

February 20, 2020

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida, February 20, 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, Secretary  
Patrick Dearborn  
Karl Fry  
Stan Chrzanowski, Environmental  
Joe Schmitt, Environmental

Tom Eastman, Collier County School Board Representative

ALSO PRESENT:

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

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## PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everybody. Welcome to the Thursday, February 20th meeting of the Collier County Planning Commission.

If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Roll call by the secretary, please.

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?

COMMISSIONER SCHMITT: Here.

COMMISSIONER FRYER: Mr. Dearborn?

COMMISSIONER DEARBORN: On time; here.

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

CHAIRMAN STRAIN: Thank you.

Planning Commission absences. Our next meeting is March 5th. Does anybody know if they're not going to make it? I think, Joe, you mentioned --

COMMISSIONER SCHMITT: I will not be here March 5th, no.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: We still have a quorum then.

That takes us to the approval minutes, and we were sent electronically the January 16th minutes. Does anybody have any changes? If not, is there a recommendation -- or a motion to approve?

COMMISSIONER DEARBORN: So moved.

CHAIRMAN STRAIN: Made by Patrick to approve.

COMMISSIONER FRY: Second.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

And Tom Eastman has arrived.

Next, Ray, BCC report and recaps?

MR. BELLOWS: Yes. On February 11th, the Board of County Commissioners heard

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the parking exemption for the dental office on U.S. 41 north, and that was approved 5-0.

CHAIRMAN STRAIN: Okay. Thank you.

Chairman's report. There is none. We'll move to consent, which is none, and we'll move directly into public hearings. We have seven scheduled hearings today.

\*\*\*The first one is 9A1. This item's been continued from the January 16th meeting and the February 6th CCPC meeting. It's for PL20190000259. It's for the ShadowWood Planned Unit Development, and it's also known as Wing South. It's off of Santa Barbara near east -- east of Santa Barbara off Rattlesnake Hammock Road.

All those wishing to testify on behalf of this item, please rise to be sworn by the court reporter.

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

CHAIRMAN STRAIN: Okay. Disclosures. We'll start with Tom.

MR. EASTMAN: No disclosures.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: I talked with Mr. Yovanovich, and I'm pretty sure I didn't get any correspondence on it.

CHAIRMAN STRAIN: Okay. Karl?

COMMISSIONER FRY: Just what we received from staff and a conversation with Mr. Yovanovich.

CHAIRMAN STRAIN: Ned?

COMMISSIONER FRYER: Same, plus I met with staff.

CHAIRMAN STRAIN: The same. When I was in my office, I had started ex parte on this one and had some recent conversation again with Mr. Yovanovich yesterday. I talked to a few citizens about mostly procedure and what was actually being requested.

And something else -- I don't think I met with staff. So I think that's about all.

Go ahead, Karen.

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

CHAIRMAN STRAIN: Joe.

COMMISSIONER SCHMITT: Spoke with Mr. Yovanovich about this item.

CHAIRMAN STRAIN: Patrick.

COMMISSIONER DEARBORN: Did not speak with Mr. Yovanovich, but normal communications via email.

CHAIRMAN STRAIN: Okay. Thank you.

Rich, it's all yours.

MR. YOVANOVICH: Thank you.

Good morning. For the record, Rich Yovanovich on behalf of the petitioner. With me today, also representing the petitioner, are Bill Barton and Chris Hagan.

CHAIRMAN STRAIN: That's the one I was -- I met with those two fellows before you were involved, so thank you.

MR. YOVANOVICH: So what you have before you today is an amendment to an existing PUD known as the ShadowWood PUD. I want to put an aerial up. Do I have it right? Is that the right direction?

The ShadowWood PUD is an existing PUD; allows for single-family development on what is Tract B on this aerial. It allows currently for multifamily on what is Tract A and Tract E on this aerial. And Tract C is actually a private airpark.

Around that private airpark -- let me get a little bit closer up -- is some RSF4 zoning on which a residential condominium has been developed which is not part of the PUD, but it's surrounded by the PUD on the north, east, and south. Candidly, the first time I ever went into Wing South, I thought it was part of the PUD, but it's not part of the PUD.

What we're here to ask for today is to add to the master plan three potential access points to Tract E, amend -- you can see the three access points on the PUD which would provide access to Adkins, Whitaker, and Polly. Also where you see where it says "airpark north," that's a remnant commercial piece that was intended to be deleted from commercial use in a previous amendment in 2008. We'll make that part of Tract E. We're not proposing to make any changes to the existing density. We are also adding to the permitted uses on Tract E single-family. Currently it only allows multifamily.

The PUD is currently approved for 574 residential units on approximately 168.1 acres. What's a little bit unique about this project, besides the fact that it's kind of got an RSF4 parcel in the middle of it that's not part of the PUD, is the roads within that condominium that's on the RSF4 zoning also serves as a taxiway for the airplanes that the owners of those -- even though they're condo units, they're single-family homes, own and fly in and out of the airpark on.

So there is -- that roadway serves multiple purposes. It's the access for the residents for their cars as well as their airplanes, and as the PUD is currently written, is the access for the multifamily units that would go onto Tract E.

The reason, I believe, that -- I'm 99 percent sure if I were to bring you the PUD today with the existing conditions, there wouldn't be a -- you probably would not allow us to use the access points through that condominium project because it's being used by both airplanes and cars, but at the time this PUD was going through the process, Santa Barbara Boulevard did not exist, and the only access was Rattlesnake Hammock. So the access for that Tract E is, in fact, through that RSF4-zoned property.

Our request, as I mentioned before, is to add those three points which are access points to county public roads. We'd like to use those public roads for the traffic that would be generated from Tract E.

Mr. Hagan prepared a traffic analysis that was reviewed by your transportation staff, and your transportation staff is recommending approval of those access points to allow traffic from Tract E to find its way to Santa Barbara Boulevard for its access instead of going through to Rattlesnake Hammock.

It's pretty simple, short and sweet. PUD amendment pertaining to the access, changing Tract E to allow single-family, and converting that roughly 4-acre parcel in the northeast corner from commercial to residential. Your staff is recommending approval. We're consistent with the Growth Management Plan.

There is one deviation relating to a buffer along the north and east property lines, and staff is recommending approval of that deviation.

I think Tim may have a couple of modifications that need to be read into the record with regard to the PUD. It's in your backup, but it may not be attached to the ordinance. One of them -- and I think -- I'll put them up, Tim, and if I miss one, you please help me.

One of the conditions would be added to the transportation conditions, which I've highlighted on E, and that's basically to provide for a fair share of the cost to put necessary traffic management improvements to any of the public roads that we access, either Polly, Whitaker, or Adkins. That language is in the ordinance behind you. I know Ms. Ashton-Cicko may need to look at that and maybe tweak it. I don't know if she's seen that language. And I think there --

MS. ASHTON-CICKO: I know what it says. I did not review it before it's gone into the package. I know what it says, but I don't know what it means. So it needs to be tightened up to what actually what you're doing.

MR. YOVANOVICH: I understand. And I'm happy -- our intent is we pay our fair share for whatever traffic-calming devices the county may require as part of the improvements to Whitaker or Adkins or Polly.

And then I think there might be a setback issue that we need to address. Am I correct,

Tim?

MR. FINN: Yeah. In section -- of the ShadowWood PUD, Section 4.3(i), the Development Standards Table, in the original PUD from November 26th, 2019, the last column, recreation areas, that actually changed to amenities with the Footnote No. 6. And the -- under principal structures, under that column, under single-family as well as single-family attached, single-family zero lot line, what was added to both of those items was 23 feet with the footnote of No. 5.

Back to the amenities column, accessory uses, minimum front yard, that's 12 feet.

CHAIRMAN STRAIN: You know, if you're doing this for our benefit, it's not working. If you put it on the overhead, and we follow it through the overhead when you get to staff report or if the applicant wants to do it, that will be a more effective way of getting that accomplished.

MR. YOVANOVICH: I'll let Mr. Finn work through the setbacks, if you don't mind.

CHAIRMAN STRAIN: Oh, I don't mind. As long as we've got -- we need a visual to follow it.

MR. YOVANOVICH: I was going to try to help, but if we could go through those. Mr. Strain, if you want to do it before now, or do you want to do it --

CHAIRMAN STRAIN: It doesn't matter. It's going to come up one way or the another. Whatever you guys like to start it off.

MR. YOVANOVICH: I just thought I'd try to get it all complete before you went to staff or started asking questions.

CHAIRMAN STRAIN: Yeah. We usually finish with you, but if you wanted to do it as part of your presentation, it's up to you.

MR. YOVANOVICH: I was just trying to help Mr. Finn. Do you want to do it? Okay.

MR. FINN: So, again, to rehash, the recreational areas column, that changed to amenities with Footnote No. 6, or minimum front yard, the footnote 23 feet with -- well, no. I'm sorry. The setback changed to 23 feet with the Footnote No. 5. And under amenities, back to be amenities column, that had changed with the minimum side yard from 10 feet to 12 feet. And as illustrated, Footnotes No. 5 and 6 were added.

CHAIRMAN STRAIN: Okay.

MR. FINN: And that's it.

CHAIRMAN STRAIN: Thank you, Tim.

MS. ASHTON-CICKO: There is another change in the commitment section. Item F is new. And that one also needs to be cleaned up a little bit as well.

MR. YOVANOVICH: But I thought that was in the previous version.

MR. FINN: I have it if --

MS. ASHTON-CICKO: Keep going.

MR. YOVANOVICH: I think this is what you're talking about, too.

MS. ASHTON-CICKO: No. Tim has it. It's making provision for potable water services, so I don't know what that means, "making provision," and I don't know if you're talking about extensions that are done by the county or by the developer or -- there's some lack of clarity there as to what that means.

MR. YOVANOVICH: We would be extending utilities to our property, and that's what that -- we'll clarify that with you, if that's okay.

MS. ASHTON-CICKO: Okay. Okay.

COMMISSIONER FRYER: In addition to water?

MR. YOVANOVICH: We will be bringing water through, and I have an exhibit to show you.

MS. ASHTON-CICKO: Has someone from Utilities reviewed that language and okayed it?

MR. FINN: That I'm unsure of. I don't know.

MS. ASHTON-CICKO: Is anyone from Utilities here?

MR. YOVANOVICH: We'll clarify the language. This is an exhibit that shows water will -- how water will be coming from Santa Barbara which already has an existing water main to the site, and then sewer will be coming through the RSF4 property, so that's how it will be extended. And regardless of how -- even if this amendment were not approved, that's how water would be getting to this site, through public roads.

So with that, I think that clarifies changes that occurred to the document between the originally scheduled hearing and what is before you today. It was in your backup materials but not attached to the ordinance.

CHAIRMAN STRAIN: Okay. Is that --

MR. YOVANOVICH: That's it, I think.

CHAIRMAN STRAIN: Okay. We'll start with questions from the applicant. Ned, do you want to start off?

COMMISSIONER FRYER: Sure.

In our discussion yesterday, Mr. Yovanovich, we talked about Skyway Drive and the location of a gate somewhere. I went back and looked at Google Earth. I still can't see the gate. And I -- are you telling us that airplanes actually taxi on Skyway Drive, or is it on the road to the east that runs between Skyway and the runway?

MR. YOVANOVICH: There is a gate right before you get -- on this exhibit that's up there where it says Wing South Airpark Villas, there is a gate on the south side of that on Skyway Drive. And then what I'm telling you --

COMMISSIONER FRYER: Could that be marked?

MR. YOVANOVICH: Not to scale.

COMMISSIONER FRYER: No. That's all right.

MR. YOVANOVICH: In this area right here -- it's difficult to see on Google Earth, but it's there. And I've driven through it.

And then when -- and what I'm telling you is those roads right there, which are also Skyway Drive, are shared with airplanes.

COMMISSIONER FRYER: With aircraft?

MR. YOVANOVICH: With airplanes.

CHAIRMAN STRAIN: Where do the aircraft come from?

MR. YOVANOVICH: They fly in.

CHAIRMAN STRAIN: Well, I mean, they're not part of -- they're not part of the PUD. So how do they have aircraft in a single-family home in an RSF4 and they use them on their roads when they're not part of the PUD that has the aircraft airstrip in it?

MR. YOVANOVICH: Well, Mr. Strain, I can only tell you that in 1982 the original PUD was approved. How -- how things got approved back in 1982 is just slightly before my time. But it's an existing project. It's been that way. And I know there are people here from Wing Park that will -- that will be able to, you know, give you their opinions on sharing the roads as well. But it's been that way. It's a quaint little community. It's really kind of neat for those who do like to fly planes. They're not big planes, but they're --

CHAIRMAN STRAIN: And I don't mean to interrupt, but we're on this subject. Do you have a document that shows how RSF4 zoning allows airplanes to be on the roads? Because everybody in the county may want to utilize that benefit.

MR. YOVANOVICH: Do I have a document that shows that?

CHAIRMAN STRAIN: Yeah.

MR. YOVANOVICH: I don't, but I don't represent the owners of the RSF4 property. I can just tell you that it's been that way and -- you know, it's not a secret. You know, you've got --

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CHAIRMAN STRAIN: Do you know how long things have been the way they are in Collier County for a lot of us, and they're changing, unfortunately, very rapidly? So I'd still like to know how it could coexist with traffic. So we'll get into that when we get into more transportation issues.

COMMISSIONER FRYER: Okay. Yeah, I think the oval -- is that a pond, the oval thing that's right in the center of that image?

MR. YOVANOVICH: Yes.

COMMISSIONER FRYER: It's a pond, okay. And the blue lines going around it roughly track where airplanes go sometimes?

MR. YOVANOVICH: Sometimes.

COMMISSIONER FRYER: Okay. But that, we don't think, is in Tract C, is it?

MR. YOVANOVICH: Chris, is that to scale where you put the blue?

MR. HAGAN: It's very close to scale.

MR. YOVANOVICH: Okay. There are -- Tract C is within the PUD.

COMMISSIONER FRYER: Yeah.

MR. YOVANOVICH: And so -- and that's the airstrip as well as the clubhouse and other areas.

(Cell phone ringing.)

MR. YOVANOVICH: I got a flashback.

COMMISSIONER FRYER: Tennille.

MR. YOVANOVICH: Yeah, I know. Not everybody here knows that.

COMMISSIONER FRYER: Well --

COMMISSIONER SCHMITT: Yeah, I haven't been back there in years, but the -- I thought the planes actually enter from -- and you're looking at this where it says Tract C, so I'm looking at just, I'll say, east of the -- east of the pond those access drives actually enter to the back of the houses, and that's -- those were the taxiways into the garages for the planes, is it not? The planes don't actually go down the street. They enter through the back; is that correct?

MR. YOVANOVICH: Yes, they do, right?

Yes, they do.

COMMISSIONER SCHMITT: Oh, they do go down the street as well?

MR. YOVANOVICH: Yeah. There are hangars in those homes.

COMMISSIONER SCHMITT: Oh, I realize that.

MR. YOVANOVICH: That front of street. That front --

(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: -- Tract C, that little taxiway around kind of --

MR. YOVANOVICH: We would not be having this conversation, I'm sure, if there wasn't a shared use of Skyway Drive between home, plane, and car.

CHAIRMAN STRAIN: Well, see, that falls back on the very premise as to why you need the -- you're asking for the access onto the other roads --

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: -- is because your first claim was that you didn't have access through this property. The second claim now seems to be, even if we have access, airplanes are using it.

So now I'm asking then, instead of the first question that I asked two months ago, show me why you can't use those roads when a settlement agreement says you can. Show me now why those roads are allowed and were built for airplanes. It's not one thing that people do it, but when you argue that you can't use the road safely because you need these other exits because of the airplanes, now it becomes an issue we have to look at a little more closely. I just need to see that documentation.

MR. YOVANOVICH: A couple things. As you know, I got recently retained, so I don't know what the previous positions were. You and I have talked about do we have the legal right to use those roads, and I've done some research on that. A couple -- another thing is, these are all private condominium roads. They're not public roads versus the other roads, Polly, Whitaker, and Adkins, that are, in fact, public roads.

We -- you know, to quote Ken Cuyler, who was the first County Attorney I worked for, we are where we are. We have a project that's been around for many, many, many years that those roads are used -- they're private roads. They are used both for vehicular traffic and for the airplanes to get to and from the airstrip.

I'm not here to create problems for people who have been enjoying that lifestyle for many, many years. What we're here simply to do is instead of using that access, which I'm going to assume was mandated because there was no Santa Barbara Boulevard, and the only way Tract E could get through -- be utilized was to find its way to Rattlesnake Hammock because we didn't have Santa Barbara.

We're here saying it makes more sense today to have Tract E accessed to Santa Barbara through Whitaker as well as Adkins and Polly Avenues to get to Santa Barbara. Our request is to make that change to use those public roads as access. We think that's the better access for this site. And I would submit that if we were coming in after the fact on Tract E, we wouldn't be going through these private streets to get access to Rattlesnake Hammock. So I'm trying to put us to bear where it makes sense as reasonable and better and safer access through this PUD amendment.

CHAIRMAN STRAIN: Okay. Ned, do you have more?

COMMISSIONER FRYER: I do.

CHAIRMAN STRAIN: Okay, sir.

COMMISSIONER FRYER: The reason for my bringing this up has to do with the desire to have interconnectivity. I realize there's either no or no significant commercial in the southern part of this tract; however, I think connectivity is important for reasons in addition to just access to commercial.

So I would like to see Skyway be a way in and out for the people who will be living in Tract E. And the fact that there are airplanes on part of it -- I could maybe draw this out, but I don't want to. There's a place where Skyway -- there's a fork in the road, and it is south of the -- southeast of the pond. And Skyway Drive is marked as going up by what looks like a staging area for planes, but then it goes around west -- yeah, first west and then north outside of that area that is circumscribed -- that circumscribes the pond. And I would be very surprised if there are any airplanes on that part of Skyway Drive. That would be very surprising to me.

And so where I come down on this, to sort of cut to the chase, is if I -- I don't have a particular problem with some access on Santa Barbara, but I don't know whether a total of three points of access is necessary. And I would also like there to be the access from Skyway the way it was contemplated on the original PUD. So that's -- that's on that point.

I have some other points here, unless others want to talk about this particular point before I move on.

CHAIRMAN STRAIN: Well, mine will be lumped in with the rest of the stuff I normally ask about, so go ahead. Karl and then -- Karen.

COMMISSIONER HOMIAK: You just mean the outside road that goes --

CHAIRMAN STRAIN: The westernmost road is what she's asking.

COMMISSIONER HOMIAK: Because there are planes that go on that, too. There are garages for planes there, too.

COMMISSIONER FRY: I think I'm struggling to understand exactly where the planes are traveling the roads, and I'd like some clarification on that.

COMMISSIONER HOMIAK: They're all over.



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UNIDENTIFIED SPEAKER: All over.

CHAIRMAN STRAIN: Ladies and gentlemen, we can't have discussion from the audience until we get to public speakers, so...

Now, is someone --

COMMISSIONER FRYER: It seems to me that this is not a problem of the applicant's making, but it creates a problem for us in the fact that we don't know exactly what the facts are.

MR. YOVANOVICH: Well, first of all, I think what you're pointing to, at the risk of being corrected -- Mr. Fryer, were you talking about in this area right here?

COMMISSIONER FRYER: Yeah, that and straight down from that.

MR. YOVANOVICH: This road here?

COMMISSIONER FRYER: Yes. And then take a -- go east. Exactly. I don't think any planes go along there.

MR. YOVANOVICH: Well, that's not correct.

COMMISSIONER HOMIAK: They do.

MR. YOVANOVICH: They do. That --

COMMISSIONER FRYER: I can't believe that is lawful.

CHAIRMAN STRAIN: Well, that's kind of the crux of the argument that we're going to have to look at, because that's part of the basis for needing these other entrances and exits. So that whole thing dovetails together.

MR. YOVANOVICH: I know -- I know I can't start with a blank slate, but let -- humor me for a moment. If we were coming in today to do a PUD around that existing community -- and let's just say -- and they're all private condominium streets, you would ask me, I'm fairly certain, to have access for Tract E to go west to Santa Barbara. That would be the normal course of action if Tract E were coming in on its own.

You wouldn't try to force me through an existing residential community on private streets down to Santa Barbara. I don't think you would do that.

Second, that's an existing community that's been around for quite a while that is using it for airplanes. We're just asking for the right to use public roads in and out of Tract E.

You would normally do that. You would normally have multiple access points to a community, and we know that we may have to do some improvements to any of the public streets we connect to as part of this requested PUD amendment.

CHAIRMAN STRAIN: So you're basically saying that you want to step back and reapply Tract E as a separate PUD section or separate PUD to today's standards in order to justify the new exits?

MR. YOVANOVICH: I'm trying to say that --

CHAIRMAN STRAIN: I don't think you're saying that, because the densities and the things you're asking for aren't necessarily something we'd look at in today's standards.

MR. YOVANOVICH: I understand that.

CHAIRMAN STRAIN: So you want the best of today but not the best of tomorrow?

MR. YOVANOVICH: What I'm trying to say is, Mr. Strain, the facts are different from 1982 when this PUD was originally approved.

CHAIRMAN STRAIN: Absolutely.

MR. YOVANOVICH: There's a significant difference in the facts, and that major fact is Santa Barbara. And I have not gone back and looked at the pleadings for the litigation that -- that occurred in 1985 and 1986 in which there was a settlement agreement reached regarding access.

I don't know the deals of the lawsuit. I do know what the settlement agreement says. And I can't sit here and tell you today that I don't -- my client doesn't have the right to force his way through those roads. We don't want to -- I don't think people want us to get back into another argument over access. What we're asking for makes sense to use those public streets to get to

Santa Barbara. They can handle the traffic we want to put on there, and we will make the necessary improvements to those public streets.

CHAIRMAN STRAIN: Okay. And I think -- Karen, did you have any more you wanted to add at this time, or you want me to go to Karl?

COMMISSIONER HOMIAK: No.

CHAIRMAN STRAIN: Karl, and then Stan, then back to Ned.

COMMISSIONER FRY: Rich, looking for a little clarification. So the folks that live in Wing South have only access south through Skyway Drive down to Rattlesnake Hammock. That's their only way in and out of the development, correct?

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: So please explain the stub-out, if -- you zoom in on that, there's a stub-out of the Skyway Drive as it goes around the north side of Tract C. It appears to go up to interconnect to Tract E and looks like it was planned for a future interconnection. So maybe explain to me the settlement agreement and what is -- what was planned and why that road goes right up to the border and appears to be ready for an interconnect.

MR. YOVANOVICH: Because in 1982 when the PUD was approved, the only access for that northern portion of the PUD was down to Santa Barbara, and that's how it was planned -- I'm sorry. I knew I'd do it. Rattlesnake Hammock --

COMMISSIONER FRY: Rattlesnake.

MR. YOVANOVICH: Down to Rattlesnake Hammock. That was the only access. And the litigation and exhibits attached to those settlement agreements recognized that the only way to get south was to go through those roads.

So there's an ability to do that. What we're saying is, why, when there's a much better access to go to Santa -- to go to Santa Barbara.

COMMISSIONER FRY: Okay. But you're saying there is an agreement whereby if it was desired, they can access Skyway Drive and exit that way?

MR. YOVANOVICH: I have -- I believe so, but I don't know that I've read every document that pertains to this piece of property, and I don't know that the residents in that condominium are going to simply say, welcome, come on through.

COMMISSIONER FRY: When we spoke yesterday, we talked about this would obviously put additional traffic onto those three streets where you have the interconnects and others in that network, and we spoke about, you know, that the roads might need to be improved. I don't know if it was widened -- you mentioned traffic calming today, but I believe yesterday, I believe we talked about sidewalks and other potential requirements because of the additional traffic from Tract E; is that correct?

MR. YOVANOVICH: We understand that your transportation staff may require improvements to those roads with our adding roughly 94 peak-hour trips to two of the roads as part of this project. I don't know the full extent of what they will require, but we know that we'll have to do that.

COMMISSIONER FRY: And is the traffic calming also a result -- you mentioned traffic calming -- also as a potential result of these additional peak-hour trips?

MR. YOVANOVICH: No. The question will be, that's a potential. I don't know if we'll trip the requirement for traffic calming, but we were asked to include that into the PUD specifically, and that's why we read that language in as part of -- as part of the hearing today.

COMMISSIONER FRY: So there's a lot of people in the audience; a few are going to speak. I'm assuming some of them are neighbors living on those streets that might be impacted. So, just curious, if the improvements to those roads are only required because of additional traffic from Tract E if allowed to use those roads, your offer seemed to be to pay your proportional share of traffic calming, correct? So that was your statement.

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MR. YOVANOVICH: Yes.

COMMISSIONER FRY: What about other improvements; sidewalks, widening of the streets, whatever other improvements are required for those roads? What is your commitment regarding the cost for those type enhancements?

MR. YOVANOVICH: I am -- at the risk of being looked at harshly by my client -- assuming that that is going to be our expense.

COMMISSIONER FRY: Your expense. Fully your expense?

MR. YOVANOVICH: (Nods head.)

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

CHAIRMAN STRAIN: Stan, then Ned.

COMMISSIONER CHRZANOWSKI: Yeah, a couple of things. If you ran across it, when I worked in the private sector, I worked on part of this project back in the early '80s. The girl that ran the records room for community development, Sonya, her husband worked for Arthrex. They lived here. If you zoom in --

UNIDENTIFIED SPEAKER: Right here. I'm right here.

COMMISSIONER CHRZANOWSKI: Hi, Sonya. Shhh. You're not allowed to talk.

If you look at that perimeter road Rich is talking about, there are -- there are a couple of houses along there that actually have hangars under them. I mean, nobody builds a 40-foot-wide driveway unless you're putting a plane in there. So you've already got planes in there that are traveling that road. You may want to stop them from doing it, but I don't know what you're going to do with the plane in the guy's garage, so I --

CHAIRMAN STRAIN: Stan, I wasn't trying to stop them from doing it.

COMMISSIONER CHRZANOWSKI: I know.

CHAIRMAN STRAIN: The applicant's using that as a basis for their argument. I'm trying to -- I'm trying to figure out how that's a valid basis; that's all. They can run planes wherever they want. I don't care; it's other people's business. But when they use it for an argument, I have to question it, so that's where I'm coming from.

COMMISSIONER CHRZANOWSKI: It's been there for 40 years. As it -- as it is configured now, it has never presented a problem.

And this parcel to the north, they're not one access. There's two accesses that go, one to the east and one to the west. And, you know, maybe at some point somebody thought they were going to add more hangars back in there, more houses with hangars. I have no idea. It's 40 years ago. I don't remember that far back. I have a hard time remembering what I had for lunch yesterday.

So I don't -- I don't have a problem. That parcel to the north, if it came in by itself, we would automatically make it go toward the west, so -- and the point of having many access points is you don't throw all your traffic onto one, which gives people alternate ways out.

Now, what I would really like to see is some kind of gated interconnect maybe for emergencies, because I don't like to see a project like this with just one entrance. If something happens at the entrance -- I saw it at Imperial, I saw it at Lakeside. Something happens at the entrance, you don't get in and out for a long time. You know, you could have a problem.

But other than that, I have no problem with what's going on here. And I would suggest some kind of maybe interconnect with a gate, you know, one way for emergencies only. You think about it. But that's my memory of the history of a lot of this.

CHAIRMAN STRAIN: Okay. Ned, we're back to you.

COMMISSIONER FRYER: Okay. I'm eventually going to have to -- want to know more about this before I'm asked to vote on it.

The map I'm looking at, it appears to me the Tract C includes the area immediately around that pond but does not include the extension of Skyway Drive. So I don't think we can -- it doesn't

sound like we can resolve that right now, but that remains an open question. My next one --

MR. YOVANOVICH: May I ask --

COMMISSIONER FRYER: Yes.

MR. YOVANOVICH: Are you talking about right here?

COMMISSIONER FRYER: Yes.

MR. YOVANOVICH: That is definitely not in Tract C, so I don't know --

COMMISSIONER FRYER: Yes.

MR. YOVANOVICH: That's not in Tract C.

COMMISSIONER FRYER: Vice Chair Homiak, did you say there are planes on that?

MR. YOVANOVICH: Yes.

COMMISSIONER FRYER: There are?

COMMISSIONER HOMIAK: Yes.

COMMISSIONER FRYER: That's remarkable. Okay. Okay.

COMMISSIONER HOMIAK: That's why it's unique, and --

COMMISSIONER FRYER: Unique, if not flagrantly unlawful.

COMMISSIONER HOMIAK: -- private roads.

COMMISSIONER FRYER: Okay. Now, we talked about --

COMMISSIONER SCHMITT: But it's not part of the petition so, I mean, it's a whole -- if it's outside of the PUD and it's -- I know it's a matter of discussion, but it's not part of the petition, and it's mainly an issue between the community and zoning. It's not --

CHAIRMAN STRAIN: But there is a settlement agreement, Joe.

COMMISSIONER SCHMITT: Yes.

CHAIRMAN STRAIN: What you-all have not seen are the documents I forwarded to the applicant on a basis of which they were supposed to take a look at their PUD and consider -- I was expecting to see something from them. And I don't see any response to those documents. I asked for title policy, things like that. I didn't get it.

But the settlement agreement is what provides the accessway for utilities and flow through that street, which is odd, because if the street can be used for that, which seems to be the practical argument today because it's not maybe safe as it should be because of the planes, then we just need to understand how the planes factor into it, and that -- if that is justification for having a non -- a way not to get out of the parcel -- Tract E, they have a right to get to Tract E. And I'm trying to fall back on that right and say, okay, your right's solid because there are issues with that road that was originally planned to service that tract. That's all I was trying to get at from the beginning, and I still haven't got -- I'm getting more confused by the responses I'm getting than --

MR. YOVANOVICH: I'm not trying to confuse you. If we were coming in today, you would ask me to have multiple access points to a PUD. You only allow one access point to a PUD on a road when you only have the ability to do one access point on a PUD. Typically, for the very reason that Mr. Fryer asked, for emergency purposes, you don't like it. Nobody likes it when there's an accident at the entrance and nobody can leave their community.

We have no objection to providing a gated emergency access between the RSF4-zoned property and the PUD. What we're asking for is the ability for Tract E to go to Santa Barbara. It's allowed under the current Comp Plan. Frankly, it's encouraged and might even be mandated that you have multiple access points to the PUD when it can happen.

We have public roads that come down to the PUD. All we're asking for is the right to use them. They are public roads. I know there are people who are not going to be crazy about the fact that what was their publicly funded private cul-de-sac will now be utilized by the people who live on Tract E. I got they're not going to be happy about that, but it's a public road, and we're asking for the ability to use that public road. We will be responsible for improvements that need to be made to those public roads as a result of our using them when we use them.

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I'm not trying to confuse anybody. I think I'm being pretty straightforward. I have the right to go through this project that has streets that use airplanes and cars. I don't think that makes sense. But that's not the rationale, total rationale for why we think we should be allowed to have this other access. It makes sense to have that.

COMMISSIONER FRYER: Is it any part of your rationale?

MR. YOVANOVICH: At the end of the day, if you force me to go through that community, we're going through that community. If that's really what the Planning Commission wants to see happen is that all of those units in Tract E will now go through Skyway Drive because, for whatever reason, that's the reason the project was originally approved because that was the only option to get to Rattlesnake Hammock, I don't have a choice.

COMMISSIONER FRYER: Let me ask it a different way. If there were no question about the safety or the presence or absence of gates on Skyway so that it was a clear shot up from Rattlesnake, would you still be asking for three points of entry from the west?

MR. YOVANOVICH: I think we would still be asking to disperse our traffic, yes, and not have it all go down to Rattlesnake Hammock.

COMMISSIONER FRYER: On three points of entry?

MR. YOVANOVICH: I think -- I think we can agree -- let me take one other comment. The engineer, Mr. Barton, pointed out to me something that we're losing is the amount of traffic that we can legally put on those private streets will probably overwhelm the capacity of those streets. They're private streets. There's probably more traffic that will be dumped on Skyway as a result of the number of units we can build in Tract E. That is probably not the best for the residents who live in there.

COMMISSIONER FRYER: Even if you have a western access?

MR. YOVANOVICH: Going to Rattlesnake -- I'm sorry -- Santa Barbara.

COMMISSIONER FRYER: Going to Santa Barbara.

MR. YOVANOVICH: Can I have one moment? I just want to confirm something.

COMMISSIONER FRYER: Yeah.

CHAIRMAN STRAIN: I'm more confused now than I was before.

MR. YOVANOVICH: What we're asking for -- I know we need two of the three, so we will agree that no more than two of the three that are on the master plan will actually be used. We just haven't designed the site yet to figure out which two of those three access points.

COMMISSIONER FRYER: Thank you. I was going to ask you for that -- to do that, so thank you.

MR. YOVANOVICH: Yes.

COMMISSIONER FRYER: I'm going to move on, because I've got a few other issues.

You mentioned a willingness to share your -- to pay your proportionate share of additional improvements. I realize these roads have been paved, but there may be a need for sidewalks or possibly even lighting. How about your prorated share of costs related to buffering? And the reason I ask that is because it is directed to the complaints that were expressed by the neighbors who were at the NIM that their concerns for privacy and the like possibly could be attenuated somewhat if there were some better buffering along those east/west roads.

MR. YOVANOVICH: I don't know -- and I'm -- I don't know what you're asking me for with regard to buffering. That would be highly unusual for there to be, on a public street, a landscape buffer on the sides of those streets to shield people who live fronting a street from cars that use the street.

I don't know what that entails. I don't know what the buffer would be. I don't know what it would cost. I don't know how much it would cost to put in irrigation lines to make sure that those buffers didn't die because of lack of watering.

I think that that's a little bit too much of a reach with regard to the request.

We understand the concerns about additional cars and making sure that the roads can carry that capacity. That we understand, but I think the buffering is a little bit further than we can go.

COMMISSIONER FRYER: All right. I have a question for Mr. Hagan on traffic.

MR. YOVANOVICH: Okay.

MR. HAGAN: Yes, sir.

COMMISSIONER FRYER: This has to do with your projections as to what percentage of the traffic, if you had -- let's say, if you had three western points of ingress and egress, what percentage would be attributed to each of the three?

And so my question to you is, is how did you arrive at those projections those estimates?

MR. HAGAN: Those projections in the breakdown, percent trips, were based on trying to get as many trips out as possible noting that human nature's going to disperse and equal out trips.

The distribution from the project has to go to Santa Barbara, and then Santa Barbara doesn't have any left-outs, median openings. So anyone who wants to head south once they hit Santa Barbara has to go up and U-turn to go south.

And after looking at the stacking at Santa Barbara, it became clear to me that the breakdown was going to be equalized across the connections. What will happen with time is people will go wherever the backups are the least, and that ended up ending -- or progresses us towards a more equal distribution of the trips, and that's how I came up with that.

COMMISSIONER FRYER: But you have 15, 15, and 20 as you move south on those three points. And they all would wind up at Santa Barbara. So how is it that you allocated 20 to Adkins and 15 to the other two?

MR. HAGAN: Because Adkins was more direct, and for people who are headed south, that would require the least amount of north before "U" south.

COMMISSIONER FRYER: Okay. That leads me to my next question for you, please. In your opinion, what -- if there were a direct shot down to Rattlesnake that was open, what percentage of the traffic would use that?

MR. HAGAN: Probably half of the southbounds would use -- 40 percent -- yeah, 40 percent would go through the communities. The other 60 percent would use the more direct route just out of convenience. And that's an estimate based on --

COMMISSIONER FRYER: Forty percent would go to Hammock -- Rattlesnake Hammock, and 60 would go to Santa Barbara?

MR. HAGAN: Of the southbound. We're talking about destination southbound. People who are going to leave Tract E, go south of Rattlesnake Hammock and Santa Barbara, that would be going out either Rattlesnake or down St. Andrews. It would be either going into town to go south -- I mean, we're talking about only the trips that have got a southern destination.

CHAIRMAN STRAIN: Chris, you've been in front of this panel quite a few times. I've known you for years. I've not ever seen you do a Traffic Impact Statement. Are you a traffic engineer as well?

MR. HAGAN: Yes, I have --

CHAIRMAN STRAIN: I mean, you have a traffic engineer certification in addition to your civil engineering?

MR. HAGAN: No, sir. No separate one. But I've done Traffic Impact Statements to the county for --

CHAIRMAN STRAIN: Well, that's fine.

MR. HAGAN: -- 30-plus years.

CHAIRMAN STRAIN: I mean, I just wanted to understand, because you're -- the response is more -- it's not quite as -- I would expect from a traffic engineer a little more detail than we're getting in your responses. I -- thank you for the clarification, so...

I'm sorry. Go ahead.

COMMISSIONER FRYER: No problem.

All right. This also has to do with traffic, and it concerns traffic calming. That was an issue that was at least indirectly referenced in the NIM. And I understand that certain thresholds had to be met before, like, speed bumps or other traffic-calming devices are to be put in.

In your judgment, would traffic calming -- regardless of those -- of those other thresholds, in your judgment, would traffic calming be a net benefit or a net detriment to the users of these three east/west streets?

MR. HAGAN: It would be a net benefit. There is some benefit to traffic calming in those areas. It would increase some delays and some trip times, but it would be a general benefit.

COMMISSIONER FRYER: Okay. I think that's all I have for traffic right now, but if not, I see you're sitting close.

MR. HAGAN: Yes, sir. I'm ready.

COMMISSIONER FRYER: Okay. On the -- for Mr. Yovanovich, I guess, the 40-foot buildings are going to be pretty close to an airport runway. Any concerns over the proximity of those? I realize it's an FAA issue. Has that been -- has that been cleared by the FAA?

MR. YOVANOVICH: I don't think we're -- the answer to the question is I don't know if we've talked to the FAA yet. If they don't approve 40-foot buildings, then they'll be less, but I think that we're comfortable with that standard in there for the height. And I'm trying to look at what's the approved standard today if I don't even change. I'll tell you in two seconds, if you don't mind. Because it's currently approved for multifamily, as you know. And the maximum height that's allowed today under the Tract A standards, which would have applied before I added single-family, is three living stories above one story of parking with a maximum height of 45 feet.

COMMISSIONER FRYER: Okay. All right.

MR. YOVANOVICH: So I think we're consistent with what's already allowed as a development standard today.

COMMISSIONER FRYER: That's on the county standard side, which is what we are, of course. FAA will weigh in.

MR. YOVANOVICH: They always have their rights, yes.

COMMISSIONER FRYER: There's a statement here -- you have petitioner's statement of compliance where you say the subject property will provide a vegetative buffer between the property and Rattlesnake Hammock Road, the surrounding vacant lands, and the single-family units to the west. And I guess my question is, how is that possible? Because that extends south of your south property line.

MR. YOVANOVICH: Are you reading from the existing PUD?

COMMISSIONER FRYER: I'm reading from Page 68 of the February 6th materials under petitioner's statement of compliance, and it's Point No. 3.

MR. YOVANOVICH: You have to -- you have to remember that that's in response to the entirety of the PUD, not specifically to Tract E.

COMMISSIONER FRYER: So when you say the subject property, you're talking about the whole PUD?

MR. YOVANOVICH: Well, when you're talking about down by Rattlesnake Hammock and the buffering, that can be the only interpretation --

COMMISSIONER FRYER: All right.

MR. YOVANOVICH: -- because, obviously, Tract E doesn't go that far.

COMMISSIONER FRYER: Okay. Then, in the same document, No. 12, petitioner's statement of compliance, it says, "The application of the development plan will permit flexibility and feature amenities and excellence in the form of variations and citing mixed land uses and varied dwelling types as well as adaptation to and conservation of the topography and other natural characteristics of this land."

These sound like commitments of some sort. And I would like to ask you for some additional detail on what is meant by that statement.

MR. YOVANOVICH: I wish my numbers matched your numbers on the pages. If we get to a point where we take a break, can I just borrow your -- what you're reading from so I can make sure I'm reading exactly what you're reading from?

COMMISSIONER FRYER: Understood. That's fine. It's going to be on Page 69 of the February 6th material in your --

MR. YOVANOVICH: I'm with you. But I just -- unfortunately, I don't have those same page numbers.

COMMISSIONER FRYER: That's a continuing problem. It goes on in No. 13 to say, with proper uniform quality, a large-scale development, the property may best serve the public interest with alternative land uses and then, finally, on Page 70 it says, the residential development of low-rise multifamily and single-family units shall demonstrate a quality way of life for its residents that will be eminently desirable, aesthetically pleasing, and environmentally sound.

So my question, again, is, could you please offer us more specifics.

MR. YOVANOVICH: Well, I think when you look at the development standards we're proposing by adding single-family as an allowed use on Tract E, it will accomplish those statements that -- regarding how it fits into the community and how it will fit into the overall fabric of Collier County. You have to read this in context with looking at the development standards and adding single-family to see how those, I'll call them, global statements are made, but they're implemented through the development standards of the PUD.

COMMISSIONER FRYER: Okay. And that's fine. But just so that I'm sure I understand your explanation, the commitment here or the characterization of higher quality comes, it sounds like, exclusively from the fact that there could be some single-family residences here.

MR. YOVANOVICH: Well, between the single-family and the better access to the property, yes, I think overall it's an improvement over what exists today.

COMMISSIONER FRYER: Okay. And I do have a comment for Mr. Hagan who may or may not wish to respond to it. But it looked to me -- well, in fact, it's absolutely the case that you're referencing the 2018 AUIR in your work. And, of course, we're, you know, just a few months away from the 2020.

So I always ask traffic engineers if they have -- those who reference an earlier date, if they have looked at the more current AUIR and can they tell us that the argument is as strong in favor of the applicant's position under the more current AUIR.

MR. HAGAN: The easy answer is, no, sir, I haven't looked at it.

CHAIRMAN STRAIN: You'll need to use the mic, Chris, if you're testifying, please.

MR. HAGAN: Okay. No, sir, I have not looked at the update. The report was finished in November in our correspondence with the reviewers, and I have not looked at an update.

COMMISSIONER FRYER: Okay. Well, that's a fair answer.

Chairman, that's all I have at this time.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Let's start with the PUD document.

First question I'm going to have is on Page 5, Section 4.2. Last line of that page says, the total maximum residential units will be 574 units at a maximum density of 3.4 units per gross acre. How many units are you intending to build on Tract E?

MR. YOVANOVICH: Mr. Strain, we don't have a site plan or a master plan or a subdivision plat in the mix right now. We're simply here to talk about access.

CHAIRMAN STRAIN: Well, how many units are you selling the right to build to whoever buys the property?



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MR. YOVANOVICH: We don't have a contract to sell the property.

CHAIRMAN STRAIN: I know, but this is being prepared for that purpose. So how many units -- you don't know how many units you can -- you're going to all this -- through this whole effort through meeting today, and you don't know how many units you're going to have the right to build? What if you've only got two units?

MR. YOVANOVICH: Well, I know I have two units --

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: -- because right now there are 574 units approved in the PUD, 16 of which were approved on Tract B, which is single-family only. Nine have been developed; seven are left. So I have nothing on tract -- I'm not dealing with Tract B.

On Tract A and E, what -- and you can see from Tract A up here that it's done. There were 558 multi-family units of which 194 units were developed. So, theoretically, there are 364 units left that can be developed on Tract E.

CHAIRMAN STRAIN: Okay. So your pro forma for the cost, which would involve the improvements to the road and whatever else you're going to agree to do today, will be based on a number of units you can theoretically make profit points out of in order to pay for those costs.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Because I had thought that's -- I thought 369 or somewhere in that -- was the neighborhood number I read in one of the documents. But according to the county's records, there's only 238 units remaining for that property, for the whole PUD. And I didn't know if you were aware of that or if you dispute that or what.

And I'm pulling this from -- and, Ray, you can go to CTS and pull it up right now under the density unit counts. And the last time this was modified -- it looks like that particular one was modified in 2019. So I'm just suggesting you may want to understand how many units you're going to potentially build to know how much you're going to be committing to today.

Which, speaking of plans, we talked about the access through that road that you're disputing -- not disputing. That you prefer not to go through, and I understand your reasoning. But why did a plan get submitted in 2017 showing the entire project going through that road?

MR. YOVANOVICH: Mr. Strain.

CHAIRMAN STRAIN: Do you know? I mean, I know you're new to the process -- this -- this entity, and usually you come with all these answers and we've had time to discuss them. It didn't work out that way this time, Rich.

MR. YOVANOVICH: I miss those days.

CHAIRMAN STRAIN: Me, too. And I've got a -- I'm looking at a plan developed by Q. Grady Minor in 2017 that was submitted for review and processing. And it's a master site plan, and it shows the entrance through the Skyway road, and I sent this to your team, what, two months ago? And I never got a response to it, so I was just wondering what you-all thought -- why that plan was no longer valid.

MR. YOVANOVICH: Mr. Strain, that plan was -- my understanding, was prepared by a potential developer of the property. They elected not to go forward with that plan. What we're trying to do -- and there are -- there are issues with going through that access point, and whoever prepared that plan might have thought it would work but ultimately did not go forward with that plan. Where we're 12 years later -- what was the year of that plan? I know you sent it to me.

CHAIRMAN STRAIN: 2017.

MR. YOVANOVICH: 2017. So we're three years later. And what we're simply trying to do is provide better access to this site to have a better project and not force all that traffic through Wing South. Someone else obviously was interested in doing that, but they didn't acquire the property, so that plan, even though it may have gone through the process, was never built.

CHAIRMAN STRAIN: Okay. Let me move on to your Development Standards Table,

and it's on Page 9 of the PUD document.

And, first of all, on the very first line, we normally don't see lot areas as much as we see unit size. You don't have unit sizes on here. You have minimum lot area. Minimum lot area's only 1,600 square feet for a single-family. Now, that's -- at 32-foot wide, which is your minimum width, that means you're only 50 feet deep. Then you take your setbacks into play, you've got less than about 800 square feet for a unit. How do you make those the quality units that Mr. Fryer was referring to in your language? That's a small unit. I'm just wondering what you're planning to do.

MR. YOVANOVICH: I'll let Mr. Hagan answer that question.

MR. HAGAN: Yeah. The basis for setting these up was utilizing some of the similar projects in the area as an outline. What we didn't -- what we did is we reached out to several of the adjoining projects and ones I've worked on recently, and utilized them as a standard trying to get a unit that we knew was marketable and would be attractive to a future developer.

CHAIRMAN STRAIN: So what's the minimum square size per unit that you would commit to? I mean --

MR. HAGAN: I don't know that I can do that for the owner, but --

CHAIRMAN STRAIN: But that's not an unusual request, especially trying to understand compatibility, and the mere fact you're trying to go through the neighboring residential units, just from a compatibility viewpoint as well as from a valuation viewpoint, I mean, this seems like you're going to be a lot of small units in here. I mean, that's an awful small lot size. That's what we normal see or pretty close to what we see for unit size. You're saying the whole lot's only going to be 1,600 square feet. That's pretty tiny.

MR. HAGAN: Yep.

CHAIRMAN STRAIN: You've talking about alley setbacks. Can you -- how does this work? Now, your Footnote No. 3, so the alley is part of the lot, or the lot's going to be separately platted? How are you looking at that?

MR. HAGAN: The alley would be an easement on the back of the lot.

CHAIRMAN STRAIN: So now the 50 foot's taken up by the alley, potentially. Wow. I mean, you realize how much you're trying to fit into a little tiny box? I've got to picture it, and I'm trying to figure out how this is going to be considered compatible to the surrounding neighborhood, even the ones in the RSF4 tract where the airplanes are running. I mean, if you've got an airplane, you've probably got a pretty nice house, I would hope, because the airplane's got to keep running. It's not cheap. These homes might be completely different than what's already on the ground there.

Under your No. 5 footnote, garages shall be located a minimum of 23 feet from the back of the sidewalk except for side-loading garages, wherein a parking area 23 feet in depth shall be provided to avoid vehicles from being parked across a portion of all -- for a referenced sidewalk.

I just think you can cross that whole last section out, because it doesn't matter. You just can't be across the sidewalk, and you've got to be 23 feet back. So I wasn't quite following what you were trying to say there. If you just drop the last part of that sentence, it will be more effective.

The amenities, normally we ask for amenity locations because they affect the outside tracts, the outside properties. If you were to put an amenity in with a pool and a clubhouse and all that, or just a gathering point, if you put it up against your neighbor's property, they're going to be more disruptive than if it was internal to your site.

I didn't see any kind of reference as to how internal to the site or location as to where a -- that tract would be, because it's not shown. And you adding it as a Footnote No. 6, because of that, it -- typically we have some dimensional standards that separate that from the neighbors. And I need you -- to suggest that 30 foot isn't enough. We just got done with one on Livingston Road just south of Immokalee Road, and there it was 100 feet. So it would be something

that -- we just did that one, I think, at our last meeting.

I'm just looking at the rest of my questions. And I notice in the PUD you're crossing out the language that requires the connection to be made to -- as the only access road will be the private road through Tract C, or through that RSF4 lot to the Rattlesnake Hammock, though it was in your PUD as the only access point up until the request that's come in.

MR. HAGAN: That is correct.

CHAIRMAN STRAIN: You also are changing recreational facilities, a minimum of three swimming pools, to two; and a minimum of three tennis courts, to one. What is that about? I mean, are there no amenities in the other parts of the PUD?

MR. HAGAN: That was to take out the amenities that were already existing in the southern portion. That's already developed.

CHAIRMAN STRAIN: Okay. But if you took this out and they wanted to take out their amenities, they could do that then; is that what -- I mean, why would we want to do that?

MR. HAGAN: Theoretically.

CHAIRMAN STRAIN: Yeah. So why would we want to do that? So I'm not sure 5.6 needs to come out.

COMMISSIONER FRYER: If -- may I?

CHAIRMAN STRAIN: Yeah, go ahead.

COMMISSIONER FRYER: If you're reducing the amenities on the north side of the PUD because they're present on the south, all the more need for access on Skyway, it seems to me. Interconnectivity.

CHAIRMAN STRAIN: Okay. Chris, let's see if I -- 19 -- oh, the language about supporting traffic-calming initiatives, I know you just changed the language that you're going to offer to pay your fair share, but if you weren't doing this, you wouldn't need -- they wouldn't need any traffic calming. So why is just your fair share fair? I mean, I don't understand how that's fair to the people in the neighborhood, because they don't need them today. I was out there. They've got a nice, quiet neighborhood. So why would they need traffic calming? So, actually, it's being generated because you guys need it.

MR. HAGAN: That's the way the fair share would calculate.

CHAIRMAN STRAIN: Well, then let's not say fair share; that you're going to pay 100 percent of any traffic calming, and that makes it a little cleaner.

MR. HAGAN: There are other undeveloped tracts out there that may develop --

CHAIRMAN STRAIN: Where?

MR. HAGAN: -- and they would want to contribute also.

CHAIRMAN STRAIN: Undeveloped tracts, you mean more estates?

MR. HAGAN: No. Onyx is just developed. There are others out along Santa Barbara that --

CHAIRMAN STRAIN: Onyx is on Santa Barbara. You're going to have a road hump between Santa -- Onyx's entrance and Santa Barbara? It's only a few hundred feet. I don't think your traffic calming is necessarily appropriate in the way it's written, so...

I think my next question's going to be -- well, I'll wait till I get staff up here. And, oh, that's right, your -- in your master plan you had 364 dwelling units listed under Tract E as residential. That's where I found the number. I just don't know where you got that number from, and it doesn't match with the county's, and I think that should be clarified.

Let me see what else I've got. I think that's it. I'm going to -- for now. I've got some more of staff, and I'll probably have more after public speakers. So thank you.

MR. HAGAN: You're welcome.

CHAIRMAN STRAIN: Anybody else have anything of the applicant?

(No response.)

CHAIRMAN STRAIN: Tim?

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

The project is compliant with the GMP and the rezoning criteria within the LDC; therefore, staff recommends approval.

CHAIRMAN STRAIN: Okay. Any questions of staff, for anybody on staff?

(No response.)

CHAIRMAN STRAIN: I'd like to ask the County Attorney's Office, have you had time to review the language in the changed PUD that was the most recent set that was sent out for this board to review?

MS. ASHTON-CICKO: No, I did not review the language in the proposed PUD.

CHAIRMAN STRAIN: Okay. Do you know how this board has repeatedly asked not to have stuff even presented to us that hasn't been reviewed by your department?

MS. ASHTON-CICKO: Well, it was a miscommunication, because I think it was provided to me that there were going to be changes that were going to be read into the record at the last meeting --

CHAIRMAN STRAIN: As long as you're comfortable with that. You're going to --

MS. ASHTON-CICKO: But they're -- as I previously stated, there are a couple of commitments that need to be revised.

CHAIRMAN STRAIN: Okay. And then, Mike Sawyer, if you could come up for a minute.

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

CHAIRMAN STRAIN: Hi, Mike.

MR. SAWYER: Good morning.

CHAIRMAN STRAIN: I've heard various arguments over why these exits are needed. I think the original one was they didn't have access south to Rattlesnake. I think there's -- probably that settlement agreement was missed, and it's been found, and there is provisions there for utilities and things.

Now the issue is, and I understand the issue, about airplanes on the road. I'm not trying to tell the people they can't have their airplanes on the road. As far as I'm concerned, live and let live. The problem is, it's come up as a basis for the east -- the western connections and as how it wouldn't be safe now to use that road that was originally intended by the PUD and by the settlement agreement.

So, what's -- what's your department's position on airplanes on roads? Can we do this all over the county, or are we just going to do it in certain locations, and how does this happen?

MR. SAWYER: That's an excellent question.

CHAIRMAN STRAIN: Gee, thank you, Mike. I'm a little curious, because if I drive down 951 and see a plane going down the middle of it, I just don't know if I can pass it or what I'm supposed to do with it.

MR. SAWYER: I did check with our operations department this morning. First off, they're not aware of any issues in this neighborhood. They haven't received complaints. There have been no known issues operationally on these private roads. These are, in fact, private roads. The development itself, the original PUD contemplated having aviation uses in the development.

CHAIRMAN STRAIN: This is RSF4 we're talking about, though.

MR. SAWYER: Correct. And I'm trying to -- I'm trying to wrap our brains around the issue itself.

The best answer I can give you is that it would be a state regulation, and we would need to research that for you.

CHAIRMAN STRAIN: I'm not asking you to do that. Honestly, I don't want any more

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problems for the people that exist there. They have a nice community. It's quiet. I'm not trying to cause a problem there. I'm trying to rationalize the fact everybody has a right to road access that has a parcel of property. You have a piece of property, you have a right to get to it.

MR. SAWYER: Exactly.

CHAIRMAN STRAIN: And part of the argument -- this one always had that right, supposedly, down to Rattlesnake Hammock by the PUD and by the settlement agreement. That seems to be somewhat changing because of the activities on a piece of property that's outside the PUD, but it's under the settlement agreement.

And now I'm trying to figure out how planes are allowed to utilize a road if that's the road that's supposed to be utilized for the north/south accessway to Rattlesnake Hammock or according to the PUD.

Were you here at the time -- this was a long time -- you weren't around here at the time this thing was put together.

MR. SAWYER: I was not.

CHAIRMAN STRAIN: I was here, but I wasn't on the Planning Commission, so I have no memory of that either.

MR. SAWYER: And, honestly, I do not -- perfectly honest, I don't know of a staff member currently in the county that would have been at that time.

CHAIRMAN STRAIN: Okay. Well, I just needed your input on it. I don't really have a concern over the airplanes. I mean, I'm not going there. I just thought it was odd that that was part of the reasoning.

Joe?

COMMISSIONER SCHMITT: I'm going to equate this to the Board approving golf carts in Isles of Capri and Goodland. I mean, those are public roads and, technically, I can't take a golf cart and drive down 951. But the Board did approve -- this county did approve, with certain provisions, with the safety mechanisms and everything else on the golf carts, but you can drive on public roads with a golf cart. I guess, you know, an airplane is not a golf cart, but it's still a mode of transportation on a public road.

CHAIRMAN STRAIN: But, Joe, you're talking a 4-foot-wide golf cart and a 40-foot-wide airplane. I mean, it's a little different.

COMMISSIONER SCHMITT: Oh, I know, but I would assume that -- and I don't know. We'll hear from the applicants -- or from the public. But they have to be insured. There's other things that they -- to cover any type of mishap that would take place regarding airplanes moving down the street, but --

MR. KLATZKOW: I mean, there's a state statute that gives you a process for golf carts. I'm not aware of any state statute that gives you a process for airplanes on a road. It's just -- this is a very unique situation that --

COMMISSIONER SCHMITT: Yeah.

MR. KLATZKOW: -- would not be approved today.

COMMISSIONER SCHMITT: As you well know, Jeff, this has been around for 50 years.

MR. KLATZKOW: Yeah, and when this went in, there was nothing around there.

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER CHRZANOWSKI: It may be unique in Collier County, but there's airparks all over Florida.

COMMISSIONER SCHMITT: There are.

COMMISSIONER CHRZANOWSKI: And so they put golf clubs in their airplane; call it a golf cart.

COMMISSIONER FRYER: May I ask him?

CHAIRMAN STRAIN: Go ahead, Ned.

COMMISSIONER FRYER: The area we're talking about -- the street I'm talking about is in RSF4, and it's not in Tract C. Are we saying that the original PUD, or the PUD that is now extant, that is operative, that there's language in there that permits airplanes on that RSF4 strip part of Skyway?

MR. SAWYER: In the research that I have done, I have not found specific language to that. I believe there are portions of the PUD as far as purpose and intent that implies that there are -- actually, I can --

CHAIRMAN STRAIN: They have hangar access from the strip, but the part that's been in question is the RSF4 that's not part of the PUD. That's the problem.

COMMISSIONER FRYER: Exactly.

CHAIRMAN STRAIN: If they were part of the PUD, it might all have a better argument to fit, and that's the piece I've been trying to understand.

MR. SAWYER: And that's the difficulty, I think, that we're all having is that --

COMMISSIONER FRYER: Further --

MR. SAWYER: -- we've got language in the PUD --

COMMISSIONER FRYER: -- it wouldn't matter, would it, whether these are privately owned or publicly owned. If they're streets, be they public or private, if they're in RSF4, driving planes down a public or private street seems to be incompatible with that zoning.

MR. SAWYER: I would have to agree at the time that the plat was originally done for that section, that somehow that was hopefully addressed. I don't know.

COMMISSIONER SCHMITT: I have another question.

CHAIRMAN STRAIN: Okay. Joe?

COMMISSIONER SCHMITT: The access to that road is gated. I'm looking right now on Google Earth. So it's prohibited access. Who controls the access? I'm assuming the residents of that street have clickers of some sort to open up the gate. So it is a -- for all intent and purposes, it's a public road, but it is gated.

MR. SAWYER: It appears to be controlled, correct.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN STRAIN: Okay. For any other -- and, Mike, I don't have any transportation questions at this point, any more, so thank you.

MR. SAWYER: Thank you.

CHAIRMAN STRAIN: Appreciate it.

Is -- Rich, did you have something?

MR. YOVANOVICH: Yeah. I just wanted to, if you don't mind -- on the minimum unit size, it actually is in the table.

CHAIRMAN STRAIN: Okay. Good. Tell me -- I must have missed it then.

MR. YOVANOVICH: That's okay. It may not be in the exact location where you're used to looking at. This is the version attached to the --

CHAIRMAN STRAIN: You're saying minimum floor area.

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: You're right. That's usually up on top. Okay.

MR. YOVANOVICH: So I just wanted to -- it is in there, and that's all I wanted to add before the public.

CHAIRMAN STRAIN: No, not a problem.

Environmental, if you could just answer one question. I'm going to try to make it as easy as possible. I see that look of worry.

MS. COOK: That's because I didn't talk to you yesterday.

CHAIRMAN STRAIN: Yeah, normally we do meet ahead, and I'm sorry about that.

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Environmental, on 5.9, it's going to provide the listed species survey and all the other information at the time of SDP or PPL. We normally see information at this level. Since it's been two months since I read the first part, was there a standard environmental survey done on this property at this time?

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

No. The original PUD in 1983 had a couple areas defined as wetlands, but we did not receive an environmental data report with this. So prior to SDP or PPL we would want to make sure that those locations are appropriate locations for preservation of vegetation.

CHAIRMAN STRAIN: Okay. So from now on, for PUDAs that are 40 years old, there are no updated environmentals needed? I mean, what we do for one client we do for all?

MS. COOK: Typically, yes; however, we couldn't find the original map of where these locations were originally.

CHAIRMAN STRAIN: Okay. Okay. That's what I -- that's what I -- by the way, did you review the plan that was sent in 2017? Or you weren't here by that time, were you?

MS. COOK: I was not here, no, sir.

CHAIRMAN STRAIN: Okay. So that would be Summer. Okay. Thank you.

MS. COOK: You're welcome.

CHAIRMAN STRAIN: Is Utilities here? Utilities is not here today?

MR. MULHERE: He's out there.

CHAIRMAN STRAIN: Oh, okay. I was going to say.

MR. FEY: Good morning. For the record, Eric Fey, principal project manager with Public Utilities, Engineering, and Project Management.

CHAIRMAN STRAIN: Good morning, Eric.

I notice there's been a change in their planning on utilities. I think the previous one had sewer and water coming in from the west, and now this one's going to have water coming in from the west, and sewer's going to connect and go south. Is that your understanding of it as well? I just saw a plan they put on today.

MR. FEY: Yes. I don't -- I think the sewage system in the RSF4 portion is private, if I recall.

CHAIRMAN STRAIN: But have you reviewed the settlement agreement that provides them the -- those mutual access easements, including -- there was a writeup in there about utilities. Did you review any of that?

MR. FEY: I did not review the settlement agreement, no.

CHAIRMAN STRAIN: Okay.

MR. FEY: But water was anticipated to come from the west, yes.

CHAIRMAN STRAIN: Okay. When you put water lines in and sewer lines and you're passing residential frontage, what happens to those residential people, those lots? Do they -- are they required to participate in any manner at all now or in the future?

MR. FEY: The answer is a little complicated.

CHAIRMAN STRAIN: Well, that's okay. We've got -- we're going to be here till 4:00.

MR. FEY: The ordinance -- hopefully, I won't. The ordinance allows us to force connection when utilities are available --

CHAIRMAN STRAIN: That's not too complicated.

MR. FEY: -- but we have not historically done that, especially when you're dealing with estates and agricultural zoning. In fact, I know when we expanded our district boundary, we made the commitment to the Golden Gate Civic Association, for example, that we would not force connection on residents.

CHAIRMAN STRAIN: How about any fees for the transition on frontage? As you're -- there would be no fees associated for the installation of the pipes, and you would not force

connection to those pipes?

MR. FEY: On the existing residents --

CHAIRMAN STRAIN: Right.

MR. FEY: -- in today's zoning? Correct.

CHAIRMAN STRAIN: So you'd be in agreement to stipulate that in a paragraph in the PUD that this PUD will have -- you will, as the Utility Department, will not force connections or costs for the system improvements on any of the lots outside of this PUD for either sewer or water?

MR. FEY: I think that would be a decision of the Board.

CHAIRMAN STRAIN: Well, I know, but someone has to put the language in the PUD to get to the Board. I mean --

MR. FEY: On behalf of the Public Utilities, we wouldn't object to that language, no.

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

Joe?

COMMISSIONER SCHMITT: Yeah. How can they put that language in? Wouldn't it be -- contradict the current ordinance, Jeff? The ordinance requires it.

CHAIRMAN STRAIN: Well, he just said they do it -- they've been doing it for -- typically for the Estates.

COMMISSIONER SCHMITT: But as a matter of policy, they waive that requirement, which they have in the past. But I don't know if you could put that language in which would --

MR. FEY: Right.

COMMISSIONER SCHMITT: -- be -- contradict the -- as a matter of policy, they could, but you could make that statement -- as a matter of policy, waive it. But I think -- I don't think you can make a direct statement. I turn to the attorney for that.

CHAIRMAN STRAIN: Well, that's what we're trying to get to. And I'm -- my concern is that if this were to pass and the people in the neighborhood had these lines go in, they would be forced to pay fees involving these lines.

COMMISSIONER SCHMITT: Right.

CHAIRMAN STRAIN: They're at no fault here --

COMMISSIONER SCHMITT: Correct.

CHAIRMAN STRAIN: -- so I can't see why anything like that should happen if it succeeds.

So anyway. If --

MR. KLATZKOW: I'm really not sure why this is part of this application. That's --

CHAIRMAN STRAIN: Well, they have -- they have new lines coming in from --

MR. KLATZKOW: I understand that.

CHAIRMAN STRAIN: -- Santa Barbara.

MR. KLATZKOW: I understand that. But what does it have to do with this particular application?

CHAIRMAN STRAIN: I'm puzzled. They put it on their plan saying they want to get water and potentially sewer from Santa Barbara. They're going to be passing all the estates properties that are there, and usually the Utility Department forces any property it passes to connect. And all I was suggesting is they don't -- the people there don't need to connect except for the fact this developer wants to run lines down those roads. That's all I was getting at, Jeff, is trying to make sure the Utilities didn't come back and say, well, now the lines are here. Even though you didn't want them and we didn't want to put them there, or we didn't need to put them there, we're still charging -- we're going to charge you and force you to connect. Because on an estates lot, that's deep, and you've got to run a lift station and sewer lines and force mains to connect all the way back to your property with new power and then pump it all the way out to the street. You're looking at sizable costs.



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MR. KLATZKOW: Yeah, I'm aware of that. I'm just not sure why that's part of this discussion; that's all.

MR. YOVANOVICH: Mr. Strain, may I?

CHAIRMAN STRAIN: I don't know why it wouldn't be.

MR. YOVANOVICH: May I?

CHAIRMAN STRAIN: Yeah, go ahead.

MR. YOVANOVICH: And maybe I said it too quickly. Let's assume I have a bad day and the Board of County Commissioners ultimately decides not to approve the access points we're asking for and doesn't approve the ability to add single-family to Tract E, and the only thing that's left is what exists today, multifamily on Tract E with access to Rattlesnake Hammock. We will still be bringing water down -- from the west to Tract E because the internal system doesn't have sufficient capacity for me to get water to it anyway. So the water line's coming regardless of whether or not this PUD amendment gets approved. And I think Mr. Fey can testify to that, too. I know Mr. Barton and Mr. Hagan have told me the water line's coming. It's really not part of this application at all because where utilities come from to serve the project -- remember this is an already-approved PUD that allows multifamily.

I heard Mr. Fey say that the County Commission does not force connections. I can't imagine that they're going to change that policy decision. And I'd like to -- again, I don't think it's part of the application is what I'm trying to say.

CHAIRMAN STRAIN: Well, I think it's a compatibility issue that is, so we have the ability to review it under that basis.

Rich, you have a settlement agreement that allows you to connect. If you look at this map, the distance between Santa Barbara and Tract E and Tract E and Rattlesnake is about the same, if not Santa Barbara may be longer. So it would be -- the same pipe would have to go in from one point to the other. I'm just wondering why it's so prohibitive then to go south to Rattlesnake Hammock. You've got the same distance practically. But I know you're probably going to say because of the units that are there. Well, you've got units in both neighborhoods. So how is this better for one neighborhood to have that disruption than another for those lines going in?

MR. YOVANOVICH: I'm going to have to allow Mr. Hagan -- or Mr. Barton to explain how the utilities will actually get extended, the water specifically, because they're going to have to address how they would be built and why we would not be going through the existing lines.

CHAIRMAN STRAIN: Well, I'd rather listen to our Utility Department if that's okay.

MR. YOVANOVICH: That's fine.

CHAIRMAN STRAIN: And, Eric, why -- I understand you want -- is this -- is this a given no matter what happens with this project?

MR. FEY: (Shakes head.)

CHAIRMAN STRAIN: Oh, it's not. Okay. Maybe you can correct the statements, then, that were just made.

MR. FEY: Yeah, the county has no intent of expending ratepayer fees to extend water between Santa Barbara and the project. This would be a developer-sponsored improvement.

CHAIRMAN STRAIN: Okay.

MR. FEY: And so to clarify my earlier response to your question about costs, I was referring to construction costs. I was not referring to impact fees. If a resident had -- you know, obviously, any of those existing homeowners or property owners would have the option of connecting services, and at that time impact fees would be due if they requested service. So that was not to say that we were okay with waiving impact fees.

CHAIRMAN STRAIN: No, I understand, but that --

MR. FEY: Service connection fees, for that matter.

CHAIRMAN STRAIN: If a property owner on a five-acre lot wanted to connect sewer or

water and they wanted to pay the impact fees and the costs to do so, they'd have the ability to do so because the line would be there.

MR. FEY: Right.

CHAIRMAN STRAIN: My concern was that I don't -- I didn't want to see them required to connect because the line was there, as that is the case in a lot of situations. And if there was, then I'd have to turn to the developer to see how they're going to make it even with the property owners there that would have to pay the cost. And if you're telling me --

MR. KLATZKOW: I'm just not following any of this. My understanding -- correct me if I'm wrong. The developer's putting in the lines? The county will not be putting in the lines. The developer will be putting in the lines; is that correct?

CHAIRMAN STRAIN: They'll be dedicated over -- they'll be passed over to the county by easement, won't they?

MR. KLATZKOW: Who is actually going to be putting in the lines; the county or developer?

MR. FEY: The developer.

MR. KLATZKOW: And the developer will be putting them to county standards, correct?

MR. FEY: Correct.

MR. KLATZKOW: And you will inspect that, and if they meet county standards at that point in time, you'll accept them, right?

MR. FEY: Correct.

MR. KLATZKOW: And if anybody along those pipes wants to hook in at that point in time, they can hook in, correct?

MR. FEY: Correct.

MR. KLATZKOW: And at that point in time they'll pay impact fees?

MR. FEY: That's right.

MR. KLATZKOW: And you want them to get it for free, then?

CHAIRMAN STRAIN: No. I simply don't want them to be forced to connect.

MR. KLATZKOW: Then I --

CHAIRMAN STRAIN: That's the difference.

MR. KLATZKOW: Is anybody ever forced to connect?

MR. FEY: To my knowledge, no.

MR. KLATZKOW: So I don't understand. Now, if there comes a point in time that the Board makes a decision that because of various environmental reasons, among others, that you're going to be forced to connect, okay, you'll be forced to connect. But at this point in time I just don't understand the conversation.

CHAIRMAN STRAIN: Okay. I was under the impression because of the East of 951 study when all these residents in the Estates were going to be taxed or charged about \$100,000 per frontage because the line's running in front of their properties, and it would be mandatory and could be added to our tax bill --

(Simultaneous crosstalk.)

MR. KLATZKOW: If the county decides to put in lines and requires people to hook in, okay, because I don't know, the septic are starting to have certain pollution issues, all right, at that point in time, yes, people are going to be required to put in. I mean, it's happened all over the country. Every now and then you've got to get rid of the septic tanks, and every now and then the wells go bad and the county has to put in lines, and people have to pay for those. It's required. And we're not going to be putting in zoning documents that the developer's going to be paying for that. That's not right, and that's not what we're here for.

CHAIRMAN STRAIN: Jeff, I just want to make sure the people in that residential neighborhood are not going to be charged for any rates to be tied -- to connect to these until they

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want to do so. That's all I was getting at.

MR. KLATZKOW: No, no, no, no. They may be required to do so at one point in time if that's the Board of County Commissioner decision.

CHAIRMAN STRAIN: Okay. Well, this could go round and round for hours. And with that, we'll --

MR. KLATZKOW: You're trying to put into zone documents something that's a policy decision of the Board.

CHAIRMAN STRAIN: We'll take a break till 10:45.

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

CHAIRMAN STRAIN: Okay. If everybody will please take their seats, we'd like to assume the meeting.

Okay. Ladies and gentlemen, we left off with some discussions with staff, and it was basically discussions I was having. I did talk to Eric during the break.

There is a significant difference between the costs that would be or would not be charged based on who installs the lines. In this case the developer's installing the lines, so the county's development costs wouldn't be there, and the requirement to tie in is not there. It's different if the county does it. So that clarification has now been made, and I understand it.

And with that we will move on to the -- I think I was done with any staff questions I had. Does anybody else have any others?

(No response.)

CHAIRMAN STRAIN: Okay. With that we'll move to our public speakers, and we'll start with the registered public speakers. But if anybody's here who wishes to speak, whether registered or not, we'll get to you before we end.

Go ahead, Ray or Tim, whoever's going to call the speakers.

MR. FINN: First speaker, Jean Kungle.

UNIDENTIFIED SPEAKER: I think they had to leave.

CHAIRMAN STRAIN: Okay.

MR. FINN: Let's see. Next speaker, Anne Daley.

MS. DALEY: Good morning.

CHAIRMAN STRAIN: Good morning.

MS. DALEY: My name is Anne Daley. I'm here representing Wing South Airpark. I am the president.

First I would like to clarify some of the questions that arose earlier in the conversation. The first one is about private airparks. There are approximately 72 private airparks in Florida, and these are permissible.

The question regarding the ability of cars and planes to traverse the roads that are in question is documented in our second amended declaration of condominium which was recorded with the county in 2007, which I can -- so I put a little arrow here. There's a little arrow in the paragraph where it states that both cars and airplanes will be traversing the roads within Wing South Airpark.

COMMISSIONER FRYER: Before we leave that, may I ask -- would you mind being interrupted for a question?

MS. DALEY: Not at all.

COMMISSIONER FRYER: Mr. Chairman, is that all right?

CHAIRMAN STRAIN: No. Go right ahead.

COMMISSIONER FRYER: First of all, we're not in the business of enforcing private covenants, and the second point is that they are -- they are junior to whatever the ordinances and state laws are. And if there is an ordinance or a state law that is offended by cars and airplanes being on the same road, that would overrule what your covenant says.

MS. DALEY: I would go back to my first comment that there are 72 private airparks in Florida, all of which have taxiways. I can't say all of which. Many of which I have been personally at, and they have airplanes and cars using the taxiways and the roadways.

COMMISSIONER FRYER: Are you talking exclusively about on Tract C, or are you talking about the RSF4 area that we've been discussing?

MS. DALEY: Both. Wing South -- Wing South is a privately owned property by 59 people. Wing South, the owners -- Wing South owns Tract C and it owns the RSF section that has been under discussion.

The roadway coming off Rattlesnake Hammock is a private roadway that Wing South maintains at the cost of the people who live within Wing South and those that also use the roads along Skyway Drive, which includes Tract B and the Tract A component.

That road is 20 feet wide and would have to be significantly changed, and there would be a lot of costs that would be charged to the developer -- or the residents of Tract E. Should they live there, they would have to participate in the maintenance of these roads.

CHAIRMAN STRAIN: Karl.

COMMISSIONER FRY: Thank you for being here, because I really was interested in your perspective on this.

So as we understand, there's a settlement agreement that would theoretically allow Tract E people to utilize that road. You said it would require some improvement. What is your -- I guess the issue I see is that it looks like it was intended that Tract E would utilize that road. You have a settlement agreement. There was no other way in or out for Tract E up until now, up until this request.

So how -- is your neighborhood prepared for the traffic? I mean, I think when you lived in Wing South, you knew Tract E -- theoretically, should know Tract E is there and that their access is through your development. So just tell me where you stand on the realities of this.

MS. DALEY: Sure. First of all, it was built in -- approximately 50 years ago. I was not here; neither was Santa Barbara. So it's been discussed multiple times that at that time, that was the only available access. The world has changed. There's a lot of public roads now, including Santa Barbara, Whitaker, Polly, and Adkins. So those make a much more appropriate choice for access to Tract E than does Skyway Drive.

COMMISSIONER FRY: Would you be prepared for there to be access both ways?

MS. DALEY: At this time, I -- there would have to be significant development change cost to allow for this access.

The owners of tract -- of, excuse me, Wing South, of Tract B, would object to this strenuously. We would get petitions -- as voters, we would get petitions from all of the voters in the ShadowWood Villas and all of the voters in the apartments for submission to the County Commissioners, because we would object to public access to our private community.

COMMISSIONER FRY: Thank you.

CHAIRMAN STRAIN: Go ahead. Ned, then we'll go back to Stan.

COMMISSIONER FRYER: Yeah. Ms. Daley, if you know, by what authority was the gate erected? Because the master plan that currently governs that area contemplates that the exclusive access for Tract E would be from Rattlesnake.

MS. DALEY: I do not have documentation on who allowed for the gate. I was not here at that time. But this is private property, so I would imagine the fact that it is private property allows for us to erect structures on our property.

COMMISSIONER FRYER: Would the residents of Tract E be permitted access through the gate?

MS. DALEY: We would prefer not.

COMMISSIONER FRYER: Thank you.

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CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Yeah. The first document you put up you said was recorded in 2007.

MS. DALEY: That's correct.

COMMISSIONER CHRZANOWSKI: Why did you wait so long? That's almost 30 years.

MS. DALEY: That's the second amended and restated version of our condominium declaration.

COMMISSIONER CHRZANOWSKI: Why didn't you show the first one?

MS. DALEY: I did not bring that one. I brought the most current document. That could be found in the public record.

CHAIRMAN STRAIN: Okay. Ma'am, thank you. You got in more to the issue that I didn't want to really get into because I really don't care if you guys drive airplanes on your road. It was an issue that was basically generated because it was used as a basis for another argument. Some of the things you said doesn't fit our zoning, to be blunt. I don't know how you got there, but that's not why we're here today, and I'll skip all those issues. And thank you for your time. And we'll go to the next speaker.

MS. DALEY: I'm not finished.

CHAIRMAN STRAIN: Oh, you're not, okay. Go ahead.

MS. DALEY: Okay. So that was part one, because there were questions on the table that had -- that required answers, so I hope I answered some of those questions.

The next two -- the next part of the conversation is the request on the table for access via Adkins, Whitaker, and Polly. So as we know, this is an airport facility, and it was recently upgraded through the LASIP project to have drainage all around the property. So the access via Adkins would be a very disruptive situation in terms of security, safety, and privacy for the homes on the north end of our property, if I can point.

CHAIRMAN STRAIN: Tim, could you slide that down a little bit so we can see the whole top piece. There you go. That will work.

And, ma'am, if you're going to speak, you'll have to have that hand-held mic to help you. We've got to be able to hear.

MS. DALEY: Oh, terrific. Thank you. Okay. This is the first time -- my first time in this facility, so I appreciate.

So this access point here, Adkins, is at the northwest corner of Wing South. It was recently upgraded through the LASIP project with maintenance roads, county maintenance roads, and the drainage ditch.

If that road were to go directly east, it would traverse the maintenance road and get into the ditch and be within approximately 30 feet of the houses along that area, which would be a safety, security, and privacy issue for those homeowners. So we object to that access.

We object also -- depending upon how the Polly access is determined, we would object to that because it would ultimately reach the end of the runway, which would then be a safety and security issue for our pilots and airplanes.

So those are our objections to the petition on the table. We have no objection to the center, Whitaker, as that would have the least impact on the safety, security, and privacy of our homeowners.

CHAIRMAN STRAIN: Okay. Thank you, Miss.

MS. DALEY: Thank you for your time.

CHAIRMAN STRAIN: Next public speaker, Ray or Tim.

MR. FINN: Next speaker is Bernadine Harris.

MS. HARRIS: Good morning, Commissioners. Bernadine Harris. I live on Adkins

Avenue in Sunset Estates.

And I had some questions on -- this Wing South and this ShadowWood Villas that are already there, are they going to have access out of their community down Adkins Avenue as well to Santa Barbara? And how are you going to prevent them from doing that?

One of my other questions was about Polly. You have that listed as one of the main accesses. That road's not paved, so I'm wondering if that was going to get paved. I had asked some of these questions at the NIM meetings, and they weren't able to answer it.

And one of my other questions was about the utilities. I wanted to know if it was mandatory if they bring that water and sewer down Adkins Avenue, is it mandatory that homeowners hook into it, and I'm understanding it's not.

CHAIRMAN STRAIN: That's what we've been told yes, that because the developer is paying for it, the Utility Department wouldn't have a mandatory charge for the improvements along the frontages of your units.

MS. HARRIS: So if we did have to, we would just have to pay an impact fee?

CHAIRMAN STRAIN: And then the connection from your -- from your residence out to the pipe.

MS. HARRIS: We'd be responsible for that.

CHAIRMAN STRAIN: Right. And if you're like my -- other places, if you -- that live in the Estates, you've got a long distance, so you'd have to probably put a little lift station in and pump it out. That's how it would go.

MS. HARRIS: Do you know what kind of costs that we would be looking at?

CHAIRMAN STRAIN: I think those -- no, I don't, but I've heard different numbers, but I don't want to -- I can't be sure, so no.

MS. HARRIS: We don't know exactly how many homes are going to be built back on this property, so we don't know how that's going to impact our roads. And the traffic controller guy, I don't know what time of the day he's leaving Adkins and Whitaker. There's no lights there. There's three lanes of traffic on Santa Barbara. For us to pull out of Adkins and Whitaker and cross three lanes to go south, sometimes it's difficult, and we have to go up a couple ways for -- the cars will get us left out [sic].

And I don't mind single-family homes building in this development. I think it's a beautiful lot. But I think we should all have to share some access, and it shouldn't all be dumped onto Adkins Avenue. Thank you.

CHAIRMAN STRAIN: Thank you, ma'am. Next speaker, Tim.

MR. FINN: Next speaker is Suzanne Orschell.

MS. ORSCHELL: Good morning. For the record, my name is Suzanne Orschell, 6266 Adkins Avenue.

I'm here this morning to share my thoughts regarding what was originally advertised as an insubstantial change to the ShadowWood PUD, but evidently it's been changed to an amendment.

But first some background. Sunset Estates, where I live, is a well-established moderate-income residential neighborhood. I believe it was laid out by Realtor Dewey Polly back in the mid '70s, and he also created Wing South. So my point is, Sunset Estates has been around just as long as Wing South has been around.

We are zoned agriculture. Our lots are five acre, two-and-a-half, one-and-a-quarter. We have about 360 homesites. And my husband and I bought our property back in 1976. So we know the history and where the bodies are buried.

It's my understanding that the owners of ShadowWood are requesting to use Adkins Avenue, Whitaker Road, and Polly Avenue as their ingress/egress. And, of course, I object.

My road, Adkins Avenue, was the first to be paved, and that was quite an accomplishment. It occurred in the mid 1990s. The property owners gathered the funding -- my husband was one of

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them -- submitted it to George Archibald, if you can imagine, who was then head of the Collier County DOT. Only one other has been recently paved, and that's Whitaker Road. All the other roads in the neighborhood, Sunset Boulevard, Polly, Sandy Lane, basically remain lime rock roads.

We have no improvements. We have no street lighting. No sidewalks. Adkins can barely accommodate two vehicles side by side and has deep drainage ditches on both sides as well as cap rock which make improvement difficult.

The private/public roads in this area serve residences and agricultural endeavors. They were never intended to be feeder roads for a neighboring development. And I do want to note that Adkins is not a direct line to Santa Barbara. It dead ends into Sunset, and then you turn left and right to then move forward to Santa Barbara.

Connecting ShadowWood to Sunset Estates can't be compared to the integration of neighborhoods such as Kings Lake, Queens Park, and Lakewood. ShadowWood will likely be high density compared to us. Our neighborhood would solely be a conduit with no interaction between neighborhoods the way as the others that I just mentioned. We're unique due to our size of the lots. We're kind of like a Pine Ridge. There's -- you know, there's nothing really comparable to it in our neck of the woods.

A lot of you probably don't even know we exist. Many people drive out and say, gosh, I never knew you guys were even here because we've been buffered; we're not really visual from Santa Barbara.

The ShadowWood PUD is a part of the Wing South development that now -- that was originally intended to exit to Rattlesnake that has a traffic signal. And it appears that in 1996 there was a transfer of that PUD to SD Corporation. Although we live next to Wing South, we've never had access through it. We've always been very separate. My street, Adkins Avenue, dead ends into Wing South. My point is that Sunset Estates doesn't have any benefit from a connectivity standpoint. All that traffic will be going from east to west, not the other way. There's no reason to go the other way. And it sounds like it's going to be gated anyway.

So in my estimation, this does seem to be -- to result in a change that would, quoting the Section H of the LDC, bring about a relationship to an abutting land use that's incompatible with an adjacent land use.

And, again, according to the FLUM, 7.2, this petition does the opposite of connectivity by removing access to Rattlesnake. Yes, Santa Barbara is a six-lane divided highway, but for all of those -- of us who are on its east side, in order to go south, you first have to go north. And it sounds easy. You've got to go north, find a cut-through, and do a U-turn. But when the traffic is heavy, it's very difficult to move over three lanes to get to that cut-through.

So you're driving -- you know, you can drive a couple spots north in order to scootch around. And I said, then it becomes quite easy to define the intentions of a driver coming from a side street versus me sitting in the median, because they're looking at this white-haired old lady saying, I know I can beat her. You know, so there's always -- you've got to make that eye contact before you jump out there.

And as there's more development along Santa Barbara, and there's still a lot of vacant land, there's going to be more traffic.

I think we've addressed the part that scared the heck out of me about the utilities, because we've got a 660 frontage. We have two five-acre lots together. So, God willing, nothing will change as far as utility connectivity.

What's been a little stressful is that when the NIMs were conducted last May -- and Mr. Barton was the person doing that -- there were so many questions he couldn't answer, because there is no developer. So anything to do with traffic study, how to quantify anything really can't be done because there's no definitive plan yet.

So while I only wish the best for my neighbors in Wing South, and I appreciate their

sparing of Adkins as, again, we're a dead-end street with a lot of deer and critters, I strongly wish that Sunset Estates not be the solution for ShadowWood. We didn't profit from a transfer of property. We didn't participate in the creation of the PUD. We didn't make any changes to their road.

I would suggest that ShadowWood with egress/ingress to Rattlesnake and possibly add the four acres at the end of the Wing South runway; use that as an egress through Serenity Park to Collier Boulevard. I couldn't find any documentation on the FAA website that restricts the distance from a runway to a roadway. I mean, we've got them all kind of -- you know, look at New York City, for heaven sakes; they're crazy.

Again, I'd propose that ShadowWood stick with the original PUD; otherwise, the PUD should remain as it is until there's an actual developer which could quantify its impact.

And just a little sidebar. Under -- the ShadowWood PUD had been considered for purchase by Conservation Collier. And the company that owns that also owned 30 acres to the south, which Conservation Collier, I believe, has entered into an agreement with to purchase. But the analysis of that -- and we're talking about environmental. There is a tremendous amount of wildlife existing that it was never written in that -- I mean, I always wanted to go back and talk to the folks and say, can't we quantify when really -- who really lives out there? Because I know we've got the panthers. We've got the bobcats. I've got a wild turkey. You know, there's a lot of -- there's a lot of wildlife out there. So I'm still hoping Conservation Collier may be the solution.

So thank you very much for your consideration.

CHAIRMAN STRAIN: Thank you. Next speaker, Tim?

(Applause.)

MR. FINN: Next speaker is Keith Orschell.

MS. ORSCHELL: He's good. He ceded his time to me.

MR. FINN: I don't have any more.

CHAIRMAN STRAIN: Okay. That's all the registered speakers. Is there anybody here who has not spoken that would like to speak on this matter? Sir, if you'll come up. And you'll need to find -- tell us if you were sworn in or not.

MR. BUCKLEY: Yes, I was sworn in.

CHAIRMAN STRAIN: Thank you.

MR. BUCKLEY: Rob Buckley, 6378 Adkins Avenue.

I'm actually the last house on the end of Adkins where I'd be pretty significantly impacted. So, naturally, I'm against them using Adkins.

I also -- the property -- Adkins doesn't touch that property anymore, but LASIP bought out the right-of-way and put a canal and a maintenance road there and then put up a fence in front of my place and an access gate at the end leaving just enough room for the garbage truck to turn around.

So I agree with the airport, to put that in between this fellow's home and my home, there's not even enough room there for the proper amount of right-of-way. And somehow LASIP would have to give the property back to them, or they'd have to build an overpass or something. I'm just not sure how they'd get there on that particular end.

So while I just as soon it not go to any of those three roads, I'm definitely against having it go out Adkins. I think it would create a lot of problems.

And that problem, like Sue Orschell said, I have bees around the neighborhood. I have a tractor I help people with. That road is used -- I use it all the time for my utility cart, the tractor going up and down the street, stuff to move my bees. You know, it's agricultural out there, and now you're saying you're going to run 94 cars up and down the street. I don't know how I'm going to get out my driveway.



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So I'm against it. Thank you for your time.

CHAIRMAN STRAIN: Are there any other speakers who will like to -- like a moment who have not already spoken?

(No response.)

CHAIRMAN STRAIN: Okay. With that, we'll move to the -- the rebuttal opportunity for the applicant.

MR. YOVANOVICH: I just want to, again, summarize that what we're proposing is consistent with your Comprehensive Plan, in fact, is encouraged by your Comprehensive Plan. We're asking to use public roads that we know we will have to upgrade and make improvements to get access to Tract E. We are in a situation where no matter what we do someone's going to be unhappy. If we force all of these units through roads that are shared by airplanes, you've heard that community is unhappy. We are equitably distributing the traffic through public roads and, frankly, have the right to use those public roads and are asking for that to occur.

You would have, I'm sure -- had those public roads been available to Santa Barbara in 1982, there would have been access points on this master plan showing that access to Santa Barbara.

We are asking that you follow your planning staff's recommendation, which is to approve the proposed changes to the ShadowWood PUD, and we're available to answer any questions you may have regarding the application.

CHAIRMAN STRAIN: Anybody?

COMMISSIONER FRY: Yeah.

CHAIRMAN STRAIN: Karl, did you have something?

COMMISSIONER FRY: Rich, I mean, to me this is kind of a rock and a hard place, right? We're talking about somebody's going to be unhappy. It's really a question of how many people are unhappy. Certainly, the scenario makes sense. You know, we're trying to come up with an equitable solution, a practical solution to build the homes that were -- you know, there are allowed to be built in that area with reasonable access in and out of the neighborhood.

So help me weigh what I think is a real conundrum here is that you have what was agreed, which was access to the south through Wing South -- and I absolutely understand, ma'am, what you're saying as the president of Wing South, that you don't welcome additional traffic, and there would be improvements to the road; however, that is what has been part of what was approved for many years.

So, you're saying, let's -- I mean, understandably, and I would feel the same -- let's transfer the burden of all that traffic to these other public roads so they can get out to Santa Barbara. I guess what I'm trying to balance is people's -- do people have a reasonable expectation, if they've done their research in what is allowed to happen around them, to expect that it will stay that way? I mean, I certainly understand if a PUD's been approved next door to you and it has access, you know, approved through your neighborhood, that you have to prepare for that. Wing -- you could argue that Wing South should be prepared for that access from the south when Tract E was built. I think that's a legitimate argument.

But it makes practical sense to allow multiple interconnections in getting over to Santa Barbara as well. So help me weigh how only that approach of going west to Santa Barbara makes sense and that Wing South, you know, should be spared even though the access really was approved through Wing South.

MR. YOVANOVICH: Let's take a step back, if you don't mind.

COMMISSIONER FRY: Not at all.

MR. YOVANOVICH: When the lawsuit started back in the '80s, the only access that existed in that area was Rattlesnake Hammock. So under the law in Florida, everybody has the right to access their property. So they would have -- I did not review the pleadings, but my guess

is there was probably some allegation that we have the right to come through your property anyway because our only way of that public access was to Rattlesnake Hammock Road.

So there was a settlement agreement that -- and, frankly, the settlement agreement also says that if you find another way out, you don't have to now contribute to the payment of the roads. There was an apportionment of costs that was brought up about if these roads are used by these 364 units, they pay their fair share of the road maintenance.

So you had a situation which was an uncomfortable situation in the first place back in the '80s about access. That was the only way out.

Fast forward a little bit to 1989 when the county adopts its Comprehensive Plan. This property is in the urban area. That's the yellow portion of the Future Land Use Map for everybody up here, and for those who have never seen it in the audience, I wish I had brought it. Base density in the urban area is four units per acre.

I think it would be reasonable to assume that people could put together some of the existing agricultural properties that front Adkins, Whitaker, Polly, whatever, put them together and come in to rezone that property at four units per acre.

So you can reasonably anticipate under today's Comprehensive Plan that there would be an increase in density and increase in the number of vehicles along Whitaker and Adkins and Polly. You can't assume under today's Comprehensive Plan that things are going to stay the same forever. In fact, the Comprehensive Plan says, fill in the urban area. So you would expect higher density in this area in the first place. That's exactly what happened. You have four units per acre on this piece of property, and you would expect under the Comprehensive Plan that access would find its way to Santa Barbara.

We've already committed to two of the three, not all three, access points. We also committed to emergency access between -- interconnection between the RSF4 property and the Tract E property. So if there was a reason that people needed to go back and forth because there was either an accident at Rattlesnake Hammock, obviously, the people in Wing South could then come through and go that way and vice versa if you needed to get emergency vehicles in. We've accommodated that. If we need to provide similar accommodations in emergencies, I'm sure we can work with the residents in the neighborhood area as well. I mean, that's what neighbors should do if there's a need for emergency vehicles for people to come through our community. I'm sure we can work all of that out.

So what I get back to is this is still a public road. It is not a private road. We will be bringing it up to county standards at our expense. Nobody else's expense.

I think it's unreasonable to expect that public roads will serve as private roads for limited access by only people who front them. I don't think that's a reasonable expectation. And what we've done is we've provided for the opportunity for not all of that traffic to go onto Adkins and not all of that traffic to go on Whitaker. Split it in a capacity that could be handled with improvements at our client's expense.

COMMISSIONER FRY: Could you or Mr. Barton speak to the -- I guess the statements of the Wing South president and the resident at the end of Adkins Avenue; that that access isn't workable as a third -- or second or third access point.

MR. YOVANOVICH: I'll let Bill, the engineer, explain how it actually is doable.

MR. BARTON: What we -- for the record, my name is Bill Barton, and I do represent the applicant in this matter. What we have at the end of -- at the west end of Adkins as it approaches Tract E is an existing stormwater management system. Certainly, there is expense to that section but, physically, it can be made. It would simply have to be a major box culvert, probably a right angle box culvert at that location. But, physically, I see no reason that there's not -- there is adequate property as I understand it. The 60-foot right-of-way does abut into the existing stormwater management system, also publicly owned. So the property is publicly owned all the

way to Tract E.

COMMISSIONER FRY: What about the objection to the road on the north side regarding the north end of the runway, the potential conflicts between planes and cars there?

MR. BARTON: That one I -- frankly, that confused me. I didn't understand that because our request is an access to Polly as it exists today, not an extension of Polly to the east. There's no intent to do that. So Polly would not be extended to the east to conflict with the end of the runway.

COMMISSIONER FRY: Thank you.

MR. YOVANOVICH: Yeah. I put up the master plan to show you that there would just be a small portion of Polly used for access to Whitaker.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay, Rich. Are you finished?

MR. YOVANOVICH: I believe so.

CHAIRMAN STRAIN: Okay. Thank you.

With that, we will close the public meeting. And we'll entertain a discussion and then a motion.

Go ahead, Ned.

COMMISSIONER FRYER: Chairman, I -- by your lead, I'm going to ask you a question; I'm going to work up to it.

In your capacity as someone with significant experience and expertise in planning and looking out for what might be in the best interests of Collier County and this particular area.

So leading up to that question, let me say this: First of all, the Rattlesnake Hammock problem is not one of the applicant's making. It seems like there was some -- "sloppiness" may be too strong a word, but some assumption made along the way with respect to what is permitted on these roads that are on RSF4 having to do with airplanes and what could be accomplished through an indenture and the like. But these are not things that are before us, although I hope at some point perhaps the residents of Tract E might raise the question and have it decided by the body that is more appropriate than we to determine whether that access should be available.

Now, having said that and getting to my question to you, Chairman, I had asked Mr. Yovanovich, and he replied -- actually, he took the initiative to suggest that they would be satisfied with two of the three western accesses, their choice after they see, you know, what kind of a development configuration they would have.

So my question to you is, is the community better served if we limit them to two out of three, or is the community better served if they have all three?

CHAIRMAN STRAIN: Well, right now the option seems to be to put the entire load on the east/west connections, and I think just to completely ignore and eliminate the southern connection and not make that part and parcel to the functioning of Tract E is a huge mistake. At the same time, by doing that, you wouldn't need three connections east/west. You'd probably need one; approximately [sic] Whitaker Road. And if you were to do that -- and then make a connection to the south that was functional.

Whether or not it's gated or not, that's something that needs to be researched. Whether or not it has airport -- or planes on the road that is not part of an aircraft park -- because the airport wouldn't be zoned RSF4. It would be zoned something else -- is a whole 'nother gamut to have to discuss.

But we're lacking so much detail. We don't even know how many units they're talking about. The amount of detail in this thing today and, for example, the roads, the improvement on the roads, are all going to factor in how much -- how they function for the neighborhood that's there, especially if it's Whitaker Road versus any of the others, and how it functions and connects

to the south to get to Rattlesnake Hammock, which was always part and parcel of this PUD. To now say it doesn't apply at all and that's all gone away, is far beyond what I think is reasonable, and it's not a compromise. And that's my thoughts on it. And if that helps you, Ned, with your --

COMMISSIONER FRYER: It does help. The part I'm having trouble getting -- and maybe it could be accomplished by means of a condition where people who are real parties in interest could pursue this before a person or group that has jurisdiction, but we don't really have jurisdiction to say take down the gate, do we?

CHAIRMAN STRAIN: I don't know, because I don't know how the gate was erected to begin with. But I do know the questions that we've asked, the information we got is so lacking in detail that it just -- is not ripe in my opinion. When we have a road system that isn't -- that has wanted to be used without express detailed improvements that are supposed to -- that the applicant would bear the brunt of to improve that road system to make it safe for the residents and then tie to the quantity and then still show the connection to the south, that should have been part and parcel -- that was part and parcel of this whole PUD and is still today. All that should come together in a package, and it's not here today, and that's the piece I'm trying to figure out: How do you put something together that's so scattered?

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Go ahead, Stan.

COMMISSIONER CHRZANOWSKI: To my way of thinking, the more access points you have, the more you spread out the burden onto any access point. And Chris Hagan's transportation analysis does say 364 units, and that's what Rich Yovanovich said, 364. So I'm -- you know, that's the number I'm going with. I don't know if that's --

CHAIRMAN STRAIN: Well, the county's records, CTS, which you guys don't see, has -- that keeps track of development available, and it has 238 left, I think, on that project. That could be wrong. Maybe there's something missing, but that's what --

COMMISSIONER CHRZANOWSKI: So then they've overestimated. We're in better shape than they think we are.

CHAIRMAN STRAIN: Honestly, I don't disagree with you, but it still doesn't negate the fact that we don't have -- I don't have enough understanding as to why it's all got to be on the burden of the neighborhood to the west and that the original neighborhood that was supposed to acknowledge it and take part of it is now saying we don't want anything of any of it. That doesn't make any sense.

MR. EASTMAN: But that's what Stan's saying. Stan's saying the more accesses you have, including the south, the more the burden is spread.

COMMISSIONER CHRZANOWSKI: Well, I wasn't saying including the south, but I don't have a problem with going to the south. But I think we're asking for trouble. If we have a plane/car collision on the ground -- and I wouldn't want to be the insurance company or writing up the accident report for the sheriff's department.

CHAIRMAN STRAIN: Well, now we're -- now we're saying, whatever operation's going on the south is something to avoid even though that operation may not be consistent with our zoning requirements. I mean, I don't know how you use that as a reasoning, but...

COMMISSIONER CHRZANOWSKI: Forty years it's been working.

CHAIRMAN STRAIN: And, again, I wish -- I hope it continues to work.

COMMISSIONER CHRZANOWSKI: If this was a separate parcel and they all wanted to go to the west, what would we do? We'd let them.

CHAIRMAN STRAIN: Right. But they would come under the rules of today and analyzing that PUD and its impact, its development standards. It's all the treatments. They don't want that. They want to keep -- they want to grandfather in the old PUD but use the benefits of the modern access points. There's a big difference there.

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COMMISSIONER CHRZANOWSKI: Yeah, I know.

CHAIRMAN STRAIN: Well, that's where I'm going.

COMMISSIONER CHRZANOWSKI: I'm glad the final decision won't be mine.

CHAIRMAN STRAIN: Well, we can all -- anyway. Anybody else?

COMMISSIONER HOMIAK: I have to agree the more access points you have, the less traffic is going to be impacted. It's going to be spread around. But going through the Wing South -- the west side, that road there, right at the very end to where it abuts the Tract E has houses on either side with airplanes. You're going to put traffic in front of their house for -- on a private road? It's private right now.

CHAIRMAN STRAIN: It's got a settlement agreement, Karen. That's the only thing I can tell you. It's there, and the residents there or the owner at the time agreed to it. It should have been available to the people who bought there. It's a recorded document. That's how I found it. So I don't have -- I don't know what to say to that.

Anybody else?

(No response.)

CHAIRMAN STRAIN: We did talk about things. I don't know which way the motion's going to go. I'll just tell you, you know, they were going to -- we talked about the traffic-calming costs, that basically they should be all part of the developer's costs. The changes in 5.6, which is leaving the pool and tennis court numbers the same, was something we had talked about, and the amenity center being a minimum of 100 feet from any perimeter boundary of the PUD was something that we've done in other PUDs that we discussed might be worthwhile.

That's the only things I've made notes on. And, again, I'm just saying that so that everybody is aware of it in case the motion is to recommend approval, so -- and I'll turn to you-all for a motion. Anybody have any --

COMMISSIONER FRYER: One more question, if I may, Chairman, to the County Attorney.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER FRYER: I, obviously, have not seen the settlement agreement. I'm not sure whether you have. In your view, would we be in a better position to make the appropriate judgment on this if we continued this and then saw the settlement agreement and knew some of that background or not?

MR. KLATZKOW: It's a private settlement agreement, it's my understanding. County's not a party.

COMMISSIONER FRYER: County's not a party.

MR. KLATZKOW: That's my understanding, in which case I really don't care about it.

CHAIRMAN STRAIN: And you're right, it is private, yeah.

COMMISSIONER FRYER: Okay. Thank you.

CHAIRMAN STRAIN: Does anyone want to make a motion one way or the other?

COMMISSIONER CHRZANOWSKI: Yeah, I'll make a motion. I move to approve with three access points to the west, and I don't know how to word discouraging connection to the road to the south that has airplane traffic on it, and the other items that you mentioned in your comments.

CHAIRMAN STRAIN: Okay. Is there a second to the motion?

COMMISSIONER HOMIAK: I'll second it.

CHAIRMAN STRAIN: Discussion?

(No response.)

CHAIRMAN STRAIN: There's not enough detail here for me to go along with the motion, and I think a solution is not -- shouldn't be on the backs of all the residences to the west. I think that's wrong. The amount of access points, we don't normally get that many access points in

a PUD. I'm not sure how it's warranted here, just to put that burden on the traffic to the west. So I won't support it.

There was a plan that used the full access to the south done in 2017, and the idea that RSF4 has got airplanes on it -- it's not an airpark by our zoning -- I don't know how that got there. I'm not against it, but at the same time it shouldn't be something that -- it shouldn't be the basis for saying we can't have any traffic to a valid connection to the south.

So that's my position on it. There's just not enough there to warrant my recommendation. Anybody else?

COMMISSIONER FRY: I'd love to hear from other commissioners as well. I mean, I'm struggling from a fairness perspective with all the burden, as commissioner -- or Chairman Strain says -- going to the west on those -- to those residents when the agreement was that it at least -- in my opinion, it looks reasonable that at least some of it would go to the south as well.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: I support the motion. My only concern was the issue that was brought up.

And, Tim, can you scan out on that a bit. My only concern was on Tract E, the most northern piece of Tract E, if there is some kind of development that goes towards the runway, that certainly would have to be eliminated, because there's an approach -- an approach zone that definitely would have to be somehow accommodated. It's not on this -- this PUD, but certainly it would have to be on the plat or plan as to -- so that any type of approach zone doesn't encroach -- or that -- any type of development doesn't approach into the approach zone.

But with that, I'm prepared to support the petition. I agree from a standpoint of the three access, but I leave it up to the developer to coordinate those access points and, of course, the improvements that go along with it. But they're responsible for any of the road -- the road improvements that connect to Santa Barbara.

CHAIRMAN STRAIN: What road improvements are they going to do that are stipulated?

COMMISSIONER SCHMITT: Well, there --

CHAIRMAN STRAIN: I mean, are we going to have sidewalks? Are they going to have streetlights? Are they going to have -- I mean, all that stuff is left hanging. There's been no voluntarily -- there's been no issues volunteered to provide improvements.

COMMISSIONER SCHMITT: That's outside the -- but outside the PUD. I don't know if we can stipulate that.

CHAIRMAN STRAIN: Oh, yeah.

COMMISSIONER SCHMITT: Then the county would have to -- would be some kind of developer cooperation agreement with the county requiring it for a road. They said the -- one the road -- which one is it?

COMMISSIONER FRY: Whitaker.

COMMISSIONER SCHMITT: One of them's still a dirt road.

COMMISSIONER FRY: Polly.

MR. KLATZKOW: Could we get Transportation up here for a second.

COMMISSIONER SCHMITT: Yeah.

MR. KLATZKOW: Based on transportation reports, are we going to have to improve these roads with the access point being granted?

MR. SAWYER: At this point, the information that we have indicates that the roads will be within capacity.

CHAIRMAN STRAIN: That's what I was getting at.

MR. KLATZKOW: So the answer is that there will be no requirement that the roads be improved.

CHAIRMAN STRAIN: Nothing going to be changed. Nothing going to be improved.

(Simultaneous crosstalk.)

CHAIRMAN STRAIN: How does that help the neighborhood?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you, Mike.

COMMISSIONER SCHMITT: Mike, before you go, I mean, in the past, we've had several developments come in, but we've had -- and as Mark alluded to here, far more detail in what the development plan would be. And we've required improvements to county roads outside of the PUD because of the impact they were going to have on traffic. I can think of one, Treviso Bay, which is the back of the -- it's a gated community, and it's a limited access, but we forced that developer to improve that road, the easternmost road. I can't -- I can't remember the name. It comes off of 41.

MR. SAWYER: Correct.

COMMISSIONER SCHMITT: But that was all tied to the impact that that development was going to have on that road.

MR. SAWYER: Yeah, I wasn't part of that, but I would assume, yes, that was what it was based on, yes.

COMMISSIONER SCHMITT: Okay. But as of right now, yeah, there's no -- you're stating there's no impact --

MR. SAWYER: What I can tell you is that the county did, in fact, go through and put down asphalt on a number of these roads --

COMMISSIONER SCHMITT: Yeah.

MR. SAWYER: -- just last year. The assumption is, because of that, then they are -- they've been brought up to a current standard previously. They -- they were gravel roads.

These would be looked at as local roadways, at which point we would normally look at -- and rural, at that. We would look at their capacity being approximately 2,000 vehicles per day or 200 peak vehicles --

COMMISSIONER SCHMITT: Okay.

MR. SAWYER: -- p.m.; p.m. peak.

CHAIRMAN STRAIN: Thank you, Mike.

MR. SAWYER: Sure.

COMMISSIONER DEARBORN: Mr. Chairman?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER DEARBORN: It looks like the -- I think the record's going to show that I thought at one time Mr. Yovanovich motioned to his client and said for the record that they were willing to put in sidewalks with approval. Did I misunderstand that?

CHAIRMAN STRAIN: I don't know --

COMMISSIONER DEARBORN: Improvements.

MR. YOVANOVICH: What I said is we were prepared to bring the roads up to county standards, whatever that is.

CHAIRMAN STRAIN: And they're already at county standards.

MR. YOVANOVICH: So we're prepared to do that.

MR. KLATZKOW: They're prepared to do nothing because nothing's required.

MR. YOVANOVICH: Well, when I made that statement, I didn't know nothing was required, quite honestly. I mean, we --

COMMISSIONER DEARBORN: I could have sworn I heard him say sidewalks.

MR. YOVANOVICH: Frankly, I thought we were going to be required to put a sidewalk in to bring it up to county standards, so we were prepared to do that.

CHAIRMAN STRAIN: Karl, Ned -- Karl, then Ned, then Karen.

COMMISSIONER FRYER: Do you want me to go?

COMMISSIONER FRY: Yeah.

COMMISSIONER FRYER: Okay. I share the Chairman's concern that we don't have all the facts that perhaps we need before us, and I don't believe -- having said that, though, I don't believe that it is a problem of the applicant's making. And considering that the settlement agreement that we've referred to is completely private, there would be -- there would be nothing in it that would guide me in a direction about, you know, how airplanes can be allowed on RSF4 streets and how gates can be put up in contravention of the current master plan.

But having said that, then it gets to a point of, for me at least, whether there should be two western or three western accesses, and I haven't heard any members of the public arguing that two would be better than three. I heard one person say one would be better than three if it were the one chosen by that member of the public.

So I'm not thoroughly comfortable with what I have in front of me, but based upon what I do have in front of me, I'm going to vote in support of this at three.

CHAIRMAN STRAIN: Karen.

COMMISSIONER HOMIAK: The motion's not changed -- Patrick was talking about sidewalks, but if there's no right-of-way, you've got to take people's property. I don't know if these people would want to sell their property for a sidewalk.

CHAIRMAN STRAIN: Those are all --

COMMISSIONER HOMIAK: I didn't hear anybody want one.

CHAIRMAN STRAIN: That kind of detail is something that we don't have in front of us today.

Go ahead.

COMMISSIONER FRY: Mr. Yovanovich said that they were willing to only do two of the three, and I wanted to clarify, does the motion require them to put in all three new access points?

CHAIRMAN STRAIN: I think the access points are optional. I'm not sure if they're required. They're just saying these are the access points they want. If they come down with a traffic plan in the future that shows they want to do less than that and it goes through an SDP process, they may end up getting their SDP approved, because it's one of -- a number of the access points that are here. I think you can ask for more, but you can ask for that -- you can build less, but you can't build more.

COMMISSIONER FRY: So as a kind of a case study, in my neighborhood where I came from, we had a PUD that we knew had a right to build, and so we negotiated that they would pay fully for traffic calming on our street, and the reality was similar to this in that the traffic study said our road had plenty of capacity, but we negotiated some benefit for our neighborhood. And I think that what I feel is missing here is that there is potentially no benefit at all to the residents that -- to the west that are going to suffer the burden of the traffic still within limitation. So I feel like that component is missing from this in terms of something being set in stone that would benefit those residents that are going to endure this additional traffic.

MR. YOVANOVICH: That's not what I said.

CHAIRMAN STRAIN: Richard, I think you said that they were willing to build it up to county standards; is that correct?

MR. YOVANOVICH: You forgot we also agreed that if the county standard requires -- I know speed bumps is the wrong word -- speed tables, we would pay for that. That's what we said we would do.

CHAIRMAN STRAIN: Then forget it. That's one of the language changes that were supposed to be made.

MR. YOVANOVICH: Right. It was in there. So I just want to make sure that that -- I just want to make sure that's in the record, too. We did agree to that commitment to those things at



our expense.

COMMISSIONER FRY: But didn't we just hear the county -- didn't we just hear Mr. Sawyer say that there really is no requirement for any improvements, even the road that is dirt that's not paved?

MR. YOVANOVICH: We would absolutely have to pave the dirt road. I think he was talking about the existing paved road.

COMMISSIONER FRY: Okay. I would like to clarify that.

COMMISSIONER HOMIAK: The traffic calming, that's a program for all the whole neighborhood. All the people involved have to get involved in --

COMMISSIONER FRY: Well, that's why --

COMMISSIONER HOMIAK: Not just -- it's -- these people need to be involved that are along the street, not just -- there might be something else other than speed tables.

COMMISSIONER FRY: In my opinion --

COMMISSIONER HOMIAK: The process of --  
(Simultaneous crosstalk.)

COMMISSIONER FRY: -- that negotiation that my neighborhood had with the developer is missing from this equation. And if we are going to approve access through those streets, I feel that conversation ought to be had, and there ought to be something negotiated where they do receive some benefit and some input in what might be a reasonable improvement to those streets in terms of traffic calming or sidewalks or whatever that's to their liking.

Now, I don't know if that's within the purview of our -- what we're talking about today, what we're ability -- what we have the ability to decide, but I feel like that part of the equation is missing.

MR. SAWYER: Possibly just for clarification, if I might. I was previously talking about the capacity of the roadways as they exist.

The Neighborhood Transportation Management Program, NTMP, that's separate. That is -- it looks at the capacity of the roadways, but it also looks at speeds. And what we look at is making sure that 85 percent of the traffic that is on those roadways when we're doing our studies is at or below or what we would normally consider either the posted speed or what we would consider normal for a local roadway, which is 30 miles an hour.

So when we're looking at capacity for -- with a zoning petition such as this, it doesn't meet the AUIR. You know, is it consistent with the Growth Management Plan? The NTMP takes into consideration capacity of the roads still, certainly, but also, more importantly and most of the time, the actual speeds that are found on those roadways.

So potentially in this area, if the speeds get excessive for the neighborhood, then the NTMP would kick in, and there are a number of techniques that we look at. Speed tables are certainly one of them. We've seen some success with simply getting roadways striped if they don't have striping. You know, certainly sidewalks. There's a number of techniques that we look at within that program.

COMMISSIONER FRY: So, Mike, we have an applicant who's willing to pay for some improvements if they're required, but we are told, really, there are no improvements required other than paving the road that is not paved.

MR. KLATZKOW: The issue is whether or not they're needed.

MR. McLEAN: For the record, Matt McLean, director of Development Review. That's absolutely correct what Jeff's indicating. When the development's coming forward at PPL or SDP --

MR. KLATZKOW: The issue is whether or not it's needed, not whether or not it's required. And staff will make that determination based on studies whether or not it's needed.

MR. McLEAN: Yeah. And when they come in to connect to those roadways, they're

going to have to do off-site improvements to get these roads to meet current code.

So they'll be fixing roadways that potentially are already paved that maybe they're not the full width that they need to be. They're going to be adding sidewalks. They're going to be doing all of that, and all of that's going to come through at the site development or platting stage.

COMMISSIONER FRY: Okay. So that will be approached down the road. And, I mean, I must agree that, practically speaking, that makes a lot more sense to go out the public roads to Santa Barbara than to go through a small road that's private with airplanes sharing the road with cars, so...

CHAIRMAN STRAIN: Okay. Anybody else? Tom?

MR. EASTMAN: Mike, I had a question for you. From the county's perspective for level of service on Rattlesnake and Santa Barbara, this traffic has to go somewhere, right? I mean, they're going to get an access. That's their legal right. It has to go somewhere. And the question is, where's the burden going to be?

But looking at it from the level of service for the county roads on Rattlesnake and Santa Barbara, was the level of service the best if it goes both to the south and to the west?

MR. SAWYER: I actually checked both the -- both level of service for both roadways, both for 2018 and 2019. They're both remaining at Level B.

Certainly, there is an argument that if you distribute the traffic both -- on both Rattlesnake as well as Santa Barbara, that's a good thing. Keep in kind mind this applicant is not asking for additional units, additional traffic. The traffic that we looked at in the TIS was simply the existing number of trips that they would have originally had anyway.

What we were looking at with this TIS, principally, was just the distribution and how it was affecting the adjacent neighborhood, because it wasn't anticipated that the traffic would go west to Santa Barbara originally.

MR. EASTMAN: The units will be the units. Whatever is developed there eventually, the units will be units. It will be what it will be. The question is the burden that that traffic will create. And you had said that it's best from a level-of-service standpoint if it's distributed to both roads.

MR. SAWYER: I would agree with that, yes.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: There's been a motion made. It's for a recommendation of approval with stipulations. It's been seconded. We've had discussion. I'll call for the vote. If you're in favor, signify by saying "aye," and raise your hand.

COMMISSIONER FRY: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Five in favor.

Same sign for those opposed?

Aye.

COMMISSIONER FRY: (Raises hand.)

CHAIRMAN STRAIN: Carries 5-2.

Thank you all for coming, and we will move on to the next discussion.

Before we do, I want to ask the Planning Commission as far as timing today goes, we usually break at 4:00. I think we'll have our full amount of questionable product by 4:00. That should be enough to tire everybody. Is that okay with you guys to leave at 4:00?

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COMMISSIONER FRYER: Yes, sir.

CHAIRMAN STRAIN: Anything we don't finish by 4:00 will be continued to our next meeting.

So with that, our next item on the agenda, we'll start it. We'll see if we can finish it before lunch, or we might work this one until we get done with it and then go right into lunch.

\*\*\*It's PL20180003276. It's for the off-site parking for a fast-food restaurant located on the southeast corner of Immokalee Drive and State Road 29 in Immokalee.

All those wishing to testify on behalf of this item, please rise to be sworn by the court reporter.

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

CHAIRMAN STRAIN: We'll start with Tom for disclosures.

MR. EASTMAN: None.

COMMISSIONER CHRZANOWSKI: None.

COMMISSIONER FRYER: None.

CHAIRMAN STRAIN: None.

Karl?

COMMISSIONER FRY: None.

CHAIRMAN STRAIN: None. Karen? Joe? Patrick?

COMMISSIONER SCHMITT: (No response.)

COMMISSIONER DEARBORN: None.

CHAIRMAN STRAIN: Okay. With that, Clay, I -- you can approach us any way you want. I'm not sure how many questions there are going to be. This is a -- so let's go for it.

MR. BROOKER: Well, I promise this one will be shorter than ShadowWood, and there are no airplanes driving through McDonald's.

CHAIRMAN STRAIN: Well, if there were, you could have anything you want.

COMMISSIONER SCHMITT: Can they drive through the drive-up window?

MR. BROOKER: Yeah, absolutely. But it's got to be golf cart size.

COMMISSIONER HOMIAK: Golf cart.

COMMISSIONER SCHMITT: Golf cart.

MR. BROOKER: Good morning. My name's Clay Brooker. I'm an attorney with the Cheffy Passidomo law firm located in Naples. I'm the agent of the applicant of the petition before you today, a parking exemption request for the McDonald's in Immokalee located at the southeast corner of State Road 29 and Immokalee Drive.

Also with me is an engineer for the project, Jeffrey Satfield, with the CPH Engineering firm.

This project is the rebuild and expansion of the McDonald's at this location. On the visualizer or on the screens are an overhead aerial view. This is existing conditions overlaid with some lines -- boundary lines that I'll explain in a moment.

But this is, in general, what the property looks like today. The expansion -- the proposed expansion will result in a larger footprint of the building itself as well as two drive-through lanes will be provided rather than the current one.

To our knowledge, this project is not controversial. Everyone we've heard from is in favor of it. County staff recommends approval. And after appearing before the Immokalee CRA advisory board last week, that board voted unanimously in support of it.

The expansion of the restaurant requires more land for water management and parking purposes only, and that additional land is located in this area here.

So the eastern boundary of the existing restaurant site will extend further eastward down Immokalee Drive. From a land-use regulation perspective, the issue with this proposal -- with this proposed expansion is that part of the additional land is zoned residential. And here I have a line

demarcating the change in zoning from commercial on the east -- I'm sorry -- on the west, and the residential zoning on the east.

When we first approached the county, we assumed that we would be rezoning the commercial lands; however, county staff advised us that that would not be necessary for the following reasons.

Here is the conceptual site plan for the proposed McDonald's. Again, you see the line of demarcation between the two zoning -- the two zones there. As you can see, the only proposed improvements on the residentially -- residentially zoned land to the east is parking and a stormwater dry detention pond. There's no vertical construction, and no vertical structure will be proposed or will be constructed on the area -- in this area.

Under these circumstances, county staff advised us that rather than a rezone, the only approval necessary was a parking exemption, and that exemption is from the general requirement that all parking be located on the site of the project that the parking serves. County staff felt that due to the change in zoning, a parking exemption would be required.

The county's Land Development Code contemplates such an exemption, but approval must be obtained through a public hearing process and ultimate decision by either the Hearing Examiner or the Board of County Commissioners.

So we filed an application for parking exemption related to these parking spaces here only, and that's the application before you today, that issue.

In a nutshell, we are seeking approval to place those 17 spaces -- 17 of the required 61 total for the proposed McDonald's, and those will be on the contiguous -- those 17 will be on the contiguous abutting residentially zoned land.

We held the neighborhood information meeting last month. Only one person attended, Richard Johnson, who is a representative of the owner of the property immediately east and southeast of this site. He stated that he has no objection to the project and showed up at the NIM only because he was curious to see the site plan.

In conclusion, we know of no objections to this application, the owner of the property immediately to the east and south has no objection, county staff recommends approval, and the Immokalee CRA Advisory Board unanimously supports it. We, therefore, respectfully request that the Planning Commission recommend approval to the BCC.

Thank you.

CHAIRMAN STRAIN: Any questions of the applicant? Ned?

COMMISSIONER FRYER: The lot immediately to the east of McDonald's where a portion is going to be for parking, like maybe a quarter of it or a third of it, will the remaining two-thirds continue to exist RSF4 or 5, whatever it was?

MR. BROOKER: That's correct, yes, sir.

COMMISSIONER FRYER: Would that -- would that remainder be a buildable lot?

CHAIRMAN STRAIN: Not by this plan.

MR. BROOKER: If you're referring to this property here --

CHAIRMAN STRAIN: Yeah.

COMMISSIONER FRYER: Yes.

MR. BROOKER: No, sir. That will be --

COMMISSIONER FRYER: Okay.

MR. BROOKER: -- that will serve as stormwater management for the proposed McDonald's.

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

CHAIRMAN STRAIN: Anybody else?

I've got two questions for you, Clay. Would you mind including -- you have three conditions of approval. Do you mind adding one that a -- no dumpster will be allowed in the PE

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area? It says no trash containers. If staff tells me that won't be a dumpster, then I don't need that language. Is staff paying attention here? Hello? Earth to staff?

MR. BELLOWS: For the record, Ray Bellows. The -- it's not necessary to put that part of it in. It was just to help clarify that they wouldn't be allowed, but it --

CHAIRMAN STRAIN: Okay. So by no "trash containers" would mean there would be no dumpsters as well, right?

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: The other thing is they referred to enhanced landscaping in the buffer. I didn't see where that was written in. Do you -- can that -- do you have any problem just listing what the enhancements are under the conditions of approval?

MR. BROOKER: Sure. Yes, sir.

CHAIRMAN STRAIN: Okay. That's the only things I have to add to it. Anybody else?  
(No response.)

CHAIRMAN STRAIN: Okay. Is there a staff report?

Thank you, Clay.

MR. FINN: Yeah. I would like to add to the record, the director of the Immokalee CRA Advisory Board, they did have a meeting on February 13th, and I'll just read what was written in this email.

CHAIRMAN STRAIN: Did they recommend approval?

MR. FINN: Yes, they did.

CHAIRMAN STRAIN: Okay. That's fine.

MR. FINN: Thanks.

CHAIRMAN STRAIN: Anything else?

(No response.)

CHAIRMAN STRAIN: Okay. Ned, did you have something else?

COMMISSIONER FRYER: I do. On the resolution, it seems to me that there should be an additional whereas clause making reference to the fact that this came before the CCPC.

MR. BELLOWS: Could you repeat that?

COMMISSIONER FRYER: Yeah, I expect that -- would this have been a hearing examiner matter?

CHAIRMAN STRAIN: Yes. It would have been over with by now.

COMMISSIONER FRYER: There's no -- there's no reference to the fact that we're having this meeting and that we're making a recommendation to the BZA in the whereases.

MR. BELLOWS: For the record, Ray Bellows. There will be an executive summary prepared for the Board of County Commissioners that outlines the Collier County Planning Commission vote and recommendation, and any conditions of approval made by the Planning Commission will be incorporated in that, and the resolution -- are you asking that the resolution also note that the Planning Commission --

COMMISSIONER FRYER: Well, I think typically in the whereas clauses you list the progress that is made of the application, and you include if it goes to the CCPC, which this one is. And so I would just add a one-sentence whereas clause in there that recites that fact with whatever action we take on it.

CHAIRMAN STRAIN: Heidi?

MS. ASHTON-CICKO: Our current template does not include the date for review of the Planning Commission, but if you want us to revise our forms and have items that are heard by the Planning Commission to specify the date, we can do so, if that's what the --

COMMISSIONER FRYER: Well, this was going to be a point I raised with each one of these things that we're doing in lieu of the Hearing Examiner, but if it's onerous --

MR. BELLOWS: For the record, we do have items that are approved by the Planning

Commission, and that's where the Planning Commission is clearly referenced as part of the resolution, when the Planning Commission has the authority, but as an advisory board, all that information's usually part of the executive summary.

COMMISSIONER FRYER: So if this had gone to the HEX, there would not have been a whereas clause to that effect?

MS. ASHTON-CICKO: No, because the decision format is differently -- different, so we don't use resolutions for HEX decisions. This is a template that was created previously when these went to the Planning Commission. Whatever your preference is, we'll go ahead and make the changes if that's what the Commission wants.

COMMISSIONER FRYER: Thank you. I've stated my preference, but if no one else cares, then I'll fall on my sword. No one seems to care.

That's all I had.

CHAIRMAN STRAIN: Okay. Thank you. And, Joe?

COMMISSIONER SCHMITT: Yeah, I make a motion --

CHAIRMAN STRAIN: Whoa. We've got to -- we're not done. We're not there yet.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN STRAIN: Tim, did you have more you wanted to add to your staff report?

MR. FINN: Yeah. The project is compliant with the GMP and the rezoning criteria with the LDC; therefore, staff recommends approval.

COMMISSIONER SCHMITT: Speakers.

CHAIRMAN STRAIN: Thank you. Ray, do we have any registered public speakers?

MR. BELLOWS: No one has registered.

CHAIRMAN STRAIN: Is there any member of the public here who would like to speak on this matter?

(No response.)

CHAIRMAN STRAIN: Okay. So you obviously have no rebuttal, Clay, so we'll close the public hearing.

And now, Joe, do you have a motion?

COMMISSIONER SCHMITT: I make a motion to approve PL20180003276, parking exemption, Immokalee McDonald's.

COMMISSIONER DEARBORN: Second.

CHAIRMAN STRAIN: Okay. Is that motion maker -- and both of them are with the conditions of approval and the one added about the enhanced landscaping being listed?

COMMISSIONER SCHMITT: Noted with the changes that you cited for the conditions.

CHAIRMAN STRAIN: Okay. With that, any discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Thank you. Now, we've got a long afternoon ahead of us. We are going to leave here at 4:00 today unless we're in the middle of something and we could finish up shortly.

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And with that, we will resume with the variance on 99th Avenue when we come back, and we'll be back here at 1:00.

COMMISSIONER DEARBORN: Mr. Chairman?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER DEARBORN: Just, for the record, I have to -- will not be returning after lunch break.

CHAIRMAN STRAIN: Well, then we're just going to cancel for the day.

COMMISSIONER DEARBORN: No. I making sure you still have a quorum.

CHAIRMAN STRAIN: Oh, okay. We're fine. We're good. Thank you, Patrick.

COMMISSIONER CHRZANOWSKI: Well, for the record, I won't be coming back after the lunch break either, but you'll still have a quorum.

CHAIRMAN STRAIN: I figured you might -- yeah, you might be gone. We're still good. Okay. Everybody, let's break for lunch.

COMMISSIONER DEARBORN: Mr. Chairman, I have a problem with him trying to leave. I thought one of us could just leave and not two.

CHAIRMAN STRAIN: Actually, yeah, he has a standing leaving at noon, so we kind of -- you come second to that, so you'd have to stay.

COMMISSIONER FRY: Karl and I can control this now.

(A luncheon recess was had from 11:56 a.m. to 1:00 p.m., and the meeting continued with the following members absent for the remainder of the meeting: Commissioner Chrzanowski, Chairman Strain, and Commissioner Dearborn.)

CHAIRWOMAN HOMIAK: Okay. We're missing some people here now, so we have a quorum of four.

COMMISSIONER SCHMITT: We have, yeah, a quorum of four.

COMMISSIONER FRYER: Quorum of four.

CHAIRWOMAN HOMIAK: Okay. And the next item is 19A3, PL20180003748, and that is a variance.

MR. FLORES: Matt Flores on behalf of the property owners, Mike and Kimberly Woodyard.

CHAIRWOMAN HOMIAK: Okay. Anybody who wishes to speak on this item please rise to be sworn in by the court reporter.

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

CHAIRWOMAN HOMIAK: Disclosures.

MR. EASTMAN: None.

COMMISSIONER FRY: None.

COMMISSIONER FRYER: None.

CHAIRWOMAN HOMIAK: I had none.

COMMISSIONER SCHMITT: None from me either; no disclosures for me.

CHAIRWOMAN HOMIAK: Go ahead.

MR. FLORES: This is a request for a setback variance. This is a situation --

COMMISSIONER SCHMITT: You want to pull the microphone towards you. Thanks.

MR. FLORES: No problem.

This is a situation where back in -- actually, all the way back in 2006 my client had a -- hired a contractor to build a pool in his -- at his house in Naples Park. The contractor failed to close the permit. Permit expired 2007. Fast forward 10 years, 2017, client attempts to close the pool permit. Finds out that we've got a setback issue.

I don't believe that's correct.

CHAIRWOMAN HOMIAK: That's the wrong --

COMMISSIONER FRYER: There we go.

MR. FLORES: So we're here requesting a reduction of the setback in the side yard of their house in Naples Park to -- as reflected on the survey here to satisfy the encroachment so that we can then close the pool permit for the pool that's been in the ground there for 14 years.

Any questions?

COMMISSIONER SCHMITT: Is your intent to put a pool enclosure in? Is that -- no.

MR. FLORES: No. The intent is to sell the property.

COMMISSIONER SCHMITT: Sell the property.

MR. FLORES: As soon as approval is achieved.

COMMISSIONER SCHMITT: The staff report got into -- and I'll wait till staff -- I'll wait till staff talks, but I have a question of staff, because they got into questions about the pool deck.

So, staff, I mean, I'll turn to the chair. I have no other questions, but I do have questions of staff.

CHAIRWOMAN HOMIAK: Okay.

MR. EASTMAN: You used the phrase "close the permit." What do you mean by that phrase? Is that what causes the impetus for this, or was it, in fact, the sale of the home?

MR. FLORES: No. The current owner has owned the house since 1996, Mr. Woodyard and his wife. The pool contractor who installed the pool in 2006 failed to close the pool permit. So when they attempted to close on the house -- this was back in 2017 -- they found out that the permit was still open and began the process, ultimately finding out that this was not going to be subject to an administrative variance so that we're here today requesting the variance. So the property has not sold, and it is the same owner.

COMMISSIONER SCHMITT: Tom, typically the contractor has to call for a final. If they don't call for a final, then the permit stays open, and we -- and Jamie could probably highlight on that. But our system keeps those open. Probably have thousands of them a year that they fail to call for a final. And in this case, during the due diligence for the closing, I assume that's when they found out there was no final, and then they realized there was an encroachment.

MR. FLORES: That's correct.

COMMISSIONER SCHMITT: Okay.

CHAIRWOMAN HOMIAK: Ned?

COMMISSIONER FRYER: I am not sufficiently familiar. I'm trying to get myself up to speed on variances. But right now, without a hearing examiner, these things are coming to us. And I do have familiarity, though, with the law in the City of Naples and how that works. And they're in the process of changing their variance law to have two -- like, two columns. In Column A you have to fulfill all their mandatory requirements, and then Column B they're weighted and you can sort of mix and match and evaluate and make a decision sort of on the equities.

And it's my understanding, whether by express language of our ordinance or by long-term custom and practice, that our responsibility in these is to look at these categories or criteria and then decide what we think is the best and most equitable outcome.

I spoke with the County Attorney, who I believe agrees with that. Please, Jeff.

MR. KLATZKOW: Yeah. From a technical standpoint, a variance requires a hardship. In almost no circumstances will you actually find a legal hardship. It's been the custom of Collier County as long as I've been here that, for want of a better way of saying it, no harm, no foul. I mean, if nobody's really complaining about it and it's a small matter, from an equity standpoint, we just let it go.

COMMISSIONER FRYER: Thank you. That's all I have, Madam Chair.

COMMISSIONER SCHMITT: I just have a question of staff. In the staff report we got into the height of the pool deck, and the 30-inch requirement really has no bearing on this variance. I was curious as to why we got into such a discussion about that. It doesn't meet the -- the height requirements for the pool deck. The only thing we're actually asking for the variance is the



encroachment into the side-yard setback. It was --

MR. BELLOWS: For the record, Ray Bellows.

Sometimes we throw in that language just to make it clear that the deck isn't part of the variance request because it's either below or above. If it's above, then it has to be part of the request.

COMMISSIONER SCHMITT: Right. The only way it would be is if they wanted to erect an enclosure.

MR. BELLOWS: Correct.

CHAIRWOMAN HOMIAK: Anything else?

COMMISSIONER SCHMITT: I have no other questions.

COMMISSIONER FRY: I'm just curious if the corner to the west has weighed in on this. They're not here to speak, I assume. As far as we know, you can state they have no objection?

MR. WOODYARD: They have no objection.

CHAIRWOMAN HOMIAK: You can't -- you have to get to the mic.

MR. WOODYARD: For the record, my name is Mike Woodyard. I'm the homeowner at 699.

The neighbors to the west have no objection about it. Our house is a unique house there because we own a lot and a half and they own a lot and a half, and there's an entire lot between the two houses. So, we're not -- we don't even bother each other, which is kind of nice in Naples Park.

COMMISSIONER FRY: I'm confused. I'm looking at an aerial, and it looks to me like there's your pool and then a hedge and then another --

MR. WOODYARD: A fence.

COMMISSIONER FRY: -- another -- and then a fence.

MR. WOODYARD: Uh-huh.

COMMISSIONER FRY: And then another pool.

MR. WOODYARD: Now, yeah.

COMMISSIONER FRY: Now there is. Okay. Thank you.

MR. WOODYARD: When I originally put that pool in, there was no pool there.

COMMISSIONER FRY: Gotcha.

CHAIRWOMAN HOMIAK: Anybody else?

(No response.)

COMMISSIONER SCHMITT: Public speakers?

CHAIRWOMAN HOMIAK: There's no speakers.

COMMISSIONER SCHMITT: I make a motion to approve the variance as proposed, Variance PL2018003748.

COMMISSIONER FRY: Second.

COMMISSIONER FRYER: Second.

CHAIRWOMAN HOMIAK: By Ned. All those in favor, signify by saying aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRWOMAN HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRWOMAN HOMIAK: Opposed, like sign.

(No response.)

CHAIRWOMAN HOMIAK: Okay.

MR. FLORES: Thank you very much.

CHAIRWOMAN HOMIAK: Thank you.

MR. WOODYARD: Thank you.

COMMISSIONER FRY: Sorry that was so difficult.

MR. WOODYARD: Thank you very much.

CHAIRWOMAN HOMIAK: \*\*\*Okay. The next one -- item is 9A4, which is PL20190001940. This is another variance.

Anybody wishing to speak on this item, would you please rise and be sworn in by the court reporter.

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

CHAIRWOMAN HOMIAK: Disclosures?

MR. EASTMAN: None.

COMMISSIONER FRY: None.

CHAIRWOMAN HOMIAK: Karl?

COMMISSIONER SCHMITT: None.

COMMISSIONER FRYER: None.

CHAIRWOMAN HOMIAK: Okay. I had nothing.

Go ahead.

MS. SPECTOR: Good afternoon. Sarah Spector with Roetzel & Andress on behalf of the applicant.

Not knowing the longstanding stance of the county, I went a little overboard with the presentation, so I'll try to go through it quickly. This is also a variance request, an after-the-fact variance for something that's been in place for more than 40 years, but I'll just go through this very quickly.

All right. So the location is just to the west of South Trail. This is a closeup picture. It's very difficult to tell. It looks like it, too, is a vacant lot, but it actually is improved with a home between two vacant lots.

The home building permit was originally obtained for 768 square feet. That was built in 1964. We could not find any permit for the addition to the home. But as early as 1978, an additional 672 square feet was noted on the property card.

My client actually bought the property in 1988, and it was not until they went to sell property and obtain the actual -- the buyer obtained a zoning verification letter showing that the setbacks had not been adhered to when the addition was added back in 1978.

So there's actually three setback variances that we're asking for with this property. The first is the overhang, which we're required to only go three feet into the overhang -- or the overhang can only go three feet into the setback, and we are going 3.51, so we're asking for a variance of .51 feet there.

The next is the front setback. We're required to stay at least 25 feet from the front property line, and we're 24.99. We need to ask for a .01 variance there. The reason we're here before you today -- because both of those variances could be approved administratively. They're below the 25 percent requiring -- or allowing for an administrative variance, but we have a rear setback issue. The rear setback is 20 feet, and we're 14.61 feet. So we're asking for a variance of 5.39 on the rear setback.

I've gone through each of the criteria for the variance to show that there is, in fact, a hardship. I don't know if you want me to go through all of that.

CHAIRWOMAN HOMIAK: I don't -- that's okay.

MS. SPECTOR: Okay. Then I would just request that you approve the three variances that we're asking for to allow the home to remain in place and not require demolition.

CHAIRWOMAN HOMIAK: Any questions?

MR. EASTMAN: The property owner in back, do you have a no objection letter from them?

MS. SPECTOR: No, we're not required to get one. We did provide the notice to owners within the required distance. And I did hear from neighbors, but I did not hear from the neighbor

to the rear.

MR. EASTMAN: So there's no objection that you know of at all?

MS. SPECTOR: No.

CHAIRWOMAN HOMIAK: Anybody else?

(No response.)

CHAIRWOMAN HOMIAK: Staff report?

MR. KELLY: John Kelly, senior planner.

Staff recommends that the Planning Commission move forward the three variance requests to the Board of Zoning Appeals with a favorable recommendation for approval.

COMMISSIONER FRYER: I'll put that in the form of a motion, Madam Chair.

COMMISSIONER SCHMITT: Second.

CHAIRWOMAN HOMIAK: All in favor, signify by saying aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRWOMAN HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRWOMAN HOMIAK: Opposed, like sign?

(No response.)

CHAIRWOMAN HOMIAK: Okay. Thank you.

MS. SPECTOR: Thank you.

CHAIRWOMAN HOMIAK: \*\*\*Okay. The next item is 9A5, PL20180002792. This is -- oh, these are two.

COMMISSIONER FRYER: Companion.

COMMISSIONER SCHMITT: Companion.

CHAIRWOMAN HOMIAK: So we'll do them together. Yes?

COMMISSIONER FRYER: Yes.

COMMISSIONER FRY: Yes.

CHAIRWOMAN HOMIAK: Okay. So the companion item is PL20180002793.

MR. MULHERE: Thank you, Madam Chair.

CHAIRWOMAN HOMIAK: Anybody wishing to speak on this item, please rise to be sworn by the court reporter.

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

CHAIRWOMAN HOMIAK: Disclosures.

MR. EASTMAN: No disclosures.

CHAIRWOMAN HOMIAK: Karl?

COMMISSIONER FRY: None.

MR. YOVANOVICH: You spoke to me.

COMMISSIONER FRY: Oh, I'm sorry. Discussion with Rich Yovanovich.

COMMISSIONER FRYER: I have reviewed all the materials that are public record, I've discussed this with Mr. Yovanovich, and have discussed it with staff.

CHAIRWOMAN HOMIAK: Okay. And I spoke with Mr. Yovanovich.

COMMISSIONER SCHMITT: I also spoke to Mr. Yovanovich about both petitions, 9A5 and 9A6.

CHAIRWOMAN HOMIAK: Okay. Now, Bob.

MR. MULHERE: Thank you. Bob Mulhere for the record here on behalf of the applicant.

With me is Rich Yovanovich. He's instructed me or let me know I don't get paid by the word. As has been said, short, sweet, and if possible, brilliant.

So the property is outlined -- there's two companion petitions: A small-scale GMP and a

PUD. The small-scale GMP was necessary because the existing zoning, which is C-3, doesn't allow hotels. There's been a hotel on the property for more than 40 years. My client, Kevin Dugan and his family, have operated it I think for the last nearly 40 years. So this is a long-time existing Lighthouse. You may know the location, Lighthouse Inn.

So if you look on the aerial that you have before you, that highlights the property there. It's a relatively small piece of property.

We haven't asked for anything in the small-scale amendment or in the PUD rezone beyond establishing the legitimacy of the hotel use. We've retained the ability to do C-3 uses, but as far as the hotel goes, it's not a permitted use in C-3. We wanted to make it a conforming use because for any reason that use ceased to function for a year or, through some other unfortunate circumstance was destroyed, they wouldn't be able to rebuild it. So that's the purpose -- primary purpose of the small-scale amendment.

We did establish a maximum square footage. It's a relatively small piece of property. We've put a -- because you really need to have an intensity cap in your zoning -- in your Comprehensive Planning district. So we did establish a cap of 7,000 square feet under a redevelopment scenario.

You may have some questions. I'm happy to answer those. I just felt there -- this is a relatively simple request.

CHAIRWOMAN HOMIAK: Questions? Go ahead, Ned.

COMMISSIONER FRYER: Bob, I don't have a problem with the process you've chosen. But just for my edification, would it have been possible and perhaps simpler if this had been a variance or conditional use?

MR. MULHERE: It wouldn't be able to get there through either of those petitions, because the use is not permitted in C-3. So the only way for us to get there was through a small-scale Comprehensive Plan amendment.

COMMISSIONER FRYER: Okay. Somehow I thought that transient lodging is.

MR. MULHERE: Nope.

COMMISSIONER FRYER: It's not?

MR. MULHERE: No.

COMMISSIONER FRYER: Okay.

MR. MULHERE: I have some -- as you're talking, I just put a picture -- a couple of pictures of the property. But what other questions can I answer?

COMMISSIONER FRYER: Okay. I favor this as long as I can be persuaded -- and I had a good conversation with Mr. Yovanovich about this. But I just want to be absolutely sure that along with the deviations that are being requested, the sole capability as a result of this action would be to enable the owner to rebuild to exactly about what he has or they have at present and not gain any additional concessions with respect to setbacks --

MR. MULHERE: Yes.

COMMISSIONER FRYER: -- and the like. So this is just to get the status quo ante in the event, say, of a disaster?

MR. MULHERE: Well, it is. In some cases it's actually more restrictive because, as I said, there's no limit in straight zoning on the square footage that you could build, keeping in mind that this is in a fairly significant DEP flood elevation zone. You have to build about 20 feet -- under today's rules, about 20 feet above existing grade.

COMMISSIONER FRYER: So you're going to get 7,000 --

MR. MULHERE: Yes, we put a limit of 7,000 square feet.

COMMISSIONER FRYER: But there's no limit on the number of stories?

MR. MULHERE: It's the same -- it's the same development standards. It's 50 feet. Same as C-3. We didn't ask for any additional height.

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COMMISSIONER FRYER: Okay. But you -- I mean, more height than there is actually there at present, but --

MR. MULHERE: Oh, yes, but we didn't ask for anything more than you could get in the C-3 district, which is what existing zoning is.

COMMISSIONER FRYER: Okay.

MR. MULHERE: And, also, I did want to mention that we did cap the number of rooms -- I don't know if I said that -- at 17, which is what's there today.

COMMISSIONER FRYER: Yes, I saw that.

Then with respect to South Bay, I, again, had a conversation with Mr. Yovanovich about this, but I just wanted to make a record of it. You and he are representing One Naples as well, which is the adjacent property owner --

MR. MULHERE: Correct.

COMMISSIONER FRYER: -- on the other side of South Bay. And one of the deviation requests in this property is to be able for vehicles to back out onto South Bay.

MR. MULHERE: That's on your visualizer now, yes.

COMMISSIONER FRYER: Yeah. And it's my understanding that nothing is planned with regard to South Bay on your other client's part --

MR. MULHERE: That's correct.

COMMISSIONER FRYER: -- that would impair or be impaired by allowing this --

MR. MULHERE: That's correct. Separate properties, separate ownership. And we did put a condition -- maybe you saw it -- in that deviation request that under a redevelopment scenario, that parking would be eliminated. So it's been there for a long time. It's just to allow us to continue to do that.

COMMISSIONER FRYER: Okay. That's all I have, Madam Chair.

CHAIRWOMAN HOMIAK: Anybody else?

(No response.)

CHAIRWOMAN HOMIAK: Joe, do you have anything?

COMMISSIONER SCHMITT: I'm on -- not on 9A, but I do have questions of staff on 9B. Correction, yeah 9A6? Which one am I on?

MR. MULHERE: Is that the PUD or --

COMMISSIONER SCHMITT: Bob, let me stand by here. Yeah, it's the PUDZ that I have a question. The only question I have is -- in answering the questions on five, I guess that's a clarity. It says, the proposed change is not necessary, which it really isn't, but it's necessary from a standpoint of ever having to rebuild if there was any -- if it was 50 percent or more of the --

MR. MULHERE: That's correct.

COMMISSIONER SCHMITT: -- structure was destroyed by a hurricane or other --

MR. MULHERE: Yeah.

COMMISSIONER SCHMITT: -- act of God, it would be necessary to rebuild, but you necessarily would not build to the same architectural --

MR. MULHERE: No.

COMMISSIONER SCHMITT: -- design, but you could build to the same standards.

MR. MULHERE: Correct. I mean, we'd have to elevate the building to meet flood.

COMMISSIONER SCHMITT: Right.

MR. MULHERE: I was also just going to point out that, you know, in addition to the fact that you can't build a nonconforming commercial use, the code allows you to build residential units if they're destroyed, because they don't want people to be -- and even those have to meet the current code, but they don't want people to be out of a home. But it doesn't allow the same thing for this commercial use.

And so the other difficulty is, you know, it's very difficult to get casualty or -- you know,

insurance, because if you can't rebuild it, it's expensive. It's super expensive. So --

COMMISSIONER SCHMITT: That's the other thought I had, too, is that it would be necessary for insurance.

MR. MULHERE: Yeah.

COMMISSIONER SCHMITT: Because it would be difficult for --

MR. MULHERE: You can probably get insurance for anything if you want to pay the exorbitant fees that you'd have to pay since you can't, you know --

COMMISSIONER SCHMITT: Okay. I mean, from that standpoint, I mean, it was a statement of fact, but yet it is found to be necessary by the applicant; that's why you're going through the process.

MR. MULHERE: Yes, yes. I would say there's no immediate need to go through this from the staff perspective because you could continue to operate, or you could have any other C-3 use. But from the property owner's perspective as a long-term owner and operator, they would like to make it conforming.

COMMISSIONER SCHMITT: The only other question I had -- and I'll ask Bob, staff analysis, the request in reduction in parking. To me it makes sense, because the people who are parking there for the restaurant, I presume, are the patrons at the --

MR. MULHERE: Yes.

COMMISSIONER SCHMITT: -- in most cases, the patrons at the hotel.

MR. MULHERE: You know, out of an abundance of caution, because it's only a 17-room hotel, I thought, you know, you get a 50 percent reduction for ancillary uses when you have a hotel. So for a restaurant use, you get 50 percent off from the normal parking requirement. I put it in as a deviation because that's functioned for so long in this capacity. In the CRA, Bayshore/Gateway CRA, the parking requirement is one per four. I kind of look as this in the future as a redevelopment opportunity, so that's why I put it in there. It functions fine.

COMMISSIONER SCHMITT: But there's -- from staff perspective, there's no issues with parking?

MR. MULHERE: No.

COMMISSIONER SCHMITT: All right.

CHAIRWOMAN HOMIAK: Anything else?

COMMISSIONER FRYER: Just for staff.

CHAIRWOMAN HOMIAK: Okay. Staff report?

MR. SABO: Yes. Thank you. James Sabo, principal planner for the county.

The staff recommendation is a little bit longer in this case. We recommend forwarding the petition, 2793, Vanderbilt Beach, to the Board of County Commissioners with a recommendation of approval subject to reducing the actual zoned height from 70 to 60 and linking Deviation 1 and 3 should the language state that if it's redeveloped, then Deviation 3 shall be eliminated as well. And I can explain that further if you wish.

COMMISSIONER SCHMITT: It's clear.

MR. BELLOWS: And would you like to hear from Comprehensive Planning?

MR. MULHERE: Go ahead, sorry.

MS. FAULKNER: That's okay. Hi, Sue Faulkner, Comprehensive Planning.

We are recommending this for approval for you to move this petition over to the BCC for their adoption.

Do you have any questions concerning the subdistrict?

CHAIRWOMAN HOMIAK: No. I guess you waited for a long time for that.

MS. FAULKNER: Yes, I did.

CHAIRWOMAN HOMIAK: Well, thanks.

Okay. Bob?

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MR. MULHERE: Yeah. I just wanted to mention, we didn't change -- you asked -- I wanted to be clear, because you asked about the height, and we left it at 50. There is no limit in the LDC in C-3 for actual height. That only applies in the case of PUDs.

I have no problem with reducing that. My client, I'm sure, is okay with reducing that to 60 feet. It's just an architectural design, and we don't even know what we might do in the future, and it would be some --

No, it's measured from -- the 50 feet is measured from FEMA. We're not changing that.

MR. YOVANOVICH: Actual height is measured from the ground.

COMMISSIONER FRYER: Actual, I think, is 70.

MR. BELLOWS: For the record, Ray Bellows. Actual would be from the grade.

MR. MULHERE: From the midpoint of the --

MR. YOVANOVICH: No, it would be from grade today. Why are we going down?

MR. MULHERE: Wait a minute. It's measured from the average elevation of the adjacent roadway, right?

MR. BELLOWS: The definition of actual height is from the grade, not the finished level of floor. Zoned height is finished floor.

MR. MULHERE: Okay. So that's why we asked for 70 feet, because we have to go to 21 feet. So I don't know -- so staff was recommending we reduce it to 60, but I'm not sure if even staff recognized that.

MR. BELLOWS: No, I'm good with 70.

MR. MULHERE: Okay. Thank you, Rich.

MR. YOVANOVICH: You're welcome.

COMMISSIONER FRYER: So staff's recommendation then is approval --

MR. BELLOWS: Yeah. Due to the flood elevation in that area -- I wasn't quite aware of that height change. And as a matter of fact, I'm hearing there's maybe additional changes in FEMA in the future that could make that even higher.

MR. MULHERE: So that makes sense. I'm glad Rich reminded me of that. It's a pretty significant elevation that you have to do in a redevelopment scenario.

COMMISSIONER FRYER: I have another question.

CHAIRWOMAN HOMIAK: So 70 is good then?

MR. SABO: I'm fine with that.

CHAIRWOMAN HOMIAK: Okay. And, Bob, what about the Deviation 1 and 3?

MR. MULHERE: I thought we already dealt with that. Let me just look at those real quick.

MR. SABO: Madam Chair, if I could just explain those real quick. Deviation 2, should the site be redeveloped, Deviation 1 is eliminated. It will also stand to reason that Deviation 3 would be eliminated as well if the site is redeveloped.

MR. MULHERE: I'm trying to find --

MR. SAWYER: It's the backing, parking, and then the buffer reduction. So if you don't need to back onto the right-of-way, then you don't need that buffer reduction either.

MR. MULHERE: This would be a 10-foot buffer. It's 3-foot difference in the redevelopment? Where'd he go? You going to be okay with that? Seven to 10?

Hi, Norm.

Okay. That's fine. We're okay with that condition.

CHAIRWOMAN HOMIAK: Okay. Ned?

COMMISSIONER FRYER: Let's see. I did not visit the site, so I don't know what the current buffering looks like or the setbacks, really. I haven't eyeballed those.

And as I said, I want to be sure that -- first of all, I think it's fair that the owner get -- gain in perpetuity what he has at present, and if this is the only process through which to do it, that's

fine. But I want -- I want to have as much of a confirmation that staff can provide that these deviations as written match up exactly to what we would see if we went to the site.

MR. SABO: I was at the site. It's -- and with all due respect, it's tight. It's a tight site, so they -- it's developed to the edges of the property, generally. I -- on a personal level, I think it's one of the coolest places in Naples just because it's Olde Florida, and I love that kind of stuff. From a perspective of meeting the code that -- should they redevelop, I'm satisfied that these standards would meet the code should they have to redevelop or should they choose to redevelop.

COMMISSIONER FRYER: My concern -- maybe I'm not expressing it clearly -- is that along with these five deviations, what we would be recommending permission in perpetuity for is exactly what they have and are doing now and no more.

MR. MULHERE: That's correct.

COMMISSIONER FRYER: I want to hear that from staff, if I may.

MR. SABO: I agree with Mr. Mulhere that --

COMMISSIONER FRYER: Thank you.

MR. SABO: -- they -- you know, based on the site as it is and the changes proposed, I don't have an issue.

COMMISSIONER FRYER: Okay. Thank you.

MS. ASHTON-CICKO: Well, upon redevelopment, it can be any of the C-3 up to 7,000 square feet.

COMMISSIONER FRYER: Oh, I get that. I understand.

MS. ASHTON-CICKO: Okay.

COMMISSIONER FRYER: Well, let's take setbacks, just for clarity. If you redevelop under some -- well, as a shopping center or some other use that's --

MR. MULHERE: It's too small.

COMMISSIONER FRYER: I know it is. Well, maybe you could build it taller. But if you rebuilt it with another use that did not resemble the current use but was permitted under C-3, would you still be looking at the buffering that you would be gaining here because it's the same buffering that you have now under the nonconforming use?

MR. MULHERE: Let me get to the actual deviations, because I want to answer your question accurately.

A couple of the deviations go away if we redevelop. One that doesn't, for example, is Deviation 2, which -- so I'm going to show you on the screen. So that's right here.

So there is -- this is an elevated tennis court next to us right here and parking right here. And this is the parking for the hotel right here, and this buffer right here is a shared buffer.

We have agreed -- we've asked for a deviation to go from the requirement of 15 -- that's only because we are commercial use adjacent to a residential use, although the actual residential use is that way -- to go from 15 to 10, but to still plant a -- and this is granted routinely -- and to still plant the required vegetation and actually exceed the required vegetation that would be required in a Type B buffer in a 15-foot width.

So I believe we've addressed that. And the staff agrees. I mean, I met with the landscape architect. It was his recommendation that we enhance the plantings that we put in this deviation.

COMMISSIONER FRYER: So, in other words, you want -- you're asking for a trade-off to go from 15 to 10 under other C-3 uses in exchange for more dense vegetation?

MR. MULHERE: Yes. Only for this buffer here, yes.

COMMISSIONER FRYER: Okay.

MR. MULHERE: Yeah.

COMMISSIONER FRYER: Staff is okay with that?

MR. SABO: Yes.

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



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CHAIRWOMAN HOMIAK: Is that it? Anybody else?

(No response.)

CHAIRWOMAN HOMIAK: Joe, anything?

COMMISSIONER SCHMITT: No, nothing else.

CHAIRWOMAN HOMIAK: No. Were there any public speakers? I didn't -- no.

MR. BELLOWS: No public speakers.

CHAIRWOMAN HOMIAK: No, okay.

COMMISSIONER SCHMITT: With that, I make a motion that we approve the Vanderbilt Beach common tourist subdistrict as proposed. And what was that number?

COMMISSIONER FRYER: 2792.

COMMISSIONER SCHMITT: 2792. There it is. Yes, 2792. And we should vote each one of these separately since one's the Comp Plan amendment. The other is the PUD zoning.

CHAIRWOMAN HOMIAK: Yes.

COMMISSIONER FRY: Joe, is that subject to the staff recommendations?

COMMISSIONER SCHMITT: Subject to the staff -- this is for the GMP.

CHAIRWOMAN HOMIAK: This is the GMP amendment.

COMMISSIONER SCHMITT: Different.

COMMISSIONER FRYER: Second.

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

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRWOMAN HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRWOMAN HOMIAK: Opposed, like sign.

(No response.)

COMMISSIONER SCHMITT: I'd likewise propose approval of PL20180002793, that's the PUDZ, subject to the change of 70 feet rather than 60 feet as proposed by staff but subject to all other recommendations as proposed.

COMMISSIONER FRYER: Second.

CHAIRWOMAN HOMIAK: By staff?

COMMISSIONER SCHMITT: By staff.

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

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRWOMAN HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRWOMAN HOMIAK: Opposed, like sign.

(No response.)

MR. MULHERE: Thank you.

CHAIRWOMAN HOMIAK: \*\*\*All right. The last item on our agenda is 9A7, and that is SRA PL20180000622, Hyde Park Village.

And will everybody please rise to be sworn in by the court reporter. Well, not everybody, but everybody that wishes to speak. I guess everybody stand up.

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

CHAIRWOMAN HOMIAK: Disclosures?

MR. EASTMAN: I had a meeting with Bob Mulhere to discuss the project.

COMMISSIONER FRY: Public items from staff as well as a conversation with Mr. Yovanovich.

COMMISSIONER FRYER: Same as Commissioner Fry plus meeting with staff.

CHAIRWOMAN HOMIAK: And I spoke to Mr. Yovanovich.

And, Joe.

COMMISSIONER SCHMITT: Yes. And I spoke to Mr. Yovanovich, Mr. Mulhere both on this matter. Spoke to Mr. Mulhere today and then Mr. Yovanovich on the phone -- Yovanovich.

CHAIRWOMAN HOMIAK: Okay.

MR. MULHERE: Thank you. Again, Bob Mulhere for the record.

Here on behalf of the applicant, which is Neal Communities, and sitting right behind me is Michael Greenberg, who until recently -- well, just recently sort of -- semiretired. So Michael is with the Greenberg Group LLC, but recently he was with Neal Communities when we started this, right?

MR. GREENBERG: Yep.

MR. MULHERE: Tim Oak is the South Florida Regional president sitting right over there. Dan Ciesielski is sitting right back there. He's the land development manager for the south region. Also with me, obviously, is Rich, sitting right over here, Rich Yovanovich; Barry Jones is the civil on the project. He's with Hole Montes as well. Jim Banks is our transportation engineer. He's around here somewhere. He'll be here. He was just here.

Lucy Gallo prepared the economic assessment. She's with Development Planning and Financing Group, and Tyler King with DexBender is our environmental consultant.

I'll begin, and after a little while I'll turn it over to Rich. Actually, before I do that, I'm going to ask Michael to come up and say a few words. Oh, you're right there.

MR. GREENBERG: Michael Greenberg on behalf of Neal Communities.

We were -- I guess the last time I was here was probably about two years ago just before Mr. Fry joined the Commission, and I wanted to bring you up to date and give you a little bit of background on where Neal Communities is at. This is an important year for us. We celebrate our 50th anniversary being in business in Florida.

As some of you know, we build exclusively from Naples to Tampa. We've been doing that our entire career. We're the largest privately owned locally -- builder in the area. We've been lucky to build 90 communities over our tenure in Southwest Florida successfully with extremely high customer satisfaction ratings. Last year we sold 1,400 homes in Southwest Florida. During our time in Southwest Florida, we've been able to accumulate some national awards.

In 2012 we were named America's Best Builder by *Builder Magazine*. In 2013, we were named builder of the year by the Florida Green Building Coalition on our green development strategies, and subsequently, for five years after that, we've now been the Builder of the Year for building the most green-certified homes by the Florida Green Building Coalition.

We have a solid track record of building sustainable communities. One of the things that's extremely important to us and that we're proud of and that we bring to you today when discussing Hyde Park is that we're builder-developers. We start at the beginning with everything, and we finish every community we've ever built.

So the information and our sensitivity to how we design and approach our communities is reflective of our long legacy of having relationships with the end users in the marketplace.

In 2015 we were named builder of the year. This is Mr. Neal, our owner of Neal Homes. This is a pretty substantial award. It's -- you don't -- you don't apply for it. You get picked by the industry. We were picked out of every builder, which is thousands of them in the United States, as the builder of the year in 2015.

As I mentioned, we build from Tampa to Naples. We have 22 current communities, six communities in Collier County since 2013 when we entered this market.

We currently have 16 communities since 2012, 10 current communities in Southwest Florida, of which since 2015 we have completed six communities.

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One of the things that's extremely important to our company, and particularly being geographically restricted and not being a national builder, is where we build is where we live, and our relationship to the community and our participation in the community in terms of volunteerism and contribution is something that we take very seriously, and very important to us. Our reputation is the only ticket that we have since we're geographically restricted.

One of the things we're very proud of that we've done over the past few years in Southwest Florida is provide facilities for training for first responders. We have done hundreds and hundreds of trainees through our facilities of our properties that we've been building in Southwest Florida over the last six years, and we feel that that is something very important.

As the last picture indicates in the lower right is we have been sensitive to sustainable building. We are nurturers of the properties we buy. We spend the extra money and time in moving trees and relocating them to create both value and recognition of the natural environment that we inherit when we purchase property.

So we look forward today to presenting you Hyde Park. We think you'll find that a lot of things that we've accomplished is reflective of our legacy, and we look forward to answering your questions. Thank you.

MR. MULHERE: Thank you, Michael.

So I assume most of you, but just in case, the project is located, as you can see, with frontage on Oil Well Road. I want to point out that the RLSA -- and I'll have another exhibit. But the RLSA boundary, the Rural Lands Stewardship boundary kind of runs down this way, and then this piece extends out, this section of land, which is the proposed Hyde Park.

The Natural Resource Index was prepared by Tyler King and his staff at DexBender. It was reviewed by the staff. They certainly can speak when they come up here, but we feel confident that staff has reviewed it and agrees with our assessment. The actual -- it's a full section of land absent the 100-foot of right-of-way that we have taken out of the SRA, which will be provided for -- reserved for widening of Oil Well Road.

So the project size is 642.52 acres.

The Fakaunion Canal runs along our western boundary. Golden Gate Estates, sparsely developed but with some homes, is due north of us. To the south, as I said, is Oil Well Road, and then it says future county road to the east. I guess it's no surprise that's being referred to as Big Cypress Parkway. And so that roadway, that future arterial roadway, will abut this property to the east.

The majority of the property has already been cleared, and both mined -- originally -- originally converted to row crop, and then subsequently mined, and that's the historic use of this property.

Right now the site basically consists of disturbed uplands, borrow pits, ditches, berms, and mining lakes. None of the land within this SRA, from an NRI perspective, scores above 1.2. That 1.2 score means there's environmental quality to the land such that it needs to be preserved in its natural condition if it's within an SRA. We don't have any of that land.

There is a 1.56-acre portion of the site -- and I'll show it to you in just a minute -- which is under a conservation easement dedicated to the South Florida Water Management District. It is a historic wetland, but it's highly disturbed with exotics, and it does not score above a 1.2.

There aren't any HSAs, Habitat Stewardship Areas. There are no water resource areas. There are no flowway stewardship areas located within the Hyde Park Village, so none of those are located within the SRA, which is one of the criteria that you have to look at as part of the NRI.

So I wanted to just spend a minute on this exhibit, which is an aerial of the subject property. And I know you can see from looking at this that the property is highly disturbed. That small wetland is located right there.

As I said, the property's been mined. The deeper lakes are in these areas, and then there

are some shallow lakes.

So in the end, as I said, the site is fully consistent with the LDC section that deals with the Natural Resource Index, which is 4.08.07.A.1. I mentioned staff reviewed it. They did conduct a site assessment. Certainly, they can come up and talk to you about their position after we're finished here.

So let's talk about the stewardship receiving area. As far as the SRA application requirements, we obviously submitted the application and the fee. We submitted the Natural Resource Index Assessment, which I just went over, which has significant supporting documentation. We developed an SRA development document and master plan, which have been thoroughly reviewed by the staff. We prepared a public facilities assessment. We prepared the required economic assessment and submitted it and amended it over the process in response to questions, and we have also submitted a stewardship credit use and reconciliation application, as well as the required SRA credit agreement.

So this is the village form of SRA. As you know, there are actually four types of forms of SRA. They're -- but as far as the ones that -- there's the town, Ave Maria; there's the village; there's the hamlet; and there's a compact rural development. This is the village form of SRA.

Villages are basically defined -- as you can see here. This is right from the LDC -- as primarily residential communities with a diversity of housing and a mix of uses appropriate to the scale and character of the particular village. They can be not less than 100 acres and not more than a thousand. This is 642.52.

Villages are comprised of residential neighborhoods and are required to have a mixed-use village center to serve as the focal point of the community's support services and facilities.

Now, I'll repeat that. That says to serve as the focal point of the community's support services and facilities.

Villages are to be designed to encourage pedestrian and bicycle circulation through an interconnected sidewalk and pathway system, which we're going to show you momentarily, serving the residential neighborhoods.

They're required to have parks and public green spaces at a minimum of 1 percent of the village, and they're required, within that mixed-use village center, to have neighborhood scaled retail and office uses, and there are specific formulas in the LDC that you must use on a per-dwelling-unit basis to calculate how much of that you are to provide. You're also required to provide civic, governmental, and institutional uses.

So there seemed to be some discussion on a different application, a previous application, for -- there were comments made that these villages would be 100 percent self-sustaining, that nobody would ever leave the village, that they would work there, and they would sleep there, and they would eat there, and they would recreate there, and they would -- but that's not true. That was never the intent. They are required to provide neighborhood-level commercial uses, but those were always intended to be available to the surrounding neighborhood as well. It would make no sense not to do that. And they certainly could support other villages or even a town.

Policy 4.15.1 in the area in bold that you see on the screen says, an appropriate mix of retail, office, recreational, civic, governmental, and institutional uses will be available to serve the daily needs and community-wide needs of residents of the RLSA. Depending on the size, scale, and character of an SRA, such uses may be provided either within the specific SRA or within other SRAs in the RLSA, or within the Immokalee urban area.

So, by example, each village or town shall provide for these uses to serve its population as well as appropriate civic and constitutional uses; however, the combined population of several villages and hamlets may be required to support community-scaled retail offices -- retail or office uses in a nearby town. So we have these minimum amounts that are established in Attachment C, and we meet those.

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This is a part of your -- of the county's Comprehensive Plan. It's called Attachment C, and it defines, by the type of SRA, what's required. And it's a little hard to see. I have a better exhibit coming up, but I just wanted to show you that in a village there are a list of requirements, the same as there are for a town or a hamlet, and you go through these, and you check them off, and you have to meet those.

And so, this is a little bit easier for you to see. We can go over those. We know it meets the size range. It meets the density range because the density for Hyde Park Village that we are requesting is 2.8 dwelling units per acre, and the range is 1 to 4. There are certain required uses, and then there's some allowed uses, but they're not required.

We're to have a diversity of single and multifamily housing types, styles, and lots, and we will demonstrate that that is what we have.

In Hyde Park Village, we have agreed to a maximum -- to a minimum of 300 multifamily units -- I'll show you where those are located, because we do have to have a mixed-use village, and I'll show you that in just a minute -- and a maximum of 1,500 single-family.

There are floor area ratios that apply to group housing, if you build it, and to the required retail and office, civic and institutional, they're there; .5 and .6 respectively, and we'll meet those requirements.

So if you do the formula for neighborhood goods and services at \$25 a square foot per dwelling unit, that comes up to 45,000 square feet, and that is what we are providing as a minimum in our commercial mixed-use village center.

Let's see. Collier County will provide -- be providing utilities, water and sewer, to the site. We have to have a minimum in the SRA in parks and greens of 6.42 acres, and we significantly exceed that number. As far as the open space goes, the minimum is 35 percent, and we're providing -- that's 224.88 acres. We're actually providing 423.87 acres of open space, and that's 66 percent.

And for government -- civic, governmental, institutional, it's 10 square feet per dwelling unit. That requires us to provide 18,000 square feet, and we have a provision for that in the SRA document. And we have a -- finally, we have an interconnected multi-modal system of path walks -- pathways, sidewalks, and bike lanes, and I will show you that in greater detail.

This exhibit goes over a few of those requirements, and I'll point out a few things for you on this exhibit.

The mixed-use village center is to serve as the focal point for the community support and service, and we're supposed to have a number of residential neighborhoods, which we have. You can see that the -- the LDC requires two context zones, a minimum of two in the village, and those are the village center and neighborhood general. It allows you to have additional context zones including the neighborhood edge context zone. And we actually have two additional ones, and I will go over those in greater detail for you in just a moment.

On this slide, you can see the exhibit of the master plan shows the village center, which is right here, and then shows this context zone here which -- and then has these radiuses around those, and those depict a quarter mile and a half mile.

Multifamily, within our document, is allowed within one-half mile of the village center but, beyond that, in order to provide for the continuum to a lower-intensity development adjacent to our neighbors, which is also required, you will have single-family. Could be single-family attached, single-family detached villas, but multifamily is limited to within one-half mile of the village center.

So that helps us provide for that urban to rural transition or rural to urban transition, providing that appropriate uses adjacent -- and compatibility to our adjacent neighbors.

So, as I said, we do have, actually, four context zones. We do have the required neighborhood general and village center, but we also have neighborhood edge. And the last

context zone that we have is our amenity and wellness center context zone, which is right here in blue.

So just to repeat, we're requesting 1,800 units. We have a maximum number of multifamily units established, and that's 1,000. We have a minimum, and that's 300. We have a maximum single-family of 1,500. We are committing to a minimum of 180 multifamily dwelling units within the village center. The village center has to be mixed use. We are committing to 180 minimum in that village center.

So that other 120, to get to the minimum -- we certainly can build more, but to get to the minimum, that other 120 could be in the village center or could be within a half mile of the village center.

We've also agreed to have a minimum of eight retail or office uses, and that is to further the idea of providing a full range of neighborhood commercial uses to serve the residents and surrounding community.

We have a trip cap. Ours is 1,685 two-way unadjusted average weekday p.m. peak-hour trips.

We have agreed to convey an easement to the county for a transit stop or shelter in the future. As I mentioned, we also have a reservation of 100 feet along Oil Well for future widening of Oil Well, and Rich will get into the details of the developer's contribution agreement, but we also are providing for stormwater from a portion of the roadway improvements.

We have a trigger mechanism that says that no more than 1,530 DUs will be built until we build at least 32,500 square feet of commercial so that we have commercial to serve those residents.

I think one of the things that we -- that differentiates this from, perhaps, other projects, is that, again, you have to look at the existing conditions on the site. And what you see before you is the master plan on the right and overlaid on an aerial of the property to the left. And this is really important because you are -- there are limitations on your design when you're dealing with a site that has been significantly disturbed and, in particular, by mining.

So, again, you can see that that drives, to some degree, the configurations of the lakes, the locations of roads and the development pods, development tracts. And, for example, we talked about this -- some of these lakes being deeper. And, yes, we'll have to redesign some of the lakes, we'll have to do some fill work, but there are limits based on the existing conditions on the site.

This is our master plan. I just include it so that you can see that everything that's required is there. We have our open-space calculations here. We have our different land-use mix here.

I want to point out, you know, again, that the Fakaunion Canal is immediately adjacent to us here. We have estates zoning to the north. The future Big Cypress Parkway will run to the east, and you can see in the blue hatching right here our reservation for a future Big Cypress -- or, excuse me, Oil Well Road widening.

I just wanted to point out the access points while you look at this. This is DeSoto Boulevard right here, and there's an access point there. That will go to the village center, as you can see, and the village center is on either side of our entryway here. And this is the main project entrance right here.

We do have a future interconnection to Big Cypress right here that the public, let's say, from the adjacent approved Rivergrass Village could actually come down Big Cypress Parkway when it's built and enter into our commercial without impacting the intersection. We also have a future resident access to Big Cypress up here.

We talked about the requirement to have an interconnected system of pathways and linear parks, and in the master plan there is a pedestrian and pathways plan. There are sidewalks. We're not -- we're not asking not to build sidewalks. There will be sidewalks. They'll be connected.

There are a couple of unique elements that we've added to this, which are these linear

pathways. They're actually going to function as a linear park. So there's one that will go down here to connect to the sidewalk system and allow folks to get to the amenity center, and another one that will be able to connect through this linear park. And I want to erase that -- because it's actually a pretty-good-size linear park here.

And so everything is connected. The collector roadways, for example, right here, this roadway here, has bike lanes and sidewalks as well. And, again, that's the interconnection here.

So we have a very well-designed interconnected system of sidewalks, pathways, bike lanes, and roadways.

We went one step further. We heard at a previous hearing that there's some -- not required in the code, but some potentially desirable minimal amount of distance that people would have to walk to get to an attraction or something like that, and that they -- generally, that's a quarter mile. We don't necessarily agree with that. Some people will walk a quarter mile. Some people will walk further. And there is no such requirement, specifically speaking. We did take a look at that.

And these circles here and colors here represent proximity to these attractors. So as you can see, there is significant proximity to the amenity center. And, again, there's -- if you look at that half-mile distance from the village center and quarter-mile distance from the village center, there's quite a bit of accessibility if not the majority, certainly very close to a majority within a quarter mile and a half mile of the village center. And then there is proximity to these linear parks, which provide for recreational opportunities for folks, too.

So although not 100 percent of the village is within a quarter mile of these, the vast majority of it is. And it doesn't really make sense, because you couldn't have every single dwelling unit within a quarter mile because you couldn't possibly have a village that even came close to the allowances in terms of size if you designed it that way, and it's contrary to that continuum that they talk about and that objective.

I wanted to point out what I think is another nice element. Staff had suggested this to us. We did include several neighborhood commercial-type uses that could be allowed within the village amenity and wellness center context zone. So, obviously, there's going to be recreational-type facilities within the amenity center, but we've also allowed -- I mean, for example, you could have various types of wellness activities that would promote, you know, wellness to the residents.

Banks, credit unions, trusts, child care services, health services, financial advisors, and those types of uses are permitted within our amenity center. We'll see -- there's no absolute guarantee that those would be done, but we look to try to make that a holistic amenity center by allowing these uses, which we think also is helpful.

So a required economics analysis was prepared by Lucy. She is here in attendance. And both county staff and the county's third-party independent reviewer reviewed the economic assessment and concluded that Hyde Park Village is fiscally neutral in terms of impact to the Collier County tax base. That's done at the horizon year. That's when they look at it. That's what's required.

There are -- we asked for a number of deviations, and staff is supporting 19 of the 20 that we asked for. The one that they're not supporting is before you right now, which they've recommended denial of. And I want to talk a little bit about that. I know you've -- you know, we don't have to talk about the ones -- unless you have specific questions, I won't go into the ones that staff is recommending approval for, but this one I want to talk about.

So we are requesting in this deviation to allow, in addition to other allowed signs, up to four lifestyle signs located on Oil Well Road leading to the project entryways and also to allow such signs interior to the development without limitation. We don't think anybody would really object to how many are located within the development, but on Oil Well we understand that there would be a limit.

We've also said that they're relatively small. We've defined them as a maximum of 18 square feet, 12 feet in height, and set back 10 feet from Oil Well and five feet from the internal roadways. You might ask, what is a lifestyle sign? Well, they're used throughout this community to advertise lifestyle amenities within a master planned community.

So they might single out the clubhouse attributes or the fitness center or recreational facilities, or maybe if you had a golf community, which there is no golf in this, but that's often singled out, and other types of amenities that are intended to advertise the lifestyle attributes of the community.

So I also put a limitation in this deviation of 10 years. The projected buildout is 12 years, so I put an extension, an allowable extension if they wanted to go a little bit further, but they're not going to be there forever.

So as a justification, I just -- I guess I want to let you know that these are found throughout Collier County, and they've been utilized in numerous developments with impunity. Nobody has had an objection, and they're still there.

So we have to presume that they're not objectionable, and this developer wants to compete on a level playing field with every other development in town.

The signs are not obtrusive, and I'll show you some pictures, and they'll only remain in place while the project is being developed and lots are being offered for sale. That's why I put a time frame in there.

So now let's talk about some examples. So Compass Landing, which is on Tree Farm Road, you can see the sign. There's another one behind it. Let me point those out to you. So there's one right here, and then there's another one over here, and there's one further down. These signs are -- this one talks about fitness center and children's play area. Here's another one down here saying project, which has multiple home designs offered to fit every lifestyle.

So, anyway, I don't want to belabor the point. You can see that these are pretty well done. They're not objectionable, and I want to show you a few other examples.

This is Greyhawk, which is on Vanderbilt Beach Road. This sign exists right on Vanderbilt Beach Road. And there's another one right behind it -- excuse me. Let me clear that -- right here, and beyond that. And this one is, you know, spectacular clubhouse. Down here is on Logan Road -- Logan Boulevard, excuse me, and you can see these -- we're not asking to put three signs in the same location. Just one with a cap on the number of signs at four on Oil Well Road. So we've put some restrictions in what we're asking for.

And this one is on Rattlesnake Hammock Road.

COMMISSIONER SCHMITT: Can you go back to that one where you had the three.

MR. MULHERE: Yeah.

COMMISSIONER SCHMITT: You said you're not proposing three.

MR. MULHERE: Correct. We've put a cap at four, but they would be separated signs, not a number of signs located --

COMMISSIONER SCHMITT: Not like Stone Creek on the bottom?

MR. MULHERE: Correct.

And then this one is in Hacienda Lakes. And, again, there's a number of these signs as you go down that Rattlesnake Hammock extension on the east side of Collier Boulevard. Even Ave Maria has them. This is a public road. Ave Maria. And they have signs like this. This one happens to advertise a wildlife area, but these are lifestyle signs.

So I just wanted to take the opportunity to talk about that one deviation that wasn't recommended for approval. Again, if you have any questions on others, we're happy to answer those.

I did want to talk about some minor commitments to the developer's commitments within the SRA. We don't think these are substantive, and certainly staff with weigh in. So within the



SRA, Developer Commitment 7.3.B requires -- and I mentioned this earlier -- requires the developer to convey to the county a transit stop. And I think Mike is here if he wants to talk to this issue, but it's really just a question of timing more so than anything else.

But we have added some clarifying language to say that that shelter will be within or adjacent to the SRA in case the county wants it -- it's up to the county where that location would be, but in case they want it more along Oil Well. So -- but at or near the DeSoto Boulevard project entrance. Now, the reason we put that in there is because that's where village center is. That's where it makes sense to have a transit stop.

In the timing, which I said, we didn't really have the timing adequately covered in this. We suggest that as part of the site improvements authorized by the first Site Development Plan for commercial development -- because, again, within the village center -- the owners shall, at its sole expense, convey the easement and install the shelter. And we are required to not only convey the easement but also build that shelter. So, again, certainly staff can weigh in on that issue.

The other minor correction that we had is we had this Requirement 7.4.A as a developer commitment. We had asked for a deviation. Certain roadway -- right-of-way cross-sections in the LDC required a 6-foot planting area, and we had requested to go downtown, to five feet, which was not objectionable to the staff. One of the things that wasn't adequately covered in those cross-sections was the idea of providing county utilities, and to avoid conflicts in county utilities, that constrains how you use the width of that right-of-way. So we went from six to five feet, no problem, county staff had no problem, and that deviation was also approved in Rivergrass.

But the county landscape reviewer wanted to be sure that we would adequately address the requirement for street trees, so that's why this is in here that the street trees have to be spaced 40 feet on center and have a minimum average mature canopy spread of 20 feet or, for species with an average mature spread of less than 20 feet, they have to be a distance equal to twice the average mature spread. So it might be a little closer than 40 feet center. The question was that that only applies within the village center. This didn't say that, so we wanted to clarify that. So that's why I added that language.

I'll very quickly go over the NIM. We had two of them, and the reason we had two NIMs is because a year transpired since the time we had our first neighborhood information meeting. It took a little longer to get through this process. That was really our conscious decision to look at design -- different design opportunities within the site, but a year expired, so we had another neighborhood information meeting.

I'll note that at our first neighborhood information meeting we had 13 members of the public there. They asked good questions. They asked about traffic and provisions for utilities. The meeting lasted about a half hour. The second NIM, held a little more than a year later, had seven members in attendance, and same kinds of questions were at that meeting. That one lasted 25 minutes. So we didn't have a roomful.

At this point, I want to ask Rich to come to talk about the staff recommendations of approval and other things.

MR. YOVANOVICH: And other things.

Good afternoon. For the record, Rich Yovanovich.

Essentially -- and I'll go through each one of them -- we don't have any -- other than on the affordable housing, when I get to that, the conditions that your staff is recommending we're fine with, but I wanted to go one by one through the conditions.

The first condition requires the approval of the Developer Contribution Agreement, which we've obviously agreed to. It's in your backup package, and I'll briefly go through the major points of that in a minute.

Your second staff condition, we believe, is necessary because we've revised it to say that the locations and sizes of these littoral zone planting areas will be identified during the initial

subdivision plat, and staff's in agreement with that, so that's a slight modification to that second condition.

The third was --

COMMISSIONER FRYER: Has that been agreed to, then?

MR. YOVANOVICH: Yeah. Staff's fine with that. It's already in the document.

COMMISSIONER FRYER: Okay.

MR. YOVANOVICH: We've agreed to an ASTM certified playground, and that's fine.

The Collier County Sheriff's Office condition was new to us when we saw the staff report. We're not agreeing to provide a substation. We will be providing our impact fees. If the Sheriff wants to lease space in the village center, they would qualify as an institutional use, and certainly they could go ahead and lease space if they wanted to. But I don't believe we've been asked to nor are we willing to provide a substation in addition to our required impact fees.

On the North Collier requirement, it should say "agree," but it's also not necessary since that's code. And if -- I don't know why we would include a condition of approval to something that we're already required to do by code.

On Condition No. 6, we've agreed to that condition as well.

Condition No. 7, it should say "agree," but it's already in the document, and we've pointed that out to staff. We've already agreed to include the 180 multifamily units within the village center context zone. So that's already in there, and I've provided that language for you where you will see it in the SRA document.

Condition No. 8 is essentially the same thing as Condition No. 1, as is Condition No. 9, so they've already been agreed to.

The next three conditions all deal with staff's desire to require inclusionary zoning within this project and the requirement for providing affordable housing. And, in addition, providing an off-site parcel for affordable housing.

So I just want to take -- I don't think I shared these slides with the Planning Commission in a previous village, but there's been -- there's been some allegations by staff that we're required to provide affordable housing, and they made the point that villages would be DRIs, and if they were DRIs, we would have had to go through an affordable housing needs analysis or housing needs analysis to determine if there was affordable housing required.

And I just want to take you through how the Comp Plan already addresses affordable housing, and it was a conscious decision not to require that villages within the Rural Lands Stewardship Area require affordable housing. We -- I don't know if you're aware, but villages within the Rural Fringe Mixed Use District are, in fact, required to provide affordable housing to get additional density. Unlike the Rural Fringe Mixed Use District, the Rural Lands Stewardship Area does not require affordable housing within villages.

In fact, specifically in Policy 4.7, it addresses that the only way to exceed your base density, which is up to four units per acre, is through the density blending process as set forth in the Growth Management Plan and the Immokalee Area Master Plan was through the affordable workforce housing density bonus and the density rating system.

So specifically in the Rural Lands Stewardship Area policies, in this case, 4.7, it addresses how you get more density in exchange for providing affordable housing. We have elected not to ask for more than four units per acre, so we should not be required to provide affordable housing.

Likewise, the Land Development Code incorporates the same provision that you just saw from the Growth Management Plan. The introductory language to 4.08.07, which is the SRA Land Development Code provisions, again, says the way -- that density shall not be increased except through the provision of the stewardship credit system, the affordable housing density bonus, and the referenced -- and referenced in the density rating system of the FLUE. Again, we're not asking for any additional density. Therefore, we don't have to provide affordable

housing.

And, again, later on in the same section dealing with design standards for towns, villages, hamlets, and compact rural development, it again says the maximum base residential density as specified herein for each form of SRA may only be exceeded through the density blending process as set forth in density and intensity blending provision of the Immokalee Area Master Plan or through the affordable housing density bonus as referenced in the density rating system of the Future Land Use Element.

So, again, your Land Development Code and your Growth Management Plan that specifically addresses rural land stewardship does not require affordable housing. If you want more than the base density, then you provide affordable housing to get additional density.

Now, your Housing Element in your Growth Management Plan is even more specific as to affordable housing. This is the introduction page of your Housing Element, and you will see that I've highlighted the word "encourage." It says, thus there is a need for the county to find ways to encourage the provision of affordable workforce housing for these families. If doesn't say "require." It says "encourage."

The next paragraph talks about different methods that the county uses to encourage affordable housing, which includes impact fee deferrals, emergency repairs, et cetera, set forth.

And then, finally, the last paragraph there -- and this is -- this is a requirement of the county. And it says, Collier County will continue to address its affordable workforce housing deficit by working collaboratively with non-profit groups, governmental agencies, and public/private coalitions to coordinate activities and effectively leverage the resources available to the entire county. That is the county's job to go out and find partnerships to provide affordable housing. There is nothing in your Growth Management Plan that requires individual projects to provide affordable housing within the project.

Now, I know people will say, well, you've got a requirement to provide diversity, and we have done that. We are providing different product types at different product prices. Nowhere in your Comp Plan does it say diversity is defined by -- meeting that condition by providing affordable housing. And, in fact, when you read your document, you'll see affordable housing is a way to get additional density, which we're not asking for, and you will see that the burden of providing affordable housing in your Housing Element is on the county to find partnerships. You're to encourage affordable housing by providing additional density; you're not to require affordable housing.

And I'm not -- I don't know if you're aware, but in the last legislative session, the state legislature said, counties can -- it can adopt inclusionary zoning, but if they do so, they basically have got to make sure that the landowner that you're requiring to do that is made whole, meaning you cover the impact fees for that, you make sure whatever profits they've lost are all covered through your inclusionary zoning project. It's not to be a burden on the developer to fully absorb that cost of providing affordable housing.

MR. KLATZKOW: Yeah. Except that this is -- Richard, I don't know if you're arguing or if you're testifying here.

This has already been zoned, okay, and the zoning requires a diversity of housing types. You're arguing that the diversity does not require affordable housing, all right. Other people can differ.

MR. YOVANOVICH: I agree.

MR. KLATZKOW: The Planning Commission can make its own determination. The Board of County Commissioners can make its own determination. But I'm not sure what the purpose of this is. We all understand that the entire argument hinges upon what do we mean by diversity of housing types.

MR. YOVANOVICH: And what I'm trying to --

MR. KLATZKOW: And it doesn't mean blue houses and green houses, okay, or single-family houses or multifamily houses. I think, when we use the term "diversity," I think it has more meaning than that, but that's up for the Board of County Commissioners and it's up to the Planning Commission to decide.

MR. YOVANOVICH: Other than the fact that your staff says they can't recommend approval unless we include 15 percent of our units as affordable housing or we provide an off-site site for affordable housing, and all I'm simply pointing out in the record is your staff is not allowed to ask for that condition. You may disagree.

MR. KLATZKOW: We disagree.

MR. YOVANOVICH: And that's fine. But I'm allowed to create my record, Jeff. This is our hearing, and I'm putting on the record --

MR. KLATZKOW: And you've created the record, yes.

MR. YOVANOVICH: Thank you. And that's all I'm trying to do.

So we've worked -- I went too far. We've worked closely with your utilities staff, we've worked closely with your transportation staff to work out a developer contribution agreement. That's in your backup. You'll note there's basically two sections of that developer contribution agreement. The first one deals with utilities where we've agreed to provide a utility easement along the northern portion of the property for regional utilities to be extended out to the Rural Lands Stewardship Area to serve this and other projects. We've also worked with your Transportation staff to address reservation of Oil Well Road right-of-way.

We've also worked with your water management staff to address providing an access easement to the canal on the west side of the property. The county has a canal easement, but they have a little trouble getting to it to access it, and we've provided that additional easement as well.

We have agreed to provide water management related to the road right-of-way set-asides for the project as part of the developer contribution agreement. I'm happy to get into greater detail if you want to. We're also going to prepay water and sewer impact fees for 250 units to help the county defray the carry costs of extending the water and sewer lines as part of this project.

In conclusion, it's our opinion and we believe that the record shows that the Hyde Park SRA complies with all Land Development Code requirements for the millage -- for the village, I'm sorry. It meets the definition of a village, it meets all the suitability criteria, it fully addresses Attachment C, it complies with all the design criteria, not only -- we're fiscally neutral, according to your staff, our expert as well as a third-party reviewer, and we've met with your staff to address infrastructure concerns that they may or may not have with regard to the project.

With that, we're available to answer any questions, and we request that you forward this petition to the Board of County Commissioners with a recommendation of approval.

COMMISSIONER SCHMITT: And that recommendation is subject to the conditions that you cited that you want to be eliminated.

MR. YOVANOVICH: We want -- we -- the ones we've agreed to we agree to. The ones we disagree to, the --

COMMISSIONER SCHMITT: Can you go back to that slide?

MR. YOVANOVICH: Yes, I will.

So, basically, we agree to Condition 1; Condition 2 is already addressed; Condition 3 we agreed to; Condition 4, which is the Sheriff's substation, we do not agree to provide a Sheriff's substation. We're paying our impact fees.

COMMISSIONER SCHMITT: You'll pay your impact fees.

MR. YOVANOVICH: Of course.

COMMISSIONER SCHMITT: And the facility will allow it, but it's at -- it's something that is not a developer contribution.

MR. YOVANOVICH: If they want to come talk to us about --

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COMMISSIONER SCHMITT: Yes.

MR. YOVANOVICH: -- leaving space in the town center --

COMMISSIONER SCHMITT: Leasing space.

MR. YOVANOVICH: -- we're happy to talk to them about it, but we're not going to provide it, you know, free of charge.

COMMISSIONER SCHMITT: Okay.

MR. YOVANOVICH: We've agreed -- I'm sorry. We're on No. 5. That's -- that is -- it's unnecessary, but we agree to it. Number 6 --

COMMISSIONER SCHMITT: Six is unnecessary as well. It's already perfunctory. It's part of the code.

MR. YOVANOVICH: I agree. Five and 6 are code requirements so, of course, it was easy for us to agree to that. Condition No. 7 is already in the SRA document, so it's unnecessary. Condition 8 and 9 are related to Condition 1, which we're fine for. And we disagree with the three conditions related to the affordable housing, which is 10, 11, and 12. So that is our request.

COMMISSIONER SCHMITT: Okay.

MR. YOVANOVICH: With that, we're available to answer any questions you may have. We have all the usual suspects here to answer any questions.

CHAIRWOMAN HOMIAK: Okay. Before we do that -- do you want to take a break? You need a break, huh? Till -- okay. We'll take a 15-minute break.

(A brief recess was had from 2:28 p.m. to 2:43 p.m.)

CHAIRWOMAN HOMIAK: Questions time.

COMMISSIONER FRYER: I have some.

I had a good conversation with you yesterday, Mr. Yovanovich. You answered some of my questions, and I -- as I always do, try to let you know what my concerns were going to be to give you a heads-up, and I'll begin by saying a couple of positive things about the project.

First of all, it is compact. It seems to be well suited to village status. The interconnectivity is solid, so kudos on that.

Now, I have some comments and some proposals. First of all, the village center is not in the center, and the neighborhood edge is not on the edge. And I think I know why that nomenclature has been adopted, and I'm not especially concerned about the loss of the graduation or gradual nature of going from density to less density because your neighborhood edge is like a spiderweb throughout this thing. So you couldn't really go from less density to more and vice versa. And I'm not so concerned about that. And I'm not even so concerned about the fact that your neighborhood center is in the far edge. I get why that is.

I'm going to challenge you and your client to perhaps accommodate my concerns in exchange for my not arguing with you over the fact that this isn't in the center -- that the village center's not in the center. We'll come to that in a moment.

As we have said, this is going to be a gated community.

MR. YOVANOVICH: Oh, yes. I didn't know if that was a question. I'm sorry.

COMMISSIONER FRYER: Yeah, yeah. I'm kind of trying to make a record along the way here.

MR. YOVANOVICH: Okay.

COMMISSIONER FRYER: And which, again, is not entirely what I think was anticipated for a village. But nonetheless, I don't -- I don't -- that's not a huge problem for me.

My first question is, with respect to the 180 multi-families that are to be in the village center, which side of the gate will they be on?

MR. YOVANOVICH: They're going to be on the -- they're going to be on the private side of the gate, correct? The apartments are going to be before the gate -- oh, I was -- when we spoke I was wrong. They're actually going to be on the public side of the gate.

COMMISSIONER FRYER: Okay. Thank you. Is there a bus line currently on Oil Well?

MR. YOYANOVICH: There's not, but we've -- we're working with staff for when we do have one. Obviously, we're providing the transit by our village center.

COMMISSIONER FRYER: From your discussions with staff, what -- what can you tell us about the likelihood and the proximity in time of there being a bus line on Oil Well?

MR. YOYANOVICH: I'm not sure staff is that far along in determining when they will provide service out there. So maybe Trinity knows. But I think that they're just taking a longer term planning approach to make sure when they're ready to go out there we've assisted them in that endeavor.

COMMISSIONER FRYER: Okay. Let's see. I've got a lot of pages to go through, so it's going to take me a little bit of time to get to my next questions. So Phase 1 of your multi-phase project is basically southwest quadrant?

MR. YOYANOVICH: It's actually just -- it's not a phased project by the typical term of "phasing." I don't know if we're -- I don't think the final decision has been decided as to where to start and when to end with the ultimate development.

COMMISSIONER FRYER: Mr. Mulhere's site plan labels Hyde Park Village, and then this first -- it calls it Phase 1 in the southwest corner, but that is -- that's not --

MR. YOYANOVICH: Was that in our PowerPoint?

COMMISSIONER FRYER: I don't know, but it's got Bob's company's logo on it, and it says Phase 1.

MR. YOYANOVICH: I believe that may have been a reference to a preliminary plat. I'll have to follow back up on that.

COMMISSIONER FRYER: All right. So can you be more specific at this point where the first 250 dwelling units would be constructed?

MR. YOYANOVICH: The first 250 dwelling units are going to be in the southwest corner. Is that what you just asked me?

COMMISSIONER FRYER: Yes, it is.

MR. YOYANOVICH: Oh, sorry.

COMMISSIONER FRYER: Okay. That's all right. So this Phase 1 site plan from Hole Montes is accurate?

MR. YOYANOVICH: The plat, yes. You were -- where you and I are maybe missing each other is I'm thinking about the master plan for the SRA.

COMMISSIONER FRYER: I'm just talking about the site plan.

MR. YOYANOVICH: You're referring to a totally different document. That's what threw me off.

MR. MULHERE: I'm sorry. I just wanted -- so because we used these terms, I guess it is sort of a site plan, but technically what we're talking about there is the plat. And so the Phase 1 plat, the first plat that we're going through is in that location.

COMMISSIONER FRYER: Yeah, okay. And I think we understand one another that that is -- at present that is where you plan to build your first 250.

MR. YOYANOVICH: Correct.

MR. GREENBERG: Correct.

COMMISSIONER FRYER: Can you estimate, assuming the regular process of permitting, when you would have completed the first 250 dwelling units, wherever they might be?

MR. YOYANOVICH: I think that -- probably anticipated to have those done in three years.

COMMISSIONER FRYER: From?

MR. YOYANOVICH: From when we get approved.

COMMISSIONER FRYER: From when you get BCC?

MR. YOVANOVICH: Yeah. I've got to get approved first. I mean, we're still working on -- you know, obviously we've got to get the SRA approved, and then we've got to finalize the Corps and Water Management District permits.

COMMISSIONER FRYER: So it's all of those approvals?

MR. YOVANOVICH: Well, yeah. Because we can't start --

COMMISSIONER FRYER: No, I understand, but I just wanted the beginning point of the time. So it's three years from the last approval you need?

MR. YOVANOVICH: Correct. And we're not far away, hopefully, from getting the last approval we need to get moving.

COMMISSIONER FRYER: Okay. All right. We talked yesterday a little bit about buffering. And the niche, if you will, of this village, this location has rural estates to the west and to the north and then Oil Well to the south where -- and to the north you've got one dwelling unit per 2.25 acres density. To the west you've got 1.25. My question is -- well, before I ask a question, could you please elaborate a little bit on what you're proposing for buffering against the rural estates.

MR. MULHERE: Yes. So the -- where we actually immediately abut the Estates is to the north, which is right here, right?

COMMISSIONER FRYER: Aside from the canal, it's on the west as well.

MR. MULHERE: The canal, yeah. I'm going to get to that one -- but to the north. That is a Type 15 [sic], which is an opaque, required to be an opaque landscape buffer or, excuse me, a Type B, 15-foot wide. But the tract is 100-foot wide. So we will have an open-space tract, a green-space tract 100-foot wide within which we will plant the required opaque 15-foot-wide planting area. That's just the planting area. So 100 foot right here.

Over here it's 65 feet -- 65 feet on the west same type of planting, but a 65-foot-wide open-space area adjacent to that 100 -- I think it's 100-foot-wide canal.

COMMISSIONER FRYER: So with the setbacks of the rural estates, how many feet would your improvement be from their improvement?

MR. MULHERE: So 30 in the rear for them, plus the canal's 100 foot in width, I believe. Is it 200? Oh, so 100 foot plus 60, we're at 190, plus the setback, the rear-yard setback. It's over 200.

COMMISSIONER FRYER: Building to building is over 200?

MR. MULHERE: Yes.

COMMISSIONER FRYER: Both the north and the west?

MR. MULHERE: Yes.

COMMISSIONER FRYER: Okay. Thank you.

In a conversation that I had, I guess, Rich, in our phone call, we talked about the notice to residents regarding a parkway sound wall. When you were talking about agree and disagrees, did you cover that and I just didn't hear?

MR. MULHERE: No. Because it's in the document itself. We're still working with Trinity on -- we have no objection to providing notice to our residents within Big Cypress -- I'm sorry -- within Hyde Park that Big Cypress is coming. We have no objection to providing notice to our residents that there's -- Big Cypress Parkway is on our eastern boundary.

COMMISSIONER FRYER: And that there will be no sound wall.

MR. YOVANOVICH: Well, we're still talking to the county about how far they're going to try to push us to put us in a position where we may have exposure to build a sound wall, and so we've said you move -- remember, Big Cypress Parkway when it was originally configured was further to the east by a few hundred feet. It got moved up against our project boundary. We have a 75-foot buffer there. We think that's more than enough. If, however, Big Cypress Parkway

warrants a sound wall, we believe that that's the county's expense, not the developer's expense. So we're still working through --

COMMISSIONER FRYER: Understood, but isn't the issue notification?

MR. YOVANOVICH: We have no problem notifying them. We have no problem notifying our residents.

COMMISSIONER FRYER: All right. Well, when we get to staff, I'll find out whether they see that as an open or closed issue.

MR. YOVANOVICH: All right.

COMMISSIONER FRYER: All right. Now, to affordable housing. And I know and I think staff knows full well that, per se, it is not required. What is required, though, is diversity. And so that is in the eyes of the beholder, I think, as the county attorney said quite well.

And in my judgment diversity can be accomplished in some different ways, but the overall objective should be a diversity, in my personal point of view, that is a benefit to the county.

Now, again, I don't, personally, focus quite as mechanically or irresolutely upon the notion of affordability. I'm more interested in providing some real opportunities for essential services personnel. So I'm not necessarily where the staff is on their 15 percent proposal and the other. I think -- I'm glad that they made that proposal because it's something that we need to talk about, but that's not exactly where I am.

I would like to hear a proposal from the applicant that would address in a meaningful way more than just holding open a unit until, you know, 90 days has elapsed, and if no essential services personnel apply, then it's open to anybody. That's not quite enough for me. What was done with Rivergrass was, I think, a step in the right direction, \$500,000 pot that was put together to help people, I guess, with earnest money or down payments or something.

So my first comment to you -- and I don't have a proposal. I didn't when we spoke yesterday, and I still don't. But I want you to know that from my perspective, I'm concerned about the lack of what I would call sufficient diversity in respect of essential services personnel who are intrinsically of great value to the county and having them very proximate to the county. You don't need to respond to that yet, but that's my first concern.

And I will -- I'm going to jump here to my second concern, but then I may come back to some other things. My second concern has to do with the number of dwelling unit certificates of occupancy that you would get in exchange for only opening half of your commercial square footage, 22,500. To me, as a fair exchange for being able to move your commercial center from the center to the potential intersection of Oil Well -- well, Oil Well and DeSoto and then ultimately proximate to Big Cypress when that opens up, seems to me the trade-off should be that you would open up more commercial sooner because you wouldn't have to depend exclusively upon the residents for your business. You're looking for drive-by business, and I understand that. So, to me, the 1,530 dwelling units number is too high.

MR. YOVANOVICH: I've got to go back to the very -- what I believe to be an incorrect application of the SRA requirements. There is nothing in the SRA requirements that says the village center has to be in the center. What it says is it's the focal point for providing these goods and services. It doesn't say that it needs to be the bull's eye in a dart board. It says that it has to be the focal point. And this is, in fact, the focal point.

COMMISSIONER FRYER: I grant you that.

MR. YOVANOVICH: So it doesn't have to be in the middle, and where we've located this, it is the focal point of where we're going to provide those goods and services, and it's truly mixed use with having the multifamily within the village center and having that multifamily be on the public side of the gates, if you will.

So I think, for one, our village center is spot on with the requirements of what the Rural Land Stewardship program requires.



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COMMISSIONER FRYER: It doesn't explicitly require it to be in the geographical center, but the word "center" does have a meaning.

MR. YOVANOVICH: Well --

MS. ASHTON-CICKO: Well, it is pretty clear that the most intensive is in the middle, and the outer edges are intended to be least intensive. That's throughout the GMP, but that's --

MR. YOVANOVICH: But keep in mind when you're looking at -- you look at each individual project and parcel, where is this located? This project is going to be located at the intersection of future Big Cypress Parkway and Oil Well Road. That's a pretty big major intersection. So where would be the best location for these goods and services to be provided not only to our residents but the residents that are in that area out east? Because, again, one of the tenets of the Rural Lands Stewardship program was to provide these goods and services out east to reduce vehicle trips back into the urban area. So where we've located our village center makes sense not only for our community but for the surrounding community.

COMMISSIONER FRYER: It's a focal point taking also into account the fact that you are actively marketing to automobile traffic on the roads, which is fine.

MR. YOVANOVICH: Which -- and I'm going to get to the next point. The next point, as much as we would like to build space and they will come, that's not how retail space works. You build it when there's enough critical mass of rooftops to support the business properties in that -- in that center. It makes no sense to build a building, hope you can lease it, and hope they'll be successful.

So what we think is an appropriate trigger -- the number that's in there is an appropriate trigger to result in there being enough critical mass for that 22,000, and I don't remember the exact number, of space to be successful, and that's what we all want.

COMMISSIONER FRYER: I disagree -- I disagree because I would be willing to support putting your village center not in the center but down near what would be a more likely focal point for where you would attract business, but in exchange for that, it seems to me that your 1,530 dwelling units is too high. You're not depending upon those roofs and those units to be built exclusively to create your demand. You're also marketing to automobile traffic.

MR. YOVANOVICH: And the number that we arrived at the 1,530 rooftops takes into consideration other drive-by traffic. Now, remember, don't forget, we're competing -- our retail will be competing with other retail in the area. So it's not as simple as we get everybody who's on the road to come to our retail. We have -- not people -- not only our road, people that are on the road; they'll be going to other villages in the area.

COMMISSIONER FRYER: I understand.

MR. YOVANOVICH: So it's a delicate balance, and what's important is that the retail be successful and it meets the needs of not only our village --

Now, let me give an example. In the Divosta communities, they had these village center concepts where they would provide retail, limited retail to serve these communities, and they're not small communities. They've got many homes in them. That retail struggles. It struggles, and that's in the center. So that has not been the most efficient use of that concept.

And in order to have a successful village center and viable to meet our needs, we've purposely located this center at that intersection because we want it to be viable to serve our residents' needs, which it needs to do, but also serve other people, and we think that's consistent with the Growth Management Plan.

COMMISSIONER FRYER: We're saying similar things. We're not that far apart. But my point is is that for -- you've got 2032 buildout year with your 12 years.

MR. YOVANOVICH: Yes. I have to -- it's hard for me to do in my head. Yes, 2032.

COMMISSIONER FRYER: Okay. So let's say that you don't get to 1,530 until year eight, year nine, year 10. That's a long period of time, potentially a decade or more where the

people who are living in there are not going to have retail services available to them unless they go out on the public roads.

MR. YOVANOVICH: But the problem you have is, who's the retailer? The provider of those services has to have enough business to survive, and if they don't have enough business to survive, they're not going to provide those services anyway.

So you're not going to attract the business owner who's going to -- they have their mathematical formulas, and they say, if we don't have enough of these rooftops, we're not coming. So you're not going to get those services anyway.

COMMISSIONER FRYER: Well, what is the logic behind the 1,530 number? How did you arrive at it?

MR. YOVANOVICH: It was a number that was arrived upon and based upon our experience as to how many rooftops we would need together with what we thought we could capture from the roads to have a viable center.

COMMISSIONER FRYER: Well -- but that's prognostication that you could do or I could do as well. And, obviously, your goal is to reduce your risk, and I understand that, and you're entitled to attempt to do that.

My concern is is you're wanting 1,530 numerator divided by 1,800 denominator dwelling unit occupancy certificates in exchange for only 50 percent of the commercial use, and it seems to me that those fractions should be a little more closely aligned.

MR. YOVANOVICH: Do you have a proposal?

COMMISSIONER FRYER: Yes. I'd propose that they be -- that they be aligned completely; that 50/50, 25/25 so that you get some retail in there.

MR. YOVANOVICH: The math doesn't work. The math doesn't work for the businesses to be successful.

COMMISSIONER SCHMITT: Publix is not going to -- a firm like Publix is not going to come in. He could build the -- I agree with Rich. He could build the facility, but they're not going to come in unless they know they can capture a market and they do a market study and a market analysis to determine the capture rate and what their sales would be.

We could stipulate anything in this but, frankly, it's up to the business. The business -- even at 15, 20, you may not get a business to come in. You may get a cleaners. You might get a -- some other small retail, but you're not going to get an anchor store unless they know they can capture the business. So I just -- I don't know what you're -- you're trying to take a ball-peen hammer and put a square peg in a round hole. I mean, we could put a number down, but it may -- to me it's --

COMMISSIONER FRYER: Well, this particular number just seems to me to be unnecessarily generous. What the right number is I don't know any more than you do or that Rich does. But I am concerned about the folks who are living there. We don't -- we don't know the progress that's going to be made in Rivergrass, and we don't know, you know, to be sure, what -- when Rivergrass is going to be up and running in its commercial center. So there's nothing that, you know, we can rely upon for the benefit of those people in any particularly adjacent area.

And it seems to me that some credit should be given to the residents for the fact that you're moving the center to the edge using the common sense meanings of those words in order to capture drive-by traffic.

MR. YOVANOVICH: Well, I guess we'll have to agree to disagree on whether I'm really moving the center to the edge, because I think the center can be exactly where we have and meet code.

COMMISSIONER FRYER: Well -- okay. So I've got some other questions, but essentially those are my big concerns. The number of dwelling units, certificates of occupancy, and garnering only 2,200 -- 22,500 square feet. And I'm not trying to set you up to lose money or

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lose business or be not viable, but it just seems to me that this is overly generous. And the other concern has to do, as I mentioned, with --

MR. YOVANOVICH: But, remember, that's an out side. That's an out side. Let's just say we're wildly successful, and we go quicker, and Rivergrass is wildly successful and they go quicker and the Estates is building out like the Estates is building out. Retailers will want to come. That retail provider will come to Neal Communities and say, we want to buy this property. We want to build the center because there's enough rooftops. The market takes care of itself. That's clear. And we all know of many examples where people tried to force the market, and they were unsuccessful. And you have -- you have vacant, blighted space, and that's in nobody's best interest.

COMMISSIONER FRYER: So that was my first concern. And my second concern has to do with doing something that's significant for essential services personnel. Just numerically, based upon the way the documents came to us, my next series of questions have to do with the economic analysis. If your consultant could come up, that would work for me.

MR. YOVANOVICH: Right here.

COMMISSIONER FRYER: Okay.

MS. GALLO: Good afternoon. Lucy Gallo with DPF&G.

COMMISSIONER FRYER: Hello, Ms. Gallo. Welcome back.

The first -- well, the main subject I want to ask you about, not the only one, but the main subject has to do with emergency medical services, because that's something that I have had some knowledge about, some special knowledge.

MS. GALLO: Right.

COMMISSIONER FRYER: And there is a figure, Figure 1 in your material, that is found on Page 980 of 1,358. It is labeled Hyde Park site and public facilities location. You have that in front of you?

MS. GALLO: I do.

COMMISSIONER FRYER: Okay. And you've got Corkscrew Fire Station 12, which, of course, now is North Collier, but that's where it is.

You've got a sheriff's subdistrict, I guess, labeled. You've got a battalion chief labeled. You've got Medic 32, which is over in Ave Maria; you've got that labeled. You also have Big Corkscrew Fire Station No. 11 labeled. Are you familiar with that station?

MS. GALLO: Yes. Those were prepared -- the map was prepared by Hole Montes when we did the initial submission in June 2018. But if you want to talk specifically about EMS services for Hyde Park Village, there's an update to provide that I'll be glad to share with you.

COMMISSIONER FRYER: Does it have to do with the firehouses and EMS stations?

MS. GALLO: Yes, exactly.

COMMISSIONER FRYER: Yeah. Why don't you.

MS. GALLO: Yeah, absolutely. When this report was prepared, EMS was planning to collocate with North Collier Fire at the DeSoto and 22nd station.

COMMISSIONER FRYER: Sure.

MS. GALLO: But in -- and I shared this memo with Amy Patterson. When the county closed on the property for the new EMS site at DeSoto and Golden Gate Boulevard, that became the EMS facility that will serve Hyde Park Village. So I'm -- because there's so many of these applications going on, I'm in regular touch with Chief Butcher on these EMS facilities.

So kind of the good news out of what is not in this report, because it wasn't updated for this acquisition in January of 2020, is that the new EMS station at DeSoto and Golden Gate Boulevard will be funded -- the building part will be funded by the new sales surtax, meaning that for Hyde Park Villages' proportionate, there won't be a building cost from -- needing to be funded with impact fees. So, in essence -- I'm not sure you can see this, but there will be approximately

143,000 additional impact fee dollars that can go to support other capacity needs, whether it be vehicles or equipment of the county, that will not be created from demand from Hyde Park Village because the building itself is going to be funded by sales tax.

COMMISSIONER FRYER: Yeah. But, of course, that means that sales tax money won't be available for other uses or other purposes.

MS. GALLO: Right. Exactly.

COMMISSIONER FRYER: Okay. Let's turn to fire suppression and what was called Big Corkscrew, now called North Collier. Station No. 11, which you have labeled up in the northwest corner of this Figure 1, are you familiar with that station?

MS. GALLO: I know that from our -- again, I did not prepare this map, but what is documented in the report is that the new North Collier Fire Station plan for the DeSoto and 22nd will serve Hyde Park Village as well as Rivergrass.

COMMISSIONER FRYER: Well -- but, of course, you know, if there's a structure fire, it's going to take more than one firehouse to put the fire out.

MS. GALLO: And so the current plan, again, that happened -- just has happened within the last four weeks, I guess, with the acquisition of this county property, North Collier Fire is planning to have one bay with one pumper at the station on 22nd and on DeSoto and Golden Gate Boulevard. So there will be extra support coming from within the adequate drive time.

COMMISSIONER FRYER: And that's a good thing. But, nonetheless, in a case of a structure fire, which would usually go to a first alarm, any kind of a structure fire of consequence, you're going to need to pull apparatus from other fire stations, possibly as many as three to five additional suppression apparatus in order to put the thing out, maybe more if it goes to multiple alarms.

So having that DeSoto and 22nd there is good, but you've got to also rely upon the array of firehouses that are around Hyde Park.

Now, I'm going to ask you one more time about Fire Station 11. Are you familiar with that?

MS. GALLO: I worked closely with Chief Ricardo in preparing the North Collier Fire portion. And the analysis, based on the stations that he said would be supporting this district -- I mean, this project, he approved every word that's included in this report. So I don't think he's here today, but he expressed no concern about being able to provide service to the site.

COMMISSIONER FRYER: Here's my concern.

MS. GALLO: Uh-huh.

COMMISSIONER FRYER: It's been decades since Fire Station 11 had any first responding personnel or apparatus at it. It's a maintenance facility, and it's been that way for a long, long time. And Chief Ricardo knows that.

MS. GALLO: Then apparently there was a correction needed on this map that I was not aware of.

COMMISSIONER FRYER: But the larger concern, you know -- and I am not as acquainted with other aspects of the economic study that you've done as I am with fire and EMS. But when I see something like this, which is -- which is intended to portray circumference of coverage around the area, and really one of the stations in question is a maintenance facility without any fire apparatus or personnel, it calls into question some of the assumptions that you've made and the assumptions that we're being asked to make and -- with respect to your study.

MS. GALLO: I guess the -- my comment is, though, it's well documented in the report where -- what station will provide service to the site.

COMMISSIONER FRYER: Well, okay. Let's turn now to EMS. And if you look at the 2019 AUIR in the materials that were submitted by EMS, you find the following statistic: First of all --

COMMISSIONER SCHMITT: Tim, can you help her with -- fix that, if you would. Thank you.

COMMISSIONER FRYER: The level-of-service standards, LOSS, for EMS for that year was calculated to be one service unit, which is vehicle plus equipment plus station space per 16,400 in population, okay.

MS. GALLO: Uh-huh.

COMMISSIONER FRYER: So the annual cost of one service unit, those three components that I mentioned, is \$2.7 million. That's the annual cost for personnel, equipment, and the roof over its head. Okay?

MS. GALLO: That's in the -- correct.

COMMISSIONER FRYER: So now if you take that annual cost and you divide it by the number of people, 16 -- 16 point 4,000 -- 16,400, you come to a per-person headcount that would be -- that would contribute to that additional EMS unit at \$165.

Now, if you take the \$165 and you multiply it by your population estimate, which I think is low, but we'll take it for the sake of discussion of 3,633 permanent population, that comes out in excess of \$598,000 a year of EMS costs that is going to be associated with Hyde Park.

MS. GALLO: I just showed you the analysis for the capital cost associated with EMS services. There is no building cost. That was what I was showing you. So in your --

COMMISSIONER FRYER: Well, you were showing me one thing, but now I'm presenting something else to you.

MS. GALLO: Right. But what I'm presenting is what the county has adopted in terms of from a functional population standpoint and truly the effect on capital needs for the county that Hyde Park Village will create. Hyde Park Village is going to create demand for vehicles, not a building.

What you just included that -- the larger cost for that calculation was for the building cost. The building is going to be funded by sales tax.

COMMISSIONER FRYER: Yes, but that money is coming away from other uses in the county. So please don't assume that that's found money.

MS. GALLO: The facility was approved for sales-tax surtax, and this project isn't even an approved project. It's already been in the works. There's already been a need for an EMA station for additional coverage in that site long before either Rivergrass or Hyde Park Village came along.

COMMISSIONER FRYER: Ms. Gallo, my objective here is to illustrate the actual cost per person of the additional service unit which is the vehicle, the roof over the head, and the personnel, because dealing with actual costs is, I think, a better way of looking to fiscal -- at fiscal neutrality and particularly when that's not even going to be calculated until buildout. It gets back to an original question I had in another project. What happens -- I mean, all of the costs that's going to be incurred by the county of having \$598,000 going out each year, and you're proposing to pay only 214,000 in year one.

MS. GALLO: We're going to be paying our -- Hyde Park Village will pay its impact fees. That's what I was showing you. Their impact fees are 242,000. That's what their legal obligation --

COMMISSIONER FRYER: Two hundred fourteen or forty-two?

MS. GALLO: \$242,000.

COMMISSIONER FRYER: Well, what's the 214- figure?

MS. GALLO: I'm not sure I see where you're showing.

COMMISSIONER FRYER: Well, in your material, correct me if I'm wrong, but it looks to me as though you're proposing to pay \$214,000 in year one as your contribution toward EMS service.

MS. GALLO: Table 16, impact fee revenue, 242,000.

COMMISSIONER FRYER: I don't have that in front of me. Be that as it may --

MS. GALLO: Yeah.

COMMISSIONER FRYER: -- it's still significantly less than the \$598,000 actual cost that may or may not be zeroed out or become cost neutral at time of buildout, which is 2032. But as you know, I'm sure, county EMS operates at a loss. The fees for services do not cover the actual cost of running the EMS operations. They fall short by about a million and a half a year. And so that's not -- that loss is not something that you can make up in volume. Additional volume only increases the loss.

MS. GALLO: And part of -- and that's why we recognized on the operating side -- and that's what I was getting ready to show you on this slide earlier is that right now -- typically, a fiscal-neutrality analysis does not look at enterprise funds because they're supposed to be self-supporting. The EMS fund is an enterprise fund. As you mentioned, though, the ambulance fees don't cover the full costs, and part of the reason is that 70 percent of the calls are for Medicare and Medicaid recipients. So there's a gap there.

So what we built into the fiscal-neutrality analysis was the -- and we were based on the Fiscal Year '18 budget -- that \$18 million [sic] is a line item in the fiscal model so that we acknowledge that there's a gap that the General Fund has to subsidize an enterprise fund, which is unusual.

COMMISSIONER FRYER: The only point I'm trying to make is that if fiscal neutrality is going to be achieved at all, it's going to be pretty far down the road, and in the meantime this is going to be a burden upon all the other taxpayers in the county.

MR. KLATZKOW: Fiscal neutrality will never be achieved in the RLSA. It's mostly residential.

You make money in agriculture, which we're losing. You make money in industrial; very little out there. Commercial, you're not seeing it until the rooftops are up. And so they're mostly putting up residential. We lose money on residential. I think we spend, like, a dollar for every 80 cents we bring in. And so the fiscal neutrality is -- you're not going to achieve it. You're just not.

MR. YOVANOVICH: And, Mr. Fryer, the code was changed many years ago to determine fiscal neutrality at project buildout. There used to be an analysis every five years. The Board of County Commissioners decided to go away from that because they didn't want to get into the catch up, pay back, catch up, pay back. They wanted -- they made a conscious decision to change the Land Development Code to a fiscal neutrality at buildout. That's the standard that we have to be held to. The interim has been decided to be not relevant to our application.

COMMISSIONER FRYER: I understand, but the only thing I would say is that we and, more importantly, the Board of County Commissioners are representatives of the taxpayers, and I think when these matters come before us and before them for hearing, it's important for the county taxpayers to know that there will be an actual cost that is significant, substantial, and may exceed the minimum requirements that have been set out in the LDC at fiscal neutrality in the year of buildout and all of that.

MR. KLATZKOW: And that's true for pretty much every development we do here.

COMMISSIONER SCHMITT: Yep.

MR. KLATZKOW: I mean, Jesus, I had three kids going to school. It cost the Collier County taxpayers about \$10,000 per year per student. That's on top of what the state puts in, all right. So that's \$30,000 a year in Collier County taxes just to educate my three kids. What am I paying, \$2,500 a year, \$3,000 a year in taxes. You'll never catch up on residential.

COMMISSIONER FRYER: All right. I just -- I wanted to make that point because I think people need to think about that. I certainly do.

With respect to your analysis of the breakdown between seasonal residents and full-time residents, if I recall correctly -- and I don't have that right squarely in front of me, but I believe

there was -- it seemed to be weighted very heavily in favor of -- well, disproportionately towards seasonal residents, and I would have to challenge that, because most seasonal residents -- all seasonal residents are people who I believe have second homes somewhere else. And at these price points, do you really expect that the people who can afford to come in in these price points, that these are second homes?

MS. GALLO: There's two points to your question: 30 percent of homes in the unincorporated area are seasonal; that's one point.

To calculate peak seasonal population, we use the factor that you-all use -- the county uses in the AUIR, your impact fees consultants use, and it's a factor of 20 percent. That's a standard that the county used. We use it to be conservative, because what ends up happening is then we have a higher population that we apply in the fiscal impact study for an impact on a number of services, including EMS, so it's a very conservative measure.

The third standard we use that recognizes seasonal homes is to estimate the portion of homes that will be eligible for homestead exemption. And we use the Shimberg Center for Housing studies at the University of Florida. Every year they have a download of the tax base of every county in Florida, and for unincorporated Collier County for their most recent tax year, that figure was 35 percent.

So we didn't have any reason not to rely on an unincorporated county average for those homes qualifying for homestead exemption, single-family, of course. So -- and we needed to use that measure to be able to estimate property taxes. So that's where we have three different places where seasonality comes into play, and all of those are based on standard assumptions, and two of which are based on what the county itself uses.

COMMISSIONER FRYER: My next point has to do with your firm's disclaimers. I was really surprised to see the same disclaimers in here after the discussion that we had in Rivergrass. You'll recall from your own disclaimers it says, further DPFG has served solely in the capacity of consultant and has not rendered any expert opinions. This report is not to be used where it may be relied upon to any degree by any person other than the client, nor is any third party entitled to rely upon this report. Any changes made to the study or uses of study not specifically authorized or specifically prohibited.

I think you told me that that -- that that is not operative, didn't you?

MS. GALLO: As I explained -- and this report was first filed in June 2018 long before Rivergrass testimony. As I explained to you before, our firm is involved in public finance, multiple bond finance. We -- a lot of our reports are --

COMMISSIONER FRYER: But that's not what this is.

MS. GALLO: -- part of offering statements. Our attorneys, like attorneys for any other consulting firm, have standard disclosures that you include on reports because that's part of what is professional standard. So I think it's irrelevant to our discussion, as I said then.

COMMISSIONER FRYER: Excuse me? Are you an expert in this area?

MR. YOVANOVICH: What area?

COMMISSIONER FRYER: The area that is the subject matter of this economic report?

MS. GALLO: Yes.

COMMISSIONER FRYER: All right. And are you rendering an opinion?

MS. GALLO: I have -- yes.

COMMISSIONER FRYER: Okay. So then this disclaimer is really inoperative.

MS. GALLO: You asked me that before. That disclaimer is for purposes when our -- of every report we issue because there could be some report that could inadvertently, if you'll read the entire disclaimer --

COMMISSIONER FRYER: I did.

MS. GALLO: -- be included with an offering statement, and we don't want that to happen

without our knowledge. So our attorneys have advised us we have that as blanket coverage. So if a client wants to use any of our reports within an offering statement, they're required to tell us. You're kind of reading that out of context in terms of why that disclaimer is in there.

COMMISSIONER FRYER: No. I know exactly why you did it. It's just that this is -- this is an off-the-rack public offering or some other financial transaction. This -- this is an expert opinion, and we're being asked to rely upon your expertise and accept that what you say constitutes an opinion. And what I hear you saying is that that disclaimer or that part of it is not operative in this case; is that correct?

MS. GALLO: I worked for a -- I was a vice president, AECOM Economics Global Consulting firm. They included the exact same disclaimer in all of their economic reports. It's standard wording.

COMMISSIONER FRYER: So if you're not willing to acknowledge that you're an expert and this is an opinion, I don't know what we've even got this in front of us for. I'll move on.

MR. YOVANOVICH: Hold on a second. She told you she's an expert in the testimony. She's told you you can rely upon the opinions she's given. She's saying these are standard limitations that nobody else can rely upon this document to use it for the wrong purposes. And so don't -- you cannot characterize what she just said as you can't rely upon what she just told you and the information she's provided you.

COMMISSIONER FRYER: That -- okay. But she's going to have to tell me that this disclaimer is not operative to us.

MR. YOVANOVICH: It is not operative -- and she'll correct me if I'm wrong -- to the testimony she has just provided.

COMMISSIONER FRYER: Thank you.

All right. On Page 1197 of our --

MS. GALLO: I'm sorry. I just have a hard copy.

COMMISSIONER FRYER: I know. Pagination is a bugaboo of ours.

MS. GALLO: Does yours show any sort of page number at the bottom of --

COMMISSIONER FRYER: No.

MS. GALLO: 1197?

COMMISSIONER FRYER: I'll read this paragraph to you, and I think you'll recognize it.

This has to do with traffic. No, it doesn't. It has to do with economics. This is the appropriate time. It says, the report does -- does -- excuse me. The report does estimate that Vanderbilt Beach Road between Livingston Road and Logan Boulevard will operate at LOS F by the year 2030.

Well, no. This actually has to do with traffic. Should I be asking --

MR. YOVANOVICH: I think that's Mr. Banks.

COMMISSIONER FRYER: Okay. I'll hold onto this one. Thank you.

Let's see if I have anything else on the economic.

Ms. Gallo, I think that's all I have for you.

MS. GALLO: Thank you.

COMMISSIONER FRYER: Unless somebody else does.

COMMISSIONER SCHMITT: Nothing on economics. I have questions of staff.

COMMISSIONER FRYER: Okay.

CHAIRWOMAN HOMIAK: Are you almost finished, or do you have a --

COMMISSIONER FRYER: I've got some more questions, but I don't -- I have probably 15 more minutes.

CHAIRWOMAN HOMIAK: Okay.

COMMISSIONER FRYER: But I'm happy to have others jump in if they want to talk about the issues I'm talking about in order to save time.



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COMMISSIONER SCHMITT: Well, I would go back. I'd like to go back to the slide that Mr. Yovanovich put up, but I'm waiting for -- I would like to challenge staff on some of the comments that they made.

COMMISSIONER FRYER: Okay.

COMMISSIONER SCHMITT: I have no issues as proposed by the development. This is a -- complies exactly with what Mr. Yovanovich stated. It complies with the GMP. It's basically a section, carved out, 668 acres approximately is the section, and it's a perfect fit for what we're proposing here in a village. I just have some issues with the statements made by staff regarding the diversity of housing, and -- but I'm going to wait to talk to staff about it, because I do not believe that those statements belonged in this staff report.

COMMISSIONER FRYER: Okay.

COMMISSIONER FRY: Do you want me to ask?

COMMISSIONER FRYER: Sure. Go right ahead. Yeah, sure. Please.

COMMISSIONER FRY: Okay. I guess I'm wondering if Mr. Greenberg might come back up. I wanted to ask a couple of questions about Neal Communities' background and how it might apply to Hyde Park. You mentioned awards and focus on green building, sustainable building, and I wondered how those concepts and strategies will be applied at Hyde Park.

MR. GREENBERG: In terms of the construction of our homes --

COMMISSIONER FRY: Correct.

MR. GREENBERG: -- we follow Florida Green Building Coalition guidelines for how -- they have a rating system. And as we build our homes, we apply those rating systems to it, and that determines whether or not we qualify for that certification and their approval, and that's just our standard procedure how we run our business.

COMMISSIONER FRY: Can you give a couple of just illustrative examples of the things you do in the construction process that --

MR. GREENBERG: It mainly has to do with energy management related issues and renewable resources and types of products that we use that meet those criteria.

COMMISSIONER FRY: But you're not --

MR. GREENBERG: I couldn't be an expert to answer you any further than that.

COMMISSIONER FRY: But it doesn't require -- it doesn't involve putting solar on every rooftop --

MR. GREENBERG: Not at all. Not at all.

COMMISSIONER FRY: -- or maybe high SEER rating air conditioning systems and insulation --

MR. GREENBERG: The answer is those energy management systems do go into effect for that determination.

COMMISSIONER FRY: Okay.

MR. GREENBERG: We use higher SEER than typically required.

COMMISSIONER FRY: Commissioner Fryer mentioned the timing of the commercial, and I guess what I'm trying to understand is, you know, you've built a lot of communities, and I assume that some of those have a commercial component to them as well similar to Hyde Park?

MR. GREENBERG: Some do.

COMMISSIONER FRY: So how is the decision made based on when the commercial actually goes in -- I'm assuming you sell that to a commercial developer, and then they actually build it. So that's not a Neal Communities --

MR. GREENBERG: Correct.

COMMISSIONER FRY: -- part of it.

MR. GREENBERG: In most cases.

COMMISSIONER FRY: So then the number 1350 --

COMMISSIONER FRYER: 1,530.

COMMISSIONER FRY: -- 1,530 which is over 80 -- between 80 and 90 percent of the -- before the commercial, I guess, has to be built, but am I correctly hearing that if development proceeds at a faster rate overall in the area, that it's much -- it's likely that that would occur much sooner? You'd actually be approached when it is economically feasible for a commercial --

MR. GREENBERG: I think Mr. Yovanovich's explanation was probably the best. Obviously, we do not know what the marketplace will demand. And I think the most important part is that we have a successful retail and commercial development that would be approximate [sic] to the community, obviously, in this case as part of the village.

We have competition because of the other villages that are going to be occurring and, really, we rely on the marketplace to determine that. Clearly, if the marketplace says, gee, we need more services, and all the services are exhausted by a competitor or we are able to find tenants through a developer that has access to the ones that are preferred, then our location may be of choice. We have no way of predicting that.

So to be very honest with you, we push those kinds of conditions in terms of performance into a realistic time frame based upon the overall risk of the other parts of what we do as a developer with regarding to the residential because we know historically that the number of rooftops in a community of this size are never enough to support a viable retail operation. It takes thousands more than what we offer, and then on top of that, you now have the competition, because each village has a requirement accordingly.

And they may have a developer who comes in that has better relationships for preferred tenants than we might be able to have come to us. We have no way of predicting that. We allow the marketplace to predict that, and we try to push that risk, okay, into a place that allows us to be successful as a residential developer, which is our responsibility, which is why we've had the track record we have of having successful communities, and we've completed every one we've ever built.

COMMISSIONER FRY: Which is fantastic, and I applaud you for builder of the year and the green building. I think it's extremely important.

MR. GREENBERG: Thank you.

COMMISSIONER FRY: And also, you know, in the way of things that I find different about this application versus the past one, I do think that you're bordered by the Estates, really, on the north and the west. And so some of the, I guess, concerns that I had with Rivergrass don't really apply here in terms of spine roads running through it. I don't know where you'd go, and those people don't want to be connected.

I think the village center makes sense down in that corner of that -- what will be a very busy intersection. I'm wondering -- when it comes to the commercial, nobody seems to be in a hurry. You've got Rivergrass right across Big Cypress Parkway, future Big Cypress Parkway. They're not in a hurry to put in commercial either. I'm getting a sense that based on what's there now in that area there really is -- there is no tenable commercial that's needed in that area that would possibly survive at this point. Is that -- that sounds like the conclusion that's been reached.

MR. GREENBERG: Today?

COMMISSIONER FRY: Today, yeah.

MR. GREENBERG: My opinion would be, if it was, there's commercial ground available that's already zoned that people would be purchasing in front of Orange Blossom Ranch. There's 20 or 40 acres that has been sitting there. If there was viability and there are already rooftops there and that's also a corridor where people drive by, if there was a viable business investment there, I assume that would already be there. It's already by-right zoning.

COMMISSIONER FRY: Okay. Thank you for that. I appreciate that. That's all I have for you, but thank you.

MR. GREENBERG: You're welcome.

COMMISSIONER FRY: Thank you for your perspective.

So, Rich or Bob, I don't know who; just some questions I hope you can clarify for me.

The lifestyle signs was a -- was an issue. You know, the deviation, the one of 20 deviations that was rejected by staff had to do with those lifestyle signs. And I'll be asking them why. But I'm curious, are there any other approaches to the lifestyle signs, alternates that would not be objectionable to staff that would suit that purpose of advertising your lifestyle amenities?

MR. YOVANOVICH: I think staff says nothing qualifies under the code.

COMMISSIONER FRY: How did they get --

MR. YOVANOVICH: You've got to ask staff.

(Simultaneous crosstalk.)

COMMISSIONER FRY: -- staff how they got another --

MR. YOVANOVICH: I don't -- I mean, I look at these signs and I go, what's objectionable about these signs along Oil Well Road while you're building and selling out your project? I thought initially they were the flag signs, you know, that --

(Simultaneous crosstalk.)

MR. YOVANOVICH: I can see how that would be objectionable, but these are permanent signs tastefully done. You're going to have to ask staff why they find --

COMMISSIONER FRY: Well, I --

MR. EASTMAN: They're temporary signs, correct?

MR. YOVANOVICH: Yeah, during the life of the project to build it out. I don't know why they find this objectionable.

COMMISSIONER FRY: I wondered if the flag signs hung on your wall or, you know, on your border might be more acceptable.

MR. YOVANOVICH: No, I don't think they'd be --

COMMISSIONER FRY: Less.

MR. YOVANOVICH: They would be less supportive of that, and I don't think we want something that --

COMMISSIONER SCHMITT: I prefer the inflatable ones that go up and down.

COMMISSIONER FRY: With the crazy arms.

MR. YOVANOVICH: In the wind, yeah.

COMMISSIONER FRY: So, Rich, what are the -- give us -- I know it's in the packet, but we have a lot of people here just -- I think it goes to the affordable housing and just the terms of what kind of people might buy in here, what price ranges. What are the price ranges of the homes in this neighborhood?

MR. YOVANOVICH: They're going to be in the upper twos to the mid fours, which we think is the price point for working families for Collier County and supportable for that. And if you -- I mean, Neal Communities builds a great project. They've been very successful in Collier County, and families live there, and this is what I think you want, and it's at the price points that the county is trying to get people to build in.

COMMISSIONER FRY: I'm not expert in the affordability and the income ranges for these price ranges, but it was 100 -- you know, twos, threes primarily. Is that not a price range where essential services personnel can afford?

MR. YOVANOVICH: Absolutely. They would absolutely be able to afford these price points. What you always get into is the county wants the people who buy these houses to commit for 30 years that they're never going to sell it to anybody else who doesn't meet that income threshold. Why would you buy that house when you could go to Ave Maria or someplace else, pay the same price without a 30-year commitment that you've got to find someone who's an essential service personnel person making a certain income threshold when we all know that's probably the biggest investment we ever make is our house.

And when life happens, there's times you've got to sell that house. You move, you lose a job, you switch a job. But the county wants these people to sign on for a 30-year commitment so that they get -- they limit who they could sell that house to, yet they are essential service personnel, but they say it doesn't count because there's not a 30-year commitment for that house to always stay in the essential service personnel or affordability threshold.

COMMISSIONER FRY: You know, I'm certainly interested in what the other commissioners say as we move on. To me, those price points seem affordable for essential services, almost to the affordable housing.

MR. YOVANOVICH: You don't want to discourage those people from wanting to move here because you've put restrictive covenants on their home.

COMMISSIONER FRY: Is there -- and, Jeff, maybe this is a question for you. Is there a definition of diversity? Is there a formal definition that we should be abiding by and looking to?

MR. KLATZKOW: I'm not being facetious when I say this, but usually you look in a dictionary -- unless something is a defined term in a code, all right, the default is to look into a dictionary. And what do we mean by diversity?

COMMISSIONER FRY: It is not defined in the code?

MR. KLATZKOW: I don't believe that that is defined in our code, no. So the default would be, what do we mean in the dictionary.

COMMISSIONER SCHMITT: Diversity -- when this came up during the Comp Plan amendment, and I was part of the staff -- the intent of the diversity -- and I'm going to probably -- I'm looking probably to David. But I know Bob was involved in some of the writing of this as well. Diversity was meant to be types of homes: Single-family, multifamily, large homes, small homes.

MR. MULHERE: Large lots, small lots.

COMMISSIONER SCHMITT: Large lots, small lots, coach homes. It was meant to be -- create an opportunity -- no, a --

MR. EASTMAN: Choices.

COMMISSIONER SCHMITT: -- criteria for homes, not income level. It was style of homes or size of homes. It had nothing to do with affordable housing. Affordable housing was always discussed during the RLSA development issue, but there was never anything that was codified in regards to mandatory requirement for specified affordable housing where you had a deed restriction on the home and a second sale, all of those kind of things that go with affordable housing. Cormac can come up and explain those requirements. But there was never anything in the RLSA that specified a minimum level for affordable housing.

So, it -- I guess "diversity," to use the term, it's like, you know, what is pornography? And you know when you see it. Diversity, you know when you see it, but is it affordable housing? No, it was -- at that time it was meant to be --

COMMISSIONER FRY: Different types, forms of housing.

COMMISSIONER SCHMITT: Different types: Single-family, multifamily, zero lot, whatever you want to call it, and at least that's my recollection. I don't know. I would have to look at Dave -- Dave Weeks, but Bob certainly was around when this language was developed as well. There it is.

MR. YOVANOVICH: If you look, it says, diversity. Residential -- this is under the village design criteria. Diversity of single-family and multifamily housing types, styles, lot sizes.

COMMISSIONER SCHMITT: That's exactly --

MR. YOVANOVICH: That's what your code says. There's your definition of diversity.

MR. KLATZKOW: Hold on. Hold on. You know --

MR. YOVANOVICH: I'm -- Jeff.

MR. KLATZKOW: Why don't you put on the LDC --

MR. YOVANOVICH: I did.

MR. KLATZKOW: -- provision. No, no, no.

MR. YOVANOVICH: That is the LDC.

MR. KLATZKOW: Do I have to pull it now?

MR. YOVANOVICH: That's the LDC. That's the LDC under the village design criteria.

MR. KLATZKOW: That's one of them, yes --  
(Simultaneous crosstalk.)

THE COURT REPORTER: I can only get one at a time.

MR. KLATZKOW: But there's another one that requires a diversity of housing that's a different section, and I'll pull it up.

MR. YOVANOVICH: And I'll show that to you. And I'll show that to you, because I have it. I had it two seconds ago. Bear with me.

Offer a range of housing types and price levels to accommodate diverse ages and incomes. We are different -- we are offering a diversity of housing types and different price levels, which means different income levels. That's what your code says, those two provisions. It does not say provide affordable housing. That's the language, and we think we meet it.

COMMISSIONER FRY: I'm satisfied with your answer.

MR. YOVANOVICH: Thank you.

COMMISSIONER FRY: Go ahead, Joe.

COMMISSIONER SCHMITT: Well, since we're talking about housing and price points, I'm going to ask Cormac to come up, because I want to ask staff questions on price points. And --

MR. GIBLIN: Good afternoon. Cormac Giblin, housing development manager, for the record.

COMMISSIONER SCHMITT: Good afternoon, Cormac.

And just for the record, I was a member. I resigned, but I served on the Affordable Housing Committee. I'm very familiar with the affordable housing need in Collier County. I don't argue the fact that there's a need.

Cormac, the price points that are shown here that was provided -- that were -- that were provided by the applicant, are those price points within the affordable housing range gap? And I'll go from gap to moderate and even what I would call essential services.

MR. GIBLIN: You're speaking about the price points that are in the economic analysis?

COMMISSIONER SCHMITT: The -- Mr. Yovanovich pointed out from the 2 -- 280s on up to 400s for price points for homes, which seemed to fall right in the category of moderate, gap, and above.

MR. GIBLIN: The maximum price for a home at the gap range is \$330,000, the maximum price for a home at the moderate income range is \$275,000, and the maximum price of a home in the low range is \$150,000.

COMMISSIONER SCHMITT: That's to qualify not counting down payment or anything else? I mean, that's just to qualify --

MR. GIBLIN: Sales price; including sales price, down payment, interest rates, everything as of today.

COMMISSIONER SCHMITT: Here's my problem. You took the liberty to put the requirement in the staff report. Under what basis?

MR. GIBLIN: Under the section of the LDC that was just put on the visualizer by the applicant that says that the villages shall offer a range of housing types and price range -- price levels to accommodate diverse ages and incomes. We saw nothing in the SRA document in itself that talks about ages or incomes.

Now, in their economic analysis, they talk about some proposed price levels, but those are not -- those are what their market study tells them they will sell them for today or when they get

built. It's not what -- there are no teeth in any of those price levels that are in the economic analysis.

COMMISSIONER SCHMITT: Does the code require --

MR. GIBLIN: They're not enforceable or measurable. Nothing in the SRA right now is measurable or enforceable in terms of a diversity of ages and incomes.

COMMISSIONER SCHMITT: Okay. But is there a criteria in the code that requires that?

MR. GIBLIN: LDC Section 4.08.j.3.a.iv [sic].

COMMISSIONER SCHMITT: Is there criteria listed?

MR. GIBLIN: It says a range of ages and incomes.

COMMISSIONER SCHMITT: Okay.

MR. GIBLIN: My staff report --

COMMISSIONER SCHMITT: You've taken that statement and created your own code to enforce.

MR. GIBLIN: No, sir. My staff report actually begins by putting the burden on the applicant saying you have given us nothing here to measure. Do a study. Tell us how you plan on meeting this section of the code. If you fail to do that study, here are some suggestions. That's what my staff report says.

COMMISSIONER SCHMITT: Was that required?

MR. GIBLIN: They are required to meet the code.

COMMISSIONER SCHMITT: Okay. And then you state that -- then you suggested that they shall contribute --

MR. GIBLIN: Again --

COMMISSIONER SCHMITT: -- to the Affordable Housing Trust Fund, or whatever you called it. I can't remember what you --

MR. GIBLIN: Those are staff suggestions if they decide not to undertake a study to show us how they intend to meet that section of the LDC.

COMMISSIONER SCHMITT: Again, I'm going to ask for the fourth time, you just cited the statement, but I totally disagree with these statements being in the staff report because, to me, they're -- it comes across as an exaction. If the Board wants to make this decision, I leave that up to the Board. But from a Planning Commission standpoint, I need codified code statements with definable criteria in order to support that, and right now I don't support these statements because there's nothing in the code that requires it other than the statement of diversified housing and an affordable standpoint.

But somehow you took that and created what I believe is a requirement that does not exist in the code. I leave that up to the Board. If the Board wants to do that, that's a separate decision. The Board can take all of the liberties they have. But I don't see anything in the code that supports the Planning Commission to require that as far as it being in the final ordinance.

MR. GIBLIN: Staff's position was that there's nothing in the SRA document that provides us anything measurable or enforceable that they will meet Section 4.08.j.3.a.iv in regards to offering a range of housing for a different ages and incomes.

MR. YOVANOVICH: Can I ask him a question? Because this is fascinating to me.

CHAIRWOMAN HOMIAK: Just a second.

MR. YOVANOVICH: When do I get to cross?

CHAIRWOMAN HOMIAK: We're going to lose our quorum at 4:00 because Karl has to leave, so...

COMMISSIONER FRY: Madam Chair, I recommend that we allow members of the public who might have been sitting here all day want to speak, to let them speak now, and then this be continued.

MR. EASTMAN: Yes.

CHAIRWOMAN HOMIAK: Well, we have no choice. We've got seven minutes.

COMMISSIONER FRYER: Well, we could get three speakers in.

COMMISSIONER FRY: Do we know how many speakers there are?

MR. FINN: There are three.

COMMISSIONER FRY: I'll stay for three speakers, if you would initiate that -- if you're willing to initiate that now.

CHAIRWOMAN HOMIAK: Okay.

MR. FINN: First speaker is Hannes Raudner.

MR. RAUDNER: Good afternoon. My name is Hannes Raudner, living at 3850 37th Avenue Northeast in Golden Gate Estates. We are a neighbor.

So this shows the location of our home, and this is what we see when we look out now over the canal towards the proposed development.

And I'm coming here to speak on behalf of the neighbors on the Golden Gate side. Most people are working. They're busy. They didn't have time to come.

We are very concerned. We know this development is going to happen. We are not opposing it, but we're having a concern. Our main concern is noise, and our main concern is how is it going to look from our side. We understand you're happy with the development. I'm a retired architect, so I do understand a little bit of this.

It's a very nice layout, very nice design, but there's also -- we've always been talking about village. There was a deviation applied for or revised on 11/25 of last year. And here we have -- this fits also into the variations and diversity.

Section 4.8.7.j.3.iv [sic] requires that the neighborhood edge design standards in a village to be the same as those required in a town for a neighborhood edge context zone. Therefore, the following deviations are requested from Section 4.8.7.j.2.d.ii, a through i, on the basis of such standards to apply to the neighborhood village -- edge village.

So, basically, what it's saying here, that normal side backs [sic] for a village of 10 feet, but we're asking for five to zero.

We also see normally there's a back setback for a village will be 20 feet, but here requested 10 feet.

So the characteristic of this so-called village is not a village characteristic. It is a township. The houses are much closer together. They're allowed to be two stories.

And now I'm looking from our side, what we are going to see. Hundred houses pretty much the same all from behind. You know how these relative not-so-expensive buildings look from behind. They're most likely to have a siding, they have a deck, they have a wooden staircase going up there, et cetera. It's not anywhere comparable what we're seeing now. So we're affected by this development. We don't want to stop it, but we also don't want to suffer too much.

So we are humbly requesting at this point that we have a sound wall, that this -- the construction is supposed to go for 10 years. So let's say I live another 20 years. I'm 75. Half of my life I'm going to live now with construction noise? With beep, beep, beep, beep, beep, beep all day long? So -- and that's just me as one person. There are a lot of people who are living there going behind houses, houses. They all will be exposed to this noise.

We need a sound wall, and we need vegetation. The opaque landscape barrier plant now is of no use. I saw the plan. Every plant has a plan now. It's very transparent.

We would like to see a strong vegetation along this side. Not as much as that, I understand. This is just wild nature; beautiful -- but more than that so that our way of life, our quality of life doesn't suffer that much.

This is our request as far as this east boundary line goes for this development. We would like to have a sound wall. There's a berm plant. It's a permlet [sic]. It's about that high. That

does do no good except for irrigation control. We would like to have a berm that's four feet high plus a wall and vegetation, and we are humbly requesting that this become a condition of this permission.

COMMISSIONER SCHMITT: Sir, the picture that you show, is your property the -- the phone went out. Is your property the side with the fence or --

MS. RAUDNER: Yes. Sorry.

COMMISSIONER SCHMITT: Okay. You understand there's a 15-foot buffer that's going to be along that canal? There's a -- okay. There will be a 15-foot buffer along that canal, Type B buffer.

MR. RAUDNER: Yes, I understand that.

COMMISSIONER SCHMITT: And I think from the standpoint of the people who are going to have homes on the other side, you have a quality of life and access and to "enjoy," I guess I would use the word, the views of the water. Likewise, the folks who are going to be on the other side with homes will want that same view as well.

They -- I -- it's residential to residential. There's no requirement for a berm or a wall between two residential units. There's no requirement at all unless -- unless we mandate it, but there's -- it's a 15-foot buffer between the two developments.

MR. RAUDNER: So -- may I?

COMMISSIONER SCHMITT: Yes.

MR. RAUDNER: Our home is 180 feet away from the rear setback on the other side. That's very close.

COMMISSIONER FRYER: Madam Chair, we've got eight more minutes to hear from people. This speaker's spoken.

CHAIRWOMAN HOMIAK: Are you almost finished?

MR. RAUDNER: Okay. I finish --

COMMISSIONER FRYER: Thank you.

MR. RAUDNER: -- my remarks. Thank you.

CHAIRWOMAN HOMIAK: The next speaker.

MR. FINN: Next speaker is Angel Raudner.

MS. RAUDNER: That's me, and I'm his wife. Can I yield my time to Hannes, since he'll be more eloquently than I; is that good? If not, I'll get up and do my thing.

CHAIRWOMAN HOMIAK: Sure.

MR. RAUDNER: The only point I would add to it is that our land extends to the other side of the canal plus 15 feet. And if you say for -- let these other people enjoy the canal also, my heart says yes, but we are paying taxes. We're paying taxes for this land over there. Fifteen feet from the edge of the canal up to the boundary line is our land on the other side.

COMMISSIONER FRY: You own the canal?

MS. RAUDNER: Yes.

MR. RAUDNER: No, there's a -- no, no.

COMMISSIONER FRY: Right-of-way.

MR. RAUDNER: You own the --

COMMISSIONER FRY: But you're paying?

MR. RAUDNER: We are paying taxes from our side all the way across the canal plus 15 feet. So what you see hatched, that is the canal -- sorry. That is the land which still belongs to us and we are paying taxes on on the other side of the canal.

So if I would be the developer -- I was an architecture. I was on the other side many times -- I would go bulldoze that all over with lawn on it and offer it to my residents, and your backyard actually optically goes all the way to the canal. Enjoy.

And we see the umbrellas showing up on the other side, and we keep paying the taxes for



it. Something does not feel right. Either we don't pay taxes and our land ends at the middle of the canal and their land starts there, fine. But now we pay taxes. It's our land. It's taken away for the waste -- or for the water management, and then it becomes integrated into this for-profit development.

How does this all fit together? I'm asking you. You're the experts.

COMMISSIONER FRYER: Thank you.

CHAIRWOMAN HOMIAK: Okay. Well, we can't answer. Thank you.

MR. FINN: The last speaker's Lisa Koehler.

MS. KOEHLER: Hi. Good afternoon, Lisa Koehler.

CHAIRWOMAN HOMIAK: Were you sworn in?

MS. KOEHLER: I'm sorry?

CHAIRWOMAN HOMIAK: Were you sworn in?

MS. KOEHLER: No.

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

MS. KOEHLER: Lisa Koehler, Big Cypress Basin of South Florida Water Management District.

I had registered to speak earlier because I thought we had a problem with one of the items in the DCA. But talking with Rich at the break, I think it's all figured out, and we're going to continue working through that, so I'm good.

CHAIRWOMAN HOMIAK: Oh. Okay.

COMMISSIONER FRYER: Thank you.

CHAIRWOMAN HOMIAK: Thank you. So we're going to have to continue this.

COMMISSIONER FRY: I've got to go. Do you need a motion?

MR. KLATZKOW: This will be for the next meeting you're continuing it to?

CHAIRWOMAN HOMIAK: Till the next meeting.

MR. KLATZKOW: And, Ray, what day is that?

MR. BELLOWS: That would be March 5th.

COMMISSIONER SCHMITT: I mean, for the record, as I stated, I will not be here for the next meeting but, again, for the record, I just want to make it clear that I support this proposal. I think it meets all the criteria as established in the RLSA. I do not agree with the statements from affordable housing. I don't believe there's anything in the code that requires it. I believe that if the -- if the Board of County Commissioners want to make that proposal, that's up to them. That's a policy issue, but --

MR. KLATZKOW: And, Ray, you'll note for the executive summary Commissioner Schmitt's notice.

MR. BELLOWS: Yes. We will --

COMMISSIONER SCHMITT: The only other question I have is I disagree with staff on signs. I don't see any problems with the signs. I believe the signs are appropriate. They would only be up during the sales period.

MR. BELLOWS: And we will follow up with the applicant on the signage to make sure we understand. It might have been some differences on how we define lifestyle signs, and maybe, if we can talk about it a little bit more, we can come to a consensus on that prior to the next meeting. But we will incorporate all of Joe's comments in the executive summary.

CHAIRWOMAN HOMIAK: And did the language for the transit stop and all that go through the County Attorney and the Transportation Department, or was that just added? That's something you just put up today.

MR. MULHERE: Our recommendation.

CHAIRWOMAN HOMIAK: Okay. So you'll get with them. Okay. And there's a motion to continue to March --

COMMISSIONER FRY: So moved.  
COMMISSIONER FRYER: Second.  
CHAIRWOMAN HOMIAK: All in favor, signify by saying aye.  
COMMISSIONER FRY: Aye.  
COMMISSIONER FRYER: Aye.  
CHAIRWOMAN HOMIAK: Aye.  
COMMISSIONER SCHMITT: Aye.  
CHAIRWOMAN HOMIAK: Opposed, like sign.  
(No response.)  
CHAIRWOMAN HOMIAK: The meeting's adjourned.  
COMMISSIONER FRYER: I suggest the absence of a quorum.  
CHAIRMAN STRAIN: Okay.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 4:07 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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