've committed to. And the reason that's so hard to see is because we have so many layers of vegetation within these 20-foot-wide buffers and a variety of tree heights, hedges, et cetera.

Oakes Boulevard, similarly, you can see the building through there, but it's a filtered view of the building that sits back away from the road through these layers of vegetation.

This is what's in your PUD document. It doesn't reflect what I just showed you. You can see on the bottom is the -- watch when I switch to the next slide. I think you'll see the enhancement that we've agreed to since we met earlier on with the neighbors, and that's what that now looks like when we bring up the image as a prospective view. And that's what a 20-foot-wide buffer can look like with some maturity on it. This, again, is the view from a 20-foot-wide enhanced buffer.

So in the areas that I described for our eastern and southeastern 15-foot-wide buffer, this is what we discussed with our neighbors. And to -- the bottom image is the easiest one for me to talk to. And what you'll see is that we tried to create something that looks very natural. The neighbor immediately to the east said, I don't want to see just a hedgerow. I'd love it if you can make this

look more natural because that's the environment we're in.

So we've created a layered opportunity here with hedges that aren't straight. They're going to be meandering, they're going to be within a 15-foot-wide area, it's going to be irrigated. It's going to be maintained by us, and it's going to be a very good buffer that provides line-of-sight limitations for our neighbors.

We created these. There are three images shown here. Top represents the neighbor immediately to the east, the middle is the neighbor to the south, and then we have a southeast, and the southeast is the one that's farthest to the right on the image.

But in all cases, between the vegetation that those folks maintain on their property, the enhanced buffer that we're providing, and the preserve, we end up with a separation because of the buildings location of over 800 feet from our neighbor to the southeast. That's a large separation looking through multiple layers of landscaping, and we believe this is critical to the project.

We also created what I'll call a prospective view. So this is looking west on Autumn Oaks Lane as you approach Valewood Drive. You can see our enhanced landscape buffer to the left. You can see part of our roof line through the vegetation. And one of the questions we were asked, are we willing to commit to the vegetation enhancements all the way across all of our frontage, and the answer of that is, yes, we certainly would.

The areas west, or east of Valewood, for instance, we showed that as native vegetation, et cetera, but we're willing to commit to the enhanced preserve as well.

This is the view as you head south on Valewood Drive. You can see we'll have a sign -- sign at our entrance. And, yes, you can see as you look a little to the right portions of our building through the enhanced vegetation.

We've created development standards in our PUD document that exceed the -- meet or exceed anything that's currently allowed in the Estates.

As Rich pointed out, we've made several project commitments. Some of these are in your PUD document; some of those are not, but we're willing to include all of these as commitments in the PUD because, as Rich mentioned to you, one of our hallmark conversations from day one was we want to be a compatible neighbor with our neighboring properties. And we think, between the buffers, the setbacks, the limitations that we've placed on the project, we certainly are.

The design of landscaping, that's easy. Building setbacks, that's easy. But, you know, keep in mind, one of the things that we've done, we've limited our hours of operation. You know, you-all deal with churches, and that's always an issue, but there are no evening uses here. We've restricted that to 6:00 p.m. for Jackie's staff. They can be here from 8:00 to 6:00. That's it. There's no other evening activities. There are no events. There's no weekend use of the property. Maybe a cleaning crew, but no programmed use of the property at all.

We've also limited the daily number of staff participants, and it's in concurrence with the traffic analysis that Mr. Banks did. So we've analyzed the worst-case scenario, and we've committed to that worst-case scenario.

We've committed to an on-site traffic control plan which, I think, as Rich mentioned, we don't necessarily think it's something we have to do but we want to do because we want to demonstrate that we want to be a safe and good neighbor for the residents in the area, because we all drive on the road.

And, of course, you know, access to the signal at Valewood Drive, that's, to us, really important, because it gives us safe entry onto Immokalee Road, and then the I-75, and that is critical for us, and that was one of the criteria we looked at, making sure we had access to a signalized intersection.

And, you know, to go to the issue of, you know, location and compatibility, these all do that. But one of the things that our neighbors told us early on was, just go to a shopping center.

Go to a commercial location. Go find something in the industrial park. And I think you've seen from what they do, this isn't an industrial activity. It's clearly an institutional use, and it's not a residential use. It doesn't need to be in an activity center. It's in an area that already has transitional uses.

You read in your staff report that there are other conditional uses that are allowed here. You know, we decided early on that we're not just an adult daycare. We're not sure that that square peg fits in that square hole, so we wanted to come through with a PUD so we could tailor this and, frankly, create commitments so you could be assured that what we're doing now and into the future was going to be an absolutely good and compatible neighbor with surrounding property.

So we think we've delivered on all of those things. And to me, in my professional planning opinion, this is an appropriate site, and it's the right site for what Dr. Faffer and her staff want to do. I think it's -- frankly, I can't imagine sending my parent into a shopping center to have their daily senior activity, and they're missing out on an opportunity. Where they are today, they do indoor gardening for plants. But to think about this, to have an opportunity to socialize and garden and be active, whether it's walking, gardening, doing your outdoor Tai Chi or yoga, I mean, that's another experience that they can't have in a shopping center.

And, in my opinion, again, this is the perfect use for the property and, in my opinion, it's the appropriate use for the property.

Thank you.

CHAIRMAN STRAIN: Before you finish, Wayne, Ned had a question.

COMMISSIONER FRYER: Just a quick one for you, Wayne.

MR. ARNOLD: Yes, sir.

COMMISSIONER FRYER: You mentioned as something that is -- that you're committed to doing that's not in the materials an enhanced buffer commitment.

MR. ARNOLD: Yes, sir.

COMMISSIONER FRYER: Would you repeat that so that I can be sure I understand what you're saying.

MR. ARNOLD: Sure. Let me go back to it. We had two enhanced buffers, actually. This is the one that's in your packet today. Exhibit F1 is what it's called. We would commit to this revised Exhibit F1 which shows another layering and enhancement of that 20-foot-wide buffer. These are the ones that are adjacent to the street, and then a new commitment -- and I've spoken to Tim about this, but he probably hasn't seen this image -- was this particular buffer that we're willing to commit to for the portion of our southeast buffer and our eastern buffer.

COMMISSIONER FRYER: Southeast, okay. Thank you. That's what I needed to know. And before you sit down, because I'm such a stickler on people identifying themselves in NIMs --

MR. ARNOLD: Yes.

COMMISSIONER FRYER: -- I want to commend you, because you identified yourself each and every time you spoke, and it makes it a lot easier for those of us who listen to those.

MR. ARNOLD: Thank you.

COMMISSIONER FRYER: Thank you.

MR. ARNOLD: Well, the only thing I would close on, and Rich mentioned it, for vehicular and pedestrian safety -- those were also key elements we heard from some of our neighbors -- we've committed to building sidewalks along Autumn Oaks Lane, along our project frontage as well as Oakes Boulevard, and we also provided for law enforcement for site dispersal during the weekly luncheon event, and we think those are two important things that we would certainly be willing to include and encourage you to include as a commitment in our PUD.

MR. YOVANOVICH: We are actually abbreviating our presentation because we

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recognize the number of public speakers that are here. So I'm going to -- one thing I wanted to point out, you know, there's no question, based upon Wayne's testimony, that we are compatible with our neighbors and in the neighborhood, and we fit in very nicely.

We, in fact, do have support from our nearby and adjacent neighbors for our request. And I have, for the record, which I'd like to introduce -- and I'll give it to Terri -- letters from everybody identified on green -- in the green on this exhibit, which are our neighbors, both our -- the parcel across the Oakes and our immediate neighbor to the east and several other neighbors further along on Autumn Oaks, and we have one other letter of support from someone a little bit further south, but we didn't include that on the exhibits. So I'll just give this to Terri when we're done.

We also have petitions from over thousand -- or almost a thousand individuals who support our proposed project at this location. It's both -- members, family members, caregivers all recognize the need and how essential this use is.

The commitments we've made that we will include in the PUD clearly assure compatibility. Frankly, we're compatible without those commitments, but those additional commitments are even better.

There are no traffic issues. We actually have videos if you need to see them that show that traffic functions properly in this area. We're compatible. There's an uncompromising commitment to high-quality services at this site.

Your staff is recommending approval of both the Growth Management Plan Amendment and the PUD that we're proposing, and we request that the Planning Commission also recommend approval of the Growth Management Plan and the PUD and recommend that to the Board of County Commissioners.

We're available to answer any questions you may have, or if you want to go immediately to public comment. We have asked some of our speakers to basically raise their hand in support instead of being repetitive, and then we'll have others that are going to continue to speak, and I know there's a lot of registered speakers that may want to talk about this.

But with that, we're available to answer any questions. I did commit to Mr. Fryer in the PUD -- and Wayne mentioned it -- we would add as a prohibited use in the PUD in No. 9, that would basically say that any use that's not specifically authorized in the PUD is a prohibited use, so we've committed to making that revision to the PUD as well.

And with that, we open it up to any questions you may have of me, Wayne, Jim Banks, or any other consultants or Jackie.

CHAIRMAN STRAIN: Our senior advisor wants to speak.

COMMISSIONER CHRZANOWSKI: It's not a question. I'm second senior. I found out, he's a month older than me. Hey, I'm a youngster.

When I saw your map, what you plan to do, I saw the parcel out for Cypress Cycle. And I've known Terry since -- Terry Metzger since 1983. So I was wondering why you left that out and didn't buy it. And I called Terry, and I said, you know, do you object to the project or what? And he actually used the term "ambivalent."

So, you know, I said, you don't want it? You want it? He said, I don't care whether they build it or not. So I don't know, maybe you should make that light green or something.

MR. YOVANOVICH: Okay.

COMMISSIONER CHRZANOWSKI: He doesn't really care.

MR. YOVANOVICH: Okay, great.

COMMISSIONER CHRZANOWSKI: And he's in North Naples -- or North Florida right now fishing or else he might be here.

MR. YOVANOVICH: Thank you.

CHAIRMAN STRAIN: Well, I appreciate that senior advice.

COMMISSIONER CHRZANOWSKI: Hey, that's "señor engineer."

CHAIRMAN STRAIN: Señor. Okay. Then let's go -- anybody else have any questions of the presenters?

(No response.)

CHAIRMAN STRAIN: Well, that's rare. Ned, you usually have some, but --

COMMISSIONER FRYER: My -- I had a very fruitful conversation yesterday with counsel, both counsel, and my requests have been addressed. My concerns have also been addressed. I'm going to reserve further comments until after I hear from the public.

CHAIRMAN STRAIN: Okay. Then, Patrick, do you have anything you want to jump in on?

COMMISSIONER DEARBORN: Second.

CHAIRMAN STRAIN: Well, I have questions, as I always do. So let's turn to the PUD document.

Now, just based on the notes I've made based on your presentation, you're going to add to the PUD document, if it's not already there, the 15-foot height limitation of lighting?

MR. YOVANOVICH: (Nods head.)

CHAIRMAN STRAIN: The daily monitoring plan for the Sheriff's Office; the law enforcement control for Wednesday lunches.

MR. YOVANOVICH: The daily monitoring plan was for attendees.

CHAIRMAN STRAIN: Staff. Attendees for staff to have a --

MR. YOVANOVICH: You said Sheriff's Office.

CHAIRMAN STRAIN: I'm sorry, yeah. The Sheriff's Office was the next one I had a note on.

MR. YOVANOVICH: Yeah.

CHAIRMAN STRAIN: Okay. The new -- you're going to use that new master plan as shown, which actually increases the buffers or the preserve area to 100 feet minimum.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Your new buffers will be per the presentation, which is going to include enhanced buffers in all cases all the way around; is that right?

MR. YOVANOVICH: Other than in front of the motorcycle shop.

CHAIRMAN STRAIN: Right, other than that piece -- and you mean not in front; the side of?

MR. YOVANOVICH: The north side of the motor vehicle shop.

CHAIRMAN STRAIN: You're going to include all the commitments that you just showed us in the PUD?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: You're going to add language to any use not authorized is prohibited?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay. Now, I will try to factor that into the questions I'm going to have of --

COMMISSIONER FRYER: Chairman, may I offer a proposed refinement to one of those you just mentioned?

CHAIRMAN STRAIN: Sure, go right ahead.

COMMISSIONER FRYER: The law enforcement for traffic at the Wednesday lunch, I think, is good, but what if it became a Thursday lunch?

MR. YOVANOVICH: It would be -- the way we wrote it would be any of the lunches -- lunches that we offer. If it moved from a Wednesday to a Tuesday, we would have law

enforcement.

COMMISSIONER FRYER: Okay.

MR. YOVANOVICH: We've rephrased it as weekly lunch.

COMMISSIONER FRYER: Okay. Thank you.

CHAIRMAN STRAIN: In your PUD under -- ay, yi, yi.

MR. YOVANOVICH: Ay, yi, yi?

CHAIRMAN STRAIN: I'm trying to figure out how to use letters instead of numbers, so now I've got to go back. Let's go to Page 2 of the PUD out of 11, operational standards you added. Limited to a single outdoor event annually. So you're not going to have any other special events except once a year; is that right?

MR. YOVANOVICH: That's correct.

CHAIRMAN STRAIN: Okay. Maximum daily use, 485 staff and/or program participants. For that I'm going to have questions of our other community involvement person, your traffic guy.

MR. YOVANOVICH: My marketing guy?

CHAIRMAN STRAIN: Yeah, your marketing guy.

But I'll get you -- let me finish with you first, if you don't find. In your Development Standards Table, Exhibit B, it's on Page 4 of 11, under maximum height, you say, actual 35 feet, and there you put in parenthetical I, not to exceed a maximum of two stories. Don't you mean to put that under 30 feet?

MR. YOVANOVICH: I knew you were going to do that. I knew --

CHAIRMAN STRAIN: Well, why did you wait?

MR. YOVANOVICH: Because, you know -- I said, you know, I bet you Mr. Strain says that that 1 needs to go in other places as well. So you are correct, we need to put that in -- I think in both places.

CHAIRMAN STRAIN: That would be safest, yeah.

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: Okay. I like those tables; that's why I --

MR. YOVANOVICH: I looked at that, and I said, I know what Mr. Strain's going to say. I don't often know.

CHAIRMAN STRAIN: Deviation 2, what's the difference between the calculation? I'm trying to understand how you -- what it's gaining for you. Parking space requirements which requires parking for adult daycare facilities at one per employee for the largest work shift plus one space for children and adults -- or adults to instead allow the required parking to be calculated a standard of one space for each 200 square feet of building area.

Wayne, how does that gel out? What are you getting as an advantage out of that space reduction?

MR. ARNOLD: The advantage is that we get to provide the parking we think we need, especially on the luncheon date. If you use the county's calculation for adult daycare on the one-per-10 factor, we might end up with 30 parking spaces as a minimum requirement, and we want to make sure we provide for enough parking.

CHAIRMAN STRAIN: And that's what I was trying to understand. Okay. I didn't take the time to look at the code. I figured you could explain it.

Under your environmental, Page 9, the CF-PUD shall require a preserve of 15 percent native vegetation. 8.31 acres of native vegetation exists on site, and they do the calculation. So 15 percent, you're providing -- instead of 1.22, you're providing 2.6 or more now that you've increased the 100 foot. Why don't we put the real number in there so it can't change in the future?

MR. YOVANOVICH: I don't mind increasing it, Mr. Strain, but can we -- can we leave a

little bit room for error on the ultimate design?

CHAIRMAN STRAIN: Okay. But I'd like to put it to more of the realistic number that you're --

MR. YOVANOVICH: Okay. I'm sure there'll be an opportunity to take a break, and we'll come back to you with a number higher than what's in there today.

CHAIRMAN STRAIN: Okay. Moving down to transportation -- this is going to be a Mr. Banks question, so I'll wait and come back to that one. The problem is I have to go back through this thing to do that, but I'll -- that's probably better.

I got staff questions, next and -- well, it looks like, if Jim's available, we can just go right to him.

MR. YOVANOVICH: Jim Banks.

MR. BANKS: For the record, Jim Banks.

CHAIRMAN STRAIN: Good morning, Jim.

MR. BANKS: Good morning -- or good afternoon.

CHAIRMAN STRAIN: Yeah. You've got 485 people at any time during the day that they would show up for whatever event is requiring them to show up or what they feel like showing up for, but you keep referring in your transportation, as we typically do, the maximum p.m. peak-hour two-way trips is 50. Yet if they're showing up for the Wednesday luncheon, they're not going to come an hour or two beforehand. They're probably going to come pretty close to the luncheon period of time. What's the maximum amount of traffic that would be on -- ladies and gentlemen, let me finish my question, please.

What's the maximum amount of traffic that we're talking about on that road system regardless of whether it's p.m. peak hour or not?

MR. BANKS: Midway?

CHAIRMAN STRAIN: Well, whatever the peak is. I mean, p.m. peak is what we use to measure the intensity on our streets for level-of-service standards, but now looking at the practical application for what's expected in the neighborhood, what is the maximum at any time generating 485 people a day?

MR. BANKS: Right. And it's the midday.

CHAIRMAN STRAIN: Okay.

MR. BANKS: It's between 11:45 to 2:00 o'clock.

CHAIRMAN STRAIN: Which is outside p.m. peak?

MR. BANKS: That's correct.

CHAIRMAN STRAIN: Okay. So what is realistically the number of cars going to be hitting -- because you've got 50 percent going south, and the other mix is going through some of the exits north. So what are we looking at?

MR. BANKS: Three hundred fourteen.

CHAIRMAN STRAIN: Is that to the south? That's the critical one.

MR. BANKS: No, that's both. So it would be --

CHAIRMAN STRAIN: About 157?

MR. BANKS: Yeah, 157.

CHAIRMAN STRAIN: South. And that will be over how long of a period of time?

MR. BANKS: An hour.

CHAIRMAN STRAIN: Okay. So the maximum you're expecting is about 157 cars during the late morning possibly going south. Of course, north is irrelevant because it's going out to Immokalee Road. But south is the one that I think --

MR. BANKS: Well, not all are heading south, but the vast majority is.

CHAIRMAN STRAIN: Right. Of the -- because you've got --

MR. BANKS: We have some people still that are coming for other activities. Okay. Let's just do it this way. We've got 314 two-way trips. Some people are leaving, some people are coming to the site.

So when I say 50 percent to the south, that means 50 percent of the traffic, some are coming to an activity, and some are leaving after the luncheon. And so that number is actually 121. So we have 121 people, the luncheon has concluded somewhere around 1:30 or 2:00 o'clock, they start leaving, and we're going to have 121 trips heading south on Oakes Boulevard and 121 heading north on Valewood to access Immokalee Road.

CHAIRMAN STRAIN: How about the queuing on Valewood for that quantity over that period of time?

MR. BANKS: That's correct. We did a -- we actually did a recurrence queue analysis. We used FDOT's procedures, which Collier County adopts, and we did do the analysis. We went out and we counted the actual traffic demand at that intersection. We counted it during December and on a Wednesday, and then we went ahead -- and the traffic volume in the middle of the day is pretty low on that Valewood northbound approach.

But then when we added our traffic onto it, and we conducted a recurrence queue analysis based on FDOT's procedure, and we determined that there's more than adequate capacity to accommodate the project's traffic as it's exiting the site.

But as Rich mentioned, and Wayne also did, too, for those Wednesday luncheons, we are still going to employ a police officer to moderate the amount of traffic that leaves the site at any one given time to make sure that we don't have a queuing issue.

And I also want to point out that -- and Rich did mention it. But when the luncheon occurs, it takes about a three -- it's over about a three-hour period from the people that are arriving a little bit early and some people leaving late, because not everybody finishes lunch at the same time, and a lot of people actually gather after they eat, and they'll talk, and they'll socialize.

And so, when the luncheon -- it's not like, you know, the bell rings and lunchtime's over. It's not like school. It's just a gathering of people, and so they will start leaving the building in kind of a moderate progression. But, again, we will have a police officer at that intersection to ensure that we do not allow too many people to exit the site at any one given time that would cause a queuing issue.

CHAIRMAN STRAIN: Okay. Have you -- I keep getting Logan and Oakes mixed up because I drive down them both, and they're both through the Estates area.

Logan's got a wide pattern because it's going to go four lanes some day, and at the western side, I think they have a long pathway. Is there any pathway or anything like that going down Oakes?

MR. BANKS: Oh, I know at one time they planned on four-laning it, but then that's been taken off the table.

CHAIRMAN STRAIN: For Oakes.

MR. BANKS: That's right, for Oakes.

CHAIRMAN STRAIN: Yeah, I know. But that's why I'm asking. Is there a pathway down --

MR. BANKS: Oh, oh. I'm sorry. A pathway, yes.

CHAIRMAN STRAIN: Okay. So residents, if they wanted to walk down Oakes Boulevard, it wouldn't be walking on the -- like, in most places in the Estates, you walk on the pavement.

MR. BANKS: The path is on the west side of the road.

CHAIRMAN STRAIN: Okay. It's the same as Logan. That's what I was trying to understand. Okay.

Under the parking section of the PUD, there's -- on Page 10, it says something -- and maybe this is your question, Jim or Wayne's or somebody's. Parking for uses A through G in the principal permitted-use section shall be provided at a ratio of one space for 200 square feet of building area. Should all uses A through G in the principal permitted-use section not be provided at the time of site plan approval, the applicant may be required to obtain an alternative parking ratio for any use that does not have the specified parking in the LDC.

It isn't a deviation. You have it on the straight text of the PUD. How does that work? Why isn't it a deviation if it's -- because if it -- if it doesn't need to be a deviation, then it doesn't need to be here, does it?

MR. ARNOLD: Well, it goes to the same answer I gave you before. They may not build all of their parking on day one. They may want to phase it, and they may add a use that we decide we may need more parking, but we didn't want to have to build all of the parking day one if we're not going to do all the services that are proposed for the PUD.

CHAIRMAN STRAIN: So this basically says you want to phase the parking in as you phase the uses in.

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: It's a whole paragraph for half a sentence, okay. An attorney must have wrote that.

MR. ARNOLD: I think he did have something to do with that, yes, sir.

CHAIRMAN STRAIN: Yeah.

MS. ASHTON-CICKO: I don't know if that's what it says. The list of uses under A through G have different requirements for parking. And in talking with Wayne, they wanted to pick -- they didn't want to have a difficult time at SDP trying to figure out which use and what the parking requirement was, so they selected the parking requirement for one of those uses and are applying them to all of them. I had requested a deviation; however, Planning indicated that a deviation was not needed.

CHAIRMAN STRAIN: Ray, so that language is exempt from the need of a deviation, then? Is that what you previously had thought or still think?

MR. BELLOWS: Yeah. It's -- as was mentioned at the beginning of the presentation by the applicant, it's kind of more of a hybrid use. It's not -- it doesn't fit neatly within our Land Development Code, so we felt that that standard was appropriate. But it's not a deviation from the parking standards because it's specifically listed for this specific type of facility.

CHAIRMAN STRAIN: Well, Ray, if you can figure it out, as long as you don't leave the county, I think we're okay, so...

I would have rather seen it -- just for the future, a deviation would have made it a little cleaner to understand. You could have -- a justification and explanation by staff would have helped.

MR. BELLOWS: Understood. And we'll look at that.

CHAIRMAN STRAIN: But just to think about that.

Rich, I think that's all I've got until I get to staff. I have a lot of staff questions, but mostly about historical issues, so --

MR. YOVANOVICH: Thank you.

CHAIRMAN STRAIN: -- thank you.

Anybody else have any questions of applicant?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a staff report, Tim?

MR. FINN: Yes, for the record, I'm Tim Finn, principal planner.

CHAIRMAN STRAIN: Oh, first of all, let's start with the GMP staff report. Who's

doing that?

MR. FINN: That would be Corby Schmidt.

CHAIRMAN STRAIN: Because I have a series of GMP questions, and the others may have as well, so I'd rather start with that one since that's the order we normally take them in, or we try to. And half the time we forget, and Corby corrects us. He didn't stand up and correct us this time. That's kind of odd.

MR. SCHMIDT: Good afternoon.

CHAIRMAN STRAIN: Good afternoon.

MR. SCHMIDT: We've recommended approval of both portions of this. So unless there's any questions for staff, I'll just allow you to do that.

CHAIRMAN STRAIN: Okay. Anybody want to start with any GMP questions?

(No response.)

CHAIRMAN STRAIN: Corby, under the background analysis, the sentence and the paragraph -- and that's the fifth page or fourth page of the staff report, second-to-last sentence says, the entire Oakes Boulevard and Immokalee Road corridors were downzoned from C-3 to E, estates zoning district, when Collier County adopted a countywide zoning ordinance in 1982.

So this all used to be C-3, that whole strip, from what I -- and I remember seeing some plans early on when this gelled up about a year and a half to two years ago, but I just want to make sure -- why wasn't it -- didn't it go through a ZRO -- a zoning reevaluation like we did in the '90s? Did we not do that in '82 when we changed zoning?

I know you weren't here, but I thought you might know the history.

MR. SCHMIDT: It has more to do with its location in the Golden Gate Area Master Plan than it does with the reevaluation in the FLUE.

CHAIRMAN STRAIN: Okay.

MR. SCHMIDT: Reevaluation took place.

CHAIRMAN STRAIN: Okay. But this was only because it was limited to Golden Gate -- the Golden Gate portion? It wasn't a reevaluation like a ZRO would be?

MR. SCHMIDT: Yes.

CHAIRMAN STRAIN: Okay. Well, I mean...

When you looked at this and determined it was consistent with the GMP, did you look at the zoning description for C-3 to take -- to understand that it -- it's still consistent, or how did you evaluate the fact that this is equivalent or like the -- is compatible with the Golden Gate Estates area?

I mean, because our -- the district -- Golden Gate Estates has some specific language that talks about how these rural applications came about, especially when you look at conditional uses. And it says, in -- under Golden Gate Estates "E" District, in addition to low-density residential development with limited agricultural activities, the "E" district is also designed to accommodate as conditional uses development that provide services for and is compatible with the low-density residential semirural and rural character of the Estates.

Now, is that something you would have considered in your analysis to be consistent with the GMP, or is that something that's not in your directive?

MR. SCHMIDT: We would, and we did.

CHAIRMAN STRAIN: Okay.

MR. SCHMIDT: And those like uses were taken into consideration.

CHAIRMAN STRAIN: Okay. Well, then how does this -- now, if this was a conditional use on a five-acre parcel, I would understand it because the building wouldn't be 30,000 square feet and it would be more of a -- like the one on Santa Barbara and Golden Gate, it's more of an immediate neighborhood operation.

This is a countywide operation, which is more or less a regional operation with multiple neighborhoods not on arterial streets. So how does that fit that rural character and semirural character of Golden Gate Estates?

MR. SCHMIDT: Not as much as it did with the local surroundings. This had compatibility with its neighbors and it met some of the other standards necessary to give a recommendation for approval in that it has its land use at an appropriate location, that the applicants could show need, this was an appropriate location for that need, and this surrounding area could accommodate that need.

CHAIRMAN STRAIN: I didn't see a market study. You're talking need. So you relied on what for the demonstration of need?

MR. SCHMIDT: The provisions that are provided for you as part of your packets included that information.

CHAIRMAN STRAIN: Right. I saw the population statistical demographic information, but there was no marketing information. They didn't supply any from a professional viewpoint?

MR. SCHMIDT: It had more to do with people who were using and expected to use the facility, and it was also shown to you today. That was their market more or less.

CHAIRMAN STRAIN: Okay.

MR. SCHMIDT: In your summary, you also saw that it was reasonably central to that area to serve those people. It also included a projection that that would be the same area where that need would be increased. They were also able to demonstrate that this facility was not commercial or institutional but a community facility, and at this location that is allowed.

CHAIRMAN STRAIN: Go ahead, Ray.

MR. BELLOWS: If I may. For the record, Ray Bellows.

The idea that we're dealing with the Golden Gate Area Master Plan and, in general, the provisions of the Estates, this project, without the companion Growth Management Plan Amendment or Golden Gate Area Master Plan Amendment, we would not have been supporting this project. But with this -- if the Growth Management Plan Amendment's approved subject to those conditions, that's where staff on the zoning side would say, as long as we're consistent with the approval of the companion amendment. And I'm trying to understand the gist of your question, too, in regard to --

CHAIRMAN STRAIN: Well, we've got descriptions of the zoning categories involved. We've got conditions of C-3 which says, primarily, if they're on arterial roads. We've rural character in the Estates description. And I'm just wondering how this site meets the criteria of either one of those zoning categories. I understand the process; that you need a GMP amendment just to even have the site qualify.

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: But then in order to get the qualification, how did you-all as staff decide that this was a rural character project and consistent with the intent of the Golden Gate Estates area, and how did you decide that even though it's not on arterial roads, it's on -- the way the C-3 describes it, it's still consistent with the C-3 category or whatever category this used to be, which is C-3 in that strip, which brings, then, my next series of questions. If that strip was C-3, how many of these parcels weren't part of that strip? And if the intent of that old C-3 was that if you were to change it to another use to grandfather something in, it had to be comparable or less intensity than the prior use, how does this all fit together? That's what I'm trying to understand.

MR. BELLOWS: Yeah. For the record, again, there was a study done by staff in regards to the existing structures. And they were built back in the '70s when the property was zoned C-3.

Over the years, there was a change, the adoption of the Golden Gate Area Master Plan, and it became Estates zoning. As long as those buildings remain in active operation, they retain their

nonconforming status to the current zoning, which is Estates.

We did research on the storage building. It has been continuously occupied by the property owner, though there's no specific occupational license associated with this property.

So it becomes kind of a question is, it hasn't been used for a C-3 particular use, but it has been in use for commercial operation for an off-site business. But that is not vesting them in for any kind of evaluation of this use. That is why they have the companion growth management amendment.

CHAIRMAN STRAIN: Okay. But the whole thing transpired because of more or less, like, a grandfathering provision because they were C-3, and they built a building there that was, basically, an accessory use, but because it was considered storage -- and by the way, it was for construction equipment. It was about 1978.

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: And they went before the Board of County Commissioners at that time twice, once to get the conditional use to store construction equipment there; and the second time because they had stubbed out rebar in the foundation a little bit beyond the existing building, they argued with the Board at that point that they should be able to do an addition to the building.

The Board said, yeah, that's your final piece; you can do that. So it was a -- basically a construction guy that was storing construction vehicles there for quite a lengthy period of time.

To convert these to something else is supposed to be of an equal or lesser intent. So I know we're going beyond that, but that's how we're doing the GMP amendment. And I was trying to figure out how you-all came to the conclusion it met the intent of the character of Golden Gate Estates' zoning, which is the rural character and items like that. That was the thrust of my question. And I'm not sure I got the answer but --

MR. BELLOWS: And part of that's the buffering and a community facility use. It's not a commercial use. It's a use that would be allowed in the Estates as a conditional use.

CHAIRMAN STRAIN: It would, but then it would be --

MR. BELLOWS: Subject to locational requirements.

CHAIRMAN STRAIN: What's the size limitation on conditional uses in the Estates; do you recall?

MR. BELLOWS: I'd defer to Corby on that one.

CHAIRMAN STRAIN: Basically, transitional conditional uses are the immediate five acres next to adjacent nonresidential uses.

MR. SCHMIDT: And typically so.

CHAIRMAN STRAIN: Okay. So what we're looking at is, the cycle shop would generate a conditional use next door to up to five acres and both front and south, most likely. And they already had the conditional use on the corner -- the use on the corner, which was commercial, so that gives them that strip. Now the piece in back is being added which wouldn't have been a transitional conditional use. So how did that -- but that now is added because of the GMP amendment. Do we open up 6130 that's shown on this green map as a transitional conditional use?

MR. SCHMIDT: We do not.

CHAIRMAN STRAIN: Okay.

MR. SCHMIDT: Because this is a request outright for a subdistrict first is and not just simply for the zone. So we're starting with a baseline for the subdistrict. And some of those other criteria you're talking about in the mix of questions just don't apply.

CHAIRMAN STRAIN: Okay. So this is not going to create any additional opportunities for conditional uses to the east?

MR. SCHMIDT: It will not.

CHAIRMAN STRAIN: Corby, there's some -- one of the documents submitted by Q. Grady Minor, it's Page 35 of your packet, it had a listing, amendment language, and it lists A through E. There was 900 pages in this thing, so I can't remember where I didn't see that. But is -- are those stipulations part of the language, or is the language more concise than that? Because it talks about no building within this subdistrict may exceed two habitable stories in height.

I saw that in the applicant's submittal, but I don't recall seeing it in the submittal that was approved by your department. I think you put everything in a single paragraph, or did you put bullet points?

MR. SCHMIDT: We did. We grouped them together as being an acceptable number of.

CHAIRMAN STRAIN: Oh, that's -- acceptable number of what?

MR. SCHMIDT: Well, A through E, and we talked about them as a group.

CHAIRMAN STRAIN: Okay. The -- well, I think we already talked about that. We talked about that. That's all I've got. I'm going to have some of Tim, but thank you, Corby. That's all the GMP questions I have.

MR. SCHMIDT: All right. Thank you.

CHAIRMAN STRAIN: Tim, you want to do your staff report now? And then we'll go into questions.

MR. FINN: Oh, okay. Yeah. For the record, I'm Tim Finn, principal planner.

The companion small-scale GMP amendment and the PUD zone petition are compliant with the rezoning criteria in the LDC and the GMP; therefore, staff recommends approval.

CHAIRMAN STRAIN: Okay. That was short. Thank you.

Anybody else have any questions of Tim?

(No response.)

CHAIRMAN STRAIN: And, Tim, I may have gotten all of my questions between Ray and Corby. It's the same situation with the -- I think you guys explained it the best you can. You know, the Estates is a low-density residential semirural/rural environment with limited agricultural activities, and then those other nonresidential are supposed to be rural in character. That was the thrust of the point I was trying to understand. I think you've explained it the best you can, so I'll live with that.

And with that, we'll go on to -- anybody else have any questions before we go to public speakers? Ned.

COMMISSIONER FRYER: I do.

This is either for Tim or Corby or both. But inasmuch as this site is in the urban Golden Gate Estates area versus the rural area -- I mean, it's west of Collier Boulevard -- is that fact something that you -- that you took account of and that we should take account of as we evaluate this? And, if so, how?

MR. SCHMIDT: Well, I would answer in this way: Yes, we took that into account and, yes, you may as well, because the Golden Gate Area Master Plan has been sub-elemented into three different versions and, of course, not all of your conditional or special uses, not all of your uses in the area would be rurally oriented. This is not one of those. You will find some of your conditional uses, some of your uses like this one oriented to people. They're -- the nature of this is not rural in the manner that would have been found in the language of the overall Golden Gate Area Master Plan as there originally existed, as that language once was.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Corby, before you -- I just have one question that I'm trying to understand. Between Autumn Oaks and Immokalee Road, all the way down to Logan there are some open parcels that have already -- and most of that area, or parts of that area, have already

been converted to a nonresidential, which would have been a much more easily explained use for this to be in one of those, at least from my perspective.

The concern I have is right now Golden Gate Estates is going to be cut up by multiple six-lane roads, four- and six-lane roads. We've got Vanderbilt Beach Road. We've got Golden Gate Boulevard. We've got Green. We've got Randall. We've got Oil Well. We've got all kind of roads going east and west.

Most of those haven't even attempted to take the strip along the frontage on the six-lane road, and now we're moving to the frontage -- we're not moving -- we're moving off the frontage a block back and starting to chew up for exceptional nonresidential uses in the Estates that wouldn't have been considered before.

My concern is -- and it's just -- I guess it's more of a statement than a question -- that this could lead to additional similar actions on all that six-lane road systems going out Golden Gate -- going throughout Golden Gate Estates. And I'm worried that that's -- this is going to start a process that's going to lead us down to a lot more invasion into the Estates area than anybody anticipated. Not that it's a bad use, but it's a use that we just haven't -- I haven't seen any -- I can't think of any that have come the second block back from the main six roads -- six-lane road so far. So this will be the first time I've seen this happen.

MR. SCHMIDT: Well, so noted, but if you'd like some commentary --

CHAIRMAN STRAIN: Yeah.

MR. SCHMIDT: -- the people who worked on that are in the room today.

CHAIRMAN STRAIN: Worked on what?

MR. SCHMIDT: The Golden Gate Area Master Plan.

CHAIRMAN STRAIN: I was here for it. I don't -- I probably have more input than they'll have, but thank you.

MR. SCHMIDT: So observed.

CHAIRMAN STRAIN: Okay. Thank you.

With that, let's start with our public speakers. Ladies and gentlemen, because of the quantity that we have -- and I think they said there was 40, we allow five minutes per speaker. We'd like to adhere to that strictly, and less if you can. You need to identify yourself for the record. We need to know if you were sworn in. If you weren't, we have to swear you in, and spell your last name if it's more -- if it's fairly complicated and could be misconstrued.

MR. KLATZKOW: Use the timer.

CHAIRMAN STRAIN: No, I'm not. I'll play it by ear.

Yes, sir.

MR. YOVANOVICH: I had said that we wanted to try to expedite the public comment and not be repetitive. For those members that have registered to speak, I'd just simply like them to show you that they had registered to speak and that they were in support of the project so that we don't put multiple people up saying that, and we could cut down the number of speakers --

CHAIRMAN STRAIN: Any way you could expedite this, that would be great. We're here to hear everybody.

MR. YOVANOVICH: So those members who registered to speak that are in support, and even if you didn't register to speak and you're in support, could you just simply raise your hand and let the County Commission know.

(Show of hands.)

MR. YOVANOVICH: Okay. So when you call their names, they'll waive, and hopefully that will make that move a little bit quicker --

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: -- so you don't have to hear the --

CHAIRMAN STRAIN: We'll start calling names and see where it goes.

MR. KLATZKOW: And you can speak if you want.

MR. YOVANOVICH: Sure.

CHAIRMAN STRAIN: You can speak if you want, yeah. It's nice you raised your hand, but you still can speak.

Tim, go ahead.

MR. FINN: First speaker, David Rutstein.

MR. RAUDNER: Wave my hand.

CHAIRMAN STRAIN: Okay. He's waived.

MR. FINN: Next speaker, Tom Ellis.

CHAIRMAN STRAIN: He's coming up.

MR. ELLIS: Good afternoon. Thank you for your time this afternoon. This is my first time in this venue, and I have a lot more appreciation for what you all do as a result of that.

I'd like to start just with perhaps a way to put in context the rest of my questions, and that is that we -- I'm president of the Oakes Estates Neighborhood Association, and we all support the Naples Senior Center. We are not against the Naples Senior Center. We do have an objection to this as a location for them, and we hope that, you know, through some of the comments you'll hear this afternoon, you'll understand what that is. It's really about the character of our neighborhood and how this shifts that character, in our opinion.

We know that the applicants have taken a lot of time and care and expense in trying to put together a plan that would mitigate or nullify our concerns, but we don't feel that there's really a way to do that, possibly.

So they've -- the presenters before me have pretty well explained what the applicants want to do, and we respectfully disagree with the recommendation of staff for approval of this. The Golden Gate Master Plan defines this property as low density, semirural Estates residential, and we believe that moving, as you mentioned, Mark, south of Immokalee Road for this type of a use is going to create an opportunity for uses other than Estates residential to basically springboard from this, whether in our neighborhood or other neighborhoods around the county.

The staff report describes how our neighborhood has evolved over the last 50 years from an area where it was some of the most affordable property in the county to now to some of the most desirable property in the county for low-density residential purposes.

Our neighborhood is 500, roughly -- just a few properties under 500 individual property owners, and I have with me over 250 letters of opposition. I'd be happy to leave these with you if you care to see them.

But we're mostly working families. And we had quite a few more of our neighbors here earlier today but, because of their other obligations, were unable to stay, and I'm sorry for that. But they at least are represented in their letters.

CHAIRMAN STRAIN: You should -- if you have an extra copy, you should leave it at least with the court reporter so we have it for record.

MR. ELLIS: I do. I'll leave this copy, yeah.

COMMISSIONER FRYER: Mr. Ellis, while you're shifting papers, may I ask, do we need to be looking at that image that you put in front of us? Because I can't see it from here.

MR. ELLIS: Yeah. I'll describe what it is. It's in your packet as well, and I'll be addressing that in just a minute. But we didn't have, you know, the technology to put it on the screen for you. And there's a couple other copies around the room that are available for the audience to see if they would like.

You know, our association is -- thank you. Our association is -- every property owner in the neighborhood is automatically a member, and we're staffed by volunteers or any donations -- or

any financial resources we have come from donations. So there's no mandatory dues, nothing like that. And our goal is to represent the neighbors the best that we can for issues that affect us all. And so that's why I and many of the other board members are here today, and several of the residents as well.

The applicants are making several arguments to justify this change in the zoning and the use of this property. The question about whether the prior zoning gives any particular right to the current property owners, the sellers, to transfer that nonresidential use has been one of them.

Our position is that once that use was abandoned and we understand that there has been no business activity at those locations -- I mean, I've been in the neighborhood over 20 years. I've not seen anything operating there in that time. The buildings are an eyesore. There's no question about that. And we wonder if they're not really kind of a dangerous attractive nuisance at this point.

But with respect to the zoning and the land-use questions, we think that at this point all of that property is Estates residential zoning and, really, the appropriate use is for five to six single-family homes -- I mean, that's really what's available now under the current zoning for that size parcel.

Over probably the last 50 years, since this property was active, the county's learned a lot of lessons about land use, and some of them by inaction, but others by taking a long-term view and sort of deliberately using the advice of professionals that deal with land-use issues. And when -- and when the plans that have been made, the well-thought-out disciplined plans that have been made are followed, typically you'll get the result that you expect. When you deviate from that, you start to open up the opportunity for unintended consequences, and that's really what we're concerned about.

The applicants make a lot of restrictions or promised a lot of restrictions, and we don't doubt their sincerity. We don't doubt their intentions, but we know that things change over time. And 10 years from now, 15 years from now, when the dynamics of the people they serve have changed, what happens? Does the property still have value the way it's structured now, or is the next user going to have to come in and try to make the argument that a new use is going to be more appropriate and going to serve the community better?

And we sort of feel like once that genie's out of the bottle, there's no getting it back. And so our hope is that you and the county commissioners will send a strong message that the appropriate use for this type of property is as it's currently zoned, and that way we think that the sellers will start to recognize that they can't -- they cannot try to sell this property for a commercial or institutional or whatever other-than-residential, let's say, use, and the problem will be resolved. It will resolve itself.

We truly think that the Naples Senior Center's made up of very honorable, good people with a good mission and a needed mission, and we think that the people who are making philanthropic donations to them have the same intentions. And I think we have an obligation to make sure that those people don't damage their reputation as well as ours, our neighborhood, in the process of, you know, making their next step in their growth.

So for all those reasons we'd ask that you reject the staff's recommendation and ask the County Commission not to approve these applications.

CHAIRMAN STRAIN: Okay. Ned -- I think Ned has a question.

COMMISSIONER FRYER: I do.

Mr. Ellis, thank you also for your -- you contacted me, right?

MR. ELLIS: I did.

COMMISSIONER FRYER: Yeah. We spoke. That was helpful, and I appreciate that. You've brought some letters in. Tell me again how many of them there are.

MR. ELLIS: I believe it's 252, right now.

COMMISSIONER FRYER: Okay.

MR. ELLIS: We're still getting letters in, but right now I think there's 252 in this group.

COMMISSIONER FRYER: All right. I certainly will take you at your word, but I'd like to know, are -- all 252 or so, are they all residents of the Oakes subdivision?

MR. ELLIS: They are. Their names and addresses are on the letter.

COMMISSIONER FRYER: Okay. And they are all opposed, unconditionally opposed to the project?

MR. ELLIS: Yeah, that's -- we created a draft letter, and we distributed it to the members and asked them, you know, if they were inclined to, to respond to us, and many of them signed the letter that we sent. Many others added their own comments. Some drafted their own letters. So it's a mix. But it has been solicited but not -- not with any kind of pressure.

COMMISSIONER FRYER: Okay. Thank you very much.

CHAIRMAN STRAIN: Could you read the letter you sent so we know what it was that you asked the folks?

MR. ELLIS: Sure, yeah.

So, the letter reads: Dear county managers, planning commissioners and county staff, it's our understanding that the Naples Senior Center has submitted --

CHAIRMAN STRAIN: Tom, you've got to slow a little bit. She's got to type as fast -- you talk as fast as I do. She'll get mad at me if you talk too fast, so...

MR. ELLIS: We understand the Naples Senior Center has submitted an application requesting a change in the Golden Gate Area Master Plan to create a subdistrict called Naples Senior Center community facility subdistrict and to amend the current "E" estates to a PUD to accommodate the same for property at the southeast corner of Oakes Boulevard and Autumn Oaks Lane.

Am I okay?

THE COURT REPORTER: Yes.

MR. ELLIS: All right -- inside the Oakes Estates community. The applicant wishes to construct a 30,000-square-foot two-story institutional building which is advertised to be a destination providing senior social services for the entire Collier County and south Lee County region.

As a homeowner in the Oakes Estates neighborhood, I'm adamantly opposed to the proposed GMP change and rezone from Estates residential to the high-intensity institutional uses proposed by the Naples Senior Center on one of our residential streets and within the heart of our community.

Among our concerns are: The incompatible nature of a destination regional institutional facility inside our boundaries;

The massive increase in impact of this project as compared to what otherwise would be allowed under the existing Golden Gate Area Master Plan;

The additional traffic that will be generated by an organization that is serving over 1,400 members and growing with the further encouragement such development would give to other developers that wish to purchase residential property and convert it to commercial use;

Fundamental change in character of our Oakes Estates community;

And commercial institutional creep southward from Immokalee Road now proposed to expand south of one of our residential streets.

CHAIRMAN STRAIN: Okay. Thank you very much.

MR. ELLIS: Okay.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you for your time.

MR. ELLIS: Let me take one moment, if I can, to explain the illustration.

CHAIRMAN STRAIN: You do represent the --

MR. ELLIS: I am president of the Oakes Estates Neighborhood Association, and I'm acting as that -- in that capacity.

CHAIRMAN STRAIN: You represent an association; you do have extra time, but please minimize the amount you need. You're running out of it now.

MR. ELLIS: Right, I understand.

The illustration that we put down before you is a very, I guess, imperfect, but, example of other properties that are currently zoned appropriately for the facility that we felt were -- roughly met the description of the property that we understood that they needed. And in addition to that, there have been a few properties that have come online since this illustration was put together that we would be willing to share if there was an interest.

CHAIRMAN STRAIN: Okay. Thank you very much, sir.

Next speaker, Tim?

MR. FINN: Next speaker is Ronald Waldrop.

CHAIRMAN STRAIN: Ron, were you sworn in when we started today?

MR. WALDROP: Yes. I've been here. Thank you.

Good afternoon. Thank you for allowing us to come talk to you.

As they said, I'm Ron Waldrop, and I live at 5911 Hidden Oaks Lane. My family and I moved to the Oakes Neighborhood in order to enjoy the unique large estate lot feel and the rural character of that neighborhood.

In addition to residing there, I'm also a practicing professional engineer and a business owner of a land development consulting firm. So based on my background, I am in support of development.

The Naples Senior Center is a good program, and it's something that's definitely needed for Collier County. But for us, it truly isn't the right spot for our neighborhood.

You know, we really -- the Oakes Neighborhood, you're talking about from Immokalee Road all the way down to Vanderbilt and those 500 different uses, the homes and properties within there.

So today I'm going to talk about being an affected property owner, professional engineer, and also an expert in the area of Land Development Code that, number one, this application is not consistent with the county's Growth Management Plan, and that's as pointed out by your staff in their staff reports and, number two, this application is not consistent with the evaluation criteria in your LDC that you must consider when making these decisions.

And, you know, for us, again, it's about that transitional use and it coming into the neighborhood. That's the big impact that we're going to see.

Staff notes in their report under the existing Future Land Use Map designation, only two of the four parcels comprising of this PUD qualify for conditional uses, and none of the four parcels qualify for commercial zoning.

So for us, approving a site-specific GMP amendment that places the intensive use of this facility is a work-around to circumvent your adopted plan. This is not how long-range planning should work. These types of subdistricts that are being created are eliminating the purpose of the Comp Plan.

Point two, as it relates to the PUD rezone, the request is inconsistent with the stated evaluation criteria that guides you and your approval or denial of this application.

I want to briefly walk through some of those inconsistencies. Criteria 1 says, whether the

proposed change will be consistent with the goals, objectives, and policies of the Future Land Use Map and the elements of the Growth Management Plan. As noted, these applications are not consistent with your GMP. The project requires a unique subdistrict that supersedes all of the protections in the Golden Gate Estates Master Plan relating to the neighborhood compatibility.

Criteria 2, the existing land-use pattern. The existing land-use pattern in this area is a large-lot residential neighborhood with a few low-intensity neighborhood nonresidential uses. This facility serving a countywide audience is not appropriate for the existing land-use pattern.

Criteria 3, the possible creation of an isolated district unrelated to adjacent and nearby districts. This criteria -- this creates an isolated subdistrict in this application for residential areas that sets a precedent for further encroachment. So not only is this something that we feel is important for our neighborhood, what is going to go on in other neighborhoods for the Golden Gate Master Plan?

Whether the proposed change will adversely influence living conditions in the neighborhood. Yes, we feel the intensity and the scale of this facility and the traffic generated will adversely impact the living conditions and will be incompatible with the neighborhood.

Criteria 7, this one's a little bit longer. Whether the proposed change will create or excessively increase traffic congestion or create types of traffic deemed incompatible with surrounding land uses because of peak volumes or projected types of vehicular traffic, including activity during construction phases of the development or otherwise affect public safety.

So this is one of the big things for us also is the increase in the traffic intensity within our local residential streets will adversely impact the living conditions in Oakes. The project is proposed on land that we think should be five single-family homes, which would be an a.m. peak of about eight vehicles per hour and a p.m. peak of about six vehicles per hour. And if you look at the TIS report, a total of 485 people on a peak day could be there on site each week, and then that would equate to, as they talked about earlier, 314 vehicles per hour midday peak.

CHAIRMAN STRAIN: And, Ron, you've reached your five minutes. So could you kind of wrap it up quickly.

MR. WALDROP: Well, I've -- Heather Waldrop was going to give her time after me, and then also Jake Stevens was going to pool the time.

CHAIRMAN STRAIN: Okay, fine. You're willing to go then.

MR. WALDROP: They're registered. Thank you.

MR. BELLOWS: They're registered.

CHAIRMAN STRAIN: You guys didn't tell me. Next time let me know if he's got any ceded time.

MR. BELLOWS: Yeah, we'll try and make that note.

COMMISSIONER FRYER: Are they here?

MR. WALDROP: Yes.

CHAIRMAN STRAIN: Sorry to interrupt you.

MR. WALDROP: That's okay. No. Thank you.

So with that increase to 314 vehicles midday, that increase of magnitude is approximately going to be 40 to 50 times what we're used to seeing if it was the five single-family homes.

And so that's where the large weekly lunch event will be impactful, and it will be like there's a restaurant use that's been pulled into the neighborhood. And this is not only going to affect going out to Valewood, but it's also going to affect Oakes Boulevard going through the -- completely through the neighborhood.

And then you have to remember that this roadway and intersection is the entrance to our community, and this is why this encroachment is significant to us.

It pulls the line in that -- that block may not seem like a lot, but we feel like it really will

make a big difference in pulling in and then potentially future uses trying to come along the same lines.

Criteria 10, whether the proposed change will adversely affect property values in adjacent areas. Yes, we believe the conversion of this property to nonresidential uses detracts from the estate lot residential feel of our neighborhood and the prime reason our neighborhood is desirable.

Criteria 11, whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations. Yes, this change will encourage other undeveloped properties to seek site-specific subdistricts to allow for nonresidential uses on land priced for residential uses. Encouraging buyers to get a cost savings on land by encroaching into our neighborhood is not good planning and shouldn't be allowed. There are parcels available within the county that we feel would be more appropriate for this use.

Criteria 12, whether the proposed change will constitute a grant of special privilege to an individual owner as contrasting with the public welfare. Yes, granting a special subdistrict to allow for commercial uses in this area is a special privilege beyond the limited neighborhood-serving uses subject to locational criteria in the Golden Gate Master Plan. This is the only subdistrict that's not on a major roadway in the Golden Gate Master Plan. It is in direct contrast with the public welfare.

Criteria 14, whether the change suggested is out of scale with the needs of the neighborhood or the county. This one is significant. The applicant has outlined in their application, you know, so in their own words and report, how this will serve Collier County as a whole and not neighborhood-use scale. So we feel a 30,000-square-foot facility with almost 500 people is out of scale for the Oakes Neighborhood.

And Criteria 15, whether it is impossible to find other adequate sites in the county for the proposed use in districts already permitting such use. As I stated before, we feel like there are parcels throughout Collier County that could serve the needs of this facility.

You know, and when we met with them, the Naples Senior Center has told us that they selected this site based on the lower cost. The lower cost is due to this parcel being residential and not being properly zoned for this facility. You cannot let a buyer's budget dictate land-use planning and set that precedent for Collier County.

In conclusion, you have the legal basis to recommend denial of the application based upon its inconsistencies with your GMP and the LDC.

Thank you.

CHAIRMAN STRAIN: Any questions?

Thank you, Ron.

MR. WALDROP: Yeah.

CHAIRMAN STRAIN: Before we go to the next speaker, we generally take a 15-minute break so the court reporter's fingers can pause. We'll shorten that to about 10 minutes. Before we do, I want to ask the Planning Commission as far as timing goes. I had family in town, so I need to leave at 4:00. That still leaves a quorum here. You guys can decide to go on as long as you want, but I'm just giving you a heads-up that I have to be out of here 4:00.

COMMISSIONER DEARBORN: I have to leave by 4:00.

CHAIRMAN STRAIN: Okay. So we'll go as far as we can today. We hope to get through this one so you all don't have to come back. We'll do our best. We'll take a 10-minute break, come back at 2:45, and resume.

(A brief recess was had from 2:34 p.m. to 2:45 p.m.)

CHAIRMAN STRAIN: Ladies and gentlemen, if you'll please take your seats, we'd like to resume our public speakers. Everyone, please take your seats. And we'll turn to Tim to tell us who the -- call out the next speaker.

MR. FINN: Next speaker is Norman Feder.

CHAIRMAN STRAIN: Norm Feder is here.

COMMISSIONER DEARBORN: Mr. Chairman, for the record, I want to state that earlier I stated I have to leave at 4:00. I don't want to not have a quorum, so I will stay up to -- I think Ned has to leave at 4:40, so I'll stay longer if needed for this to get done.

CHAIRMAN STRAIN: Okay. Good. Thank you. Norm.

MR. FEDER: Planning Commissioners, first of all, thank you for the service that you provide to this community. I don't envy you. It's been a while, as the counsel here noted, sort of *deja vu* all over again.

It's been eight years since I stood up at this podium in many respects. I am here on my own behalf. While I'm supporting the request of the Naples Senior Center, I am not working for them.

I will tell you, though, that I find it interesting that we are dealing with this issue because what I know of the background on Oakes -- I worked quite a bit with the community. It's a very good community that's worked hard to maintain the integrity of their area so much so that originally Oakes was set to be a four-lane facility, as was Logan, as an extension of Santa Barbara. They worked hard and got agreements through the County Commission to maintain it only as a two-lane with a wide area and bike paths and sidewalk to not only do that, but to move the signal away from Oakes over to Valewood to try and discourage through movements through the community.

And then, further, when Logan was widened to two and then four in the future, to make sure that none of the streets within the Oakes Estates neighborhood connected to Logan.

So, in effect, we've got a public street publicly maintained on Oakes Boulevard that is servicing only Oakes Boulevard, and that's fine. They worked hard for it. It's a good community, and they're working well with it.

But in moving the signal from, basically, Oakes over to Valewood, and Valewood extension being built because of that, with the assistance of right-of-way for retention, and the church built there, this property, which has never developed as C-3, effectively, or as residential, as I say now for Estates, if you will, is now effectively part of Immokalee Road. It's 350 feet to the south. It's right at the signal of Valewood, Valewood extension, and Immokalee Road.

And so to say that it doesn't necessarily meet the issue of the Estates, you've got some intervening issues, as I'm trying to point out, that, in fact, pretty much you are dealing with being on a major arterial.

More importantly in some respects, though, is the nature of what's being asked. What's being asked is not six single-family residences. That's true. But what is being asked is a project that will not contribute significantly to the traffic volumes on Oakes that has been restricted to off-peak hours and, as was noted, the Oakes is a community of working families, particularly working individuals, and they're working on peak hours. Most of this is in the off hours.

It's also understood that it will not be weekends and evenings. And with all the constraint that they've placed on themselves, and even though it's been noted that it will service a larger area, they've restricted it to the total volumes and the hours of operation.

So in many respects this property will eventually get developed. It's no guarantee that it will go just residential. And this is a very compatible use, as I think was presented.

And the last one I'll tell you, the reason I'm up here is because, one, although I'm not quite as senior as some folks here, I'm emerging and I'm utilizing the facility, so that's one of the reasons I was aware of it and am here. The other is that when I left the county, still as a failure as a retiree, I not only went for an elected position, but I also went to Greater Naples Leadership, and I became president, on the board and then president.

What I found was this community provides no tax dollars or support for any of the social services needed by this community. And with that in mind, we rely totally on the philanthropy of the community, which is fairly significant, the foundations and the others that support. But if it's not for these social-service organizations, there are many, many people that will be want [sic]. And while I go there to play cards and to play board games, the fact of the matter is I see the services and what it does and what it provides to this community.

So, one, it is an item that probably fits a little bit better than most would think; two, it's very, very compatible in the sense that it won't have major impacts on the community and; three, and probably most importantly, it is a service that's needed by the full community, not just the Oakes community.

And I appreciate your time.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER CHRZANOWSKI: Norm?

MR. FEDER: Yes.

COMMISSIONER CHRZANOWSKI: When you worked for the county, what did you do for a living?

MR. FEDER: What I did for a living, Stan, was I was administrator for transportation. I'm the one that created Bob's Barricade in this county from 2000 to 2012.

MR. KLATZKOW: He was known as Six-lane Norm.

MR. FEDER: Thank you.

CHAIRMAN STRAIN: Next speaker, Tim.

MR. FINN: Next speaker is Steve Bracci.

CHAIRMAN STRAIN: Could you spell your last name, Steve, just so it's right with the court reporter.

MR. BRACCI: Yes. It's Bracci, B-r-a-c-c-i.

Good afternoon, Commissioners. My name is Steve Bracci. I reside at 6141 Hidden Oaks Lane in Oakes Estates.

The northwest corner of my property -- my family's property, which is two-and-a-quarter acres in size, touches the southeast corner of the applicant's property, which clearly qualifies us, like many of our neighbors, as an aggrieved or adversely affected party and an inordinately burdened party if this Comprehensive Plan amendment and companion PUD rezone is to be adopted.

I have been a licensed attorney since 1994 and have been active in real estate, real estate development, and real estate law since then.

The proposed application for the new Naples Senior Center location within our semirural Oakes Estates neighborhood is not consistent with the Collier County Growth Management Plan and, in particular, is not consistent with the Golden Gate Area Master Plan. The applicant has failed to provide the relevant and appropriate data as required by the Community Development Act to show the need, including the intensity of need, and the propriety of this particular location for their new 30,000-square-foot regional destination senior center within our Oakes Estates semirural neighborhood.

The only data the applicant has provided is a needs study that ostensibly demonstrates a demand for senior care and food pantry service within the entirety of Collier County and also South Lee County all the way to Estero. Likewise, the Naples Senior Center's own statements and literature show that they do now and in the future intend to serve all of Collier County and South Lee County.

For purposes of this Comprehensive Plan application, the applicant's regional needs study does not constitute appropriate data because it does not enumerate the health, welfare, and quality

of life needs of only the local residents within the rural or semirural Golden Gate area as opposed to the county community at large.

Further, there is no data whatsoever to show why the stated intensity of use, 30,000 square feet of intensive daily usage, is necessary to meet the needs of the local Golden Gate area residents and to balance such needs against a preservation of the rural quality of life for Estates residents, including those in the Oakes Estates neighborhood.

Moreover, the applicant fails to show the intensity of need for Estates local residents given that there is already a senior-care facility in Golden Gate City which falls within the Golden Gate Area Master Plan and which, pursuant to Goal 4 of the Golden Gate Area Master Plan is, unlike this location, an area specifically targeted to, quote, provide for the basic needs of both the local residents and the residents of the surrounding area.

In other words, if a countywide regional destination senior-care facility is to exist within the Golden Gate area, then the Golden Gate Area Master Plan instructs us that the proper site is Golden Gate City and not in the middle of a semirural Oakes Estates neighborhood, which is not even on an arterial roadway, the first such subdistrict anywhere in Golden Gate area, if it's approved.

Pursuant to the county's Growth Management Plan, the Golden Gate Area Master Plan was planned and instituted to address the specific geographic areas.

Goal 1 of the Golden Gate Area Master Plan was to balance the need to provide basic services and to provide a well-planned mix of compatible land uses which ensure the health, safety, welfare, and quality of life of the local residents. I repeat, the local residents.

In this context, the local residents are the residents within the specific geographic areas of the Golden Gate Master Plan, not Collier County at large, and certainly not South Lee County, which the Naples Senior Center has admitted is also within their service boundary.

The application also runs afoul of Objective 1.4 of the Golden Gate Master Plan requiring that the county, quote, provide a living environment within the Golden Gate area which is aesthetically acceptable and protects the quality of life. In other words, the Estates residents are also entitled to health and quality of life, not just the aging and senior population which the applicant seeks to serve.

Placing a regional-destination 30,000-square-foot senior center inside of a semirural Estates neighborhood does not protect the quality of life of the local residents. Those residents are entitled to maintain a semirural existence without intrusion of such an intense regional use.

The Naples Senior Center application also violates Goal 5 of the Golden Gate Area Master Plan. That Goal is, quote, to balance the desire by residents for urban amenities within the Golden Gate Estates with the preservation of the area's rural character as defined by -- and I kind of cut ahead -- limitations on commercial and conditional uses. As a side note, talking about rural character, *res ipsa loquitur*, the thing speaks for itself. They're talking about a use that they now want to have sheriff's traffic control on Autumn Oaks Lane, which is a side road. How does that meet the rural character and protect it within our community?

This application does not preserve the area's rural character but rather destroys it by creating a regional destination or, as the applicant's president likes to call it, a bull's eye for all of Collier County and South Lee County to pour into as a destination on a daily basis. This destination bull's eye is not a rural characteristics but rather an urban one and belongs in an urban area.

Incidentally, in a video that I'm going to place into evidence, the Naples Senior Center's president previously recently, a couple years ago, stated that at the current Costello Drive location near Pine Ridge Road and 41 is their bull's eye. So either it's a really big bull's eye or somehow the bull's eye has dramatically removed location [sic].

As I'm -- I hear somebody over there saying it did. If it did, it's only because they expanded their boundary all the way up to Estero.

CHAIRMAN STRAIN: And, Steve, you've had five minutes. Can you start wrapping it up?

MR. BRACCI: I think I have -- two people have ceded time who are still here.

CHAIRMAN STRAIN: You guys are supposed to tell me this.

MR. BELLOWS: We took these in before we started taking the notes.

CHAIRMAN STRAIN: Okay. Does he have ceded time?

MR. FINN: Yeah. Bob Walker, Frank Millot, and Tracy Millot.

MR. BRACCI: And I don't need that much.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: Are they all here?

CHAIRMAN STRAIN: Yeah, they probably are. Even if they aren't, he was ceded enough time.

MR. BRACCI: As I mentioned, Goal 5 of the Golden Gate Area Master Plan requires, quote, limitations on commercial and conditional uses. Staff and the applicant have analogized the applicant's proposed senior care and food pantry uses to those provided by churches and social fraternal organizations; however, staff admits that both of these uses are permitted as conditional uses in the Estates zoning district. In other words, they are uses that must have limitations pursuant to Goal 5 of the Golden Gate Area Master Plan.

Further, the master plan expressly mandates that any such conditional use shall be, quote, consistent with all of the goals, objectives, and policies of the Golden Gate Area Master Plan. This includes the one I am now identifying, for which the applicant has failed to show consistency in this instance.

This begs the question: What are the limitations on conditional uses such as the analogized churches and social and fraternal organizations? That answer lies in the land-use designation description section of the Golden Gate Area Master Plan and in Land Development Code Section 2.03.01, Subsection B., titled Estate District E.

The master plan shows that the subject property lies within the Estates mixed-use district, residential Estates subdistrict. Within that district and subdistrict, the property's use is limited to two-and-a-quarter acres single-family lots. In other words, rather than having 30,000 square feet of high-intensity daily use, it is presently allowed to have four or five residential lots.

According to the master plan, if you're going to seek a conditional use within the Estates mixed-use district, it must either be in one of the four designated neighborhood subdistricts, which this isn't, or in a conditional-use subdistrict, in which case there are four different criteria, and the closest one is the transitional conditional use, as Chairman Strain pointed out earlier, is limited to five acres or less.

So creating a new subdistrict for the Naples Senior Center within the Oakes Estates neighborhood that is specifically tailored to them simply destroys the overall locational structure set forth in the Golden Gate Area Master Plan. As Mr. Waldrop says, it's a workaround. It's a loophole that they're trying to create.

The conditional-use section of the Land Development Code, Section 2.03.01(b), titled "Estate district," also disqualifies the subject property from its proposed use as a regional senior care center -- destination. That section clarifies that the "E" district corresponds to and implements the Estates land-use designation of the Future Land Use Map of the Collier County GMP. That is, that section is illuminative of the county's Golden Gate Area Master Plan.

This LDC section states that the purpose and intent of the Estates district is to provide lands for low-density residential development in a semirural to rural environment. Then it goes on

to say, and this is important, the "E" district is also designated to accommodate as conditional uses development that provides services for the low-density residential semirural and rural character of the Estates district.

In other words, conditional uses such as churches, fraternal orders, and the proposed Naples Senior Center senior-care facility must be designed to accommodate only the local semirural and rural area, not the county at large.

The applicant cannot create a subdistrict that is based on a use that is listed as a conditional use within the Estates area and which attempts to serve the need for the county at large.

My last paragraph here. Because the applicant has failed to provide localized data showing a need to be served within the Estates area and to show the square footage of intensity of such a need -- maybe it's only 3,000 square feet and not 30,000 square feet -- the applicant has failed to provide the relevant and appropriate data required under the Community Development Act, Chapter 163 of the Florida Statutes.

I'd like to put my presentation into evidence along with some other documents and a flash drive that has five videos on it that were from -- about the Naples Senior Center.

COMMISSIONER CHRZANOWSKI: Could I make a suggestion?

MR. BRACCI: Sure.

COMMISSIONER CHRZANOWSKI: The next time you-all talk about this project, don't say it's in the heart of this residential area. It's at one corner of the residential area. I've heard it's in the heart of it, it's in the middle of it. I don't see that. It looks like it's at one corner of the residential area.

MR. BRACCI: And you'll have plenty of time to make that point at the end. But in terms of what I can or can't say as a public speaker, I think we're entitled to state it as we see it.

COMMISSIONER CHRZANOWSKI: Okay. Thank you.

MR. BRACCI: And, obviously, minds differ and perceptions differ. It's south of Autumn Lane, right? I mean, we're now -- we're now no longer as a conditional use, you know, by necessity along Immokalee Road.

COMMISSIONER CHRZANOWSKI: I'm sorry I brought it up.

MR. BRACCI: We've now jumped south -- south of Autumn Oaks Lane east to west is nothing but a residential side road. There's a workaround. Because of Oakes Estates being too close to the interstate, they had to make the workaround that Mr. Feder talks about. He didn't mention that. And, therefore, Autumn Oaks Lane has already really taken one for the team by virtue of them having to accommodate everyone else.

COMMISSIONER CHRZANOWSKI: Sorry I brought it up. Thank you.

CHAIRMAN STRAIN: Jeff, how do we take a flash drive into the records? Do we have a means to do that?

MR. KLATZKOW: I don't even know what that means, to be blunt.

CHAIRMAN STRAIN: That's what I'm asking.

MR. KLATZKOW: Mr. Bracci's to give it to the court reporter. She'll file it. Nobody's going to see it. I mean, when you get to the Board of County Commissioners, you may want to get enough time so you could actually present it to the Board. That way it will have meaning. But I don't know what putting it on the record means.

MR. BRACCI: I want it in the record for purposes of preserving the record and using it as a --

MR. KLATZKOW: That's fine. You can give it to her.

CHAIRMAN STRAIN: If you'll leave your paperwork and that with the court reporter, we'll -- she'll handle it the best way she can.

Next speaker, Tim. And tell me if there's any additional speakers contributing their time,

okay.

MR. FINN: All right. Next speaker is John Nicola. The other speaker in back of it, Danielle Sneed, has ceded time to John Nicola.

CHAIRMAN STRAIN: Okay. Is he here? Yep, there he is.

MR. NICOLA: John Nicola, N-i-c-o-l-a.

Good morning, and thanks for the --

CHAIRMAN STRAIN: Good morning.

MR. NICOLA: Thanks for the opportunity to address the Planning Commission. My name is John Nicola. I reside in Oakes Estates at 5690 Hidden Oaks Lane.

The applicant's proposal to build a regional destination commercial facility within the boundaries of our residential Estates community is outrageous. There are just under 500 individual residential lots within the Oakes Estates neighborhood, and approving this 30,000-square-foot commercial building will forever change the character of our neighborhood.

I have been a member of the Oakes Estates Neighborhood Association Board since 2003, and one of our primary missions is to protect and ensure the nature and character of the neighborhood for our residents.

During my time on the board, and even before I became involved, we have worked very closely with developers, engineers, general contractors, various Collier County departments, and both past and present county commissioners.

Some of the items that we have worked on with the specific purpose of maintaining our residential character are as follows: Number one, with the help of past commissioner Tom Henning, we were able to get a walk-in county park installed on the corner of Spanish Oaks Lane and Oakes Boulevard. This is county-owned land, and our residents now enjoy a small community park for our neighborhood children.

Item number two, a reduction of the speed limit on Oakes Boulevard from the previous 45 miles an hour to the current 35. The county had removed the four-laning of Oakes Boulevard from the 25-year plan with the high number of residential driveways that exit directly onto Oakes; 75 of them, as a matter of fact. This reduction in speed has helped to let everyone traveling along Oakes know that that is a residential thoroughfare.

Item number three, we worked very closely with Kite Development, a national developer, when they were proposing to build the Super Target at I-75 and Immokalee Road. They agreed to install a cross -- a flashing crosswalk at our neighborhood park on Spanish Oaks to protect the parents and children as they walk across the busy street.

Number four, in 2008 we worked very closely with a representative of a local business owner on the approval of the Standing Oaks PUD. This is located on the west side of Oakes Boulevard between Standing Oaks Lane and Shady Oaks Lane. The development originally called for approximately 250 condominium units, but after numerous meetings and discussions, a smaller number of units, 165 were agreed upon.

In addition, numerous other concessions were written into the PUD approval, including any buildings abutting the easternmost strip of land nearest the residents was not to exceed two stories in height. And, most importantly, there's the addition of traffic-calming measures which are teardrop medians at three intersections along Oakes Boulevard. This is in addition to the required changes at Standing Oaks Lane and Shady Oaks Lane. These traffic-calming initiatives are a further testament to our and the county's desire to maintain the residential character of Oakes Estates.

In 2015, we worked with the developer and planners, including Mr. Arnold, on the Southbrooke PUD, an office park development with two 20,000-square-foot buildings which is located just to the northeast of the Naples Senior Center. With -- but this was approved and

supported with the only concession -- or one of the concessions that no ingress and egress points would be allowed along Autumn Oaks Lane, and ingress and egress was restricted to a major thoroughfare: Immokalee Road.

In addition, numerous other concessions were provided to protect the immediate adjacent residents along Autumn Oaks Lanes.

Again, support was granted by the Oakes Estates Association after we were assured that the development would not cause any harm to our residents or the residential character of our neighborhood without having only access on Immokalee.

And most recently we worked with GL Commercial Team to support their development at the southeast corner of Logan Landings, the Sprouts grocery store, as most of you know it.

The Oakes Estates Neighborhood Association supported this development after numerous concessions for lighting, outside ambient music, signage height, restricted uses by SEC [sic] code, which calls for much more restrictive and limited uses, off-site landscaping, and buffering for residents at Hidden Oaks Lane and Autumn Oaks and assurances that they would not and never intend to connect Autumn Oaks or Hidden Oaks to Logan Boulevard.

Despite all of Oakes Estate Neighborhood Association's and the residents' long history of accommodating other uses, we simply cannot support this proposed use.

Oakes Estates is a residential neighborhood, and all parties, residents, and government officials alike have worked tirelessly throughout the years to maintain this wonderful Golden Gate Estates designation. If you allow this regional destination commercial use to encroach in our residential boundary, it will forever negatively change the neighborhood we love and have worked so hard to preserve.

Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker, Tim.

MR. FINN: Next speaker is Scott Relf.

CHAIRMAN STRAIN: Okay.

MR. RELF: My name is Scott Relf. My name is spelled R-e-l-f. And I see things very differently.

CHAIRMAN STRAIN: Sir, I'm sorry. You have to be on the mic all the time. There's a walk-around mic if you want to grab it; that will help.

MR. RELF: I live at 6020 Autumn Oaks Lane. I just pointed to where that is.

The gentlemen that have been speaking to you up until now do not represent me. And I think the color coding on the map illustrates that my neighbors are not being represented by the people that you're hearing from.

At the heart of this issue is traffic on Oakes Boulevard, and all the rest of this stuff is just a smokescreen.

I live on this street, so I'll tell you what it's like living on this street. If you walk to the eastern edge of it, which is about -- it's a mile long, you can see the lights of the new Sprouts and Logan's Landing Shopping Center. You know, I don't like the lights, but I love the store. I love the restaurants.

And as I walk down towards my house from there, on the right-hand side is a fire station. I suppose the siren bothers me occasionally, but I'm sure going to love it if my house is on fire. And if I keep walking down a little further, I see a church, and that church sells pumpkins on Halloween and maybe creates a little bit of traffic. But that's okay. It's neighborhood.

Walk a little further, there's another church. If you walk a little further, there's the Southbrooke PUD that this group approved several years ago, and there's going to be some medical offices there. I suppose that that will tear down some trees, which I probably wouldn't like. But

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if I want to go to a doctor's appointment, that could be quite convenient.

If I walk a little further, there's the church that you can see on the map right there. Hundred and fifty people come there to worship God every Sunday. I suppose maybe occasionally there's a car parked on the lawn if it's Easter or Christmas, but that's what a neighborhood's all about. And if you walk across the street, there's another church.

The only thing on this street that I do not like is there is an abandoned commercial building that has sat there for 30 or 40 years. Every day I drive past it twice. I'm a runner. I run six days a week. Every day I run past it twice.

That building is closer to the road than the wall behind you. They have rebar and plywood on the windows. There's a rusty fence that's falling down that is -- I can touch it and stand on the curb. It is an eyesore.

And the reason I and the neighbors with green shaded lots there would like to welcome the Naples Senior Center -- of course, they do great work, and we love them for that, but we want a beautiful thing on the corner instead of this 50-year-old abandoned warehouse.

I sat next to the architect who designed it for the last five hours, and she was explaining to me how the vision for the way this plan was drawn is that it would be a lot like a clubhouse in a planned community, surrounded by a park and a forest. Well, you've seen all the drawings and the pictures. That's roughly what it's going to be instead of this abandoned warehouse.

This will improve my street and my neighborhood. And it may affect traffic a little bit, but let me contrast that with something else. About three years ago the county I live in spent \$1.2 million to build a street that is not as long as this room. And do you know what it's been for those three years? It's been Scott Relf's private signal to get on and off of Immokalee Road. Every time I drive on it, there's not even another car there. If I happen to leave at rush hour, which only lasts for maybe an hour in the morning or an hour at night, there might be two other cars on this million-dollar road.

And so this whole discussion about this site is somehow at the heart of a neighborhood, just look at the map. Just look at the map.

And turning the page to the senior center piece, you know, I have four parents, right, obviously; two in-laws and two parents. My parents live in California. They're 84 and 82, and they live in a community that offers these services.

My in-laws lived right near me about a mile away, and both of them have passed away. My mother-in-law suffered from Alzheimer's, and guess where she got her care? At home, because her husband, my father-in-law, said he was going to take care of her. She had Alzheimer's for, like, four or five years.

I think we all know what it would be like to take care of a person like that in your house for four years. If this facility had been there, it would have served me, because it would have been a neighborhood service.

And then when she passed away, my father [sic] lived until he was 89. And do you know how he got his activities, who played cards and games with him? I did and my wife did. There was no senior center for him to go to.

I think this is an extremely worthy project. I think it will serve the neighborhood. I will be thrilled to welcome them. I'll volunteer to work there, and I think my neighbors feel the same way on that map in the green.

Thank you for your time.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker?

(Applause.)

MR. FINN: Next speaker is Stephanie Molloy.

Ms. Molloy, if you're here -- and ladies and gentlemen, I know you'd like to clap when someone favors your point of view, but it's real hard to keep order in the meetings, so I'll have to ask you to refrain going forward. Thank you.

DR. MOLLOY: Good afternoon. My name is Dr. Stephanie Molloy, M-o-l-l-o-y. I reside at 6131 Spanish Oaks Lane. Thank you for letting me speak today.

I oppose the proposed district and zoning changes and request the Planning Commission recommend denial to the Board of County Commissioners.

I've heard people speak today of the value and need for a senior community center; however, I don't believe that is the question for deliberation here this afternoon. The request under consideration is to change a large-lot residential neighborhood residential zoning to a subdistrict for a community center and change the Estates zoning district of the properties to a Planned Unit Development zoning.

I, like most people, look at a neighborhood and zoning, i.e., what are my potential neighbors going to be, when choosing where to purchase a home and where to live, considering both property values and lifestyle. I chose this location in Western Golden Gate Estates over a more urban setting based on those parameters. I wanted a larger lot, a more rural setting with families but wanted to be closer west and so chose to pay a higher premium for having that larger lot closer in a residential neighborhood.

You'll hear some of the other Oakes residents speaking today, but the Western Golden Gate Estates residents have spoken before at the Golden Gate Area Master Plan restudy workshop held by Collier County planning section on October the 20th, 2016.

One question asked was: The Western Golden Gate Estates will be distinctive and a premier location for and a complement to Collier County, and the residents filled in the gaps. And I have these answers here to that question. I can hand them out, or I can put it up on here for you.

CHAIRMAN STRAIN: Putting is up is probably easier. Thank you.

DR. MOLLOY: Hand it up to you?

CHAIRMAN STRAIN: No. Put it up on the screen, if you would. Then we can all see it at one time, and the public as well.

DR. MOLLOY: With these questions and the way that the answers are displayed, the larger the font size the more respondents responded with that answer.

So you'll see the largest font size is residential, large lots, non-commercial, and note, I do understand that the proposed change is not technically commercial. It's industrial or -- not industrial -- institutional. But I suspect the question as it was worded was not residential, institutional, or commercial, and most lay people would really only differentiate between residential and commercial. And the next largest font sizes, or the most respondents, were neighborhood estates, low density.

Another question asked: What is the full potential of the Western Golden Gate Estates? I have the answer to that here, too. And these are directly the Collier County restudy presentation from Collier County staff.

You'll see that the highest number of respondents said no change -- that's right there in the middle in the largest letters -- residential, large lots, single-family, rural.

There are many Senior Center folks here which, to me, indicates they are supporting the need for a new center. Currently, although I'm getting there, I don't actually have an opinion on that at this time. I think that is a separate issue and question. What we're asking -- what they're proposing today is a change in zoning and an addition of a special district in a residential location.

I do oppose locating a new center in a large-lot rural-setting residential neighborhood that is not zoned for such an activity.

We have heard the petitioner state that they started with 80 members and have grown to

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1,400 members with 20 staff and additional volunteers. And there are many of those members here. And these numbers concern me as a resident who lives, drives, and walks the neighborhood. The number of Oakes residents present today will be inherently relatively small because we are and are zoned for a low-density large residential lots, but the impact to us is great. This is the neighborhood we invested in, lots of sweat equity, too, especially after Irma.

And so I respectfully ask you to listen to the Oakes Estates residents today and those that have already spoken during the Golden Gate Area Master Plan restudy, as I've posted the answers here, and consider us and our lifestyle in your deliberations.

Thank you.

CHAIRMAN STRAIN: Okay. Thank you.

Thank you. Next speaker.

MR. FINN: Next speaker is Jen Mitchell.

MS. MITCHELL: Good afternoon. For the record, my name is Jen Mitchell, and I, too, am a resident of Oakes Estates. Thank you for the opportunity to speak here today.

I would like to express my support for what I think will be not only a beautiful facility but also a much-needed respite for our senior friends to enjoy engaging activities and social connections.

The mission of the Senior Center is one that serves some of our most vulnerable citizens. The fact that Jay and Patty Baker are supporting the center only reinforces my view that this will be a nice addition to the neighborhood and will not negatively impact property values, as you saw some of the renderings today.

I have yet to see a project in town with their name on it that isn't fabulous: NCH, Baker Museum at Artis Naples and, most recently, the newly-completed Baker Park, to name a few.

The fact is that the property in question in its current condition has been for sale for many years and, in its current condition, is an eyesore.

Additionally, given that the operating hours of this project are limited to 9:30 a.m. to 4:00 p.m. Monday through Friday with no weekend hours alleviates my concerns with regards to heavy traffic during peak travel times.

Also, the Senior Center's willingness to hire sheriff's deputies to help with traffic on the one weekly luncheon day tells me that they do intend to be a good neighbor and are willing to go to great expense to do so.

Finally, and most importantly to me, I feel very strongly the services need to be where the people are. This is a great organization whose mission may well serve any one of us some day.

Thank you.

COMMISSIONER FRYER: Quick question for you, ma'am. Just so that I'm sure I heard what you said, did you say that the properties in question have been for sale for years?

MS. MITCHELL: Yes.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Okay. Tim, next speaker, please.

MR. FINN: Next speaker is Alen Silvet.

CHAIRMAN STRAIN: Okay.

MR. SILVER: Silver.

MR. BELLOWS: Silver.

MR. FINN: Silver.

CHAIRMAN STRAIN: You can use either podium, sir.

MR. SILVER: Well, the screen's here, right?

CHAIRMAN STRAIN: Well, yeah. If you have something for the screen, absolutely.

MR. SILVER: Well, I think so.

CHAIRMAN STRAIN: Okay. You'll need to spell your name for the record when you get to the mic as well.

MR. SILVER: My name is Alen Silver, S-i-l-v-e-r. I do not live anywhere near this area. My wife and I, three years ago, approached Dr. Faffer with a concept, something at the Naples Senior Center. We came to her and said, there's a veteran need at the Senior Center.

The Senior Center, if you go there, services probably an 85 percent female audience. By the way, before I go any further, if there are any veterans in this room -- I know there were a few earlier -- thank you very much for your service. I would be remiss in not pointing this out.

So we went to Dr. Faffer and said, we'd like to start a veteran club. So she said, yeah, what a concept. Let's give it a shot. So we had five or six people, and then five or six became 20, they became -- at the end of our one-year anniversary, we had 30 people who would come probably to half the meetings. We meet one Thursday a month for an hour and a half.

And so what do we provide to these veterans and to the Senior Center? Well, we bring in mostly males. Everybody smiles at everybody. Some of -- one of our -- a couple of our veterans didn't know the Senior Center existed, and several of them go there four and five days a week to exercise, line dance, lunch on Wednesdays. So it provides them quite a bit of camaraderie.

We're now three years old, the VIP, Veterans in Paradise. The name came from a 95-year-old World War II veteran. You saw her earlier in a video. She had the ponytail. She was line dancing.

So we now have 75 members that we mail invitations to meetings once a month. What do we bring to the Senior Center, and why is it important that it have adequate parking? Several of our veterans have called and said, I tried to go. I couldn't find a place to park, and I can't walk from the church, which is a little further down the street where it's currently located on Costello. I can't make it down in my walker, so I couldn't go to your meeting. What did I miss?

So it appears that this new facility, if approved, would certainly eliminate somebody not being able to get or take advantage of the Senior Center or a Veterans in Paradise.

So just to let you know what Veterans in Paradise has helped. A gentleman came to us, a Vietnam veteran. He was telling us he was having trouble getting hearing aids. So coming to listen to one of our speakers, we pointed him in the right direction. He and two of his friends also got hearing aids.

Another gentleman, a Korean veteran, missing a couple of fingers. If you're a veteran, you understand that a 50 percent disability, a lot of things happen, the most important thing of which is you don't have to pay for medication for the rest of your life. So one man came to one of our meetings missing two fingers due to artillery. His disability went from 40 percent to 60 percent. Life-changing moment for he and his wife. Why? Because he came to the Senior Center to see what VIP was all about. He just happened to come on the right day.

Another gentleman, also a Korean veteran, came to a meeting. I forget who the speaker was. He then connected with this speaker, and they determined that he was due -- he and his wife were living off of their life savings. He and his wife were approved, well, he was approved, for \$850 a month retroactive for 25 years.

So the Senior Center has done more than serve lunch and have a beautiful space that is certainly overcrowded. There are times when my meeting room has 30 people in it in a room that -- I'm glad the Fire Department doesn't come by, because it's probably designed for 24. So sometimes we exceed our capacity and sometimes we don't, but it depends on who the speaker is.

And I can tell you from looking at this -- I mean, I have friends who go to that church in the previous picture. I have friends from Bonita Beach Road who go the church up the street. So I'm pretty sure Immokalee Road services, as well as that neighborhood, from all areas around Collier County. So I hope -- I hope that from what I've seen and heard, that with adequate buffers,

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the neighbors aren't inconvenienced in any way. I don't see it, but I certainly hope that our veteran community can continue to be served at the current rate which VIP does through the Senior Center from now and for years to come.

Thank you so much.

(Applause.)

CHAIRMAN STRAIN: Thank you, sir.

Patrick?

COMMISSIONER DEARBORN: I have one general comment. Just -- Mr. Silver, to you and your wife -- just a general comment. Thank you for what you do for veterans in this community. Thank you.

MR. SILVER: Thank you.

CHAIRMAN STRAIN: Okay. Tim, next speaker.

MR. FINN: Sunil Pandya.

DR. PANDYA: Hello. You probably want me to spell my name. Sunil, S-u-n-i-l, Pandya, P-a-n-d-y-a. And if we were -- if we had the -- if we had the neighboring supporters' slide up, I'm the green to the left on the corner. I'll just quickly point to it.

So, basically, out my front door is where I see the current property every day in the -- and they'll be looking at me.

I'm a physician in town for 16 years. I've lived in Willoughby Acres, the Lane, and now Oakes Estates since 2016. Of course, Irma came in '17, and we had to -- like many Oakes residents, had to spend some time fixing our property.

This is sort of a difficult day for me. I'm supposed to be in D.C. talking about coronavirus to our Department of State, and I decided to be here and miss my meeting, and I did that because I think you have to take care of your own backyard and your own estate first.

It's difficult because most of my friends are on the other side opposing this, and I'm for it, as you see the green behind me. You can't have better neighbors than the one we have in Oakes. Mr. Walker left, but I remember meeting him because a huge tree fell on my property, and he helped me right after Irma. I had people who I never met come up to me, most of the people who are opposing this, so I know they're wonderful neighbors.

But this is not in the heart of Oakes. It is not a commercial development. And my wife and I see that warehouse every day that we live there, and our children are scared to walk across the street. It's not an exaggeration. People on Spanish Oaks and Hidden Oaks might not walk by there in the middle of the night, like we have joggers, and my wife. But it is. You hear noises. You hear things going on. We've reported some things to the police.

It is not being used. It is abandoned. There's rust all over it. There's "no trespassing" signs. I've never seen anyone there. Except, curiously, a week ago it was open, and I don't know why. And it has been on sale. I've tried to buy it multiple times. I've spoke to the owner. He will not sell the parcel the way it is, no matter how much anyone tries to bully him, and he's actually put in his will not to.

So it's one of those things that you're better off trying to compromise and create a neighborhood rather than being stubborn. And I think that while Oakes Association board and the president, who now is a friend of mine and has met with me about this issue and we've become friends, are excellent. I think at the time -- it's sad because the time for a compromise was a couple months ago when sitting down with the Naples Senior Center and talking about things like parks and water features and perhaps buying the motorcycle shop and things like that and better berms and things that would have avoided this completely, and we would just be in a planning commission instead of an emotional commission meeting would have been more appropriate. I hope that we still can potentially do that.

Property value. I don't think having a three-acre property as nice as mine is trying to be looking straight at a warehouse that's abandoned is in the best interest of anyone on Autumn, and I think that's why you see all those green properties, because we actually walk and live on that street, and we welcome them wholeheartedly.

Bakers. I came here in 2004, and Naples Community Hospital North was a shack. I was the only physician who was on call there. I was the director of that hospital. I reached out to the then president and said, what kind of care are we giving to North Naples? Everyone cares about downtown, but we don't even have an MRI machine. Jay Baker and Patty Baker stepped up and built what you see there today.

When my -- when we had such problems with animals, animal cruelty and things in Collier County, Jay Baker stood up, and Patty Baker, and made sure that we had animal care in our community.

Has anyone been to the Jay Baker and Patty Baker Park? There'll be weddings there. It's the most beautiful thing that we have in Collier County.

When Jay and Patty Baker put their name so something, whether it's in this community or in New York or in other places, it is not only the highest quality, but is with the greatest heart I've ever seen displayed by man.

He will ensure my privacy, he will ensure the property values of Oakes Estates, and he will ensure that the Naples Senior Center will be here not for years to come, but decades and decades and decades and decades, and he will not allow this to be a Motel 6, a gas station, or all the other things that people have knocked on my door and have said. It will not be a memory unit for overnight care. It will not be a hospital. It will not become any of those things. It will remain the Naples Senior Center.

I hope that -- although I don't know many people in the Naples Senior Center, that my daughters will volunteer there. I hope that they'll cross the street carefully, because there will be a little bit of increased traffic. I hope that me, as the parent, will make sure that they will be okay walking across the street, because I think the value of taking care of your seniors is a lot greater than having 15 more cars.

The idea of 485 maximum people in a center over the course of an entire day perhaps, as a maximum, is a lot less than anything else that we could possibly have. And the thought that five -- that this man is going to buy -- that he's going to sell five of these properties, and only two people will leave your property a day is just not correct.

There was a traffic study done on my house. I had 45 entrances and exits. We all have lawn services, we have pool services. We have -- my children have licenses. My wife works separately than me. Don't think that you only come in and out of your house twice. It's about 30 to 40 times per house. And you have six of them, so you have 240. Traffic study here is not that much.

CHAIRMAN STRAIN: Doctor, you've gotten past your five minute. Could you start to wrap up, please.

DR. PANDYA: And I will wrap up. Thank you very much for your time.

CHAIRMAN STRAIN: Thank you. Next speaker.

(Applause.)

MR. FINN: Next speaker is Bob Mercaldo.

(No response.)

CHAIRMAN STRAIN: Bob Mercaldo? There he is. He's coming.

Who is the speaker after Mr. Mercaldo so the next person's ready?

MR. FINN: Yes. Robyn Smith.

CHAIRMAN STRAIN: Thank you.

MR. MERCALDO: I have not been sworn in.

CHAIRMAN STRAIN: Okay. We'll take care of that. Thank you for telling us.
(The speaker was duly sworn and indicated in the affirmative.)

MR. MERCALDO: My blood pressure came back. I noticed it in the chair. Thank you,
Doctor.

I've been going to the Senior Center --

COMMISSIONER FRYER: Sorry, sir. Your last name?

MR. MERCALDO: Mercaldo, M-e-r-c-a-l-d-o. Not Mercato.

COMMISSIONER FRYER: Thank you.

MR. MERCALDO: I get that all the time.

I've been going to the Senior Center for five years. They're about a year older than me.
Well, their business is. And it was a God send and a God find.

I have never been involved with such a friendly, giving, warming place in my life, and I've
been a lot of places. The people bend over backwards, literally, for you, and they've had nothing
but great people there.

This matter should be a heads in -- they're going to beautify that neighborhood. They're
going to put quality people in charge of a business that is successful. I hate to call it a business,
because that's not what it is. But Dr. Faffer, we talk almost every day, you know, and I'm just a
resident, you know.

All the friends in the back, that Wednesday lunch, I sit with a World War II hero who has
dementia to a point, but he has gotten my heart. And he has a touch of dementia. His name is
Roy. And I look for him, and if he's not there, I get nervous, and sometimes he misses some days.
But when he comes, we have a great time. He's from Chattanooga, Tennessee. And you know
what his favorite song is, right? It involves a choo choo. We sing it. I bring it up on my iPhone,
and we sing it, and it makes his day.

It's just me I'm talking about. I'm not going to -- and here is another one. Mike and
Susan here, volunteers. The volunteer staff is incredible. Even when -- I can't remember
volunteering for anything in my life, but when I got here, I saw what volunteers really are, what
they're supposed to do, and how friendly and giving they are.

It's five stars with me. It's five stars. And any of this other stuff that you've heard, maybe
I'd be saying that if I lived where they live, but even if I did, I would want that beautiful building
behind me instead of what's there now, the shed and the motorcycle repair place. You've got to
use it to describe to people to get where you live. Look for the shed and the motorcycle, and then
make a right. You know, look, that's my minutes.

Thank you, Dr. Faffer.

CHAIRMAN STRAIN: Next speaker, please.

MR. FINN: Next speaker, Robyn Smith.

MS. SMITH: Robyn Smith cedes her time.

CHAIRMAN STRAIN: Next speaker, whoever she cedes her time to.

UNIDENTIFIED SPEAKER: Waives her time.

CHAIRMAN STRAIN: Waives her time, okay.

MR. FINN: Next speaker, Bobbi Sutton.

CHAIRMAN STRAIN: Bobbi Sutton.

MS. SUTTON: Right here.

CHAIRMAN STRAIN: Oh, there she is.

MS. SUTTON: Good afternoon. I'm an Autumn Oaks Lane resident, and just -- I'm a
little bit further down, so I would pass this property every day in and out of my home. And I'm
here to also represent a couple of neighbors in the back as well from my street.

I am here to express my opposition to the Naples Senior Center being built within my residential community. I do believe it's in the heart of my neighborhood. It's in the heart of my street that I'll pass every day. My children would catch the bus stop right at this corner that you're discussing.

Let me tell you a little bit about my family. We've heard a lot about the clients that the Naples Senior Center serves. I'd like to tell you about the families that this community -- the families that reside there. I'm a teacher. My husband's a law enforcement officer. Our home on Autumn Oaks Lane was completed in 1999. And when my husband and I got married, I owned a home in the Orangetree subdivision. He begged me to move to the country which is now how he referred to our property on Autumn Oaks Lane.

At that time, we were making no more than \$90,000 a year combined. And I tell you that figure only to explain to you how hard we have worked to own our own property in a very desirable but expensive neighborhood and why we are so upset to think that the Naples Senior Center would be able to build within our residential boundaries, diminish our family's quality of life, as well as the value of our property.

After getting married, our family grew, and our desire to stay in a neighborhood we loved led us to aggressively save to build an addition onto our home. We have always felt extremely blessed to have been able to afford a home in such a beautiful and quiet neighborhood, a home that has allowed us to live a peaceful life amid the hectic pace of raising children and working full time.

Our family has called Autumn Oaks Lane our home for over 20 years now. As our children have grown up, we have ridden bikes up and down our street and have walked to meet up with friends for play dates at our neighborhood park built by Collier County.

My children are not grown yet. We decided to have children very late in life, so I am still raising my kids in this home, and we plan to use it for many years.

We chose to live in Oakes Estates to provide us with a lifestyle that did not include other families right on top of us and certainly not one in which we shared our residential street with an institutional building. Would we have invested so much money into an addition on our home if we knew there was a possibility of commercial encroachment into the boundaries of our neighborhood? Maybe I should have said "institutional encroachment." The answer is an emphatic no.

When I learned about the Naples Senior Center plan to acquire property in our neighborhood, our residential street, and our community, I was baffled, puzzled that a group whose mission is to do so much good for the elder population would be willing to do that at the expense of yet another population, the Oakes Estates residents. That's nearly 500 hard-working, taxpaying property owners.

How can the Naples Senior Center work so tirelessly for our elder population yet deliberately fight to diminish the quiet character of our neighbor? They believe their mission is to help the elder population. They believe that mission supersedes our rights as residential property owners.

Their desire to build within the boundaries of our residential community would be to the detriment of my family, my neighbors, and many of the Oakes Estates residents. This building would affect the character of our neighborhood, our quality of life, and our property values.

Thank you.

(Applause.)

CHAIRMAN STRAIN: Thank you.

Ladies and gentlemen, let's go to the next speaker then.

MR. FINN: Next speaker, Tamara Strohl-Samuel.

MS. STROHL-SAMUEL: Hi. Good afternoon.

CHAIRMAN STRAIN: Would you mind spelling whatever parts of your name might be needed to be spelled.

MS. STROHL-SAMUEL: Sure. Let me just lower this. S-t-r-o-h-l, hyphen, S-a-m-u-e-l.

CHAIRMAN STRAIN: I'm glad you did that. Thank you.

MS. STROHL-SAMUEL: Sure. Not a problem.

I'm just going to show you where my house is located.

CHAIRMAN STRAIN: Okay.

MS. STROHL-SAMUEL: And it's right there.

CHAIRMAN STRAIN: Okay. Thank you.

MS. STROHL-SAMUEL: Presently, that's three parcels down from the Senior Center. And I'm going to talk similarly to Bobbi, who just spoke, who's one of my neighbors. And I'm going to show you, in particular, what my family looks like, since everyone's getting so personal.

CHAIRMAN STRAIN: Actually, you've got to do it right side up. It takes the picture from above. In the middle. Go in the middle. You're getting closer. There you go. Now you just blacked out your screen.

MS. STROHL-SAMUEL: All right. So there's myself, my husband, and my two kids.

And this is a little bit of a difficult day for me, and I'll just explain that I actually know a lot of the people that are attending the senior center. I think it's a great cause. I don't have anything against it. I applaud you.

But I have to explain that none of these people live where I live, and so I think they would feel similarly to me if it was three -- going to be three houses down from my house.

I have a son who's 15. He attends Gulf Coast High School. He is dismissed at the time when these activities are ending, so that's going to affect him.

My daughter is a senior. She's at Community School. And guess what? She gets released at 3:45, which is exactly when these activities end.

We live at 2220 Oakes Boulevard. It's a two-and-a-half-acre lot, and I have lived there with my husband and my two children for over 10 years.

We're also forgetting about the fact that the kids have breaks, the kids have summer breaks, they have school breaks, they have days when they're sick, they have days when there's half days. All of these things will come into play for our children and our family when there's traffic.

When my husband and I took all of our life savings and started searching for a house, we chose this community in particular because we wanted a large acre lot. We didn't want a lot of traffic, and we didn't want, sorry to say, but our neighbors on top of each other.

During the hurricane, as it's mentioned before, all of us really pitched in. We all have gotten to know each other. And it's a really nice friendly community. And I'm sure the people that attend the Senior Center are also very nice.

And, respectively [sic], to the man that just spoke who lives, I guess, right next door at 2391, when he purchased his house, that lot -- that vacant lot with the abandoned building was on there, so he chose to purchase that lot knowing what it looked like.

We need to take into consideration what our feelings are and what the original master plan was when we purchased our land and when we relied on this master plan when we purchased it. It was strictly a residential community. We absolutely never imagined that there would even be a proposal for a 30,000-square-foot commercial building near us, and we can't really believe that we're even having to come and talk to you about it, because it's a residential neighborhood.

The churches that they have mentioned are off Immokalee Road. This would not be. They actually came and spoke to us at our association meetings on two separate occasions, and they told us and promised us that if there wasn't any support, they would not build in our area.

They knew when they purchased the land that it was not zoned commercially. They also told us that it would have been approximately serving 200 -- I don't have the exact number, the maximum capacity, and then they came to a second meeting and said that there was this big change, okay. Well, now that capacity doubled to 485. I have absolutely no idea why they would have chosen our area when there is many, many other properties of land that they could choose to be on.

And finances for them is definitely not an issue. I mean, if you Google Senior Center, you'll see that they have fund-raised over \$15 million. I have never seen a commercial property in a residential neighborhood that is not off of a main artery in Golden Gate Estates.

I'm a practicing attorney. My office is across the street. And I purchased this land with my husband because I didn't want to be where there was 30,000-square-foot properties that are commercial. So I have chosen to drive in every day to my office because I wanted a peaceful neighborhood. I didn't want traffic. I didn't want another 500 cars.

Why is the burden being shifted to us to show how this community is going to benefit us? In fact, you've heard from every neighbor, a man who's lost his parents. It's not going to serve him. It's not going to serve me. Bobbi, who was just here, it's not going to serve her. I haven't heard them say or show that our local community is going to be served. It won't be.

I will submit to you that, in fact, it's not only not serving me but it's harming me and my property value and my lifestyle and my family, and I respectfully ask you to please vote no on this amendment change.

Thank you.

(Applause.)

CHAIRMAN STRAIN: Thank you. Next speaker?

MR. FINN: Next speaker is Prentiss Higgins.

UNIDENTIFIED SPEAKER: He had to leave.

MR. FINN: Next speaker is Jennifer Pandya.

MS. PANDYA: Good afternoon. My name is Jennifer Pandya, spelled P-a-n-d-y-a, and I actually live on 2391 Oakes Boulevard, and I'm actually in favor for the Senior Center. I'm actually very excited for it to be built. Many reasons, but I'm only going to say two.

The first one is actually because of the way the building that I'm across from and what it looks like. I'm tired of looking at this building consistently on a day-to-day basis. I jog. I walk with my dogs. And this area is very eerie, especially at night when I walk my dogs. It's very dark. And I would like to see something beautiful in this area of Oakes and what it represents. It's a very beautiful community with a lot of landscape. And this particular part, which is right across from my property, it doesn't look good. It's rundown, it's beat up, and there's no upkeep in the landscaping.

And so I'm hopeful with what we've seen with what Jay Baker has created in the past that he is going to provide nothing but excellency and a beautiful area for us to look at every day as we pass through Oakes Boulevard.

And I'm looking forward to being able to feel safe and walk my dogs in that particular area with lights and, you know, and maybe some interaction there, instead of it just being dark, dreary, and abandoned.

My second point would be there are a few seniors that actually live in the community that I know that are afraid to come here today and speak up because they're afraid of what their neighbors are going to say about them and how they'll be treated.

And so I'd like to be a voice for those seniors. Specifically, I work as a physician assistant and I cater to a lot of the seniors. I work for them, I represent them, I support them, and I love them. And so I would like to be that voice for them who don't feel comfortable coming up and

speaking. They're excited. A lot of them that I've spoken to are excited and looking forward to going to this senior center, and so I told them I would come up here and represent them. Even though I don't like public speaking, I'm here.

And so that is the reason why I'm speaking today. I don't -- oh, and, also, my daughters are excited to volunteer. And so they're looking forward to being part of -- I think there could be a lot of synergy between the Senior Center and our community. I think this community represents love, peace, unity, and I hope that, despite our differences, that we can welcome the Senior Center with that type of how we -- what we believe we represent ourselves as. And I look forward to meeting all of you if this does pass and maybe even working with you guys. So thank you.

CHAIRMAN STRAIN: Thank you. Before you call the next speaker, Tim, how many speakers more do you have listed? Do you have any idea? Holy cow. You're still counting. The only reason I'm asking --

MR. FINN: Seventeen.

CHAIRMAN STRAIN: We've got about 40 minutes left before we're going to lose two members. And, myself, I was going to leave at 4:00. I have been texting my wife and telling her, please understand I've got to stay a little longer. So I don't think we'll finish if all these people speak. We'll certainly do the best we can, but we will be, about 3:35 [sic], we'll have to start wrapping up and seeing where we want to go.

COMMISSIONER FRYER: 4:35.

CHAIRMAN STRAIN: 4:35. In the meantime, Terri, that's about another 35, 40 minutes. You okay?

THE COURT REPORTER: Yes.

CHAIRMAN STRAIN: Okay. We'll continue on with the public speakers, and we'll just do the best we can. If we can't finish today, it gets continued to the March 19th meeting, so we'll finish at that time.

MR. YOVANOVICH: If I -- Mr. Strain, I just want to reiterate to the people who are here on behalf of the Naples Senior Center, you've already -- you've already mentioned that you're here, so I would appreciate your waiving your speaking. I don't know how many of these people there are, but we would like to see if we can get done today.

CHAIRMAN STRAIN: I know you started out that way. It just hasn't worked quite like we talked about.

MR. YOVANOVICH: I'm trying to.

CHAIRMAN STRAIN: Go ahead, Tim. Would you call the next speaker and --

MR. FINN: John Boettjer.

MR. BOETTJER: John Boettjer, B-o-e-t-t-j-e-r. You bet your life.

I am a senior, obviously, 84. I live where that No. 6 is, just a little bit off the -- off the illustration, but I am fully, strongly, rabidly in favor of the Senior Center. I do not attend the Senior Center, but since my quadruple bypass a few weeks ago, I'm thinking that would be a good thing to do. I also have a life partner of 47 years who has paralysis.

So having access to a facility as great as the Senior Center would be wonderful for me even within walking distance, which would be a good exercise. So I missed my cardio session today to come here to represent many seniors. This is a working community, and that's wonderful. But there are seniors there, such as myself, and all of you will -- who are against this will be seniors, and then you'll find out what it's like, and then you will be in support of such a great institution.

Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Tim.

MR. BELLOWS: Frank Craparo.

CHAIRMAN STRAIN: He's waived. Next speaker.

MR. BELLOWS: Jay H. Baker.

MR. BAKER: I'm going to waive.

CHAIRMAN STRAIN: He's waived.

MR. BELLOWS: Peter Goodin.

CHAIRMAN STRAIN: Peter Goodin.

MR. GOODIN: My name is spelled G-o-o-d-i-n. I'm a resident of Oakes Estates. I'm not a member of their board, just a resident, past member of the board.

Oakes Estates Advisory Board was formed in the late '90s when Nancy Jane Tetzlaff first saw the dump trucks rolling down our street and into the tomato field at its east end. Nancy, better known as half of Jungle Larry and Safari Jane, sprang into action. In short order, our sleepy dead-end residential lane was no longer the construction entrance for Saturnia Lakes.

Unfortunately, we had already lost another battle. A land swap between Collier County and the developers had ensured that when Logan Boulevard was built, it would be slap against our easternmost homes instead of 550 feet further east of them.

Oakes Estates is unique in the Golden Gate Estates as the only discontinuous part of this vast area. We are an island of low-density, old Florida that is bounded by high-density development on all sides.

When Logan was built, it closed the box with Vanderbilt Beach Road, I-75, and Immokalee Road. Much of the Oakes Estates Advisory Board, which I understand they now call themselves the Oakes Estates Neighborhood Association, I think, most of their efforts over the last 20 some years have gone toward negotiating with developers in and around our borders to mitigate the impact their projects have on our residents and our quality of life. Our community-elected volunteer board has sat across the table from Mr. Arnold and Mr. Yovanovich many times, though I seriously doubt we could afford even a day of their time.

The north half of Oakes Estates, which tends to use Immokalee Road to come and go, has 211 single-family homes. We also have nine developer-approved nonresidential properties, some of which our board supported with conditions. Cypress Cycle Shop was grandfathered in.

We welcomed the North Naples Fire Station. Seven different churches have found homes in this one square mile. Five of these have access from within Oakes Estates, two only from Immokalee. The Southbrooke medical office complex is slated to go in on property adjoining Autumn Oaks Lane soon.

Collectively, these buildings have over a thousand parking spaces. They are clearly serving the wider community. These people can save your house from a fire, fix your dirt bike, take you to the hospital when you fall off it, provide follow-up medical treatment, and if the worst happens, save your soul seven ways. My point is, as a neighborhood, we have contributed to the greater good.

This is a graph of nonresidential parking versus residential parking in the north half of Oakes Estates. It's roughly Unit 97. It's graphed by year. I assign two cars to each house. The exact numbers are not as important as the slope, the rate of change.

Clearly, sometime around 1990 things became uncoupled in Oakes Estates. I believe this is due to the rise of gated communities that don't have to make provision for social services.

If the approved Southbrooke complex and Naples Senior Center go forward, the future looks like this. It wouldn't all fit on one page.

Off screen below is the residents' contribution. I am not talking about traffic or anything. I'm just trying to find a way of measuring the relative contributions of residents and institutional use here.

Other people have spoken to the issues that the members have. I'll just say one thing

about the scale. Nearly every family member of the aforementioned 211 could fit in the parking lot of this building. And as far as location -- is this hot?

CHAIRMAN STRAIN: There's a button somewhere on there, if the battery's working.

MR. GOODIN: I'll try and turn around. I wonder if we can put up the previous slide that was up. We've heard from a number of the people in the green properties that one of their biggest concerns is that they live across from an eyesore, and I sympathize with that, but it's not necessarily the fix to replace it with 30,000 square feet.

I want to point out that Mr. Yovanovich showed a map similar to this, and the property immediately to the north, the congressional church, was approved by our association with the condition that they entered and exited off of Immokalee. The county told them they couldn't, and we reluctantly gave them permission to enter off of Autumn Oaks. Mr. Yovanovich used that, among other properties, to claim that the next property south ought to qualify for rezoning as well. I want to point out that that property is about eight times larger, and where does it end? We're really concerned that we're going to wind up with a commercial or institutional right down Oakes. And we're talking about redevelopment, not empty lots.

The house immediately south of Sunil's property is a rental owned by something called Oakes Resources Incorporated. If the reasoning that Mr. Yovanovich used that they should be allowed to rezone because there are conditional uses to their north, then where does it end?

I believe that Collier County should commit to assisting the Senior Center and finding a more appropriate location for their project, and I believe that the Naples Senior Center should accept that assistance.

Thank you for your consideration.

CHAIRMAN STRAIN: Thank you. Next.

COMMISSIONER CHRZANOWSKI: One thing. You know, you can't landlock a parcel, so that church you're talking about, they had no choice. They -- the county wouldn't let them go in off Immokalee. They have to come in off another street. You can't just landlock a parcel.

CHAIRMAN STRAIN: I was actually involved when that happened, and what I think he's trying to say is they weren't going to come out on Autumn Oaks when they got -- originally approached the advisory group, and somehow it ended up that way, having to be done that way. Nobody was trying to landlock them. I just don't think anybody expected the way it came out at the time they were discussing it, so...

COMMISSIONER CHRZANOWSKI: Okay. You --

CHAIRMAN STRAIN: Next speaker, Ray.

MR. BELLOWS: Evilia Iglesias.

DR. FAFFER: She left.

MR. BELLOWS: Lisa Rayburn?

CHAIRMAN STRAIN: Lisa Rayburn.

MR. BELLOWS: Or Pyburn. Excuse me.

MS. SWANK: Actually, I'm speaking on behalf of her.

CHAIRMAN STRAIN: Wait till you get to the mic and now -- and state your name.

MS. SWANK: I haven't been sworn in yet.

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

MS. SWANK: My name is Stephanie Swank. I live on Oakes Boulevard. My husband and I, Doug and I, we've been there since 1994, so 26 years.

My whole speech has changed because of the way that this process has been going, and people have to leave, working families. I was supposed to represent Pamela Storar (phonetic), and Lisa Pyburn, and then I have my eight points to make as well.

And I'm going to start with the families, the children. Nobody's talking about the children. All we're talking about is the seniors, the seniors, the seniors. And, by the way, from -- from the video that we saw, it's a wonderful facility. It's lovely. Tai Chi, art classes, Spanish classes, gardening, that's lovely. My mom's 83 years old. I'll bring her there, and then I'll go there myself in about 30 years, but I don't want it on my street. It needs to go in an area where it should be.

So it's a lovely facility. You're all here to support it. I think it's great, too. I would even volunteer as well, but not in our neighborhood, okay? We live there, and we have children and dogs and cats and strollers and bicycles and roller skaters and skate boarders. I've been on that street since 199 -- January 1994. Long time. And I'll be happy to show you a family of a -- a picture of my family. How do I do this here?

CHAIRMAN STRAIN: We've started family picture trends here.

MS. SWANK: I want to appeal --

CHAIRMAN STRAIN: Actually, it has nothing to do with zoning, but everybody else has done, so you're more than welcome to.

MS. SWANK: A lot of the conversation kind of went the wrong way. But there's my lovely family. Those are my -- our three children, and this -- and with our dog and our cat.

And this was a long time ago. Two in college now, and our youngest son is 15, and he's driving and coming in and out of that driveway.

And I'm an advocate for the slow speed. I -- I have tried to impose it myself at times, so I like that 35 mile an hour because I want my children to be safe.

And during busy hours, we can't even pull out. The other day there was an accident, and it was backed up. I couldn't even get out of my driveway to go to my workout class at Orange Theory down on Vanderbilt. Yeah, well, I mean --

CHAIRMAN STRAIN: Ladies and gentlemen, please. We're not here for that today. We're trying to get through the meeting.

MS. SWANK: So let me make a few points, because what Pamela Storar said is basically what everybody else said, so I don't have to repeat myself. And Lisa Pyburn said that she lives on Spanish Oaks. She has four children, and that there are at least 30 kids on her street from newborns to high school, okay.

So I want to talk about the children. There are a lot of children in Oakes Estates neighborhood, okay, including my own, my neighbors, across the street, best friends, the Vits, grew up together. It's a lovely neighborhood, and we love it.

Point No. 1, this lady here, she said that it was the location, that it was on the corner of Valewood Drive and Autumn Lakes -- Autumn Oaks Lane. No, it's not. It's on the corner of Oakes Boulevard and Autumn Oaks Lane, as you can see, right? So that's wrong.

Number 2, compatibility. Compatibility with the neighborhoods is a single-family house, okay? That's compatibility.

Number 3, Terry's Cycle was grandfathered in over 30 years ago, okay? My husband even has gone there with his bike and his tractor, and he's there. It's okay. He's been grandfathered in. And that's it, and same with the church.

Number 4, density. We talk about they're going to limit it to 485 people per day. Wow, that's a lot of people. If you were to translate that into elementary school children, that would be the equivalent of about 30 -- or 16 elementary school classes, 30 children in each class, right? So look at it from that point of view. Four hundred eighty-five seniors is equivalent to about 16 elementary school classes.

Number 5, hours of operation. They keep saying off-peak hours and that they analyzed the traffic. Off-peak hours. So employees is from 8:00 a.m. to 6:00 p.m. That is not off-peak hours, okay.

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School starts at 7:00 at Gulf Coast High, and it goes all the way till 4:00 when the middle-schoolers get out, okay. So 8:00 to 6:00 is not off-peak hours.

And the programs are from 9:30 to 4:00. Great, just when everybody has to be going -- getting to work at 9:00. We need more cars on the road for seniors to go enjoy themselves and have a good time. And that's fine. That's great. You should, but not on our street. Not in our neighborhood, okay?

CHAIRMAN STRAIN: Miss, your five minutes is -- can you wrap it up, please.

MS. SWANK: Okay. All right. Almost done.

Number 6, the current warehouse, we talked about it, not in use, so subject property is not in use. We talked about it. That case, the owner is holding out for a big payout. That's exactly what's going on here, okay. Let's just state the obvious. Let's be truthful and honest here. He wants a big payout. He's going to hold on, and he's going to get whatever he can possibly get for it. Hey, I would do that, too, but I have property elsewhere that I've done that with.

And No. 7, the impact. The impact that it's going to have, a 30,000-square-foot colossal two-story building versus five beautiful estate homes. That's what the impact is going to be. So I'd rather have five beautiful estate homes on Oakes Boulevard rather than a colossal two-story building. And if anybody's driven down Orange Blossom next to Saint Catherine's Greek Orthodox Church --

CHAIRMAN STRAIN: You've to wrap --

MS. SWANK: -- there's a building right there, and it looks huge. It's massive.

CHAIRMAN STRAIN: You're going to have to end your discussion.

MS. SWANK: Last one, No. 8, my last point, yep. Bottom line here --

CHAIRMAN STRAIN: You're not helping yourself.

MS. SWANK: The bottom line is it's all about money. It benefits them financially, and it's a detriment to the homeowners and to the Oakes Estates neighborhood.

CHAIRMAN STRAIN: Thank you.

MS. SWANK: And that's all. Thank you for hearing it.

CHAIRMAN STRAIN: Ray, next speaker.

MR. BELLOWS: Michael Vitte or Vitte.

MR. VITTE: Waive.

MR. BELLOWS: He waives.

CHAIRMAN STRAIN: Okay.

MR. BELLOWS: Edward Boutet?

CHAIRMAN STRAIN: Edward Boutet?

(No response.)

CHAIRMAN STRAIN: Not here apparently, Ray.

MR. BELLOWS: O.T. Nelson.

MR. NELSON: I think I was in the group sworn in.

CHAIRMAN STRAIN: No, you can speak, just I don't know what --

MR. NELSON: Okay.

CHAIRMAN STRAIN: There was a group that raised their hands for waiving but another group sworn in as well, so you're more than welcome to speak. Get closer to the mic if you can, sir.

MR. NELSON: I live in Longshore Lake, and I've got our only child and grandchildren and so on live deep in the Oakes. And I pass this intersection many times. There's probably not many people in this room, except the people that have lived on Oakes for 40 years, that have passed that intersection longer than I have.

Where I come from, they would call that intersection a dog. That would say that's a

terrible intersection. You don't want to go by there, you know. And it's clear that that property didn't get picked up and included in the initial construction over there, so it's kind of a leftover.

And when I came and heard some of the negatives, negative neds that preceded me, I was down. But now that I've heard some people that say they're for it, and they live right next door or across the street or something, I feel better about humanity, and I'm not going to take any more of your time.

Thank you.

COMMISSIONER FRYER: What's your last name, sir, quickly?

MR. NELSON: Nelson, N-e-l-s-o-n.

COMMISSIONER FRYER: Got it.

CHAIRMAN STRAIN: Next speaker, Ray.

MR. BELLOWS: Tony Palladino. William P. James.

MR. PALLADINO: Do I need to spell my name? P-a-l-l-a-d-i-n-o.

Some of the stuff has probably already gone through, so I'll try to go through. I started off with good morning, but good afternoon.

Tony Palladino. I'm a resident of Oakes and a member of the Oakes Estate Neighborhood Association.

I live at 6460 Hidden Oaks Lane. I'd like to start off by saying I love the mission of the Naples Senior Center. I just don't like the location. Same sentiment of a lot of us.

I'd like to set up a timeline, express my hesitation to trust the ultimate intent of this application. The Oakes Estates Homeowners Association was contacted by Mr. John Passidomo on July 27th, 2018, to inform us of their intent or interest in the Winkler property, this 13.6-acre tract of residential property, as a possible new home for the Naples Senior Center.

A subcommittee of our board met with the representatives of NSC on October 22nd, 2018, to listen to their plan, have an opportunity to ask questions. At that meeting we were told that if the Oakes neighborhood was not in support of the ultimate plan to relocate the Naples Senior Center to this 13.6-acre Oakes Estate tract of residential property, they would pursue -- they would not pursue it. They would look for an alternative location.

In a conversation on November 9th, 2018, the board expressed to John Passidomo 100 percent that we are vehemently opposed to this location for the NSC project.

On January 9th, 2019, communication between Oakes board and John Passidomo, it was reaffirmed, as previously stated, the majority of Oakes Estates neighbors oppose the location for the Naples Senior Center. At that time, Mr. Passidomo stated that he would have further conversation with the stakeholders at Naples Senior Center and convey the neighborhood's position. He reinforced a previous comment made: He did not believe the Senior Center would pursue this location without the neighborhood support. This is what we've been told through the whole process. And we're open -- as other people have stated, we're not closed to development that fits. This just doesn't fit.

Another -- on another occasion, our subcommittee met again with John Passidomo and Wayne Arnold on March 29th, 2019. Again, we expressed our opposition to this location while admiring the mission. They then informed us that they intended to pursue the property and the CF-PUD.

On April 12th, 2019, NSC submitted their application to Collier County. Here we are today standing in front of the Planning Commission to defend our neighborhood and hold county staff accountable to the Golden Gate Master Plan and LDCs. 13.6 acres and a 30,000-square-foot facility can certainly support activities for more than the stated use or capacity of 485. Things have already changed from the first NIM to the time that this application was submitted.

At the NIM we were told the max capacity would be one day a week, and they only

expected to not exceed 280 people for a Wednesday lunch, their big day. This application lists a daily use now of 485. History will show intentions and requirements change as a mission like this evolves. It's only a matter of time before the membership exceeds the facility. By their own admission, in just five years the Naples Senior Center has grown from serving 80 members to over 1,400 -- and accolades for that. That's great -- and 1,400 members, which is still just a small portion of the over 20,000 in Collier County who have dementia. The need, I agree, there's a need. It's just the wrong place for it.

When the need arises, what will stop them from submitting a new PUD? What happens to the five-acre buffer they show today? Is it now up for grabs for an additional, I don't know, 15,000-plus-square-foot building? One step further, what happens when they grow so rapidly 13.6 acres are fully developed and it's not enough space to support their mission?

At some point they will move on or move out. At some point the PUD will be up for modification either when Naples Senior Center will need to adjust to changes in their operation or when the next operator takes over. Nothing stays the same, as stated by Ms. Faffer at the NIM.

If you were to eliminate the emotional feel-good element of this mission, as well as the strong political force of the applicant, it is clear no other regional destination on this large a scale would have ever made it this far into this process. This is purely, purely a land-use issue. The Golden Gate Master Plan and the Land Development Codes are in place to designate proper land use and protect residential property from commercial creep. This is not a small-scale plan. It's clearly a large-scale plan.

I know they claim technically 18.6 acres, but this is a 13.6-acre -- 13.6-acre assemblage. It exceeds the 10-acre threshold of a small-scale submittal. Technicalities, I understand. This submittal goes completely against the board --

CHAIRMAN STRAIN: You're going to have to start winding it up, if you don't mind.

MR. PALLADINO: Okay. Two more words -- against the Board's 2019 adoption of the Golden Gate Master Plan guidelines.

I urge you to recommend denial of this application.

CHAIRMAN STRAIN: Thank you.

MR. BELLOWS: William James, to be followed by John Passidomo.

MR. JAMES: Good afternoon. My name is William James, Bill James. I live at 5810 Golden Oaks Lane.

CHAIRMAN STRAIN: We need you to get a little closer to the mic.

MR. JAMES: A little closer. Okay. I'm sorry. How's that?

I live at 5810 Golden Oaks Lane.

Councilman Fryer, I'm one of the applicants that filled out that form, and we sent it to the commissioner, and I had a cover letter for that as well, and I'm not in favor of this application.

Now, I'd just like to say, if I may, I'd like everyone in the room to think back, that first time when you and your husband or your wife found that one house that you were going to buy, the one house where you were going to move in and raise your family the very first time where you had to put all your hard-earned money down as a deposit and take out a big mortgage, but you made that decision because you knew you found the house that you love, you knew you found the place where you want to live in a residential community that has all the benefits of a residential community, and your investment you're making, and you're confident that that investment will grow so when your kids grow you have a nest egg that you can give them.

And so most of the people here that have talked about that, they live in Oakes Estates, and that's why they moved there. They moved there because of the reasons why they previously stated.

So it's not right to put semi-commercial in a residential neighborhood where we all live.

It's a wonderful -- it's a wonderful idea. They did a great plan, a great presentation, but it doesn't belong in Oakes Estates.

Thank you.

CHAIRMAN STRAIN: Thank you. Next speaker, Ray.

MR. BELLOWS: John Passidomo?

MR. PASSIDOMO: Defer.

MR. BELLOWS: Ben Ramsey?

(No response.)

CHAIRMAN STRAIN: Ben Ramsey?

UNIDENTIFIED SPEAKER: He's gone.

CHAIRMAN STRAIN: He's gone.

MR. BELLOWS: And the last speaker, Michelle Bracci.

CHAIRMAN STRAIN: Michelle Bracci.

MS. BRACCI: Hello. Good afternoon. My name is Michelle Bracci, and I am an owner on Hidden Oaks Lane. My backyard is at the southeast corner of the proposed NSC site.

I'm speaking today in opposition of the proposed site within our Oakes Estates neighborhood. As a daughter and as a human being, I recognize NSC's important mission; however, as a property owner, I recognize my right to protect my property value and our neighborhood's character. And I regret that the Naples Senior Center has characterized Oakes residents as fearmongers and oppositionists.

In the NSC's January 2020 letter to Oakes residents and in defense of NSC's mission, Jaclynn Faffer stated, quote, what you see is what you get. We will stand by our commitments.

There are, however, multiple references in NSC's informational pieces and public statements that cast doubt on the veracity of Ms. Faffer's statement. For example, in the September 2019 NIM flyer and informational letters, the proposed PUD operational standards set forth Monday through Friday, 10:00 a.m. to 3:00 p.m. programming with a rotating scheduling. Never evenings or weekends. Staff 8:30 to 5:00, and a Wednesday lunch of 150 to 200 attendees, and maybe a maximum of 280 attendees.

At the same time, in September of 2019, NSC's own website contradicted those figures. It showed on its website, Monday through Friday 9:30 a.m. to 3:15 p.m., start times for a programming with end times of 4:00 p.m. or after.

It also showed a history of two Saturday programs at the Senior Center on Costello Drive on December 8th, 2018, and April 16th, 2016, and I have screen shots of their website.

It also showed at least one evening event at Naples Senior Center on Costello on December 3rd, 2015. It, additionally, showed many large-scale public events on evening and weekend but at community sites. This, however, raises a question as to why the Senior Center would vehemently deny wanting to host its own events at its new preeminent location once this new center is built.

Moving forward, in January 2020, they hosted a second NIM, and the proposed PUD operational standards were adjusted to Monday through Friday now 9:30 to 4:00 p.m. with programming no longer on a rotating schedule but double-booked time frames. Again, they said never weekends or evenings, never ever, and went so far as to say this would be included and had been included as the detail in the Collier County submittals.

They kept with staff from 8:30 to 5:00, but they changed the Wednesday lunch attendances from about 200 to anywhere from a daily attendance of 335 with a maximum attendance of 485.

At the same time in January 2020, their own website showed different details. It showed Monday through Friday multiple double bookings every day at the week with start times as early as 9:15 for actual programming and start times as late as 3:30 p.m. That means now the

programming is ending at 4:30 or after.

On February 14th, Grady Minor submitted -- or filed an exhibit as part of their filing that day was a compilation of exhibits which showed, again, different figures. They say Monday through Friday programming from 9:30 a.m. until 4:00 p.m. with staff from 8:00 to 6:00, and for the first time ever in writing there is reference to the NSC being allowed to obtain special-event permits permitting outdoor amplified music for a single outdoor event annually. This specific issue was previously vehemently denied by Naples Senior Center and Grady Minor as related concerns were repeatedly raised by Oakes residents because of the ongoing issues with Destiny Church's ongoing violations of their own PUD.

Why is it important for us to notice this -- to note this pattern of evolving operational standards? Because Naples Senior Center and Grady Minor have repeatedly and adamantly maintained that the PUD is the key to setting limitations on NSC uses. A PUD, however, is never absolute. It may also contain loopholes used later to justify expansion of uses. It may be amended to expand or add its principal uses, accessory uses, and operational standards, and this is essentially what NSC has done throughout the NIM process by amending, updating, revising, and changing its use capacity and limitations and operational standard hours to be more intensive despite the Oakes residents concerned.

Currently, the PUD's principal uses include, in part, outreach programs, group support services, and old-age assistance.

CHAIRMAN STRAIN: You need to -- I know we're pressed for time, but if you talk so fast, she can't record what you're saying.

MS. BRACCI: I'm sorry. I'm also very nervous.

CHAIRMAN STRAIN: That's okay. You're doing good.

MS. BRACCI: The PUD's accessory uses include, in part, educational seminars, food pantry, and uses and structures that are accessory and incidental to the permit uses. These use identifiers are so broad that they incorporate just about any social service project or special interest group related to senior care, and I'd like to consider two of them.

First, the food pantry, which is an allowed accessory use. In its current form, the food pantry is available Monday through Friday to both NSC members and nonmembers. In fact, their website, as of last night, stated, quote, our food pantry is also a USDA food distribution site for community members in need may collect meat and other perishable goods. And it goes on to explain that there are minimal requirements such as being a resident, meeting specific income requirements, and having to complete some paperwork.

The fact that NSC offers daily food pantry that is accessible to the entire Collier County public population is concerning. A county-wide food pantry distribution site in the midst of our neighborhood raises meaningful questions about the number of individuals and the demographic accessing that --

CHAIRMAN STRAIN: Miss, you've gone past -- you're up to about six minutes now, so you need to come to a conclusion.

MS. BRACCI: Okay. I'm almost done.

The final point is to -- let's consider the generalized terms. The outreach programs and old-age assistance and a video from November 2015, Ms. Faffer talks about NSC community partnership program wherein it works concurrently with many other nonprofits at the Senior Center, including on Wednesdays, and provides free office space to many outside nonprofits. These additional assistance programs bring more required staff, volunteers, and members and visits and overall use, thereby increasing the impact on neighborhood.

Which brought me to my final point. It's the February 14th filed Exhibit E, Page 8, from Grady Minor which sets forth the two deviations from the Land Development Code. Deviation 2

requesting a parking concession from the standard that is set forth in the Land Development Code. The Oakes residents have raised parking concerns at every opportunity and have been repeatedly told that the proposed center will have sufficient spaces.

CHAIRMAN STRAIN: Miss, you'll have to end your conversation.

MS. BRACCI: We ask that you review that specific issue of parking as it pertains to this center with the expanded use and the increasing population that they quote.

CHAIRMAN STRAIN: Okay.

MS. BRACCI: I respectfully request that you deny.

CHAIRMAN STRAIN: Thank you.

MS. BRACCI: Thank you.

CHAIRMAN STRAIN: That's the last public speaker, Ray?

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: Okay. Richard, do you want a rebuttal opportunity?

MR. YOVANOVICH: Briefly, and then hopefully you can -- I just want to get two things into the record because it would take too long to respond to many of the comments.

One, we also have letters of support that we would like to enter into the record.

CHAIRMAN STRAIN: Leave a copy with the court reporter.

MR. YOVANOVICH: And I also want to enter into the record an email from Jackie to Mr. Casey.

CHAIRMAN STRAIN: Who's Jackie?

MR. YOVANOVICH: Sorry, Jackie (indicating).

CHAIRMAN STRAIN: Okay. Thank you.

MR. YOVANOVICH: I'm sorry. I didn't mean to be so impersonal.

CHAIRMAN STRAIN: No, I just want to make sure I understand who you're talking about.

MR. YOVANOVICH: Right. Categorically denying that we ever committed that if you tell us you don't want us, we won't submit an application; that's never been the case. We would never give anything veto power. We always would like to have community support, but we would never give veto power to anybody. And I'm sure that Mr. Passidomo would never give anybody veto power over any application that we wanted to submit.

A couple of quick facts to make sure we get back to the facts. First fact is, nothing in this application changes the large-lot configuration of the Oakes community, and the traffic testimony is clear that we do not create a traffic problem.

I want to put on the visualizer real quickly the Future Land Use Map to put this all in perspective. That's the Oakes community. The Oakes community is completely surrounded by the urban area, as one of the previous speakers mentioned. For the Oakes community to say they bear no responsibility for providing services to not only themselves for seniors but the surrounding community because of their unique location is not borne out by the actual facts of how Collier County is laid out.

I rarely get agitated, but I am. For us as a community to get up here and say we don't bear the responsibility of taking care of others upsets me, it bothers me, and I don't think that's how most people feel.

We are in an area that is basically the urban area. We have met all of the criteria, despite what Mr. Bracci says. It was David Weeks who actually wrote your staff report, and David Weeks is probably the most knowledgeable person about both the statutory requirements for a Comprehensive Plan amendment and the Collier County Comprehensive Plan. And David Weeks is recommending approval of the Growth Management Plan Amendment, and your planning staff is recommending approval of the PUD.

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We respectfully request that the Planning Commission forward their recommendation of approval to both of our petitions to the Board of County Commissioners. And with that, I'll be happy to answer any other questions. I have a lot more to say, but I recognize the time constraints. I don't want to belabor some of the points.

CHAIRMAN STRAIN: Anybody -- Ned.

COMMISSIONER FRYER: Three quick things. First of all, I'm glad that it was clarified about the suggestion that a veto had been given and, in fact, I spoke with Mr. Passidomo yesterday, who also denied that that had been said.

My things that I would like to get quickly resolved, if I may, Mr. Yovanovich. First of all, the outdoor amplified sound question, would you please address that.

MR. YOVANOVICH: We have committed to no outdoor amplified sound. And the question was asked, would we limit ourselves to one special event per year, and that's what the PUD says.

COMMISSIONER FRYER: Thank you. And second, the food pantry distribution site.

MR. YOVANOVICH: Requires appointment only. That's what the document says. We do provide food for people in need. It's been as part of this application, but it's by appointment only, according to the PUD. You're not going to have a lot of people driving up and down the streets to come to a food pantry, and it's dry goods. No meats.

COMMISSIONER FRYER: It's what?

MR. YOVANOVICH: Dry goods only. Dry goods.

COMMISSIONER FRYER: Dry goods only, okay.

That's all I have, Chairman.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Okay. With that, we'll close the public hearing. And we have a brief discussion and then motion. I don't know which direction this board's going to go. I do have a listing. I'll read those in case anybody wants to use them for discussion.

The applicant said they would add to the PUD the following items: A 15-foot height for maximum lighting in the parking lot; the daily monitoring plan; law enforcement control for Wednesday lunches; they're going to utilize the new master plan. Those were shown to us on the overhead. They're going to utilize the new buffers that were in the presentations; they're going to provide vegetation enhancements along all of the buffers; they're going to include all commitments as presented in the PUD, and any -- all the commitments they did on the video, the overhead; and any -- they're going to add language that says any use not authorized is prohibited; and then there are the -- they were going to provide a realistic preserve-acres number based on the new width of the preserve.

MR. YOVANOVICH: And, Mr. Strain, our PUD master plan has that acreage, and we would -- we would make that -- I think it was 2.688. Whatever that is, we'll move into the body of the PUD as well.

CHAIRMAN STRAIN: Those are the notes I made for discussion. What do you guys -- anybody want to discuss anything at this point?

COMMISSIONER FRYER: I have a motion.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: I just want to make a comment before.

COMMISSIONER FRYER: Go ahead.

COMMISSIONER CHRZANOWSKI: I'd never heard of the Naples Senior Center before I got this packet, and I hang around with seniors. So I guess word doesn't get out.

When I first looked at this, I looked at it and I said, boy, that's not a bad location for this,

and now I'm hearing a whole bunch of people say this is in the middle of my subdivision, and it's not. It's on the edge of the subdivision. Like Norm said, it's right near Immokalee Road. I -- you know, I don't see where everybody has this problem, but that's just me. And that's how I'm going to vote. I don't have a problem with this.

CHAIRMAN STRAIN: Okay. Anybody else have discussion?

(No response.)

CHAIRMAN STRAIN: Is there a motion?

COMMISSIONER FRYER: I have a motion.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER FRYER: I move that we accept staff's recommendation of approval and that -- I guess we've got two. We've got the small-scale GMPA.

CHAIRMAN STRAIN: Let's do -- this is -- the GMP's first.

COMMISSIONER FRYER: Okay. So I make that --

CHAIRMAN STRAIN: Sorry. I should announce the name of the -- the number. I forgot. It's --

COMMISSIONER FRYER: 2621.

CHAIRMAN STRAIN: -- 20180002621.

COMMISSIONER FRYER: Right. I'll move that we accept staff's recommendation of approval, make it our recommendation to the Board of County Commissioners.

COMMISSIONER DEARBORN: Second.

CHAIRMAN STRAIN: Okay. Discussion?

One of the hardest parts about this job -- and I've been doing it for two decades -- is to separate what is allowed, required, and needed by the Land Development Code versus what feels good, what's emotional, what's political, and what's nice. And this one's hard to do that for, because I realize how nice the facility is. I realize they've gone to a great extent to try to be as positive as they could to fit in that neighborhood, but what remains is problems we're going to have to live with down the road.

Number one is the traffic. I was involved here for 20 years figuring out ways to help traffic avoid Oakes Boulevard. We had conditions on projects that said any -- they would -- were held up until Logan was extended to Immokalee Road and things like that.

Valewood Drive was created because Les Wicker, the reverend for the church, cooperated with the county to get Valewood Drive across that property. Those things were done to reduce traffic. So when something comes along to add more traffic than the residential would, that concerns me.

Precedent: Believe it or not, when someone gets something in one part of the county, it seems to go elsewhere in other parts of the county. So if one project like this could be utilized in a residential neighborhood off of main arterial street frontage, then I'm sure it's going to pop up again, because we've got a lot of new arterial streets going in Collier County, and a lot of them are going through the Estates areas, so that's a concern.

And, lastly, the size. This is a regional attractor. It is not a neighborhood size. I had stated earlier I was concerned about the size, and I still am, and it's for those three reasons I cannot -- I cannot support a motion to approve.

Anybody else have any comments?

(No response.)

CHAIRMAN STRAIN: Okay. All those in favor of the motion to approve, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

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COMMISSIONER HOMIAK: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

Aye.

Motion carries 4-1.

Thank you, ladies and gentlemen, for a very long day.

Oh, I'm sorry, we've got the PUD. Boy, you guys got me tired here today. I must be a senior.

COMMISSIONER FRYER: I'll make the same motion for the PUD, that's 2622, subject to the conditions that you mentioned, Chairman.

CHAIRMAN STRAIN: Okay, same. Motion for 20180002622.

COMMISSIONER CHRZANOWSKI: I'll second.

CHAIRMAN STRAIN: I have the same discussion and same position.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

Aye.

Now, thank you all for coming today and bearing with us.

And, Commissioners, I would just as soon that we continue everything else until the 19th of March unless there's a reason not to.

COMMISSIONER FRYER: So moved.

COMMISSIONER DEARBORN: Motion to adjourn.

CHAIRMAN STRAIN: No, we're not there yet.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Hang on a second.

COMMISSIONER DEARBORN: All those in favor?

CHAIRMAN STRAIN: I'm trying to get the --

COMMISSIONER CHRZANOWSKI: No, I'm seconding Ned's motion to continue.

CHAIRMAN STRAIN: Okay. That takes us to -- we're going to -- I'm going to ask for -- Jeff, can I list all three of them at once for a continuance to the 19th?

MR. KLATZKOW: Yes.

CHAIRMAN STRAIN: PL20180002668, that's for the Immokalee Road Ventana Pointe; 20180002669, that's for the same project but for the PUD; and, lastly, 20190000683 -- ladies and gentlemen, please, take your conversations outside -- that's for the 7-Foodmart commercial planned unit, a motion made to continue those.

COMMISSIONER DEARBORN: Second.

MR. MULHERE: That will be first on the agenda.

CHAIRMAN STRAIN: They'll be first on the agenda on the 19th. Motion made to continue to the 19th.

COMMISSIONER DEARBORN: Second.

CHAIRMAN STRAIN: Motion made and seconded. All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN SAUNDERS: Motion carries. There's no new business. Oh, we have a new business item, but we're going to continue that. We'll just have that discussion on the 19th. There's no old business. Anybody left for public comment?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion to adjourn?

COMMISSIONER DEARBORN: So moved.

COMMISSIONER CHRZANOWSKI: Second.

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: By Patrick, by Ned. All in favor?

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: We're out of here.

COMMISSIONER FRYER: We're out of here.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 4:42 p.m.

COLLIER COUNTY PLANNING COMMISSION


KAREN HOMIAK VICE-CHAIRPERSON

These minutes approved by the Board on 6/16/2020, as presented X or as corrected _____.

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