

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, September 25, 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:

Edwin Fryer, Chairman
Karen Homiak, Vice Chair
Karl Fry
Joe Schmitt
Paul Shea

ABSENT:
Patrick Dearborn
Tom Eastman, Collier County School Board Representative

ALSO PRESENT:
Anita Jenkins, Interim Zoning Director
Raymond V. Bellows, Zoning Manager
Jeffrey Klatzkow, County Attorney
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

CHAIRMAN FRYER: Mr. Chair, you have a live mic.

Thank you, Ms. Jenkins.

Good morning, everyone, and welcome to the September 25, 2020, meeting of the Collier County Planning Commission.

Would everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Will the secretary please call the roll.

COMMISSIONER FRY: Mr. Shea?

COMMISSIONER SHEA: Present.

COMMISSIONER FRY: I'm here.

Chairman Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER FRY: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRY: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER FRY: Mr. Dearborn?

(No response.)

CHAIRMAN FRYER: Mr. Eastman?

(No response.)

COMMISSIONER FRY: Mr. Chair, we have a quorum of five.

CHAIRMAN FRYER: Thank you, Mr. Secretary.

There is a new table in front of us, and so I'm going to ask the occupants of that table if you would please let us know who you are.

MS. SCOTT: Sure. Trinity Scott, Transportation Planning manager.

CHAIRMAN FRYER: Oh. That mask. I couldn't recognize you, Trinity. I'm sorry. And you?

MS. PATTERSON: Amy Patterson.

CHAIRMAN FRYER: Oh, Amy. This is like an old quiz show game.

MS. PATTERSON: Director of Capital Project Planning.

CHAIRMAN FRYER: Sorry. Of course, of course.

MS. JENKINS: I'm really Anita.

CHAIRMAN FRYER: I know Anita.

Thank you. Thank you very much.

Anita, do we have any addenda to the agenda?

MS. JENKINS: No, sir.

CHAIRMAN FRYER: Okay. Thank you.

Planning Commission absences. Our next meeting is October 1. It's going to be a biggy. We'll -- does anybody know whether he or she will not be able to attend?

(No response.)

CHAIRMAN FRYER: Good. We'll have at least five, I hope.

Then after that is October 8, and that's a five-minutes-after-five meeting where we will be talking about some Land Development Code amendments, or at least one. I'm going to be participating electronically at that one, assuming that under the state law I still can, and the Vice Chair will be presiding. But does anybody else know what their situation's going to be on the 8th of October in the early evening?

COMMISSIONER SHEA: I'll be here.

CHAIRMAN FRYER: Okay. Sounds good.

COMMISSIONER SHEA: Then the second regular meeting of October is October 15. Let's just cover that as well. Anybody know that they won't be able to be here?

(No response.)

CHAIRMAN FRYER: Well, that's great. We're going to have some quorums, and pretty soon we're probably going to have a full house, too, starting October 1 with two new planning commissioners.

For my report this morning, I'm going to try to remind everyone of at least my impression after research of what precisely is the role of the Collier County Planning Commission, particularly as it relates to the Growth Management Plan and amendments to the plan.

This subject seems especially timely to me because what we've got before us right now is, perhaps, the largest and most consequential GMPA matter that we've had in years.

I'm going to be very brief, but I just wanted to set the framework here before we move into specifics. Starting with the Florida Statutes, there's one that is denoted, 163.3174 of the Florida Statutes, and I'm just going to read a few excerpts from it. It says, the governing body of each local government shall designate and by ordinance establish a, quote, local planning agency, closed quote, and, indeed, by ordinance Collier County's Board of County Commissioners has designated us, the Collier County Planning Commission, as the county's local planning agency.

Now, what the statutes -- what the state statutes refer to as the comprehensive plan, we have a special name for exactly the same thing. Here we call it the Growth Management Plan, but it's one and the same county to county.

Now, the statute that I just quoted from goes on to say a little bit more that I want to quickly read. It says, the local planning agency shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the local planning agency shall be the agency responsible for the preparation of the Comprehensive Plan or plan amendment and shall make recommendations to the governing body as to the adoption or amendment of such plan.

It goes on to say, quote, final recommendation of the adoption of such plan or plan amendment to the governing body shall be the responsibility of the local planning agency.

Now, turning to Collier County ordinances. Under Division 20, which covers the Planning Commission, there's a Section 2-1156, and I'm going to quote, briefly, excerpts from that. This is the Collier County Board of County Commissioners saying, there is hereby established a planning commission which shall have the following powers and duties: To serve as the local planning agency and land development regulation commission; to prepare or cause to be prepared the Collier County GMP or element or portion thereof; and to submit to the BCC an annual report recommending amendments to such plan, element, or portion thereof; and, finally, to initiate here, consider, and make recommendations to the BCC on applications for amendment to the text of the Collier County GMP.

So as I read this, I think it's a fair characterization that, by statute and ordinance, we are, in effect -- we, at the Planning Commission, are, in effect, the primary stewards of the Growth Management Plan and, in explicit language, we make the final recommendation to the BCC on all GMP amendments.

Now, of course, I have the absolute and utmost respect for our fine Planning and Zoning staff, our Growth Management people. They are experts. They do a wonderful job and, naturally, staff is under no obligations to embrace any of our recommendations. It can and does make its own recommendations to the BCC, and that's because our Growth Management Department is not only the staff resource for the Planning Commission but, more importantly than that, it's the staff resource for the Board of County Commissioners.

So as we make our official recommendations to the BCC on proposed GMP amendments, like the one that's going to be coming before us later this morning, we are, of course, absolutely free to adopt any or all of staff's recommendations, but let's be very clear about it. By statute and

ordinance, we are charged with thoroughly reviewing all materials and making our recommendation by statute, the final one, directly to the Board of County Commissioners.

And that's all I have under Chairman's report.

Consent agenda: I don't believe we have any of that.

***Public hearings: The first advertised hearing is a continuance from our September 3rd and September 17 meetings. This is PL20190002292. It is the RLSA proposed large-scale Growth Management Plan amendments. Again, continuation of our transmittal hearing.

So I believe when we finished at a hard break on the 17th, we were hearing public comment, and we had come to a hard stop at 3:30.

So, Anita, I'm going to ask you if we have any more registered public speakers.

MS. JENKINS: Yes, sir. You have two in the room and potentially one or two on Zoom.

CHAIRMAN FRYER: Okay. Would you please call the first speaker.

MS. JENKINS: Yes. Your first speaker is John Harney.

CHAIRMAN FRYER: Mr. Harney?

MR. HARNEY: Can I take the mask off; is that okay?

CHAIRMAN FRYER: Yes, sir. You may.

MR. HARNEY: John Harney. I represent Habitat for Humanity.

Smart growth has been a goal of the RLSA for years; however, defining smart growth is not agreed on within the county.

Here are some important elements which go beyond the technical and legal requirements which have taken up most of the discussion for improving the RLSA plan. Naples, Ave Maria, and Immokalee have distinct and unique character to their communities. This is because each town has substantial shopping, dining, recreation, and businesses inside the developed areas. These elements are critical to creating a hometown feeling.

The plans which have been forwarded for the five villages in the process of approval meet minimal requirements for preserve and recreational land, commercial, emergency services, and government space. This minimal compliance with county standards will create the same type of communities which have sprawled east over the last 30 years of Collier County.

It's critical to make room in village plans to grow nonresidential space in these communities organically as needs change. Planning for this space in new communities would also help to reduce the increased traffic load to and from Naples.

Market-rate rental and purchased housing have failed to meet the county demand for affordable homes. Voluntary participation for new projects has made a mark, but many more affordable homes are needed. Creating sensible incentives for developers to allocate 10 to 15 percent of all new homes in a village would help tremendously to help solve the current crisis in the county.

Changes to the LDC have been offered in addition to other ideas forwarded by builders to help make affordable homes viable for developers, the entire working population, and seniors in the county. These proposed LDC changes can be considered in parallel to the development for the RLSA changes.

The currently planned villages are more or less dots on the maps of the RLSA with highway connection between each other and Naples, Ave Maria, and Immokalee. The locations for the planned villages include the division of them by major roads. This creates a hazard for passing from one to another.

Collier County currently has many large intersections which have virtually no foot traffic across them. A six- to eight-lane street is passible but not practical for handicapped and many senior citizens or children on foot or on bikes. Pedestrian/cycle bridges are only a partial remedy for this problem created with planned development locations and roads.

The connection to the other towns in the county and the villages by public transportation

would need to be better than the current per-capita use by CAT riders. Additional park-and-ride lots would be helpful in all of the communities east of Collier road; all communities, not only these five developments that are planned.

A successful public transportation plan could dramatically reduce the wear and tear and traffic on the limited number of major roads which will connect these communities to the rest of the community. As you may know, Collier County is the No. 2 county in the state of Florida for fatalities and injuries of bicycles and pedestrians with cars, and, as you may have seen in the ads recently, 800 people die every year hit by cars either on a bike or walking.

Habitat for Humanity is in favor of development in the RLSA area. We feel that it's important for us to consider all of the elements. The talk that we had last week, I understand, is very largely oriented to the technical and legal and financial aspects of this. There's a community aspect of this, which I think is underlying all this, which is very important and we feel, as Habitat, that that should be considered as this goes forward.

Thank you very much for your time.

CHAIRMAN FRYER: Thank you, sir.

COMMISSIONER SCHMITT: I have a question.

MR. HARNEY: Yes.

CHAIRMAN FRYER: Commissioner.

COMMISSIONER SCHMITT: John? Was it John?

MR. HARNEY: Yeah.

COMMISSIONER SCHMITT: Just to clarify, the positions you just stated are the positions --

MR. HARNEY: The Habitat for Humanity.

COMMISSIONER SCHMITT: -- of Habitat.

MR. HARNEY: Yes.

COMMISSIONER SCHMITT: Okay. And just a second question then: You're aware that "do nothing alternative," meaning we do not proceed with these amendments and we push further down the road trying to negotiate amendments, that the existing zoning allows for building today under the current standards in the overlay?

MR. HARNEY: I understand. We feel that, overall, these changes that are being considered are probably all good changes. You know, we may not be in support of all of them, but we feel that this review that's been done and the changes that are being considered are a good idea.

COMMISSIONER SCHMITT: Okay. I just wanted to make sure that -- main point was --

MR. HARNEY: We are in favor of the development of changes. We feel that at the original time that this was developed, it was a long time ago, things have changed, the demand on the county for growth has changed over that period, and we feel that it's worth updating all of those original plans.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN FRYER: Secretary Fryer.

COMMISSIONER FRY: Sir, first of all, Habitat for Humanity has done a lot of good for a lot of people, and I'm glad to hear you here speaking.

I feel like I picked up a couple things that you may be adding to the mix of what the staff has proposed. One was, I believe you said allocate 10 to 15 percent of all housing units to affordable housing; is that --

MR. HARNEY: Yes, that's not currently in the plan.

COMMISSIONER FRY: So the plan now is, I think, 2.5 percent of the gross acreage to be reserved for affordable housing.

MR. HARNEY: And as I understand, if you do the math, that may get to that percentage.

COMMISSIONER FRY: So that might actually meet what you're requesting?

MR. HARNEY: Right. Because if you do the math and you put high-density housing on that, you can get to those numbers.

COMMISSIONER FRY: Okay.

MR. HARNEY: As I understand it, though, based on the acreage, at 2-and-a-half percent it would probably all be apartments or condos. There's probably not enough ground to build single-family homes -- affordable homes with that amount of acreage.

COMMISSIONER FRY: Habitat for Humanity only builds single-family homes?

MR. HARNEY: We only build single-family homes; however, we have a very close relationship with Rural Neighborhoods and other builders who are interested in building higher density homes.

COMMISSIONER FRY: But what I'm hearing is that Habitat for Humanity may not be a part of the affordable housing part of the entire RLSA.

MR. HARNEY: As we understand it, the overall design, as it is today, probably does not include Habitat for Humanity. We would have to make our own arrangements with members of the ECPO to buy land on our own and develop outside of these five villages.

COMMISSIONER FRY: Which is what you have done in the past.

MR. HARNEY: We're working on that, yes.

COMMISSIONER FRY: Okay. Last question was, you seem to be requesting -- there have been a number of studies and plans that have been requested along the -- you know, from different interest groups. It seems like you are requesting a public transportation plan be part of this equation as well?

MR. HARNEY: We do, because the distances are such that if we don't have a public transportation tied into this, we're going to have a whole lot of traffic coming back out of there into jobs, shopping, dining, all the rest of that that's in Naples, without having any local support for all those things.

And, you know, I grew up in the Chicago area, and every little village that grew up in the Chicago area had its own stuff. You know, there was a -- there was a Home Depot, there was -- there were a lot of restaurants. There were shops.

When you look at particularly Hyde Park, Hyde Park doesn't have a lot of room committed for retail, for anything aside from homes. It's primarily homes. And I don't recall the details on the Rivergrass development, and I haven't seen the others that are in the pipeline, but it does seem that it is a minimum compliance approach to all of that other use for land aside from homes.

COMMISSIONER FRY: So what you're looking for is public transportation from these villages and towns into Naples?

MR. HARNEY: Into Naples, into Immokalee, into Ave Maria.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Commissioner Shea?

COMMISSIONER SHEA: Just a point of clarification. Does Habitat for Humanity support the amendment for the way we're dealing with -- staff is proposing to deal with affordable housing?

MR. HARNEY: Yes.

COMMISSIONER SHEA: Okay. Thank you.

CHAIRMAN FRYER: Further clarification, if I may. There are two versions out there. There was the March 9, which was not based upon size and acreages, and then there was August 3rd. And if I understood correctly, it seemed to me as though Habitat would be more favorably disposed to the earlier version because it was based --

MR. HARNEY: Yeah, because it was based on --

CHAIRMAN FRYER: Percentage.

MR. HARNEY: -- percentage rather than the ground, the 2-and-a-half percent on the ground.

CHAIRMAN FRYER: Okay. Okay. Thank you very much for that clarification. Anybody else have questions for Mr. Harney?

(No response.)

CHAIRMAN FRYER: Thank you, sir.

MR. HARNEY: Thank you.

CHAIRMAN FRYER: Ms. Jenkins?

MS. JENKINS: Your next speaker is Rae Ann Burton.

CHAIRMAN FRYER: Ms. Burton, please go ahead.

MS. BURTON: Good morning, Planning Commissioners. My name is Rae Ann Burton, 2530 31st Avenue Northeast, Rural Golden Gate Estates, Naples, Florida. I'm here to relay my neighbors' thoughts and mine on this plan to restructure the RLSA.

Better planning to protect the environment, habitat, and the current residents that have moved to the Estates to get away from cities, towns, and compact HOAs, to enjoy the open spaces and maybe see wildlife, a panther or bear, without going to a zoo.

It is said that the RLSA was created to prevent sprawl. Have you checked the sprawl of their villages, not to mention the roads that are necessary just to access them or the impact on wildlife habitat and environment? They build up their developments, change water flow which creates flooding sometimes on nearby residents. It has to benefit all: Residents, the environment, wildlife habitat, and the RLSA.

The environment should not be destroyed to build more developments which are popping up like gas stations on every corner. Check out Immokalee Road toward Collier Boulevard or Collier Boulevard. The communities are so close together, the residents have trouble getting out, which is creating a lot of traffic hazards.

I do not envy this board's job. It's only the watchdog, I call the bulldog, that has the concerns of all, not just the developers. True, RLSA has invested in these lands, but they should not be able to destroy the invested properties of the current residents which could create foreclosures or endanger wildlife species, environment, habitat, or the lifestyle of the residents.

It is said people want to move here. Ever hear the saying, build it and they will come? I often wonder, as told to the prospective buyers when asked about shopping centers, what is promised. It's also said we're 30 minutes from Naples. No way. It takes me 45 minutes to an hour. I know, because I drive it to the Board meetings.

I have spent five minutes driving three streets away over my main street on Everglades to Randall intersection, which is now a danger because of developments, and there was another accident the other day. I saw the cars. I was coming in.

The RLSA wants at least two units per acre. The Estate residents can only have one unit per acre. Land is totally cleared, earth packed and even built higher, changing stormwater runoff. We hear climate change. Also hear that massive developments are responsible because of deforestation. We need regulated growth.

Thank you for being the watchdog of the county and the current Rural Estates residents and requesting restudy and restructure that benefits all. Thank you.

CHAIRMAN FRYER: Thank you, Ms. Burton. Any Planning Commissioners have question or comment?

(No response.)

CHAIRMAN FRYER: Thank you, ma'am.

Okay. We've got one more, I think.

MS. JENKINS: We'll see if we have any Zoom speakers. Mr. Summers?

MR. FRANTZ: We have one Zoom speaker. Gaylene Vasaturo.

Gaylene, are you there?

MS. VASATURO: I am there. I am here.

MR. FRANTZ: Okay. We can hear you. You have five minutes.

MS. VASATURO: I'm not speaking. I'm sorry. I only registered in case the meeting this morning, that any of the planning commissioners had a question on the information that the League of Women Voters Collier County has provided you. So I'm on Zoom if that -- if you need any -- if you have any questions. That's all.

CHAIRMAN FRYER: Okay.

MS. VASATURO: Thank you.

CHAIRMAN FRYER: Thank you for making yourself available. The speaker is a representative of the League of Women Voters. Does anyone up here have a question or comment for the speaker?

(No response.)

CHAIRMAN FRYER: It sounds like not. And, Ms. Vasaturo, I hope that that's an indication that everyone is thoroughly well versed in the point of views that your organization has expressed as well as other points of view. So thank you very much.

MS. VASATURO: Thank you.

CHAIRMAN FRYER: All right. Now I propose that we ask staff to respond to or to clarify or provide more detail on any point that has been raised in this matter. And I see Mr. Cohen at the podium. Sir, you're recognized.

MS. JENKINS: Mr. Chair, I wanted to know if the Commission wanted to close the public speaking portion.

CHAIRMAN FRYER: Thank you for reminding me, yes. Yes.

Without objection, Planning Commission, we'll close the public comment portion of the meeting.

Thank you for reminding me.

Go ahead, Mr. Cohen.

MR. COHEN: Thank you, Mr. Chair. For the record, Thaddeus Cohen, Department Head, Growth Management.

You have heard a lot over the last few days, and I know a lot of folks have been talking to you about how we, as the planning staff, got to the position that we're in.

And what we're going to do today is we're going to talk about planning for growth, how we think about that; how we pay for growth. That's been a concern raised by a lot of residents; commercial allocations. We have folks here, and that issue just came up from Habitat as to how you think about villages and towns and the interaction between villages and towns, and surrounding neighborhoods; aggregation has been a question as to how it is that we think and review the villages as they come in; and affordable housing, and we're delighted to hear that Habitat is supportive of our thoughts on how affordable housing may take place. Maybe we will be able to convince them that having land is one of the key issues as you think about that.

Mr. Chair, you brought up Chapter 163, for which I have some familiarity with. And when you think in terms of your role -- and I think you pointed out what the language says -- there are some other things that I think that we would like you to be able to think of as we think -- as staff, how we think about the role that we play in that context.

And I would point out that Chapter 163.3177 talks in terms of required and optional elements of a Comprehensive Plan studies and surveys, and that's where we are today. We're thinking about how that is we might amend our Comprehensive Plan.

And, interestingly, it says in Paren 1 that the Comprehensive Plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects the community's

commitments to implement the plan and its elements. And so, again, it's the principles, guidelines, standards, and strategies.

It further says, it is not the intent of this part to require inclusion of implementing regulations in the Comprehensive Plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the Comprehensive Plan and the principles that describe how the program's activities and land development regulations will be carried out.

The plan shall establish meaningful and predicable standards for the development of the use of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

So today we're here talking about the Comprehensive Plan. And a lot of what it is that you are interested in happens in the land development regulations. What we're also talking in terms of is the Rural Lands Stewardship Area, and the Rural Lands Stewardship Area are designed to establish a long-term incentive-based strategy to balance and guide the allocation of land. It's been deemed by the legislature and cabinet to be in compliance with Chapter 163.

So those are the guiding principles that we use as staff as we move forward with what we believe are solid recommendations for amendments to the Comprehensive Plan and that a lot of the issues that have been raised by many stakeholders are more appropriately to be considered in the Land Development Code.

And so what we show here is the Comprehensive Plan presents a vision through goals, objectives, and policies to guide the future. So it's the "what" we want, and in this case we show that the policies for landowners to provide incentives to encourage voluntary elimination of property owners' rights to convert agriculture land to non-agriculture uses. So we have to balance what's in current law, which is the Rural Stewardship Area, which has an incentive-based program, and the Comprehensive Plan that provides that overarching guidelines as to how we establish the goals and objectives.

The Land Development Code Stewardship Zoning District presents the process, procedures, and codes to implement that vision. Again, that vision is in the Comprehensive Plan and so, therefore, the Land Development Code is the "how."

And we show that the Land Development Code 4.08.00, stewardship credits are created from any lands with RLSA district from which one or more land-use layers are removed. And, again, you get the specificity in the Land Development Code.

So I think it's important for us to understand why we've taken the position that we've taken and the language that we've provided. There's been concerns that we have "encourage," "support," "promote." That's at the state level, at the 163 level for the Comprehensive Plan. It's reflected as well in the Rural Lands Stewardship Area district statute language, and we believe we should mirror that as we provide any amendment to the Comprehensive Plan because, again, it's the "what" we want to do. And with the approval, that will allow us to move forward to be able to get to the Land Development Code as the "how" we then do these things.

With that, we would like to be able to talk in terms -- and I'm going to turn it over to Anita to kind of help me make sure that I'm in balance with our staff. But at this point I believe it's Amy that will talk in terms of the fiscal components as to how we pay for growth.

CHAIRMAN FRYER: Mr. Cohen, I don't see anyone lit up at this point with questions or comments. Will you be here throughout the day?

MR. COHEN: Yes. And I thought that maybe we believe that we should take comments as we go, so we can take questions as we go.

CHAIRMAN FRYER: Oh, good. Good. Thank you. Does anyone have a question or comment for Mr. Cohen? Go ahead, Commissioner.

COMMISSIONER FRY: You mentioned support, promote, encourage as the approach

you're taking that mirrors 163.

MR. COHEN: Yes.

COMMISSIONER FRY: I guess I took those words not as much because of that but because it is a voluntary program, that you would take a less -- a less formal approach than if it was a mandatory program. So you would require if it was mandatory, but you encourage if it's voluntary. Does that have anything to do with the language?

MR. COHEN: No. At the Comprehensive Plan level, it's typically that you're looking to be able to promote, because it's a guideline; it's being able to create that overarching framework. And then when you have a program such as the Rural Lands Stewardship Area, which is deemed to be in compliance with 163, and Chapter 163 talks in terms of being able to promote, and our Comprehensive Plan does the same thing, the amendments then reflect that consistency.

COMMISSIONER FRY: And then within the LDC is where you have --

MR. COHEN: Specific.

COMMISSIONER FRY: -- specific requirements --

MR. COHEN: That's correct.

COMMISSIONER FRY: -- that are -- okay. Thank you.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Thaddeus, I'm delighted that you clarified, especially for the other commissioners, the implementing guidance in the LDC, the policies and procedures in the GMP and the implementing guidance in the LDC.

My question to you then is: If this gets approved today, do you have a schedule that you would be prepared to come back to the Planning Commission as to when you would have before us the LDC, because that is to go through -- I believe these will go through two hearings.

MR. COHEN: Two hearings, that's correct.

COMMISSIONER SCHMITT: And the critical piece of this is the implementing guidance and the LDC. So I guess the question is: Is there an LDC schedule and would it be prepared -- would you be prepared to bring it back to the Planning Commission?

MR. COHEN: Yes, Mr. Smith [sic], I'd like to defer to Anita.

COMMISSIONER SCHMITT: Okay.

MS. JENKINS: That will be the last slide on our presentation.

COMMISSIONER SCHMITT: Great. I'll hold off, then. Thank you. You anticipated my question.

MS. JENKINS: Yes, there is a schedule, yes.

CHAIRMAN FRYER: Let's see. No one else is lit up. I have a question or two, or comment.

And I have been the beneficiary of some very helpful lengthy discussions with Ms. Jenkins and staff over the last several weeks, and in -- along the way I've been able to clarify my thinking. I don't know that I've made a heck of a lot of progress with getting -- changing staff's mind but, nonetheless, it was a very helpful period of time for me.

I remain, though, not of the same view of Chapter 163.3177 as Mr. Cohen and Ms. Jenkins. I don't believe that it specifies that Growth Management Plans or Comprehensive Plans should remain aspirational, that is to say not specifying requirements. I do agree completely, though, that specific details of requirements belong in the Land Development Code, not the Growth Management Plan. So we're on the same frequency with that point.

But right now there is aspirational language in our GMP: Encourage, promote, discourage. What I have called for, and what I think is absolutely required in order for us to stave off the possible continued urban sprawl and what I would consider far less than smart growth, that we change the language so as to remove any shadow of a doubt, and instead of using aspirational words, staying at the general level -- because I agree completely with you that we must stay at a

general level in the GMP. But instead of encouraging smart growth, we should require smart growth, period or comma. We require smart growth as defined in the Land Development Code. That's the way I would see it happening.

MR. KLATZKOW: If your Comp Plan says "encourage," you're going to have challenges putting in your LDC "require." We've had that. We've had that discussion with several developer counsel over the years where on various issues, including interconnects, walkability, they'll point to the Comp Plan and say, well, it's aspirational. It doesn't require that -- you know you can't require me to do that. We've had that. And from that standpoint, I concur with the Chair. You have to put some specificity in your Comp Plan.

CHAIRMAN FRYER: Thank you. Thank you. Exactly right.

MR. COHEN: And I'm going to --

CHAIRMAN FRYER: Well, let me finish, if I may, Mr. Cohen, if I might, and then I'll let you speak for as long as you wish.

When -- if we are to change the word "encourage" to "require," we would still be flying at 30,000 feet. We're still at the very general. But it would be a provision that then would allow for specificity in the LDC. For instance, if we're requiring interconnectivity, how many cul-de-sacs does that provide for? If we're requiring that the village center be somewhere near the geographical center, that should be an LDC-specific fleshing out of the general language in the Growth Management Plan.

But as the County Attorney said, if we stay at "encourage," you're never going to be able to get there in the LDC. You're going to be stuck at "encourage," and that's an aspirational word.

Go ahead, sir.

MR. COHEN: I would beg to differ. And I'm going to read the section again. It is not the intent of this part to require the inclusion of implementing regulations. That happens at the LDC.

So at the LDC, we can require a series of things, but the overarching policy says it is to encourage or discourage. In 163 it talks in terms of discouraging sprawl. So already the RLSA is compliant with that. So the question has always been, what do you do in the process in the LDC in order to get the forms that you're looking for? More walkability, more bikeability, increase in commercial land. Those are the things that happen inside of the LDC.

And what we've been trying to do over the last 15 years, get to that point. So you have to get the amendments done first. When it goes up to the state and it's being looked at by DEO, DEO's going to look at it and say, are you consistent with Chapter 136? And they're going to look at this and say, the intent is not to put implementing language in your Comp Plan.

When I was there, I would have said, why do you have implementing language in the Comprehensive Plan? That's what the LDCs are for. And so I think there's this confusion as to where it is as you as the planning organization that has jurisdiction to make the recommendations to the Board of County Commissioners, where it is that you're able to point to and say, here's where we require that this occurs. And what we have been not able to do is get to the LDC to do that requirement. We've been arguing for 10 years at this stage.

And I would suggest to you that if you want to put "require," that would be your prerogative, but that's not our position. And I'm saying to you, here's why we've reached the position we've gotten to. I follow 163. I don't need an interpretation of 163. It says right here, this is what the intent is. Let us get to the LDC. We can show you the schedule that will allow us to do the things that you're asking us to do.

CHAIRMAN FRYER: Thank you. I certainly have the utmost respect for your point of view, but I remain in disagreement with it. And if I heard the County Attorney correctly, the point I believe he is making is that if you -- if you intend to leave encourage/discourage language in at the Growth Management Plan level, you are going to find yourself potentially losing litigation if

you try to require things in the LDC, because then it's more restrictive.

MR. COHEN: And that's -- and that is exactly how the Comprehensive Plan is set up, to be able to create that vision at the comprehensive land level, and then to be more specific. And it says specifically, the plan shall establish meaningful and predictable standards for the use of land development and provide meaningful guidelines -- meaningful guidelines for the content of more detailed land development and use regulations. So if I have it in a policy, I can directly link that to the Land Development Code as the meaningful specific regulations.

MR. KLATZKOW: And my point would be, you would put in the Comp Plan we require smart growth, period. The LDC would delineate what that smart growth means.

CHAIRMAN FRYER: That's exactly what I've been trying to say. The County Attorney said it better.

Okay. I think the disagreement maybe you and I have has to do with the meaning of words "general" and "specific." To me, to encourage smart growth and require smart growth are both flying at 30,000 square [sic] feet. Those are both general statements. If you start talking about walkability means a quarter of a mile for someone over 65 or something like that, now you're talking specifics, and I think you and I agree that kind of specificity belongs in the LDC. So I think that's where our agreement disagreement is. And, again, I have the utmost respect for you, but I think we've at least put the very nature of the disagreement on the table, and I thank you for that.

MR. COHEN: Sure enough.

COMMISSIONER SCHMITT: I have a question.

CHAIRMAN FRYER: Please.

COMMISSIONER SCHMITT: A follow-up. Of course, my experience with this, I go back to my days on the county staff as well. But let's focus on the Comp Plan. The Comp Plan we have -- I'm going to move out of the RLSA but just talk in theory.

We have activity centers as identified in the Comp Plan. That's what the Comp Plan does. It identifies activity centers, and it tells us what can go in an activity center. I'll take Activity Center No. 9, for example, which is at the interchange of I-75 and 951, an example. It says, you shall conform with architectural standards. This is the gateway to the city and all that, but the implementing guidance on the architectural standards, the embellishments, the height, all those other type of things are defined in the LDC. We don't define the design criteria in the GMP. The implementing guidance is in the LDC; is that correct?

MR. COHEN: In that particular case, yes.

COMMISSIONER SCHMITT: Yeah, yeah. I mean, typically, as you stated, the GMP is nothing more than the overarching plan, guidance that lays out countywide policy, like in activity centers. It may specify what zoning can go in, but it doesn't specifically state all the criteria for that zoning. That's in the LDC.

MR. COHEN: Well, Mr. Schmitt, this is what I will do. I'm going to limit myself to RLSA.

COMMISSIONER SCHMITT: Okay. I'm just using it as an example.

MR. COHEN: I'm not going to expand as to how we have used the Comprehensive Plan. I think my background and specificity is on how do you create a plan that is workable that provides the strategic implementing guidelines, and then how do you link that to the LDC, and then when you do that, it seems to me there's a level of predictability that occurs in the Comprehensive Plan because it sets the values for how it is that you want to go forward. And then when you get to that specificity, that provides hopefully some level of flexibility, so that when the development community comes forward, whether it's a large development or just a homeowner, they have the ability to go to your Land Development Code, be able to ask for changes or to do implementation without having to come and change your GMP.

What we see a lot is, what, you want to change something? We not only have to change the LDC, we've got to do a companion growth management change as well. And how long does that take to get through the process? That's because there may be some things in the Growth Management Plan that ought to be just an LDC. So that's the only thing that you would have to be thinking about on how to change.

So what we typically had said, and when we looked at these kinds of things is, why would you change -- if you have a collective community that has made a decision as to the direction they want to go and they spent two years, in this case 15 years, trying to get there, why would you then amend it every 18 months because I want to do something in the Land Development Code?

COMMISSIONER SCHMITT: Yeah. I mean, we're in agreement.

MR. COHEN: Okay. I mean, I'm -- that's my background. It says, if you've agreed, then why are you changing it every 18 months? So here we have an RLSA that sets a framework that says, it is in compliance with 163. So let's make those amendments, and then let's get to the specificity on how it is that we get towns and villages to be what we think they ought to be.

So I appreciate it. We don't want to take too much time. I'd like to be able to get to how we pay for growth, because that was another issue. So you can understand how it is that we, as staff, have gotten to that point of view.

CHAIRMAN FRYER: Thank you. Before we proceed, though, I've got two planning commissioners who want to speak.

First of all, Commissioner Fry.

COMMISSIONER FRY: Thaddeus, so Chairman Fryer and, I think with the agreement of our County Attorney, are saying that if we put more teeth into the GMP, we now have more teeth in the ability of the LDC to enforce what we've -- or to define the details of what we have chartered in the GMP. But you're saying you see a downside to that; the more absolute terms, the more absolute language at the GMP level, because that would generate the need to come back and change the GMP if there is an exception to those words like "require" --

MR. COHEN: Yes.

COMMISSIONER FRY: -- down the road?

MR. COHEN: Yes.

COMMISSIONER FRY: Yes. In a nutshell?

MR. COHEN: Yes.

COMMISSIONER SHEA: That was my question was, what is the downside of putting more restrictive or more direct terms in there, and that is the downside is that it creates more work. It drags out the process --

MR. COHEN: And it doesn't -- in my humble opinion, it doesn't allow us to capture the opportunity that may arise. I want to come forward and I want to do, you know, 100,000 square foot of X. Well, if I've got my GMP full of information that looks like an LDC, then I've got to go through a Comp Plan amendment change. So I've got to go through an LDC change, I've got to go through a Comp Plan amendment change.

But if you have the guidelines and strategic and in the framework, that provides a level of flexibility, and it gives people an understanding of what it is that your community is looking to do. So I used to use the example, when I was in another capacity -- hopefully there's no one here from North Carolina. If you're from North Carolina, you could open up the Comprehensive Plan, and you get an understanding of what Collier County is expecting from -- for growth. And does that align, then, with my business opportunities?

And so then when I come to Collier County, I can go, you know, I can align my business structure with what you say you want in your vision plan because it's clearly laid out. And then when I get to a pick property, I can understand the specifics that you are asking from me in order to move my business forward.

The flip is, if it's in the Comprehensive Plan and I've got to make a change to my Comprehensive Plan as well as the Land Development Code, how long does that take? What opportunities? You know as businesspeople, that's the lost opportunities. What are the lost opportunities that we, then, may have when they pass us over, because it's year to see that vision in some other community?

So, I mean, I'm -- hopefully I'm not getting too forward on my skis, as Colin Powell would say, but that's the perspective that I've always had in my various roles around the state. So you can hear, I'm passionate. And we disagree, and all I do is make recommendations. Other people make the final decisions.

CHAIRMAN FRYER: That's all we do, too, and I appreciate that. One thing I would like to respond to, Mr. Cohen, you raised the concern that there would be a need to amend the Growth Management Plan, perhaps, more frequently if we were to require rather than encourage, and I just -- I don't see that with respect to the general principle we're talking about, because I can't imagine, at least in my lifetime, if not well beyond, that the county would decide that it no longer wants to require smart growth. In fact, if you put the requirement in at the GMP level, then you have greater freedom at the LDC level as times change and circumstances change to redefine what you mean as smart growth in terms of walkability, interconnectivity, the central nature of the village center, et cetera, et cetera.

So I think by going with encourage, you set up a situation where you're not going to be able to require in the LDC, and if you required a general concept such as smart growth, which I think, you know, for decades to come, will be an important concept, that then you retain the flexibility in the LDC to make tweaks and changes as to exactly what you mean by that general term.

COMMISSIONER FRY: May I make a -- just a request, I guess?

CHAIRMAN FRYER: Please.

COMMISSIONER FRY: It's a voluntary program. We have an organization called the ECPO that represents 85 percent of the land that's out there, and I'm just curious if they -- at some point I'd love to hear their position on the difference that the language makes in terms of require, encourage, promote, support. Does that -- does that detract, too, or is it neutral in how they will embrace this program going forward.

MR. COHEN: Well, what I will say is, through the various conversations with the stakeholders and the last time I was before the Board of County Commissioners, we were asked -- I was asked to be able to narrow the gap between the stakeholders and the positions that staff had, which is that one of the iterations was the March draft. Where we are today, we have support from a majority of those stakeholders.

So from my perspective, we are here today to be able to show how we've arrived at that majority position and to then be able to ask that you accept that position and allow us to go forward. I mean, that's just the fact of the matter.

CHAIRMAN FRYER: Thank you. Any other questions or comments for Mr. Cohen?
(No response.)

CHAIRMAN FRYER: Thank you, sir.

MR. COHEN: Okay. Thank you.

With that, I'd like to have Amy Patterson provide you with a discussion as to how we think about paying for growth.

CHAIRMAN FRYER: Ms. Patterson.

MS. PATTERSON: Good morning. Amy Patterson. I'm the director of Capital Project Planning Impact Fees and Program Management. I've been involved with the impact fee program in Collier for the last 20 years.

So our plan today was to talk big picture about fiscal neutrality and how we pay for

growth, and then we can dial into some details. Trinity Scott is here with me, and she can talk specifically about roads.

So at your pleasure, if you'd like to talk specifics first and then zoom out, or if you want to start at the high level and zoom in.

CHAIRMAN FRYER: I think we'd like you to choose. Do it the way you want.

MS. PATTERSON: All right. Well, we'll start at the high level, and then we can zoom in.

So you're seeing on the screen right now the information specific to transportation. But let's start at a little higher level.

When we're talking about how the county pays for growth, we do have what I would consider the three main components of how we pay for growth-necessitated capital improvements. And there are some new outliers to this, which we'll talk about in a minute. But, basically, you have the level-of-service standard, which tells us what we need based on the desires and needs of the community.

Next, you have your impact fee rates which are set by the Board of County Commissioners based on studies which are updated regularly, and those studies establish the maximum legal limit that the impact fees can be assessed at, and we're going to touch on a little bit about that, what is the maximum legal limit and what does that mean in a minute, and then you have the millage rate, the ad valorem taxes that go into the various capital plans or not, depending on which one we're talking about. And so that sets your big -- that's your big three in planning for capital projects.

Now, new to Collier in the last few years we do have the infrastructure sales tax. We have always had or for a long time had gas tax. And we do pursue, to the greatest extent possible, grant funds for capital projects. But, again, when we're talking about those big players in the capital projects, they're the three that I mentioned.

So let's talk about impact fees. Impact fees are -- again, they're required to meet legal tests. As of 2006, there are statutory requirements that are specific that did not exist before.

So when we do an impact fee study, it's not just about coming in and trying to charge the highest rate to developers. There's a balance that has to be created so that we have fairness in that fee structure. So we have to look at all of the other things that are used to provide those same improvements such as grants, as I mentioned, ad valorem millage rate grants. Anything that is used for the same purpose as the impact fee gets calculated into that fee to come up with the ultimate rate that's assessed.

So the idea that the fees are 100 percent or that that growth pays 100 percent for growth, I like a little spin that says, growth pays for the growth to the greatest extent possible in Collier. We have the fees adopted at the maximum legal limit, but that doesn't mean it's 100 percent of the cost in every case. In some cases, it's pretty close where we don't have a lot of other funding sources. Public Utilities is a great example where they're an enterprise fund. They're closed. They're not receiving infusions of General Fund into the Utilities funding sources. So that's where you get into the impact fees.

The millage rate, obviously, is set at the discretion of the Board. So there's room there. Should the Board need to raise or lower that millage rate, that is fully within their discretion.

So when we're looking at fiscal neutrality, we have provisions in both the GMP and the LDC that set forth how we do that review generally. And there's basically -- when you get to the LDC level, there's two choices. Essentially, we either have a county-approved model, which we currently do not, or the developer has the ability to come forward and propose a model to be used, which has to be reviewed and approved by the county, and then the county will accept that methodology or reject it, and we go forward from there.

So all of the villages that we've been reviewing have been reviewed using -- they have been -- they have done their economic assessment using an approved methodology from the

county.

I'll stop here -- that's a lot -- if anybody has any questions.

CHAIRMAN FRYER: Yeah, thank you. I was hoping for that opportunity. Before I go ahead, does another planning -- Commissioner Fry.

COMMISSIONER FRY: You're saying that the developer presents the impact fee structure for their own projects based -- no?

MS. PATTERSON: I'm sorry. So we have an -- so dropping down from the impact fee structure which is developed by the county. So we have county-adopted impact fees.

When the developer comes in -- now we're going to drop down -- you know, zooming down a little bit. When the developer comes in to develop out in the RLSA, they need to prove fiscal neutrality through an economic assessment. There's two ways they can accomplish that.

The impact fees -- we'll get into that more, how the impact fees then feed into that assessment. But in our case, because we don't have a county-approved model to do the economic assessment -- we had one in the past and we don't anymore -- the developer has the option to come forward with their own methodology to do that economic assessment, part of which will include the impact fees.

COMMISSIONER FRY: So they provide their own, basically, fiscal neutrality assessment?

MS. PATTERSON: Correct.

COMMISSIONER FRY: And then you review it and approve it?

MS. PATTERSON: Correct. But before they're even allowed to do that, they have to tell us how they want to accomplish it, the methodology they're going to use, and we have to say, yes, that makes sense or, no, that doesn't make sense, and you need to do it differently.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Commissioner Shea?

COMMISSIONER SHEA: So if you can't attain fiscal neutrality because of the cap of our impact fees, can you negotiate a separate additional fee with the developer because that development requires a lot more infrastructure costs than the impact fees allow us to recover?

MS. PATTERSON: Yes. So there are provisions related to those shortfalls, and so if there's an identified shortfall in revenue based on the economic assessment, then there are a couple of options that are laid out. There could be a lump sum payment. There could be a special assessment. There's a number of financial instruments that can be used to make up that difference.

CHAIRMAN FRYER: Other questions, comments?

(No response.)

CHAIRMAN FRYER: Okay. I have a few.

First of all, you made a point. And you and I have had conversations about this, too, so I've had time to think about it and, in a sense, form at least some preliminary opinions.

But as you said, there's no county-approved model right now, and I regret that. And I'm not asking for a history of why we got to a place where we don't have a model anymore, but I would like to know if there isn't some way that we could become more intimately involved in the process which, to my way of thinking, largely, rests in the discretion of the developer's economic consultant by being more specific, by having a model that more strongly directs the economic analysis in a way that is suitable to the county, because right now I think maybe you agree or disagree, but I think right now your department's mostly reactive. And the developers, you know, pay large sums of money, hire expensive consultants who come in with spreadsheets, and sometimes they're locked, and we're locked out and can't get underneath the spreadsheets to find out how they did their alchemy. That's another subject.

My point is, though, shouldn't we be more proactive and come up with a model that is more in line with what you, as an expert, would want to see these consultants coming back with

than just -- than just being reactive?

MS. PATTERSON: I'm certain that there's a lot of different ways that this could be approached; however, under the current -- under the current language and how we're performing currently, the consultant is put through a pretty rigorous test, in my opinion. Not only do we have to approve the methodology, we, as staff, conduct a review, and that review isn't just checking to see if we think that all of the cells are filled out correctly and that we can tie the data back.

Oftentimes, we're running alternate calculations based on our knowledge of the data that goes to make up this methodology or the input into the model. Additionally, we did, over the last several villages, hire a peer reviewer to look at it from a completely outside perspective.

With respect to the model being locked has not presented a problem for staff and, to my knowledge, for the peer reviewer simply because we can see every single cell. All of the data, everything that makes up hundreds and hundreds and hundreds, probably thousands of cells of data with references and things. The only thing we can't do is change that information.

So, to me, there's no need for me to go in and manipulate somebody else's model. If I have a curiosity about something like population or cost or level of service, I simply reproduce that calculation and compare them, and we've done that.

So the locking or unlocking, I understand where that might seem perplexing, but it's presented no review problem to us.

CHAIRMAN FRYER: So neither the county nor the third-party consultant that you might come in to also look at the paid consultants or the advocate consultants, let's call them that, because they're all paid, the fact that you can't run what-ifs, you're still okay with that?

MS. PATTERSON: Oh, I can run what-ifs myself.

CHAIRMAN FRYER: Through them?

MS. PATTERSON: Yes, that's one option. We could ask the consultant, which she has offered on the record; anybody that wanted a scenario run, that she -- I'm speaking of Lucy Gallo who represent -- the most recent person representing the economic assessments for the areas villages -- has gone on the record and said if somebody wants to see a particular model run, change in population, change in cost, change in what have you, she's more than happy to sit down with anybody and run those model runs. But, again, we, as staff, don't need that. We have the expertise to be able to run parallel calculations and change scenarios.

CHAIRMAN FRYER: Okay. Let's take a specific example here, and that is the example of Ave Maria. And I've got nothing but great things to say about Ave Maria. I mean, I think it is a good example of smart growth, and it is a huge asset to our county, in my opinion; however, I don't think it has performed economically as well as had been projected or predicted by the advocates. And would you care to comment on that.

MS. PATTERSON: Sure. So Ave Maria, obviously, was unfortunate in the timing that there was a global recession during probably a point in time when they would really be building. But for that, the thing that people probably don't know about Ave Maria is they entered into developer agreements with the county that required Ave Maria to do things in advance of their development that were above and beyond anything that we had ever asked a developer to do.

We actually have information we presented to the Board on exactly what that was. It was the amount of contributions they made without credits, the way that they contributed to other things for impact fee credits, the way that we allowed them to draw their impact fee credits down, for exactly the point you're making, to ensure that Ave Maria was paying their fair share over time -- and they went above and beyond -- so that it wasn't a burden on the taxpayers. For example, the road oftentimes is referred to as the road for Ave Maria. Well, the road -- the road was planned, and Ave Maria met an extremely high test through these developer agreements to be able to help the county build that road. The timing of how things built out in Ave Maria is not -- it's beyond Ave's control or really the county's. They were a -- the county got a good deal.

Ave Maria got a good deal. But, again, Ave Maria did things that no one's ever been requested to do before or after.

CHAIRMAN FRYER: I think that -- I think you make a very good point, and I think I'm quite satisfied with that answer.

And, once again, my compliments to Barron Collier and my compliments to staff, your people and the other people, who have worked along the way on that development, because it's a real gem.

Now, my concern is that, is it possible that we're never going to get another town; that all we're going to get is villages?

MS. PATTERSON: I wouldn't speculate on that, because I don't know, but I can't see where the current situation's beneficial to anybody. It's taking a lot of time and energy and money to have going on what's going on. So most certainly I would think that you eventually will have more towns, and we're just going through a little bit of growing pains here, but I can't say. I should probably ask Anita or Thaddeus to comment.

MR. COHEN: I would say that part of what we're trying to get to is how do you create in this particular environment, and looking forward, the incentive for folks to think about a broader vision, to be able to think in terms of how a town would be able to come forward? It's my belief that there isn't anyone out there thinking that they would like to spend five years with a town, not able to get it across the finish line, and then come back and break it up. I mean -- and so some of the concerns that you hear is, well, won't folks go to the lowest common denominator? Won't they just do a village because towns are too hard? And, you know, the thought process is, if you have a vision for how you might be able to develop a town, you might be able to do it in increments, and so you can grow your community, which is typically how cities happen. They're not normally just master planned. Oftentimes they can be, but they're, oftentimes, organic, which is what, interestingly, the gentleman from Habitat was saying about commercial. They'd like to be able to see it grow organically. So we're trying to create a construct in which those kinds of things can happen.

Right now I think we're kind of struggling, like the fact that -- like, we had a marriage of Rural Lands West. There was a divorce; there was a breakup. We've got three children sitting out there, and we're trying to figure out how to deal with them. And we think we have a method to be able to create some -- a stepparent to come in and help us move that forward.

CHAIRMAN FRYER: Thank you.

MR. COHEN: I hope the analogy worked. We have to have some levity.

CHAIRMAN FRYER: Well, that is appreciated, sir. Thank you. I've got two Planning Commissioners who want to speak first. Commissioner Shea.

COMMISSIONER SHEA: Yes. Just going back so I understand the impact fees. Is that a flat rate, or is that a rate that if the fiscal neutrality determines that the impact fees are too high for their impact on the infrastructure, that it would be a lower number?

MR. KLATZKOW: No, no, no, no, no.

The idea of an impact fee is growth is supposed to pay for growth, all right. So pick an impact fee. Let's go with Transportation, okay. Well, you've got to figure out, okay, how many cars are going to be put on the road because of this? How much more capacity on the road are we going to need for this? What's the cost that we incur to meet the capacity? And then you do a bunch of arithmetic, and you come up with what the impact fee is.

COMMISSIONER SHEA: But the impact fee is a fixed number.

MS. PATTERSON: We have 12 individual impact fees in Collier County for the various facilities --

COMMISSIONER SHEA: For the different infrastructure components.

MS. PATTERSON: Schools, parks, roads.

COMMISSIONER SHEA: Yes. Is that a flat rate?

MS. PATTERSON: No. By land use. So I'm sorry, it's not a yes or no question.

Each of the individual impact fees then have a rate schedule associated by land use. Some are residential only, and underneath of that residential category may be single-family homes, multifamily, then you get to a flat rate but only attributable to that land use, if that makes sense. A single-family home --

COMMISSIONER SHEA: It's not specific for their infrastructure impact; it's an average number --

MR. KLATZKOW: No, it's not an average number. A restaurant will pay a different impact fee than a grocery store will pay a different impact fee from a gas station. They're very detailed as to the use.

COMMISSIONER SHEA: Let's say a grocery store here in Naples and a grocery store out halfway out on Immokalee Road. They pay the same impact fee?

MS. PATTERSON: They do not. So we have system-wide impact fees. The geographic boundaries depend on which fee we're talking about. Some are countywide. Some are only in unincorporated county. Water and sewer is within the boundaries of the water/sewer district. The only ones that have different rates for the same type of facility is fire, because they're enabled by the legislature, and they're individual districts. So those are different.

COMMISSIONER SHEA: Yeah, that makes sense. But it's nonnegotiable.

MR. KLATZKOW: And we have some of the highest impact fees in the state. So any thought process of increasing those impact fees is probably not going to go anywhere.

COMMISSIONER SHEA: I'm not proposing that, please.

MS. PATTERSON: They're negotiable to the extent that the ordinance provides a method under which if you believe that your actual impacts are lower than those of the adopted rates, there's a process called an independent study, essentially, alternative fee calculation that an applicant can go through to develop a new rate.

COMMISSIONER SHEA: Okay.

MS. PATTERSON: So there's -- so yes and no. The rate schedule's adopted and but for that process that's established, those are the rates that apply.

COMMISSIONER SHEA: Thank you.

MS. PATTERSON: You're welcome.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: One question for Amy and one for Mr. Cohen.

Amy, how common is it for a county not to have an impact -- an economic impact analysis methodology? As you said, we do not -- how many other counties do have those? Are we in the minority, or are we in the majority?

MS. PATTERSON: I don't know the answer to that. I'll look to Anita to see if she knows.

MS. JENKINS: The impact fee analysis is not statewide, so I don't know how many counties have those requirements. But the RLSA is specific to Collier County in requiring that fiscal neutrality test in the RLSA.

COMMISSIONER FRY: Okay. Okay. And, Thaddeus, I think, you know, one of the things I'm most interested in in this conversation today is the hope that the plan, if we approve it, paves the way where a town or towns become a legitimate reality in the future.

We had a divorce. We have children. We have the developers out there. We have a voluntary program. And so beyond good-faith discussions, you know, my hope is that there's something concrete in this plan that gives a fighting chance of having towns in the future. So I'm just looking to hear that, what those concrete things are today.

MR. COHEN: And I think what those are is being able to move this process forward, because that gives people confidence that Collier County is interested in being able to pave the

way, as you're indicating, for towns to be more likely. And I think that's what you heard from some of the key stakeholders which is it's been a very arduous process.

Ave Maria was at the very beginning when you think about it. It was the launch, and now we've kind of not gotten there.

And so I think that provides some level of being able to, again, look at your business plan and seeing that Collier's interested.

What we think, then, is that provides us the chance, then, to do the LDC, and we'll show you again when we get to that last slide, what the process looks like to be able to start to coalesce around what are the factors that we're looking at.

And what you're hearing from Amy is that we have the ability to be able to look at those financial issues to be able to see how you create that construct so that it's a win for both sides; that the taxpayers are protected on one side; the developer or the landowner has the increase in their assets, which is what the law calls for.

And then what you're also seeing is the ability to provide, and you'll hear later, how, from reservations of land, we can address the housing needs, and then, through commercial development, we can create that core so that you don't have, as the gentleman from Habitat was saying, folks -- we don't want folks to be living east driving west for services. We want to be able to create that critical mass that is self-sustaining.

And I think these policies provide us the opportunity to do that. And you're also hearing from stakeholders that they're interested in being able to take that step except we can't get there yet. But today hopefully we'll take that leap.

COMMISSIONER FRY: I mean, I think we have to look at the property owners as having an economic goal of being financially productive in their development. So in my opinion there has to be some kind of economic incentive for them to pursue a town rather than villages. So that's just my point.

MR. COHEN: Sure.

COMMISSIONER FRY: I still haven't -- I hear "good faith" and "this is a step in the right direction." I agree with that, but it seems as if this plan should be the play book that allows there to be some obvious financial benefit in return for the longer time frame and the, I guess, the risk of a divorce for a homeowner to move forward with a town in the future, and Ave Maria as you pointed out to me, had a wild card which was a university and a very wealthy investor component that other towns in the future may not. So we need even more economic incentives.

MR. COHEN: True. And part of what we've done, for example, is we changed the definition of a village. And it's interesting that, again -- I'm not picking on the gentleman from Habitat, but, you know, he's bringing up a lot of interesting points, which is, it was called predominantly residential was the village. And the question I asked is, why is it predominantly residential. Don't we need those commercial components in order to create that level of sustainability?

Those subtle changes, I think, provide the market the opportunity to say, as this gentleman says, I can come in and provide that nonresidential impetus to be able to help move that forward. If we're able to talk to folks about what their internal capture rates are, which we'll hopefully get to next when we talk to Trinity in Transportation, if they're able to demonstrate that that internal capture is as high as they believe it is, the 15, 30, 60 percent, then that's less burden on the road. Again, I'm picking on the gentleman from Habitat. Then you don't drive west to Naples to get your goods and services or the things that you need.

As he's indicated, the stuff in the village is there. Well, that's the financial incentive for the developer to be able to move forward in partnership, for example -- and you saw the Chamber of Commerce here being able to talk in terms of we now have land that we can then promote to be able to create that economic activity which heretofore we haven't. So that's what -- that's what

these amendments have provided us with the ability to do.

When we get -- well, I'm kind of leaping ahead, but when we get to that commercial component, which is what you're then asking for, we have a conversation that says how we think the amount of commercial that's needed to support a village and/or town and a relationship between the village and the town in order to make that happen so that you can then grow your villages into a town or have an overall master vision that you then do incrementally. And we have a gentleman here that will be able to speak to how we think about those commercial components and how that relates to capture and traffic.

So I think what you're seeing from us is that move towards how we can have that holistic approach and then speaking with the folks who are inside of the stewardship district and the landowners as to how they can come forward and take advantage of that.

COMMISSIONER FRY: Thank you. I appreciate that. I just point out, you know, with the increase in the commercial guidelines that you're promoting in these amendments, the property owners are not supportive of that at this point, so I think -- I just want to make sure we explore that today.

MR. COHEN: And we would like to be able to offer when we get to the end a "how we can resolve that issue." There's the thought that maybe it's a "jump in when I go awry," you know; that maybe the number we have is a planning guideline, and the number we have currently is a minimum. So maybe there's a way to meet in the middle and then have language that provides that as those rooftops come on board, clearly the need for those incremental commercial activities would be there.

But I think the key for me is is that if you have those reservations of land and property -- I used to do economic development in a former life. You know, the goal is, can you see anywhere in Collier County where you can get the next Arthrex to be able to say, I've got, you know, X acres of land to be able to drop in a business that is, you know, looking at being -- having a global reach and that we're paying wages that are much higher than what we typically see with the normal shopping centers that we do.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: I'd like to follow up a little bit on your question, because I share the same one, and this has to do with how to incent towns or how to disincent people circumventing the rules by developments under common ownership building proximate to one another and claiming that they're villages. When they quack like a duck, they're a duck. And the March 9 draft had aggregation language in there that said, if it's a duck, it's a duck. That language was removed, and from my reading of the comments, particularly written comments from ECPO between March and August, ECPO had no interest in removing -- in keeping an aggregation rule because all I can think of it has to do with wanting to be able to do more Rivergrasses and those divorced children.

And I just see that as inimical to incenting towns. As long as we've got an easy way to circumvent a town by breaking it up into villages, maybe having sister LLCs own different ones, as long as we have that, it's going to be hard to get towns.

MR. COHEN: We will again have a disagreement. We have a slide that talks about aggregation, and we'll have an opportunity to explain how we get there. But I'd like to be able to move to that traffic component, if you don't mind.

CHAIRMAN FRYER: I mean -- of course. And I want to get through as you do also, Thaddeus, but honesty -- I mean, you're speaking a lot, and I want you to speak a lot, but --

MR. COHEN: I'm just answering questions.

CHAIRMAN FRYER: I know. Well, we're just asking them.

MR. COHEN: Okay.

CHAIRMAN FRYER: So we need to proceed with all deliberate speed but emphasis on

both deliberate and speed.

MR. COHEN: All right.

CHAIRMAN FRYER: Thank you.

MS. PATTERSON: Before I hand the baton over to Trinity --

CHAIRMAN FRYER: Oh, I'm sorry, pardon me. Commissioner Shea has lit up.

COMMISSIONER SHEA: Since we've pushed you aside from your agenda, what you're going to get to, the biggest concern I've also had is the aggregation versus the disaggregation. I view it differently, though. And I would challenge staff more along the lines what Commissioner Fry was saying is what can we do to incent towns? What we're doing with this aggregation issue is trying to prohibit them from happening by not allowing people to disaggregate, but why do they want to disaggregate? Why don't they want to do towns?

I would challenge staff to maybe come back later on in the future and with some kind of ideas. Why aren't we incenting more towns? I think that's a common question we all have. And it gets down to the aggregation/disaggregation. To me, the disaggregation is a policing function because the incentive's not working. That's just my point.

CHAIRMAN FRYER: Thank you.

Ms. Patterson?

MS. PATTERSON: I have just two things to touch on before we move on to transportation. One, incentives on a -- dropping down a little bit from the aggregation.

Incentivization is critical for economic development for jobs, and obviously the goal here to have a functional town or village, to have jobs, to reverse that commute, which Trinity is going to talk about, and it has been successfully done through partnerships between the county and landowners and businesses. It's part of how Ave Maria has Arthrex.

So there are ways those things can be done, and as Thaddeus touched on, there are other tools that we can use as we partner with developers to look at the things that they need and the things that we need and come to an agreement on how we move those forward. So I think those are conversations that are being had but also we have real examples of how they've happened in the past.

And, secondly, lastly, there has been a lot of conversation about some scary numbers: 300,000 people out in the east, huge deficiencies to the taxpayers, and I just want to talk about that briefly.

That huge number, that deficiency number of 3.8 billion may be larger, as discussed at the last meeting, didn't include any impact fees, proportionate share, or any developer agreements. So, essentially, you took a huge pillar of revenue right out of the equation when calculating that deficiency.

But just because I'm a curious person, I also took that population and ran it using different persons per household, one of our favorite topics, to see just what's this going to look like using a lower persons per household and generating a larger unit count, taking a higher persons per household and generating a lower unit count, but, you know, it makes a little more sense -- and, I'm sorry. It's persons per housing unit. I have to be careful to delineate because those terms become interchangeable and they actually mean something different.

In these cases, these units are generating -- and I conservatively estimated the impact fees associated using the lowest classification of impact fees so that I would not be overestimating impact fees. Just on the residential impact fees generated by these housing units, it's approaching -- meeting or exceeding that noted deficiency, and that's before you ever bring in a single square foot of commercial.

So we have to be very careful in these broad-brush assumptions about fiscal matters particularly when you need to have a full understanding of all of the buckets of revenue in play. So I couldn't -- I don't want to move on without just saying that, that there -- you know, it's not

nearly as dire under that picture as it appears when you start to bring in all of the revenue sources into the analysis.

CHAIRMAN FRYER: Ms. Patterson, with respect to persons per housing unit -- is that the right term?

MS. PATTERSON: (Nods head.)

CHAIRMAN FRYER: We've had conversations up here about that, and there is -- there's one set of numbers out there called BEBR that's sponsored by one of the universities and, I don't know, it comes in at, what, like 2.4, 2.5 maybe -- or I've even seen lower. I guess it depends upon the season, depends upon the location within a county, and there are a lot of subsets.

Do we, to any agree, require these economic analysis people, consultants, to accept BEBR or accept some other standard, or do we let them choose the one they want to go with?

MS. PATTERSON: Currently, we're working using population numbers of persons per housing unit that was used for the most current impact fee study at the time. So it's a county-accepted population number that also includes variables like vacancy rate to make the number probably the most appropriate number. We're using it for the impact fee calculations and, therefore, these two mesh up. Again, the accepted methodology being used currently is tied to and embeds the county's adopted impact fee methodology. That was accepted and approved by the county and, therefore, all those numbers, they are validated and tied together and approved by the Board.

CHAIRMAN FRYER: And do we, then, require the developers to follow that matrix that the county has adopted for itself?

MS. PATTERSON: Could you -- I don't understand your question.

CHAIRMAN FRYER: Well, let's say that in a particular area, let's say somewhere in the RLSA, the projected number would be 2.5 persons per housing unit. To the extent that such a number would drive economic factors, i.e., like availability of schools that draw an EMS or fire and the like, things that greater populations bring about, when consultants come in and say that this is going to reach fiscal neutrality within a certain period of time, do we require that they accept our number of -- our estimated number of persons per housing units?

MS. PATTERSON: Well, for these planning exercises and these long-range fiscal assessments they, in essence, are, because they're using our studies as they backdrop for their calculations.

CHAIRMAN FRYER: Okay.

MS. PATTERSON: Those numbers -- so just to expand on that a little bit, impact fees will continue to be studied, and they will continue to be updated. But for the purposes of these exercises, we have to pick a moment in time. But the thing is is as these developments happen and they come in and pay their impact fees, they pay their tax, they're not frozen back then. They continue to move forward as well. So they'll be paying impact fees at the current rate, so they'll be paying the then current millage rate. So it all evolves, but we have to pick a point in time that we -- that we plan off of.

CHAIRMAN FRYER: So you're satisfied? And a yes or no answer will do in the interest of time.

MS. PATTERSON: Yes. Yes.

CHAIRMAN FRYER: You're satisfied that the developers' consultants, economic consultants, are using the proper number under the county's rules for number of people per household -- per housing unit?

MS. PATTERSON: Yes.

CHAIRMAN FRYER: Okay. Thank you. Thank you.

All right. I'm sorry. Please continue.

MS. PATTERSON: I'm going to hand it over to Trinity.

CHAIRMAN FRYER: Okay. Hi, Trinity.

MS. SCOTT: Hi. Good morning.

CHAIRMAN FRYER: Good morning.

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

I'm going to talk a little bit about transportation and how we plan for roads in the future. And Karen lives this with me on a monthly basis, so you can probably tune out a little bit.

The Collier Metropolitan Planning Organization, which is an organization that's administratively housed within the county but they are a separate legal entity, made up of the five County Commissions, the City of Naples, City of Marco Island, and Everglades City, they are responsible for doing long-range transportation planning for our area, and they also coordinate with our regional partners, Lee County, Hendry County.

So when we're doing -- every five years they must do a major update to their Long Range Transportation Plan, and that Long Range Transportation Plan looks out -- actually goes out 25 years. The first five years are our capital improvement plan that we talk about, so that's kind of our committed roadway improvements.

So they're looking at medium [sic] BEBR numbers and, they're also looking at our Growth Management Plan and looking and trying to predict where growth will occur, and then we have a transportation model that we run, and it shows where we would be deficient in that 2040, that's the current horizon year, the 2040 horizon year. And we develop a list of if we had no fiscal constraint, what would we need to build to for those deficiencies? And based on the existing plan, which is the 2040 adopted plan -- it was adopted in December of 2015 -- that needs amount just for roads is \$2.3 billion.

And if you'll go to the next slide, please.

Our next step with that is that then we look at reasonably available revenues, and then we kind of ratchet that down to what we call a cost-feasible plan. So what -- based on the revenues that is we anticipate getting over that 20-year period, what improvements can we do?

So in this particular slide, what you'll see is that we do not anticipate any ad valorem General Fund coming to capacity projects for transportation. So for those capacity projects, we rely very heavily -- obviously, state and federal funding, a majority of that is on state and federal roads; however, we do use some on the county network. Gas tax, which are user fees, and impact fees.

The other thing that, with the Long Range Transportation Plan, as I stated, we use what is reasonably anticipated. We do not rely on any grants, which I will tell you that my staff is great at rolling in grant money from state and federal agencies, as well as no developer agreements. So many times you'll see a companion developer agreement coming in where we are receiving right-of-way sometimes at no cost to the county, or other rights-of-way.

It is a multimodal plan, so it does include bicycle/pedestrian as well as public transportation plan, and I just wanted to kind of touch on that because of the last speaker.

So many of you may know, I used to actually be the transit manager here, so I am a little familiar with Collier Area Transit. I've been out of it for a couple years but, overall, the fundamentals have stayed the same.

Collier Area Transit's required to do a 10-year plan, which is called the Transit Development Plan, where they're looking at their needs over that 10-year, and they have a needs as well as a financially feasible, and then they're incorporated into the Long Range Transportation Plan and looking at, based on the growth, what do we need to do for transit as well.

And, currently, the Oil Well Road area is serviced by transit; however, maybe not as robust as what some would like, but it has a morning, noon, and what I'll call an evening service to kind of assist the commuters, if you will, and it goes from Immokalee all the way into the government center here at the main transfer station.

So back to the Long Range Transportation Plan, it is updated at least every five years. We're currently in an update cycle right now. The new plan will be adopted by December of this year. And one of the improvements that we've done this year is we are coordinating where we anticipate growth with the county incentivize growth model. Did I say it right?

MS. JENKINS: Interactive.

MS. SCOTT: County interactive growth model. I'm all into incentives now.

So we are utilizing that to kind of predict where we anticipate the growth in the area. So I think that we'll start seeing some benefits from doing that as well.

So, with that -- oh, one other item. We did also just -- I want to address some things that came up from the public speaker. It was noted that Collier County was No. 2 as far as fatalities. I can't find a study with that. I just pulled up the latest federal highway study, the latest FDOT study, as well as the latest study from the Florida Department of Highway Safety Motor Vehicles, and we're nowhere near the top. I couldn't tell exactly, because I couldn't sort it, but there were several counties that were above us.

So I'm not saying that we don't take safety very seriously, and we do, and we go out and try to address wherever we can as far as safety concerns.

CHAIRMAN FRYER: I think this might be a good time for us to take our mid-morning break, if that works for everyone.

And if it does, we'll be in recess for 10 minutes, please.

Correction: 11 minutes. We'll make it to 10:40.

(A brief recess was had from 10:29 a.m. to 10:40 a.m.)

MS. JENKINS: Mr. Chair, you have a live mic.

CHAIRMAN FRYER: Thank you, Ms. Jenkins.

Ladies and gentlemen, let's reconvene, and staff is presenting. So, Ms. Scott, will we hear more from you, or what's next?

MS. SCOTT: I have finished unless you have questions.

CHAIRMAN FRYER: Any questions for Ms. Scott on traffic?

(No response.)

CHAIRMAN FRYER: I have a couple. The first one has to do with LOS, levels of service. And year from year on the AUIR, and particularly on that Attachment F that you kindly sent me, the draft that's not been acted on yet, but one of the things that I noticed when I was looking at that is I was comparing the LOSs proposed for 2020 and where we are in 2019. And I noticed -- and there may be 170 segments, road segments, plus or minus, that of those, I believe in 20 cases the LOS has been reduced or degraded, and in 10 cases it's been raised. So what can we infer from that? And then I have a follow-up question after you give me a general response.

MS. SCOTT: So the level-of-service analysis is done on an annual basis. It's based on traffic counts from the prior year. We collect traffic counts. And while many other counties during the economic downturn significantly reduced the traffic counts that they were collecting, we did not and we have not.

For a majority of those traffic count locations, they're what we call quarterly count stations, and some of them we actually have permanent count stations where we can go look at data from a day-to-day. But we look at, at a minimum, quarterly -- or we collect the data quarterly. Like I said, some of the very rural areas -- and I'm going to use County Road 29 going to Everglades City, we may only collect that semiannually.

So the level of service takes existing conditions today plus what we anticipate what has come in for Site Development Plan or plat and been vested.

CHAIRMAN FRYER: That's what I wanted clarification on. Now, in the interest of time, if you don't mind, I'm going to now ask a more specific question that is going to be coming to us very soon, but the answer will help me for what's before us today, and that has to do with

Vanderbilt Beach Road and the stretch that is right against One Naples.

And I noticed that in 2019 the level of service was C, and proposed for 2020 it's D. So within that context, is that -- does that mean that the county has increased the duration of time before which it is determined that that road is deficient? Is that the effect of it?

MS. SCOTT: No. What it says is is that there's been either more vested trips -- and I don't have Attachment F up in that particular instance of Vanderbilt Beach Road between Gulf Shore and U.S. 41. It means that perhaps traffic patterns changed and people diverted from another road and so, perhaps, the route traffic counts are higher and so -- or it could be vested trips, but those have increased in the threshold to where it went from a Level of Service C to a Level of Service D.

CHAIRMAN FRYER: Yeah, the reason I was asking that point at a question -- I think it's a matter that's coming before us this afternoon, if we can get to it, which I hope we can, there was a case -- and I don't remember the road segment. It might have been 95.3, but I'm not positive about that. In any event, the level of service went down, I think, maybe two notches, and the difference seemed to relax the level of -- I won't use the word "constraint," but deficiency. The segment in question was deficient in 2020, this year, and now with the relaxation in the LOS standard, it seems to say that it's what?

MS. SCOTT: It's not a change in the relaxation of the LOS standard. This is a calculation that's done. So what happens if you're seeing something go -- let's just say it was currently -- last year it was operating at a C and it's gone to, say, an E, that means we've had either increased traffic or the -- we just had a Site Development Plan or a plat and plan come in that has reserved its capacity, and those trips aren't on the road yet, so we're holding them in the bank. If you see it go, let's just say, from an E to a D, that means that the route traffic count numbers for that area have gone down --

CHAIRMAN FRYER: Okay.

MS. SCOTT: -- and that they found a parallel route or they're going a different way.

CHAIRMAN FRYER: So then I won't say it was coincidentally, but in this particular road setting's case, it went down two notches, but the projected deficiency was moved out in time from 2020 to 2024.

MS. SCOTT: I would have to look at the specific link. If you can send that to me, I can look at it.

CHAIRMAN FRYER: I will. Okay. But there's -- what you're saying is, there's no direct connection between relaxation of standards and what I call --

MS. SCOTT: Well, we don't -- we have not relaxed our standards. Our minimum level-of-service standards are still what they are noted in the Capital Improvement Element. So the standards may change if we've widened a roadway. The standards may change if it's a policy-constrained roadway. So there are different provisions with regard to that.

CHAIRMAN FRYER: It's more complicated than I was seeing it.

MS. SCOTT: Yes.

CHAIRMAN FRYER: That's what I needed to know. And I think -- let's see. That's really all I had on traffic. Thank you very much.

Ms. Jenkins?

MS. JENKINS: Planning Commissioners, I'm going to introduce David Farmer. He is a consultant for Collier County who has developed the Collier County interactive growth model that we use now, and I'll talk about that a little bit later. David did the study for the commercial allocation for the Rural Lands Stewardship Area and can speak to how he came to those numbers.

CHAIRMAN FRYER: Thank you.

MR. FARMER: Good morning.

CHAIRMAN FRYER: Good morning.

MR. FARMER: For the record, my name is David Farmer. I'm representing Metro Forecasting Models. I do not represent any one group other than the citizens of Collier County, and I'm here on behalf of Collier County today.

I've lived here 30 years. I lived in Golden Gate Estates for about 17 years, and I'm the CEO of Metro Forecasting Models, and I served on the Five-Year Review Committee for the RLSA.

So when we started analyzing the commercial needs of the RLSA, we looked at it from a standpoint of buildout. One of my favorite authors out there is Dr. Stephen Covey, the Seven Habits of Highly Effective People. And one of his laws or rules is, begin with the end in mind. And so we started by establishing what we thought would be the ultimate buildout scenario of the area around Immokalee and, of course, east of Golden Gate Estates. And for what it's worth, we came up with an estimate at the time based -- back in 2017 based on what we knew, that there would be about nine towns and about nine villages.

And so when we looked at that, we looked at the total aggregation of the people. You've heard a lot of different population numbers, and our model says that there's about 243,000 people expected at buildout to live in the RLSA. That includes the areas south of Immokalee as well as north of Immokalee, too, near east and west of State Road 29, and that assumes all of those towns and villages get built accordingly.

We began with researching first how much commercial space is in Collier County? And then we took -- and we look at a per capita basis. And because we work with many other governments around Florida, we looked at the other data that we had, too, population and commercial allocation -- or the commercial available to those other counties as sort of a comparison, and we'll show that to you here in a minute.

We then made adjustments in the RLSA, understanding that that is not the beach. There are certain uses in coastal Collier County that are very special and I appreciate very much such as Artis, you know, you have the Ritz, you have many other uses that are very specific and probably won't be replicated out in the eastern lands and so, therefore, probably don't need to have allocation for those kind of uses.

We then looked at a square foot -- demand per square foot per person, and then adjusted and made certain allocations for the towns and villages.

So in 2017 Collier County had about 40 million square feet of commercial space according to the Property Appraiser and about 373,000 residents, not all these units are full, but with 219,000 dwelling units. Many of those, of course, are seasonally empty.

That comes out to an average of 107 square foot for every man, woman, and child. That does not include the seasonal residents. That's only for our full-time residents, and then when we spread that across the dwelling units, it comes to about 183 square feet of building area for every dwelling unit. That's not occupied dwelling units. That's all dwelling units.

So now we have a table here, and I'm showing you, you have Collier County at 107, Lee County at 90, Manatee County at 76, Sarasota County at 123, Seminole County at 121, and Martin County at 98, for an average of 103 square feet for every man, woman, and child.

Just to the right of that chart you see sort of a graph -- and I know it's sort of hard to see. Hopefully you can see it on your screen -- where we took some time to just sort of map out various cities and counties and areas that you might be familiar with to just show the juxtaposition. And is there a laser pointer on this? So here you see the planned space for the RLSA way, way down here. So when we talk about minimums and such, keep in mind, we're not talking way up here. We're talking way, way, way down here, and that's why we call them minimums.

So our research showed that the counties range between 76 and 123 square feet per person. Again, Collier County having 107 square feet, and the average being 103.

I'd like to not get too nerdy or too much into the details, but I want to point out something.

When you look at Manatee County, like, whoa, that's at 76 square feet. You need to consider that --

CHAIRMAN FRYER: Pardon me, sir. But I think you may be speaking a little too fast. I know that because I frequently do, too.

MR. FARMER: Thank you for -- thank you for saying so. I get excited.

Okay. So Manatee County has 76 square feet, or back from 2017 had 76 square feet, but at the north end of Sarasota County, we have the University Mall. So we have a lot of commercial space in Sarasota County serving the residents of Manatee County, and that's relevant in that we're going to have a lot of things in Collier County serving the residents that live in the eastern lands.

So as I said, we made adjustments for certain types of land uses, and the goal here was to minimize any unnecessary trips into Collier County. If you need something to eat, here's a great idea: How about if we can have that out in the eastern lands and not have to come into Collier County? I say that because I live in Golden Gate Estates, and when I need something to eat, I've got to go all the way in just about to 41 if I want to go to Outback Steakhouse or something. Wouldn't it be nice if those kind of uses were out that way?

But as I was just saying earlier, the RLSA needs less tourist-type things. Not that tourists will never go out to the eastern lands, but it's not coastal Collier County. We recognize that.

Finally, we recognize that the eastern land people, people living out there, are eventually going to need the essential services such as urgent care, professional office space, and employment centers so that they can get their needs met, not only from the things you need to buy, goods and services, but also places to work so that we, again, minimize those trips into town.

So when we talk about villages, at least -- again, and the understanding back in 2017, they have a much smaller population than envisioned what a typical town might have and, therefore, they have less marketing power.

Part of our analysis, not just for the interactive growth model in Collier County but wherever we work, if we look at things -- and you brought up the term, sir, level of service, and loosely, when we do an analysis, we try to figure out how many neighborhood shopping centers there are on a per capita basis. And so, in Collier County, it's 15,200 people to support, to have the market for a neighborhood shopping center. And while that number varies around the country and around the state of Florida, it stays in a fairly tight range of between 14,000 and about 18,000 people.

The point being, that if a village is only going to have seven or eight thousand people, on its own it can't fully support a neighborhood shopping center. So we shouldn't be expecting every village to have necessarily a neighborhood shopping center, but that doesn't mean they don't have needs, and that doesn't mean that if you put enough of these things together that you aren't going to need some significant lands to support the overall demands of the population.

So what I did is I took the 2050 RLSA concept plan from way back from our 2007 Five-Year Review Committee of the RLSA, and I added little red arrows to it to help demonstrate where we have the villages, say, here, these villages getting some of their services -- their major services met from the towns that they surround, right. It's conceivable that these towns will have things like hospitals and major employment centers that will be needed by the villages but wouldn't be able to be supported by the villages themselves.

Okay. So now we talk about on a square-foot basis. So the commercial demand per square foot for aggregate Collier County is about 107 square feet. In the towns, we have an identified need as we see it of 76 square feet for every man, woman, and child, and in the villages, 24. And you might say, well, wait, wait, shouldn't that be 107? Well, on an aggregate basis, if we use the demands and the way society reacts today, yes, that would be true; however, we're looking at minimums here, and, you know, we have the stated things out there like Amazon. No one knows exactly how those things are going to interact and play out.

I think that the death of retail has been grossly overstated. I think the death of office has been grossly overstated. We're going to need offices, we're going to need retail, and we're going to need significant amounts of it in order to exist as a society.

So then we took and we broke that down into a -- to be consistent with Attachment C, on a per unit basis. That's not normally how we approach things. We approach things on a people basis, because people have demands, and that's how we do it. But we broke it down on a per unit basis to take a look. So, again, in Collier County today we have 183 square feet of commercial space for every dwelling unit. We're recommending 170 square feet of space for the towns, and 53 square feet for the village. Again, recognizing that you need a certain critical mass of people in order to support certain type uses.

And, again, the idea being that the vision is these towns -- these villages will get many of their needs met from the villages themselves.

So it's one thing to talk about space, but I'd like to get down and just talk about acres for a moment. And so what does 170 square feet per unit times a thousand units look like? Well, what it looks like is about 20 acres, which is -- we just found a picture right here. This happens to be in Collier County. And that's what 20 acres looks like. And as you can see, 20 acres is -- it's land, but it's not an enormous amount of area.

We then went and did some searching around Collier County, and we found this commercial development here that is about 6.2 acres. In fact, that's what we're recommending as a minimum for the villages themselves.

So as you see, these are not huge swaths, right? Like, entire fields. They're dedicated to parcels that serve the needs of people. Again, the purpose of this is not to show the uses. It's to show what the land looks like.

Is that it? So, therefore, we're recommending as a minimum in Schedule C -- or the county's recommending, based on our work, 170 square feet per unit for towns which leads to about 20 acres of commercial lands dedicated, allocated for future use per thousand dwelling units, and the villages, 53 square feet per thousand units, which leads to about 6.2 acres per thousand units.

CHAIRMAN FRYER: Questions? I don't see anyone lit up. I'll start. I don't have much, but --

MR. FARMER: Thank you.

CHAIRMAN FRYER: First of all, if two proximate villages find that their occupants -- each finds that it's occupants are going over to the other one because there's a barbershop there and then in another case from the other one to the first one, there's a pharmacy, is that what is meant by "shared infrastructure"?

MR. FARMER: I'm -- I would say the scenario you just described is fully expected; that it's impractical for one town or villages to have all of the -- all of the needs, all of the uses needed by a totality of all the people that live there.

CHAIRMAN FRYER: Okay.

MR. FARMER: So you're right, one might have the great barbershop and one might have the great restaurant. And I think it's unreasonable to say that people should only get all their uses met right just in the area they have. I have other pictures, too, I can show you of --

CHAIRMAN FRYER: I agree with you, but I'm just trying to understand the term "shared infrastructure," and to me, you know, the term plainly means the -- for an example, the example that I provided, because the infrastructure from Village A is going to be used by occupants of Village B and vice versa. Would you agree with that?

MR. FARMER: I would agree there is no one area in Collier County that provides all of the needs for everyone. I mean, I love going to Mercato. I think there's a barber at Mercato, right? There's no one place I can go. And it's impractical. Let's go to the mall. It's impractical

that any one location would provide for all the needs.

CHAIRMAN FRYER: In your view, though, this is or is not shared infrastructure?

MR. FARMER: I guess I wasn't prepared for that question. And I don't think in terms of, yes, there's infrastructure associated with commercial development, but --

CHAIRMAN FRYER: Yeah. Okay. No problem.

MR. FARMER: Let's call it social infrastructure. How's that?

CHAIRMAN FRYER: Social infrastructure. It's fine with me. That's fine.

My next question is is that the specifications here that you've outlined, 170 square feet per unit times a thousand units, et cetera, is it your understanding as a consultant -- and Collier County can speak through its executive leadership, but see if I'm on the right track. Is it Collier County's intention to require these specifications be met or simply encourage them?

MR. FARMER: I can't speak to what Collier County is going to say. It sounds like a --

CHAIRMAN FRYER: Ms. Jenkins?

MS. JENKINS: Would you like me to answer?

CHAIRMAN FRYER: Please.

MS. JENKINS: The square footages per dwelling unit were changed in Attachment C. So what David's presented to you in the commercial allocation that changed, any SRA would have to be consistent with the size, uses, and intensities/densities in your Comprehensive Plan. So these numbers are in the Comprehensive Plan in Attachment C, and they would have to be consistent with those.

CHAIRMAN FRYER: Okay. So they'd be required?

MS. JENKINS: Yes.

CHAIRMAN FRYER: Thank you. I don't have any further questions for you, sir.

MR. FARMER: Thank you very much.

CHAIRMAN FRYER: Oh, I'm sorry. Mr. Fry.

COMMISSIONER FRY: So explain how you came up with 8,500 square feet per acre. We have another item coming today, and I think in talking with planners on other issues, they seem to tell me a standard is that you can realistically fit about 10,000 square feet per acre of commercial. I think they have a two-acre plot. They're asking for 20,000 square feet. So where did the 8,500 square feet come from? Did I miss that in the presentation?

MR. FARMER: No, you did not. I'm looking for my picture. Sorry, I have older eyes.

You know what I'm thinking, I'm thinking of there was a four-page paper that I did. So if you -- in fact, the 8,500 is a very efficient design. So when we built the interactive growth model, another analysis that we do is, hey, what is the average commercial space we're fitting on a per acre basis with the understanding that, you know, some buildings are three and four stories tall and some are not. Some include water management; some don't. And these are -- they might sound like sideline issues, but they're not. They have a huge impact on it.

So I took the corner of Vanderbilt Beach Road and Airport Road, the Galleria area, and much of their water management infrastructure is located in -- help me out here, Anita -- in Pelican Marsh. Located inside Pelican Marsh, much as the way we think -- especially when I look at Ave Maria, the way they've laid things out, when they have their commercial areas, it's usually net of much of the lakes because the lakes are great residential amenities, right?

And so when we took a look at the Galleria, we envisioned that it could look something like that, and that yield was right around 8,500 square feet, but the average in Collier County is close to about 7,000 square feet per acre because of things like environmental constraints, wetlands, water management features, and floor area ratio, how many stories they're going up. But 10,000 is fully achievable, but it depends on quite a few things. We find it actually quite rare on a normal basis.

COMMISSIONER FRY: So you found an average of 7,000 but you used 8,500 in your

model?

MR. FARMER: I used 8,500 because when you look at the 7,000, they have the lakes and stuff as part of their developments, but when you look at things like Pelican Marsh where, again, as part of a bigger community, the water management and the environmental constraints are all wrapped up into the residential components of that community making the commercial area a nice net even -- nice usable square space where you can get high achievements of square foot per acre.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Any other questions from up here?

(No response.)

CHAIRMAN FRYER: All right. Thank you, sir.

MR. FARMER: Thank you.

CHAIRMAN FRYER: Ms. Jenkins.

MS. JENKINS: Commissioners, I'm going to go through now the draft policies that you had in the draft version that was the working document that was circulated to the stakeholders and to our staff team for review and comment, and the aggregation policy that was in the original draft was taken out, and I'm going to go through the thought process on that for you.

So, first of all, I think Mr. Cohen has covered the analysis of what got us to this consideration of -- we had a landowner that has been trying to plan a town in the same land area for 20 years or so and has not been able to get over the line successfully, and so those were broken up.

And so now after we've seen that -- and the draft policy is up here for you. So the draft policy talked about coordinating infrastructure, providing economic development, and then looking at two or more villages or CRDs in aggregate.

So this policy also talks about how we coordinate that, how we review that, and then it has the word "shall" in there. So it's not just that you would like us to review and consider the RLSA as it moves forward, but the language in here goes from, regardless of what the analysis says, you should do that. So that's the difference in this policy.

So staff looks at how we do that, how we coordinate that, but we're also looking at the other policies in the RLSA that give us the ability already to review, holistically, these projects. And I also look for Comprehensive Plan consistency.

So, first of all, how we coordinate infrastructure. We have a recommended policy, 4.14, that talks about, when you come in for SRA approval, what the staff is looking at. And you will see right off the bat here that if you are proposed to adjoin land designated as an SRA or open -- so we're not only looking at other SRAs. We have the ability to look at what are you -- what are you adjacent to? Is it open lands, or is it a flowway habitat area? So that gives us the ability to look at these things holistically to reduce the drive times and also looking at how the SRAs will be coordinated between one other.

This policy also says that public and private roads within an SRA shall be maintained by the SRA. Also, signalized intersections will be maintained.

COMMISSIONER FRY: May we interject questions as you go?

MS. JENKINS: Sure.

COMMISSIONER FRY: I don't see the word "bicycle" mentioned there. I see "vehicular" and "pedestrian." Is bicycle -- is that included in vehicular?

MS. JENKINS: Yeah, we would include that. By state law, a bicycle is a vehicle, so we would -- always include bicycles when we're talking about any vehicles or pedestrians as well.

COMMISSIONER FRY: One of my observations and, I think, pet peeves in Collier County is just the complete lack of bike paths that are segregated from roads. You know, there's some along roads, and my neighborhood has one, but it's 10 feet from the road, and it parallels the road. The Greenway has a bike path, but it doesn't seem like it's a requirement in the RLSA or in any development. So maybe speak to that and how that is part of the equation.

MS. JENKINS: Well, each SRA does have to comply with the street cross-sections. There are very detailed street cross-sections within the SRA zoning district that they have to comply with, or if there's a constraint in any particular area, they can suggest a different cross-section. But that would provide those opportunities for these SRAs to select one of those cross-sections, and I know several of those cross-sections do have multiuse pathways off of the road to coordinate not only between -- within SRAs but between the SRAs. So they do have the ability to select those cross-sections to provide for bikers.

COMMISSIONER FRY: So what you're describing sounds like cross-sections that are integrated with the road in some way. I mean, they're in proximity to the road. What about bike paths that have no proximity to a road? They're more independent paths that a person might more enjoy riding on as scenic exercise without having to cross roads and deal with traffic?

MS. JENKINS: Well, I think as Trinity mentioned, that the MPO does have a bicycle and pedestrian plan, and so they do countywide planning for bicycles and pedestrians in that plan.

So I know that there is a greenway component of that plan, so we are looking countywide for opportunities to create those experiences in greenways and pathways.

COMMISSIONER FRY: Is -- the opportunity for greenways and bike paths, how is that incorporated in these RLSA amendments?

MS. SCOTT: So with the MPO's plan, a majority of those pathways are incorporated into a roadway, if you will, for the most part. We do have the extension of the Rich King Greenway, which we have close to the government center here, that connects Rattlesnake Hammock to Radio Road, which is off road, but majority of those are calling for multiuse pathways in coordination with our roadway projects.

You'll see an example of that when we build Vanderbilt Beach Road extension. We've also done that with portions of Immokalee Road, portions of Collier Boulevard as well, so...

COMMISSIONER FRY: Why isn't there more focus on off-road bike paths? I mean, we have lots of space here. We're talking about 185,000 acres here. Why isn't there a component that made it into the plan for off-road bike pathways and pedestrian walkways?

MR. KLATZKOW: You have a lobbying group in Collier County ever since I've been here. They like to go fast, and so there's always been people who wanted recreational biking, and there are people who wanted -- I forget the names of them.

MS. SCOTT: Bike lanes, on-road bike lanes.

MR. KLATZKOW: But they just want to go as fast as they can, which basically means we're setting aside a piece of the right-of-way for them. So there is no one person or one group speaking on behalf of bicycles. You might want recreational bicycling, family-type bicycling. That is not who's been lobbying all these years.

COMMISSIONER FRY: So there's a contingent of bicycle riders that are really in favor of bike paths on roads?

MR. KLATZKOW: Yes, because they want to be able to go as fast as possible.

COMMISSIONER FRY: In their Tour de France attire?

MR. KLATZKOW: Exactly.

COMMISSIONER FRY: Racing bikes.

CHAIRMAN FRYER: Riding in tandem.

COMMISSIONER FRY: In tandem.

MS. SCOTT: With our new roadways that we're building, we do try to balance that and, as I said, in many cases you have still on-road bike lanes for the people who choose to ride there. And oftentimes you'll see a sidewalk on one side and a multiuse pathway on the other to give those folks who may not have that comfort level to get out there with other fast-moving traffic.

But to your point, we have limited -- the Metropolitan Planning Organization are looking at these also as transportation facilities. So perhaps you're talking more of a recreational-type

facility, and some of the developments as they come in do provide for that, say, around a lake or so on and so forth. But that's more of some of the amenities that they'll provide as they come in for their Site Development Plan or their plats and plans.

COMMISSIONER FRY: I guess my vision, when I initially read about the RLSA, I thought, what a great opportunity to have an interconnected system of off-road bike paths and pedestrian paths that wind through those developments or around these developments, interconnect them, go through some natural areas without -- you know, with minimal impact environmentally. So I guess I'm just surprised and -- disappointed there isn't some facility for that as part of a master plan like the RLSA.

MS. JENKINS: That could be addressed in the MPO's bicycle and pedestrian plan for the entire county. Also, you do have advocates called the Naples Bicycle Coalition.

MR. HARNEY: Naples Pathway Coalition.

MS. JENKINS: Pathway Coalition, thank you -- that is working on a vision to do exactly that. How can we create off-road greenways throughout Collier County? So you do have an advocacy group working on that well.

COMMISSIONER FRY: Okay. Nothing included in the RLSA or these amendments at current, so that would be a voluntary participation by a developer into supporting such a plan when it is developed?

MS. SCOTT: The MPO's bicycle/pedestrian plan is incorporated by reference into the Long Range Transportation Plan as well as it's also incorporated into the Transportation Element of the Growth Management Plan. So, certainly, if there were facilities that were identified, no different than what we would do for a road. If there was a facility identified in one of those plans, we would work with the applicant as they came in to implement those plans.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Before we leave 4.14, I'm having a little difficulty understanding what the intent of this is. It says that an SRA proposed to adjoin land already designated as an SRA or open, that that first SRA needs to provide access to the county's roads. Is that what it says? It doesn't seem to say interconnectivity between the two SRAs.

MS. JENKINS: So that's what we're -- when you're talking about proposed to adjoin land designated as SRA or open lands, you are providing for the opportunity for direct connections. So that is the direct connection between SRAs and to open lands.

CHAIRMAN FRYER: But it's over the county's existing arterial collector roadways. It's not interconnectivity of the two SRAs.

MS. JENKINS: There is additional language that talks about interconnection of SRAs off that arterial system.

CHAIRMAN FRYER: Well, it talks about, again, an aspiration to improve interconnectivity, and I assume that means interconnectivity between the two SRAs, but the material preceding it does not seem to require interconnectivity of the two adjacent SRAs.

MS. JENKINS: And you see the last sentence, to keep the use of county arterial roads to a minimum when traveling.

So, again this is a policy, and then we will implement the policy through the Land Development Code.

CHAIRMAN FRYER: So, I mean, just so that I'm clear, you're acknowledging that Policy 4.14 does not require interconnectivity?

MS. JENKINS: Well, I think it says right there opportunity to provide direct vehicular --

CHAIRMAN FRYER: Where does it say "require"? That's what I'm looking for.

MS. JENKINS: Well, again, it says "opportunity," and then when we implement this, this is a policy -- a new policy that has not been implemented in our Land Development Code. So in the Land Development Code, that's how you would implement this policy, specifically.

CHAIRMAN FRYER: Okay. Also, you have words like "adjoin" and "adjacent." To me they mean two bodies of land that physically touch one another. Is that the intended meaning?

MS. JENKINS: Yes.

CHAIRMAN FRYER: Okay. So if a roadway separated the two, they wouldn't be adjoining?

MS. JENKINS: Yeah. That is an LDC issue. That is defined in the LDC, adjoined and abutting and surrounding.

CHAIRMAN FRYER: Well --

MS. JENKINS: Yeah. So --

CHAIRMAN FRYER: What does adjacent mean in the example that I gave you about a road going through? Are they considered adjoining?

MS. JENKINS: A road going through?

CHAIRMAN FRYER: Well, just imagine Rivergrass, if there were two villages separated by Oil Well Road. Will you consider those parcels adjacent, north and south?

MS. JENKINS: I would rather think about a different scenario, if you don't mind.

CHAIRMAN FRYER: You choose your scenario, but I'm looking for an answer to my question.

MS. JENKINS: Okay. So two SRAs that adjoin either another SRA, and that is adjoin, abutting, or open land, will provide interconnections. So we're looking at this as how the transportation is going to function not only within the SRA but connecting to other SRAs and to the open area as well.

CHAIRMAN FRYER: Well, I submit to you it's the same point about encouraging and requiring, that if all you do is encourage something in 4.14 or say, we sure would like this to happen or we want to provide an opportunities for connectivity, and then if you go to the Land Development Code and then require it, you're going to have arguments that you're going beyond the Growth Management Plan.

MS. JENKINS: Well, I see it a little bit differently. Again, the Growth Management Plan sets the guidelines. If you have a code, a process, and a procedure to implement that plan, then we have to be consistent with that code process and procedure to be consistent with the Comprehensive Plan. So if we write policy to implement -- or Land Development Code to implement this specific policy, they have to follow that Land Development Code to be consistent with this policy.

CHAIRMAN FRYER: Or they will argue that the Land Development Code has gone beyond the logical boundaries of the GMP. That's my concern. But, I mean, I'm starting to feel like I'm beating a dead horse, and so I made my point on that. Please proceed.

MS. JENKINS: Okay. Also, we do have a new Policy 4.6 that -- I didn't try to put them all in here. Trying to keep us in time here. But 4.6 also requires new mobility plans. So that's a very important policy to keep in mind, too, as you're reviewing these today.

Providing for economic diversification. A new policy. Again, this is a recommended policy that we are adding to towns and villages; economic diversification, job creation, and making sure that the uses that are determined as Florida qualified targeted industries are able to locate in both towns and villages. And Mr. Cohen mentioned that we took the word "predominantly" out of a village so -- and put the Florida targeted industry in the village. So that would be another opportunity for economic diversification of Eastern Collier County. And Attachment C, again, modifies those goods and services, as Mr. Farmer had just went through, to provide more opportunity for economic diversification.

CHAIRMAN FRYER: But it says "preferred," not "required," right? So there's really nothing that can be required by this Policy 4.7.4. It's just -- it's stating a preference.

MS. JENKINS: Yeah. I don't know how we would require a business to locate --

CHAIRMAN FRYER: Yeah. But what do you get when you say it's preferred? If you don't get voluntary compliance from a developer, what do you get?

MS. JENKINS: Well, I think you get -- when a developer is looking at a Comprehensive Plan or a Land Development Code, they're looking for a clear vision and some assurances to get through a process and to understand what that process is and what the rules of the road are in the different processes. So this says a preferred location, so that means that when a business would come to Collier County, that the preferred location for them to locate would be in a town or a village, not standing alone.

CHAIRMAN FRYER: Okay. But that would be an expression of the county's preference.

MS. JENKINS: Yes.

CHAIRMAN FRYER: Okay.

MS. JENKINS: So when we look at these holistically -- and I'm going to talk in a little bit about the tools that we used to look at this holistically -- we can make recommendations to the Board of County Commissioners. The policy here, 4.15, gives the Board of County Commissioners the authority to set aside additional lands for public facilities. So when we analyze the SRA and the surrounding lands for public facilities using the tools that we have, the Board has the ability to ask for land to be set aside to accommodate those public facilities.

CHAIRMAN FRYER: So I see from that policy that the word "require" is in the planning vocabulary. I see that Policy 4.15.2 is using the word "require," so I'm encouraged that it's a word that you're able to work into the Growth Management Plan.

MS. JENKINS: And then, again, coordinating infrastructure and providing for economic diversification. How we review holistically. One of the tools that we have that's Version 3 now, that you will be seeing more and more of staff bring forward to you -- I think you've seen the result of that one or two times now as we use that tool. That tool is countywide, and we use it for population, land use, utilities, and public facilities monitoring -- sorry -- modeling.

So we are able to look at any transportation area zone that is populated in the model and determine what the population is expected to be and what the land uses are needed to support that population.

So as the consultants are bringing forward their information, and I think Ms. Patterson mentioned this, staff has other tools to check that information and to make sure that we are in agreement with the results of that.

I'm going to ask Trinity to talk a little bit more about the tools she uses and the flexibility she can have in transportation impact methodologies and modeling.

MS. SCOTT: As I stated earlier, the basis of what we're looking at is our Long Range Transportation Plan. So the Long Range Transportation Plan identifies these areas with growth and that we identify facilities that are needed. And, actually, in one of the prior slides it said that we're going to look at the Collier County Metropolitan Planning Organization needs plan.

So if any facilities -- transportation facilities are identified in that needs plan, we're going to work with that developer to set aside those right-of-ways. And we did that in our prior villages where we worked with them to set aside those right-of-ways so that in the future it's there, the people who may build next to it are aware that the facility is coming forward. It helps us a little bit down the road with angry phone calls.

So that's the basis, but we also -- we have -- just as Amy has talked about with the fiscal neutrality, we have a methodology meeting with the applicant when they come forward. We go through our adopted Traffic Impact Statement methodology guidelines, and we agree to a methodology at the onset and then work that through the process, so...

MS. JENKINS: Now I'm going to move to consistency a little bit, and we talked early on about being consistent with both Chapter 163 and, importantly, the Rural Land Stewardship statute

that is an incentive-based program directly. And this policy that already exists and established the framework of the Rural Lands Stewardship Area talks about the relationship between towns and villages and what the anticipation was at the outset of this program and how that development form is going to be much better than what it was at one per five.

So we notice here as David -- Mr. Farmer had mentioned that it's anticipated that SRAs will support one another, and the villages would be needed to support the community goods and services of a town.

So we see here that we say in policy that the uses may be provided either within the specific SRA, within other SRAs, in the RLSA, or the Immokalee urban area providing the capacity of those adjoining facilities are available. We go down to the bottom of that, and we also see there that, again, the population of villages may be needed to support the community retail. There's policy in here that says every town and village must provide the neighborhood scales, retail goods and services, but it's recognized in this policy that towns will support the needs of villages.

So we recognize that not every opportunity for a village is going to grow into a town. There will be towns that support villages. And so as you see, the two villages on this particular Growth Management Plan map could very well be supported in close proximity in driving the other direction to Ave Maria. So the Publix at Ave Maria would support the residents of the villages who do not have enough population to support other uses such as that.

So when we're looking at these policies -- and I go back to the "shall" here -- Policy 4.15 says to me, we've made a decision that there will be towns and villages, and there's a relationship between those. So if now we're saying, but wait, if you're a CRD or a village and you just happen to have more acreage than your neighbor, we're going to require you to do something different. So is that consistent? I'm not finding that's consistent with this policy that says we're going to have villages, we're going to have towns, and they can support one another, and there's a relationship there.

So that kind of takes you through my thinking in just the briefest possible way. There's -- when you look at the RLSA as a whole, and that's what we have to do as planners, not only the Comprehensive Plan, but the Land Development Code to implement the entire plan, we need to maintain internal consistency with any policy that we recommend to you.

I removed that policy because I was concerned about internal consistency in the plan and consistency with the Rural Lands Stewardship Area statute. That is an incentive-based program. I'm not saying that there's not improvements that can be made and different ways that we can look at that, and there are -- there's -- when I get to the LDC, I'll talk to you about looking at that a little bit differently. I understand that we want to incentivize towns. The landowners have been trying to do towns. We're breaking down in the process, not the policy.

So we hope to get to the point where we can look at that process and improve that process, and we have some ideas to help you get there when we get to the LDC.

CHAIRMAN FRYER: Commissioner Shea, I note that you lit up. Did you want to talk about aggregation or affordability? I'm sorry. I did not see your name -- let's roll back to aggregation and take your comment, please.

COMMISSIONER SHEA: Yeah. I guess, if we don't have aggregation, how do -- and I totally agree with you, you want to incentivize towns, but in the meantime, how do you get the required services that you're really looking for for that acreage even though it's three separate units?

I don't feel comfortable that kind of the soft language that you were reading to me would get us -- get us -- get it to be a requirement that they treat it as a town and have to follow the guidelines of the town, so that makes me very nervous.

But, I guess, let me ask you another question: What's the downside of having an aggregate policy? What does it -- it seems like it's one of those things that could only help us. It

may upset a few people, but it seems like it could only help us as we work towards finding a way to better incentivize the development of towns.

MS. JENKINS: Well, I think that you said two things.

COMMISSIONER SHEA: I probably did.

MS. JENKINS: We want to incentivize them -- we want to incentivize them, but we want to require them to do it in a certain way. And so we have competing -- competing policy there.

And, again, it's not the idea that we want to plan for the goods and services in the right places. It's just the policy that says "you shall aggregate" is inconsistent with the policies that have been established that show a relationship between towns and villages.

So it's not the idea. It's that specific policy that, as a professional planner, I was not comfortable bringing forward to you as a recommendation.

COMMISSIONER SHEA: But you would still get three villages, and you'd still get the services -- goods and services comparable to three villages, not for a town, which could then support additional SRAs in the area.

MS. JENKINS: So I'm going to go ahead and talk about an idea that we're trying to bring forward to you in the LDC.

We're noticing that, again, we're not -- the policies are there to incentivize the landowners to bring forward a town. They're breaking down in the process. So when I go to the process and look at what's going on, where are we breaking down, and it needs a lot more full evaluation of that. But what I'm seeing is that we're asking landowners when they're creating these towns to try to come up with everything that's going to be anticipated as you grow over 50 years in a town. It's a long-range planning effort. And to try to plan for that entire acreage, you know, 4- or 5,000 acres up front, can be challenging.

So the idea that we want to bring forward to you is to create a process in the Land Development Code that would allow the landowners to come forward with that town framework so they have a town vision that is consistent with the Comprehensive Plan in the acreages, the land uses, the densities, and intensities. That framework would show you that as well as the interconnectivity, everything that would be consistent with the Comprehensive Plan, and then they could come in by increments of SRAs, the villages, perhaps, and we would do a review of that to see how they're doing.

So it helps them do incremental planning rather than trying to create the entire thing up front. So we're creating a two-step process to incentivize them. Bring forward the framework, we're going to do, you know, a master traffic study to see what the full impacts are, and then as you come in with your increments, you update your traffic, and we adjust that as we go. So there's a -- you know, there's a framework here, I think, that we want to bring forward to incentivize these towns to help them move through this process to improve the procedures but, again, it's breaking in the process that we need to look at, not the policy.

COMMISSIONER SHEA: Would there be a downside of having the aggregate policy pending you coming back to us with some other recommended changes that would be more incentive-based?

MS. JENKINS: Well, again, I'm not comfortable with the "shall aggregate" as a recommendation to you and being consistent.

CHAIRMAN FRYER: Do you want to talk aggregation or affordability, Karl?

COMMISSIONER FRY: Aggregation.

CHAIRMAN FRYER: Please go ahead.

COMMISSIONER FRY: I mean, I see a challenge with the aggregation concept in that our goal is the same whether or not it's the same property owner coming forward with multiple villages. And it doesn't matter if it's Hyde Park owned by one developer and Rivergrass with another, these other two that are coming in now owned by the same developer and then another one

that might be next door owned by someone else. In my opinion, it does not matter that they're the same property owner or somebody else.

This plan and then the LDC -- the management plan and then the LDC to support it should incentivize the growth the way we want it to be, which is villages should be a step forward if they come in as villages, and towns should be a step forward. We all seem to agree the bigger win for the county is towns -- not all villages, but a mix of towns and villages.

So I see that potentially you're penalizing or you're putting additional burdens on a single property owner if they happen to own adjacent parcels. I see the need for -- the concept of aggregation, but in my opinion you're into policing now as opposed to incentivizing and building a framework where the property owners want to come forward with towns. I mean, I can't escape the observation that we had a property owner that invested, I would estimate, millions of dollars and 10 or 15 years trying to develop two different towns. To me that demonstrates good faith in that they are aligned with our vision that it shouldn't just all be villages. They were trying to develop a town. I believe that with the proper incentive, structure, and a partnership, there's no reason why we can't get back to that.

So I struggle with the aggregation concept because I kind of see both sides of the coin. So I just wanted to point that out.

CHAIRMAN FRYER: There is another aspect of this that probably bears mentioning, and that has to do with the Board of County Commissioners' meeting, I think it was a workshop in January.

One of the resolutions that came out of that meeting from the Board of County Commissioners was that staff should bring forward an aggregation provision for it to be considered, certainly not requiring staff to recommend it, and staff is -- you know, it would be -- it would be bad management for the Board to direct staff to recommend something back to them. So they weren't doing that, but they were directing staff to come forward with aggregation language, and I think that's why we're still looking at 4.7.5.

Comment, Mr. Cohen?

MR. COHEN: Yes. Thaddeus Cohen again.

That's not my recollection. I spoke before the Board, and what I said to them was that -- if I can see my language -- that it was a tool for us to consider when we look at the LDC. And it was a particular commissioner who was making the point as to how it is that we could prevent the breakup of a town, and that's where we've been struggling.

We have folks who are trying to do something. It didn't work, for whatever the reasons are, and we have three components.

So the question, I think, for you and for us is, do we focus on that and say that that is typical, that that's how development, we believe, will work in the future, or what I believe it is, that that's atypical.

And as we look to the future, what would an aggregation policy say? Well, first of all, it was part of a DRI which longer, from the State of Florida, is even in existence. So that word "aggregation" actually means something. So if you're back in the DRI days, everyone understands what aggregation meant. It was a permitting process in order to be able to say, folks, you can't skirt the minimum requirements. We'll look at this in a particular and specific way. Being able to apply a remedy for a DRI on an incentive-based program in an RLSA, to me, does not make sense, and that's why I support our director in removing that language.

So, sir, if you're going to make that case as to why you believe aggregation is important, then view it within the context of the DRI and don't just extrapolate that and say, if you have a series of villages, you shall combine them all, which says that we're not interested in villages, we're only interested in towns, which then becomes, well, then, how do you force someone to create a town if they choose that that's not what their business model is?

What we're trying to get to is what you're asking us to do, which is, how do you create an incentive for folks who want to do it but they haven't been able to get to the finish line? And what we're suggesting is, allow us to help folks get to the finish line. Aggregation, we believe, is not that method. That is looking in the rearview mirror over what happened to a project that broke up and using that now as the baseline for all considerations in the future. And I'm saying that I don't think that works. And we are beating a dead horse.

CHAIRMAN FRYER: I hesitate to bring this up, but, I mean, if you're disagreeing with me as to what the Board of County Commissioners asked be done --

MR. COHEN: I will go back and look at what I said in front of the Board of County Commissioners and what they asked us to do, and we can provide you-all with a copy. We'll ask staff -- we'll ask staff to do that now.

MR. KLATZKOW: I have it.

CHAIRMAN FRYER: Well --

MR. KLATZKOW: I could forward it to each of you if you want.

MR. COHEN: And that's the reason why we're standing here today with the aggregation policy in front of you, so that it's transparent, so everyone can see what a draft policy was in March, and how we've gotten to the point, as Anita just explained, as to why we're not recommending that. And we'll do that in front of the Board of County Commissioners as well.

CHAIRMAN FRYER: I know you will. I know, and I know you're not going to recommend it, and that's your prerogative. You're the experts. But can we at least agree -- and we can go and look at the BCC meetings. Can we at least agree that you and your staff were directed by the highest levels of county management to bring something on aggregation before us with or without a recommendation?

MR. COHEN: And we're here with the aggregation rule that was drafted in March 9th --

CHAIRMAN FRYER: That's all I was saying.

MR. COHEN: And we're standing here discussing it.

CHAIRMAN FRYER: Thank you. Thank you.

Please proceed.

MS. JENKINS: Okay. We can move to affordable housing now, and you'll see what we have on this screen now, again, is the draft policy that was in the staff working document that was circulated in March for the stakeholders' review and staff's review, and Cormac will go through that with you, and then the following slide is the policy that we will recommend.

CHAIRMAN FRYER: Cormac, if you have slides, you're welcome to wait while it's cleaned. If you don't, you can use the other podium.

MR. GIBLIN: I'm going to be using these.

CHAIRMAN FRYER: Okay. Thank you.

MR. GIBLIN: Good morning, Commissioners. Cormac Giblin, for the record, your Housing Operations and Grant Development Manager.

Before I get to the March 9th draft, I want to back up a little bit to what do we have on the books now. Right now we've got one-half of one sentence that might indicate that there is a housing requirement, an affordable housing requirement in the RLSA.

It's -- for the villages, it's 4.7.2 that says, villages are primarily residential communities with a diversity of housing types, and we've -- obviously, over the past several months, we've discussed several proposed villages, and we've gone around and around about what is a diversity of housing types. Everyone might have their own opinion as to what type of diversity. Diversity of what? Diversity of size, shape, color? Diversity of income? Diversity of whatever you might want to think about in terms of diversity.

And then as Mr. Cohen said earlier, that is the GMP, which is kind of the overarching policy level, and we do find a little bit more specificity when we do get down to the LDC section

on this. It's -- where it says that a village will offer a range of housing types and price levels to accommodate diverse ages and incomes. So there we get a little -- that's where we go from the general in the GMP to the LDC that has some of the specific. But, again, it's not very specific. It still speaks in generalities of price levels, diverse ages, and diverse incomes.

We had a consultant in here several months ago that said, fine, I'll do diverse price levels. I'll do some at one million, some at two million and, by definition, he would be complying with the policy. Maybe not --

CHAIRMAN FRYER: Some red houses and some green houses?

MR. GIBLIN: Exactly.

CHAIRMAN FRYER: Yeah.

MR. GIBLIN: Maybe not the intent but, you know, that is why the Board of County Commissioners -- yourselves and the Board of County Commissioners are free to interpret the meaning behind some of these words.

So, by all accounts, what I'm trying to get to is that there is not a very good handle on the existing language today on what type of affordable housing requirements are required out in towns and villages.

I'll get to the draft that's on your screen now that was put out in March. And you-all have seen -- every town and village staff report that's come through since the beginning of this program I've written, and they all are very much consistent. It is trying to take that very, very generally and somewhat opinionated or differing language based on your point-of-view language into a recommendation to meet the public -- public good of the county.

And they're all very consistent, and they apply some traditional-type percentage methodologies the way that we traditionally look at affordable housing development with various portions of incomes and set-asides. Some might call it an inclusionary zoning approach.

And that's what this draft in March was kind of adding. It was very, very, I'll add, specific language here. And after the draft went out for public comment, the comments we received back was that this isn't really the place for -- the GMP is definitely not the place for such specificity of language when it comes to housing and -- yeah, let me see what the next slide is. Yeah.

We took the input from the draft that was circulated and a suggestion that came in to look at this in a different way. And when we talk affordable housing, there are really three main tenets that are needed to create housing that is affordable. You need land, you need density, and you need subsidy. I mean, nationwide, globally, those are the three main tenets that are needed to create housing that's affordable.

The proposal that came in was the two and a half -- 2.5 percent of the gross area of every SRA would be set aside for housing that is affordable. The development on that land would not consume credits. It would be considered a public-benefit use, and that it would come with a minimum density of at least 10 units to the acre.

When we look at that and we apply it to the real world, what we find is that we really do get to just about the same place that we did with the highly prescribed method that was on the previous slide. For example, adding -- to run the recently approved or actually all approved SRAs through this formula. At Ave Maria, 5,000 acres would have resulted in 125 acres set aside. At 10 units to the acre, that's 1,250 affordable units that would have been built there, and they have 11,000 units total residential there, so it's about a little more than 10 percent of the total.

The Village of Rivergrass was 1,000 acres. They would have set aside 25 of those. Ten units to the acre, 250 units. And they -- they are at 2,500 total units. So another, again, 10 percent of the total.

Hyde Park, 650 acres would have been 16.25 acres set aside at 10 units to the acre; 163 units. They're at 1,800 units. It's about -- it's in that range.

And so we see this as a collaborative way to kind of get to the same place still using broad

language that can be further refined when we do get to amending the LDC section of this to get to the details.

I'll stop there if there's any questions.

CHAIRMAN FRYER: No one is lit up. Commissioner Schmitt.

COMMISSIONER SCHMITT: Cormac, the League of Women Voters proffered a very specific requirement for this section. Do you have any comments as to what they wanted rather than what this says? I don't have that -- I was going to look it up, but it was very specific what they had as far as writing. I think it went back almost to your March -- your original March language.

MS. JENKINS: Commissioner, if I may, they were supporting the draft language.

COMMISSIONER SCHMITT: They were?

MS. JENKINS: First slide.

COMMISSIONER SCHMITT: The first slide. That's what I thought, okay.

Which -- but that is no longer. This is --

(Simultaneous crosstalk.)

MR. GIBLIN: The one on the screen now is where the staff proposal is now, again, in partnership and in consultation with the property owners and the constituent groups. We did receive another letter from a few other community advocacy groups. I don't know -- I sent it to Anita yesterday. It was a joint letter signed by the Collier County Affordable Housing Advisory Committee, the Community Land Trust of Collier County, and the Housing Finance Authority of Collier County. They all three signed off on a letter that said they fully support the staff-proposed amendment here.

COMMISSIONER SCHMITT: I was going to ask another question. From the standpoint of an affordable housing, one of the detractors, even from a person buying affordable housing, when you have a lot of -- a second and a third or you have other restrictions, with this, it's still affordable housing. Are there lots of other, I will call them, inhibitors to purchasing affordable -- or somebody moving into affordable housing because of the requirements from a standpoint of a second mortgage or a lien or all the other type of things that some folks try and not get themselves into when they're moving into affordable housing? Does this leave the developer a little more latitude? Providing the product, but with a little more latitude and less restriction?

MR. GIBLIN: I think that's where we get to the key difference is that the developer is not necessarily the one who is going to be providing this project.

COMMISSIONER SCHMITT: Okay.

MR. GIBLIN: They're providing the land.

COMMISSIONER SCHMITT: The land.

MR. GIBLIN: And then it is up to an affordable housing developer who brings in that third leg of the stool. They can bring in the subsidy. They bring in the knowledge, the know-how, and the expertise to build genuine, certified, affordable housing with a capital A, capital H, that bring all that together to produce the product. It would be like asking, you know, your general practice doctor to perform brain surgery. You know, you're not going to ask the general developer to get into that highly specialized market. By doing this, you're leaving that space open for those that do know how to do this and do it very well and will be clamoring to provide that housing for the residents.

COMMISSIONER SCHMITT: One last follow-up, then. The -- one of the criticisms of this language then -- there was a perception, and maybe real or not, but -- well, I guess the insinuation that, being this, it was going to fall on the taxpayer to fund the affordable housing and pay for the affordable housing. Is this going to become a taxpayer burden?

MR. GIBLIN: Not at all. There's no suggestion that the taxpayers would fund this in any way.

COMMISSIONER SCHMITT: Fund the affordable housing?

MR. GIBLIN: Fund the affordable housing development.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: I can't agree with your interpretation because I recognize that the developer has to set aside some land, and that's a contribution, and that's significant, and I grant that, but then as far as it being developed, it being financed, it says, by either Collier County, a Community Land Trust, a private developer, or any other affordable housing provider.

Well, let's just take the first choice, Collier County. If that doesn't mean the taxpayers, I don't know what the heck it means.

MR. GIBLIN: There may be a situation where the county found it in our benefit to go out and purchase land for affordable housing. We see that now at the Golden Gate Golf Course. We see that now, the Bembridge property on Santa Barbara that we're currently developing. The county owns that land and has partnered with a private developer to build affordable housing as a community benefit. That's one of the options. It certainly isn't a requirement that the county purchase any land that is set aside.

CHAIRMAN FRYER: No, it's not a requirement, but there is no requirement on anyone here. And so if no private developer or charity comes in, for whatever reason, the profit motive or an eleemosynary motive, comes in and wants to do this, then either it's not going to get done at all, which is bad, or the county's going to have to do it, which means the taxpayers pay for it.

MR. GIBLIN: I would say that there's very, very little taxpayer money that goes to affordable housing in Collier County. Most of our affordable housing is funded through federal and state grants. Very, very little Collier County taxpayer money, General Fund money goes to housing.

But to the point, the advantage here -- and the details will be worked out in the LDC -- that the land would be set aside in there, that is the number one stumbling block for -- I get approached by affordable housing developers on a regular basis. Show us some sites. Show us some sites. If we had a regular inventory of sites that are ready to go at reasonable prices -- and these would be similar to -- you know, the ag value of the land or the predetermined value of the land that they'd be available, I think that it would be very beneficial.

CHAIRMAN FRYER: Of course, Habitat for Humanity can't build under this because there's no single-family dwellings, right?

MR. GIBLIN: Habitat does build a variety of housing types. In fact, one of their most popular models lately has been the twin-villa model. They are -- I know that they are looking at some additional multifamily methods. But Habitat is not the only builder.

And let me back up a second. The proposed language says this is Option A. Option B could be something else proposed by the developer that, in the Board's mind, exceeds these expectations. This is essentially the safe harbor choice.

And Option B could be that a developer could come up with an entirely original plan that in the Board's mind exceeds these minimum thresholds and produces a better product, which could mean a partnership with Habitat for Humanity or someone else. More land. Maybe it's an adjacent area. But any other alternative that they could come up with could be also used to satisfy this.

CHAIRMAN FRYER: I think the best example of using broad language in the GMP versus getting down to specifics would be if the GMP said affordable housing shall be provided as a part of the diversity requirement. That's very broad, very general. And then we go to the LDC, and we look at 2.5 percent or 15 percent of median income or whatever. That would be appropriate to drill down in the LDC and provide the specifics.

So I guess the problem I have with this is that it seems as though -- I mean, this is almost as specific as the March 9 draft. And so if the -- if the watch word here or the objective, the

overriding objective is to keep general language in the GMP and then specific language in the LDC, I don't think this is an example of that at all. I think -- I think at the general level in the GMP we could be requiring smart growth and leave it to the LDC to work out the specifics, which can change over time, without needing to amend the GMP. And similarly here; to require the diversity of housing must include affordability, and then to leave it to the LDC to work out the specifics, which could then change from time to time without need to amend the Growth Management Plan.

So I'm just -- it seems like in some cases the county staff is choosing to allow for more specificity in the GMP but in others it's insisting on general, and I don't know if that's to placate certain stakeholders or exactly why, but I just don't -- I don't find it inconsistent.

MS. JENKINS: Mr. Chair, let me address that. This one, again, we go back to the Comprehensive Plan allocating land. So that's what this policy does. It's not specific, but it has an allocation of land at 2.5 to the gross. So when we go at the Comp Plan level, again, we're looking at size, density/intensity uses. This says your size is 2.5 percent, and your density is 10 at a minimum.

CHAIRMAN FRYER: But this isn't even required, because you're not showing on the screen Option 2, which is that the developer can come up with their own plan, and if they sell it to the county, that's the way it is. I mean, you can call that creative or you can call it self-serving or a little bit of both. But, you know, to me, this couldn't have been better written for the property owners.

So, I mean, that's -- they're one set of stakeholders, but I submit to you the taxpayers and individual property owners are another set of stakeholders, and here in Collier County we do have the need for affordable, particularly for essential services personnel. And I -- you know, I don't think that that has been adequately captured here and this is another one where we disagree.

Please proceed, Mr. Giblin.

COMMISSIONER FRY: May I?

COMMISSIONER SHEA: Question.

CHAIRMAN FRYER: Oh, I'm sorry. I need to be more attentive, starting with Commissioner Fry. My apologies.

COMMISSIONER FRY: Cormac, I mean, one -- so your opinion is that this approach, while different from what is in the draft policy, will result in a better chance of affordable housing actually being developed. And I'm told that over time our aspirations of affordable housing are often not actually realized. So just why do you think that this will result in more affordable housing than the alternative that was in the draft policy?

MR. GIBLIN: I think the first answer is that this proposal was arrived at collaboratively. It's not the county saying these are the rules or the property owner saying these are the rules. This proposal was jointly arrived at, and it is a win-win for all parties involved.

Running the numbers, like I did earlier, I think we get to the same place at the end of the day. It's just a difference of how you restrict it on the way going in.

COMMISSIONER FRY: So in the draft policy, the landowner really is paying credits for the land that the affordable housing would be built on.

MR. GIBLIN: No, the credit --

COMMISSIONER FRY: No, in the draft policy.

MR. GIBLIN: Oh, yes. Correct.

COMMISSIONER FRY: But in the proposed amendment, they are no longer having to use credits for this 2.5 percent. So how is -- no?

MS. JENKINS: Well, there's another policy in here that talks about public-benefit uses and that affordable housing was added in that public-benefit use into another policy.

COMMISSIONER FRY: This is not a relaxation or concession to the homeowners, that

language where they do not have to apply credits. It's simply covered in another section?

MS. JENKINS: Right. The public-benefits section where they expend credits and don't expend credits was amended to remove the opportunities for them to expend credits on excessive open space in yards and things like that. That was removed, and the public benefit was much more, now, a public benefit to affordable housing. So it was replaced.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: I think you just confused me. Did she answer your question? I mean, are they -- do they have to apply credits for the two-and-a-half percent?

MS. JENKINS: No. It is public-benefit use that we're not using credit for --

COMMISSIONER SHEA: That's what I thought.

MS. JENKINS: -- to incentivize this.

COMMISSIONER SHEA: So just help me understand how this works. I mean, it seems like a good system. The people that are in this business day-to-day support it. But I'm a developer. I give you two-and-a-half percent of my, whatever it is, 10 acres. What happens to -- who owns that 10 acres? Who decides who gets that 10 acres? Is that something the county takes ownership of and then sells to these developers that build low-income housing?

MR. GIBLIN: No, sir. The developer would own the land and have that require -- and set it aside and then market it to an affordable housing developer.

COMMISSIONER SHEA: So they would market it, okay.

MR. GIBLIN: They could market it to the county. They could market it to the Collier County Land Trust. They could market it to any other developer who will build the desired units on it.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Just for my fellow commissioners, I was the representative on the Affordable Housing Committee for probably -- Cormac, for what, almost three years as the planning commissioner. There is a spot vacant if one of you want to step in, because I've done it for about three years. But it's been a while since I've -- because I've not been on it for almost a year.

But the real issue with affordable housing, quite honestly, is the cost of land. In this county, that is the driver. The county had an initiative. The Bembridge site is a great example where the county said, here's the land. There's legal agreements on, you know, a dollar a year, whatever. But the real issue is, once the developer was given the land -- how many applications did you have?

MR. GIBLIN: We had 11.

COMMISSIONER SCHMITT: Yeah. So we got folks out there, private developers, who will come in and build affordable housing. This is a way to get the land for affordable housing, which is the problem solver. If they've got the land, there's developers out there that will come in.

And the other thing Cormac said was -- the other aspect of this is land and then density where you get density because of the land, but then you can build the housing at -- well, it's a higher density, but it is affordable, and that's the real key.

So I encourage you, one of you, to become the Planning Commissioner on the Affordable Housing Committee.

COMMISSIONER FRY: Why don't you resume your seat, Joe?

COMMISSIONER SCHMITT: We meet every week here. That's consuming my time.

CHAIRMAN FRYER: We've gone to three minutes after noon. I want to ask the Planning Commission what your preference is, and I suppose we need some feedback from Ms. Jenkins.

MS. JENKINS: I'm going to wrap it up now.

CHAIRMAN FRYER: Oh, okay. I just have one more question, then, for Mr. Giblin.

A lot has been said about meetings with the stakeholders, the process, and I'm just kind of curious, because this -- the current proposal, the newest proposal, evolved sometime between March 9 and August 3rd. Could you describe for me what took place during that time and who participated in it and also, most specifically, when the League of Women Voters and the Conservancy, to the extent they weighted in on this, were they in favor of the change?

MS. JENKINS: Let me respond to that, because I collected comments. I did not receive specific comments on the March 3rd amendments.

CHAIRMAN FRYER: March 9th.

MS. JENKINS: I'm sorry, March 9th --

CHAIRMAN FRYER: Right.

MS. JENKINS: -- with the exceptions of the ones that are noted. Received them from Mr. Penneman, Ms. Hushons [sic], the Eastern Collier Property Owners, and I think Mr. Greer. Those are the specific comments and they're -- they're in Attachment G what their comments were, how staff was looking at them. Those are the comments that we received or the parties that commented on our draft document.

CHAIRMAN FRYER: Were there any committee meetings?

MS. JENKINS: We had phone calls.

CHAIRMAN FRYER: Okay. But were there any meetings like publicly advertised so interested people would know about it, or the only way you could know about it would be if you found the March 9 draft?

MS. JENKINS: No, I -- we have, through all of our restudies, kept an email distribution list from all of those that had participated at workshops. When we posted the draft on the RLSA website, we put out a blast email to all the stakeholders on that email list to direct them to that draft and to specifically provide comments within, I think, 30 days. So we had a comment period there.

CHAIRMAN FRYER: Okay. And just out of curiosity, the two groups I mentioned, the League and the Conservancy, did they offer comments?

MS. JENKINS: They did not.

CHAIRMAN FRYER: But they were notified?

MS. JENKINS: All right. That's all I have. Thank you.

UNIDENTIFIED SPEAKER: Can I talk now?

COMMISSIONER SCHMITT: Public comment period's over.

CHAIRMAN FRYER: Yeah. Sorry, ma'am.

MS. JENKINS: Again, staff recommends to further incentivize the overlay of protecting natural resources, retaining agriculture, and planning for future growth and economic diversification. We urge you to support the staff's recommendation in moving this forward. Again, the big picture of the RLSA is the opportunity that we have here -- and I'm just going to back up to this slide again and point you to our Growth Management Plan map. And how we were planning in the '80s, in the '90s, looks a lot different in the coastal area and the big beast in the middle of the Estates than what it looks like in this 2000 era that we're planning for now recognizing this community is wanting to protect these natural resources and the flowways, and we have landowners that are willing to participate in this incentive-based program. So it looks very different.

So just to wrap up, the LDC amendments, staff has a draft of the LDC amendments that will implement the new recommendations, so we will be prepared to bring those forward immediately following adoption and close thereto. We are also ready to prepare additional LDC amendments beginning in January that would address any improvements to the procedures and the process, again, to incentivize towns. And I spoke briefly about that process and that framework

that we are ready to bring back and to see if we can structure this differently to incentivize towns in a process that they're having a challenge with right now.

So with that, we will wrap up the staff's comments and any further questions.

CHAIRMAN FRYER: All right. If we do, let's do them after lunch.

COMMISSIONER SCHMITT: One --

CHAIRMAN FRYER: Go ahead.

COMMISSIONER SCHMITT: -- question. This is the transmittal. You made a statement "after adoption." When do you anticipate this will come back for adoption?

MS. JENKINS: Right. So from today, this transmittal hearing, it will go to the Board of County Commissioners, we're anticipating, in November, then it will be transmitted to the State for review. They have 30 days. We'll review their comments when we get those back, and then we will bring it back shortly thereafter. So I'm going to say in the first quarter of the year we'll be back in front of you for adoption.

COMMISSIONER SCHMITT: So -- but you have here the LDC amendments will be initiated in January, but they will not come to us until after adoption; is that correct?

MS. JENKINS: So the -- those are -- those would be LDC amendments to address the town process, yeah. We would start that, because this is a new process that we're thinking about, and we want to involve the stakeholders and make sure that we can bring something to you that is supported by the stakeholders as well.

So, again, the amendments that are needed to implement the new restoration policy, the agriculture policy protection, those LDC amendments are in draft form, and we can bring those back to you very quickly. Those that we want to look at to incentivize towns, that process could start in January.

COMMISSIONER SCHMITT: All right. I'm good for now.

CHAIRMAN FRYER: Okay, good. Any others before we break?

(No response.)

CHAIRMAN FRYER: Let's break for lunch and let's reconvene at 1:10. Give us an hour and a minute. And we will -- staff's finished with its presentation. So I think we can confine ourselves to discussions up here at the dais and then decide how we're going to proceed, whether we're going to go page by page or on concepts or all or nothing. That's all within our prerogative. So that will be the first thing we talk about at 12:10 [sic]. And without objection, we are in recess until then -- 1:10, I mean.

(A luncheon recess was had from 12:09 p.m. to 1:10 p.m.)

MS. JENKINS: You have an open mic, Mr. Chair.

CHAIRMAN FRYER: Thank you. We remain in recess because we don't yet have a quorum, but we will.

(A brief recess was had.)

MS. JENKINS: You have a live mic.

CHAIRMAN FRYER: Thank you. We have a quorum so that we can reconvene.

And to summarize, I believe staff has completed its presentation; is that correct?

MS. JENKINS: Yes, sir.

CHAIRMAN FRYER: All right. The first thing I think we should do -- and I hope Paul will join us shortly -- is decide how we want to proceed to evaluate this and take some kind of action on it. And there are several approaches we could take. One, we could go through it page by page, which first I thought that was a good idea, but I think we've really pretty much beaten to death all of the issues, so I'm not advocating that at this point.

The two remaining approaches that I see would be to either go up or down all or nothing or identify three, four, or five major issues and have separate votes on those. And at this juncture I come to the Planning Commission without a recommendation because it's -- whether I'm a voice of

one or a voice of five or somewhere in between, I am going to write my position and be sure that it's provided, along with the other staff materials, to the Board of County Commissioners. So it doesn't -- you know, naturally, I'd like other people to vote along with me, but whether that happens or not, I'm going to continue to perform the function that I think maybe either I'm best suited or I think it's our Planning Commission's role, and that is twofold: Number one, to be recommenders and, No. 2, to be record makers.

I feel like we've done a pretty good job at making a record, but I want to be sure that my recommendations are known to the Board of County Commissioners for whatever use they may wish to make of them. So having said that, I'd open it up for discussion. And I see Commissioner Schmitt is lit up.

COMMISSIONER SCHMITT: Yeah. In a summary, it's somewhat disheartening and disappointing that we're at this juncture, and we really don't have full concurrence of all the agencies involved in this after the years and years of looking at this and the study, the restudy. And I'm getting feedback. I don't know why.

But thinking about this and the real issue is, there's a lot of folks who were concerned about growth in the eastern Collier. Regardless of what you think about this amendment, the growth is still going to take place because it's allowed. It's allowed under the current plan. Knowing that the plan -- it's already zoned out there, and this is nothing more than an overlay to control growth in a voluntary program. And we debated the term "voluntary."

But from the standpoint, I'm torn because we have the Wildlife Federation, the Audubon, Chamber of Commerce, we have the Committee on Affordable Housing, we maybe even have Habitat who have expressed support of these amendments, with those who are opposed, clearly, the Conservancy and the League of Women Voters. And, as I said, it's unfortunate that we're at this impasse because of the years that have gone into this.

We talked about the history. Much of what we have in front of us is from 2009 with further amendments that were added during the restudy of something like 24 additional meetings. But the status quo was unacceptable. I think the status quo in the current zoning -- or the current language, if we do nothing or we attempt to rewrite this, or if the Board attempts to rewrite it, developers are going to move forward under the current Comp Plan and the current LDC.

And, frankly, to me, given the years that we've been at this, that alternative is the least acceptable alternative.

What's offered to us here is 90,000 acres of preserve, 40,000 acres to be protected for ag preservation and a 45,000-acre cap.

And there was a lot of debate whether the 45,000 was excessive, but if you go back and look at the documentation, it was originally 43-, and then everybody agreed to 45-. That's not what I would call a significant emotional event to go from 43,000 acres to 45-.

So I am going to put on the table, I propose approve the amendments as written and as proposed and proffered by staff, 9A1H, Pages 479 through 523, which are the draft amendments. They are the draft amendments from 2009, with further amendments during the 2009 time frame to today, there was March, and then again today, and I would recommend approval of the amendments as written and that we move forward and try and get through the LDC amendments with the understanding I do expect we'll hear some feedback from the State, because this is a transmittal. There will be an adoption, so we're going to go through this again through the adoption period. And maybe at that time, based on feedback from the State, guidance from the Board of County Commissioners, that some of the additional language that was offered by the Wildlife Federation and some of the issues that were raised by the Conservancy may be able to address some of those.

And I did speak to Brad from the Wildlife Federation. I know he had some concerns in regards to some of the issues that they wanted to bring up. But his bottom line was, let's move

forward as well as written, and if there are nuances that we can address between transmittal and adoption, not the best alternative, but at least we've moved this thing forward and we can get on to proceeding and get the amendments that need to be taken care of. So that's my proposal and my -- as I said, I recommend approval as written. So I'll call the question.

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: It's been moved and seconded that we, if I may summarize it --

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: -- since it's all-or-nothing.

COMMISSIONER SCHMITT: All or nothing, yeah.

CHAIRMAN FRYER: All or nothing, okay.

Any further discussion? I see Commissioner Shea is lit up. Do you want to speak, sir?

COMMISSIONER SHEA: I was going to do the same thing, so -- I have some other concerns but I think the -- I'm comfortable with the answers we're getting. The question is more protocol. So can we still authorize staff to continue working on the incentive-based town documentation? We don't have to wait another five years before we touch this document, I'm assuming.

CHAIRMAN FRYER: Well, as far as what's before us right now, we're going to lose jurisdiction over the transmittal side of this as soon as we vote.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: It will come back to us for adoption, but -- and what we can direct staff to do or ask staff to do is something that would have to be -- you know, we'd have to look at specific proposals and see if that was within our -- well, within what we can permissibly ask staff to do, recognizing, of course, that there is -- there are a lot of -- a lot of matters coming forward that --

COMMISSIONER SHEA: Yeah.

CHAIRMAN FRYER: -- everybody's going to have to be attentive to. So we can talk about --

COMMISSIONER SHEA: Well, what I was focusing on is putting a deadline on the discussion of getting with the key stakeholders and trying to come back with some recommendations on how to improve the incentivization of towns.

MR. KLATZKOW: We can always do that. We do developer agreements all the time on a case-by-case basis.

COMMISSIONER SHEA: Okay.

MR. KLATZKOW: Ever since I've been here we've done that. We've negotiated with the developer, take it to the Board, and --

COMMISSIONER SCHMITT: I have one last thing I just want to add, though, as well, from an incentive standpoint, since we're talking about that. The other thing -- the biggest thing that concerned me was to make sure that anything that comes forward to us in regards to LDC amendments we have clarity on wildlife management plans for any type of community, especially in that area, because we need to make sure that the plans we have and that's, you know, into the type of garbage cans, all the other type of thing we deal with when we're dealing with development in that area so we can protect wildlife as development takes place. But -- so that's pretty much it. Thanks.

CHAIRMAN FRYER: Okay. It's been moved and seconded to accept the entirety of staff's, I think it's August 3rd draft, without change. Any further discussion?

COMMISSIONER FRY: Yes.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: I would point out that I don't take the Conservancy or League of Women Voters' objections lightly. I mean, I think there's a tremendous investment of time that's

gone into all parties that have reviewed this and made suggestions. But I even look at a development like Rivergrass. We've referenced it pretty often as -- you know, on the surface, it looks like a gated PUD not too different from what we have in the west that we -- some of us believe doesn't quite meet the aspiration, the vision of the RLSA, but even Rivergrass was a thousand acres, preserved four or five thousand acres and, ultimately, this program results, as Joe mentioned, in the preservation of three-quarters of 185,000 acres. That's 280 miles that we're preserving over 200 square miles through this program even with its imperfections as we are here. So to throw the baby out with the bathwater to start over, it just doesn't make sense to me.

I do have one point, I think, Chairman Fryer, that you made that I find -- I do find relevant and, Mr. Klitzkow, you mentioned, and you more or less did cite some concern that if the language in this is only aspirational, that it takes some of the teeth out of the ability to, even if you write more forceful wording, "shall," "require," into the LDC, that you may have the potential for people to not have to abide by it because it is going beyond what the GMP stipulates.

So my proposal would be, I think it would be helpful, and this -- I'm just throwing this idea out -- that when this is presented to the BCC, that the Collier County legal department perhaps give -- you know, give some -- a review to the commissioners of the possible repercussions of the language that is used in the GMP.

CHAIRMAN FRYER: County Attorney.

MR. KLATZKOW: I mean, if the argument's about smart growth, everybody has their own definition of what smart growth is. I mean, we can put that into the Comp Plan that, you know, the county will utilize smart growth, and good luck with the LDCs on that one getting a consensus as to what exactly that means.

But if you put into your LDC that we will encourage something, no, I mean, I can't mandate it once you just say you encouraged it. You've gone beyond the Comp Plan. It's as simple as that. I've heard developer attorneys made that argument time and time again, and I agree with it. If you want to mandate something, mandate it.

COMMISSIONER FRY: And I guess I don't feel that I have a -- perhaps, that I fully understand the repercussions of whether it says "shall" or it says -- you know, aspirational language. And I feel like the BCC is ultimately responsible for that, and to have your input on that might be helpful to them as they make -- I'm willing to support this in its current form, if it's the pleasure of the fellow commissioners, but I think it might be an important point that the commissioners need to be able to fully evaluate.

Do you disagree with that, Jeff, or --

MR. KLATZKOW: No, it's fine. I mean, it's -- at the end of the day, what you have before you was a negotiated document between the major landowners and staff. I don't know that they would agree to a mandate of smart growth. And this is not going to go anywhere without the acceptance by the landowners. It's a voluntary program.

COMMISSIONER FRY: Which I agree with. So if you're saying that there probably isn't value to that -- taking that step, then I would accept that answer.

MR. KLATZKOW: And I'm sure the Board will discuss it. But, again, it's a -- and Commissioner Schmitt mentioned it, we spent years and years and years negotiating what you have. You may not be happy with the entire thing. I know the Conservancy's not happy and other people aren't happy with everything but, you know, usually that's a sign of a pretty decent deal if a lot of people walk away kind of a little bit unhappy with it.

COMMISSIONER FRY: I look at this as 13 years of a lot of work by a lot of people, a lot of public meetings, and I tend to put faith in the final product from the staff who I believe has demonstrated themselves to be extremely competent and have stated their case very well. So I would -- I'm in support of this.

CHAIRMAN FRYER: Okay. Do you want to say something, Vice Chair?

COMMISSIONER HOMIAK: Oh, well, I'm in support of this, too, and I agree with everything that Joe said. But I hear everybody talking, but they're failing to mention -- we did get a letter from most of the landowners here. They're in agreement with the staff's changes now. And failing to mention them is one thing, but it's a voluntary program, and if they don't volunteer, it doesn't work. So, that's it.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: They are in disagreement with one aspect of the --

COMMISSIONER HOMIAK: Yeah, but everybody's -- nobody's going to be in agreement with everything.

COMMISSIONER FRY: I agree.

COMMISSIONER HOMIAK: Never going to happen.

CHAIRMAN FRYER: Well, I'm not going to take any more time to reiterate my points. I think everyone in this room knows exactly where I'm coming from and why, and I certainly accept, without reservation, the decision of the Planning Commission to go all or nothing on this, but it disables me from really approving any of it. But that -- I plan on making all of my points known to the Board of County Commissioners, as I said a moment ago, and I'll be asking staff to include that in their materials, and I trust that would be forthcoming, Ms. Jenkins?

MS. JENKINS: Yes, sir.

CHAIRMAN FRYER: Thank you very much.

All right. Without any further discussion needing to be made, all those -- as an individual.

COMMISSIONER SCHMITT: Yeah. And just for the record, I really do appreciate the effort that you put in the rewrite. I went through every bit of what you wrote. I didn't agree with a lot of it, but it's an -- unfortunate from the standpoint of it would have been great had that input been available to debate a year ago or two years ago, because then I think it would have been far better that all the participants were involved but -- so that's -- but I do appreciate the hard work you put into it, and I thank you for your efforts.

CHAIRMAN FRYER: Thank you, Commissioner.

All those in favor of the motion, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

No. It passes 4-1. Thank you.

Thanks to everyone. Thanks to staff, thanks to all the participants from the public and my fellow Planning Commissioners for all the hard work that everybody has done, and I think a clear record has been made. Thank you.

And I'm going to need about 30 seconds, Mr. Mulhere, to shift gears.

MR. MULHERE: Take your time. No problem.

COMMISSIONER SCHMITT: Yeah. I've got to get on the right agenda as well.

CHAIRMAN FRYER: Okay. All right. We have two sets of companion items coming up, I believe, yet this afternoon, and then -- is that correct?

MR. MULHERE: Yes.

CHAIRMAN FRYER: Yes. Or no?

MR. MULHERE: Well, no. You have one.

CHAIRMAN FRYER: No. We've got just one -- one set of companions, and this is it.

***This is PL20180002507. It's the Greenway 7-Eleven small-scale Growth Management Plan Amendment, and companion to it is PL20180002374. That's the Greenway 7-Eleven rezone, straight rezone.

And all persons wishing to be heard in this matter, please rise and be sworn in by the court reporter.

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

CHAIRMAN FRYER: Thank you.

Ex parte disclosures from the Planning Commission, starting with Commissioner Shea.

COMMISSIONER SHEA: Yes, staff materials only.

CHAIRMAN FRYER: Okay. And we'll loop back to Commissioner Fry.

For my part I've had materials from staff, meetings with staff, communications with representatives of the applicant and also from the public.

Back to you, sir.

COMMISSIONER FRY: Public materials, conversation with the applicant. That's it.

CHAIRMAN FRYER: Okay. Vice Chair?

COMMISSIONER HOMIAK: Just a few emails.

CHAIRMAN FRYER: Okay.

COMMISSIONER HOMIAK: Oh, and I want to apologize for not getting back to you. I couldn't get my email.

MR. MULHERE: That's no problem.

COMMISSIONER HOMIAK: Because I didn't know I needed a fob. So when I opened it up, it was 150 in there, and then I just couldn't get there.

MR. MULHERE: Wow.

COMMISSIONER SCHMITT: So how many were One Naples?

CHAIRMAN FRYER: Hundred and forty.

COMMISSIONER SCHMITT: Hundred and forty-five.

COMMISSIONER HOMIAK: Oh, yeah. I don't know. I've been getting those for months.

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: I had a conversation with the applicant and Mr. Mulhere specifically regarding this. And, for the record, I do live in the community Fiddler's Creek, and there is an issue involving a signal at that intersection, which I believe is not an issue, and Bob will address that, I think, and I think -- I don't know if Tony's here or not.

CHAIRMAN FRYER: That's the pro --

COMMISSIONER SCHMITT: Oh, there he is. He's back there. He's the man behind the mask in the corner back there.

But I don't believe there's a conflict of interest at all because it's just -- it's just -- it's not controversial in any way, but there is a -- somewhat of a -- there is a benefit to Fiddler's Creek because if there's a signal going to be put in, there is a contribution, but it's -- I don't think it's any way that I have to recuse myself, so...

CHAIRMAN FRYER: I wouldn't think so either, but I'm going to turn to the County Attorney to be sure that we're right.

MR. KLATZKOW: I apologize. I wasn't paying attention. The Governor's come out with an executive order that may upend our mask ordinance, and I've been frantically trying to get a copy of it.

COMMISSIONER SCHMITT: Good.

CHAIRMAN FRYER: Joe, would you restate.

COMMISSIONER SCHMITT: Yeah, this involves a potential cost sharing for a signal at the Sandpiper interchange into Fiddler's Creek, which this is the opposite side of the street. But I live in Fiddler's Creek. I don't think there's -- it's something that doesn't impact me personally other than through CDD, but the -- it was going to be a signal otherwise.

MR. KLATZKOW: I'm comfortable with your hearing it.

COMMISSIONER SCHMITT: All right. I don't think it's a conflict of interest.

CHAIRMAN FRYER: Okay. Thank you, good.

All right. With that, we'll ask the applicant to proceed. Mr. Mulhere.

MR. MULHERE: Thank you, Mr. Chair. Bob Mulhere with Hole Montes here on behalf of the applicant. With me this afternoon is Lauren Evans, who's with Creighton Construction, who would construct the 7-Eleven convenience store if approved; Jeff Wright is our land-use attorney; Al Quattrone is the civil engineer of Quattrone & Associates; Yury Bykau is here as our transportation consultant; and Russ Weyer, who is not on here -- forgive me, Russ -- but Russ did the marketing analysis. And there were some questions, so I asked Russ to attend in case he needed to respond to any.

This is, I think, a fairly straightforward and relatively simple request. There are two companion petitions, as the Chairman indicated. One is a small-scale amendment that's necessitated by the fact that the property's zoned agriculture, and any other use besides agriculture would require a Comprehensive Plan change.

It is in the urban area. It's right on the edge. It is in the urban area, which is significant because there's a different treatment of properties that are east of the urban boundary.

We're requesting a rezone of the 2.1-acre site in conjunction with -- and as a companion item to the small-scale amendment to C-3. Typically, we use, as a rule of thumb, 10,000 square feet per acre. This is a 2.81-acre site.

The intended use is for a 7-Eleven with gas pumps and convenience; however, since we're going through this rezone to C-3, it seemed prudent for the client to also indicate a maximum square footage, because what happens 20 or 30 years from now when we're not here but somebody else is here? There should be a limit on the property, and so we agreed to a cap of 20,000, which is less than that 10,000-square-foot rule of thumb.

We did do -- and I'll get to that in just a minute -- a traffic analysis and our trip cap, which is not included in the rezone because you typically do that in PUDs. But there is a limit, and to my way of thinking, that limit is the 20,000-square-foot cap, which will keep the trips down.

So this is an aerial that depicts the property. See if this thing works, no. That's okay. I don't get to use my colored pens.

So this is the subject property right here, this is Greenway right here, and this road here is Sandpiper which is within the Fiddler's Creek DRI PUD. I think hopefully you can see the arrow, the cursor.

The -- this property right here in, I think it was 2019, there was amendment to the Fiddler's Creek DRI and PUD that reallocated -- oh, thank you -- some -- wow, look at that -- reallocated their commercial -- some of their commercial square footage and, as I understand it, this will be a neighborhood shopping center at that location, which is directly across the intersection from the subject site, which is right here.

COMMISSIONER SCHMITT: Bob, just for the record, that -- it is going to be a neighborhood shopping center, and it's designated to be a Publix --

MR. MULHERE: Fantastic.

COMMISSIONER SCHMITT: -- which is on the record, and it's already under construction.

MR. MULHERE: And I think that's germane just to point out that there's really nothing to serve the communities that have been developed and continue to develop east of Collier Boulevard in this area. This is -- I don't know what the total number of units that will actually be constructed in Fiddler's Creek, but it's thousands, and there are a number of units also on the north side of U.S. 41. There's some Habitat development in this area. So there's a number of existing and future residents that will be served by this -- the commercial uses that will be at this intersection.

This just shows you the same -- the same information. Although my circle kind of slid a

little bit, this is the Fiddler's Creek commercial right here. So that's the Fiddler's Creek master plan as it exists right now.

I said it was in the urban area. You can see that it's right on the edge. The subject property is right here. And so directly to the east is rural fringe receiving lands. Likely, at some point in the future, some of those receiving lands, a significant portion, that's thousands of acres, will develop as residential uses; a rural village or just as residential uses, although right now it's highly active agricultural lands.

This is a -- we are under review for a Site Development Plan. Obviously, the applicant can submit that. It's at his risk prior to this being approved but, time being money, lots of applicants choose to submit. So what you have here is a site plan that shows the 7-Eleven convenience store on the site. I have an exhibit that shows the special design standards that the county adopted for these types of facilities. I'll move on to that, because it's a little more instructive, I think.

And so this is -- and I've highlighted in red the county's enhanced development standards for facilities with fuel pumps, convenience stores with fuel pumps. If they're located within 250 feet, there are enhanced setbacks and enhanced buffering requirements.

There's a 30-foot-wide landscape buffer requirement with an architecturally designed 8-foot masonry wall where that property line is adjacent to residential uses. There's a pretty substantial landscape buffer required even outside of that circumstances. There are restrictions on amplified sound and all those kind of things, and on deliveries.

So the county has a pretty significant set of additional standards to ensure that where one of these is constructed it doesn't have negative impacts on the surrounding residential uses.

It goes on to regulate lighting, where the trash enclosures can be located, and so on.

So this exhibit right here shows you the setbacks from our neighbors where -- that are not adjacent to a right-of-way. It shows all the setbacks, but let me just -- so right here, you have almost 105 feet. There is -- further that way there is some residential. This is all undeveloped on this side; however, we do have substantial setbacks there as well. And then there are even pretty substantial setbacks from the adjacent rights-of-way here and here.

This is a -- just a closer look at that setback where there is residential, again, north of here, and there's that 30-foot landscape buffer with the linear wall, masonry wall 8-foot in height.

This exhibit shows our access. This is a divided highway. So there's access from the Tamiami Trail. It's a right-in, right-out. At the intersection, which as Joe Schmitt indicated, would be signalized probably right along the same time frame as when that neighborhood commercial center is developed. We have agreed to a condition to fair share the cost associated with that intersection. And this -- that will be right here so folks can, you know, make a left in, a left out, a left out. And they can access the property through Greenway here. There is a right-out here. We don't have a left-in because of the proximity to the intersection there. So those are the site accesses.

Again, this shows you where the adjacent commercial is to be located in here. This is where the signal will be. There may some -- and I'm sure there will be some slight design of that intersection. You can see it's a little bit geometrically challenged.

And the closest gas station is a rather old gas station. It's at 3,000 linear feet away from us.

We did calculate p.m. peak-hour trips, and I have those, I believe. I think the -- I don't have those here. I have them with me. Yury can speak to those. But we have put the cap of 20,000 square feet of commercial square footage on the site, so that should restrict us sufficiently without putting a trip cap. If you want one in there, I don't think we have any objection. I think it was 134 p.m. peak-hour trips; yeah, 134 p.m. peak-hour trips.

Typically, there aren't a lot of conditions placed on a straight zone versus a PUD where you

have an actual contractual agreement with an applicant.

And that concludes my presentation. I know you have some questions regarding potential impacts to a link east of us on 41 where it goes from a multilane facility to a two-lane facility, and you may have some questions on the market study. So I have Yury here and Russ here to speak to those directly, but I'll try to answer the questions if I can.

CHAIRMAN FRYER: Okay. Thank you. No one is lit up, so I'm going to proceed. Fortunately for you, the traffic issue has gone away.

MR. MULHERE: Oh, that's wonderful news.

CHAIRMAN FRYER: And I'll tell you why. I had a sneak peak at the 2020 AUIR Exhibit F, or Attachment F and, lo and behold, it's gone from an F to a D.

MR. MULHERE: You stole my thunder.

CHAIRMAN FRYER: Yeah. Well, I -- and so -- we don't want to waste a lot of time on something that's no longer an issue. So my traffic concerns have been allayed.

MR. MULHERE: Thank you.

CHAIRMAN FRYER: I do want to talk a little bit about economic analysis. And do you want to start and then maybe call your experts?

MR. MULHERE: Yeah. I think Russ will have to respond to that. I'm certainly not, you know, as familiar with that. I did look at your question as to whether or not we had analyzed vacant commercial parcels. And I think Russ is really capable of answering that.

CHAIRMAN FRYER: Let's have him up here, then. Thank you.

If you're not needing to use slides, or for any other speakers, the other podium is clean. But now we've got this one clean.

MR. WEYER: Thank you. For the record, Russ Weyer with Real Estate Econometrics.

CHAIRMAN FRYER: Thank you.

MR. WEYER: Yes, sir.

CHAIRMAN FRYER: Mr. Weyer, thank you for the conversations we've had and also the information that you've provided.

You offered -- you offered some material that I could have taken a lot of time trying to understand, or I could set it aside and just ask you a simple question or two that I have, and you can tell me if the arithmetic that my assumption is based upon is what you used or not and, if not, why not.

MR. WEYER: Okay.

CHAIRMAN FRYER: So the issue in question is that the -- our staff requires this kind of an analysis on the supply side to take a count not only of properly zoned developed parcels but also properly zoned undeveloped parcels within the neighborhood, within the appropriate nearby area. And so, to me, that is a simple exercise of arithmetic, that you would add developed to undeveloped, and that would be your supply.

And all I need to hear from you is that how you did it, or did you somehow massage the numbers further or apply some different kind of a factor that goes beyond simply addition?

MR. WEYER: Yeah. No, it's not voodoo economics. It's pretty straightforward, actually.

I do go through all of the data that I have from the county, and then I also take the Property Appraiser data and I go through all of that -- all of those parcels, and the ones that are vacant commercial, I utilize those.

The step before that, I take all the developed parcels that are within that drive time, and I take all the square footage and divide it by the acres in that area. So that gives me a floor area ratio or a, you know, a square foot per acre. Then I take the vacant lands, and I take all that acreage and multiplied it by that square footage, which gives me -- so you'll see you'll have developed and undeveloped parcels in there, and I do include both of them.

CHAIRMAN FRYER: Okay. So it sounds to me like you gave equal weight in your analysis to developed and undeveloped --

MR. WEYER: Oh, absolutely.

CHAIRMAN FRYER: -- on the supply side.

MR. WEYER: Absolutely.

CHAIRMAN FRYER: Okay. Well, that's what I wanted to be sure about.

Just as a -- coming with all due respect, I was going to say, when you use the word "flawed" in your materials referencing the way staff believes that this material should be displayed to us, I would respectfully suggest that -- particularly if you're going to follow the requirement anyway, that's it not necessary to cast aspersions like that on, but --

MR. WEYER: I totally agree with you, Mr. Chair, and I am looking back through all of those studies to find where that "flawed" is. And I do try and work very closely with staff when appropriate to make sure that we're in the same -- on the same page.

CHAIRMAN FRYER: All right. Okay. Good.

And the other question, which I think I can dispose of now, is -- and this goes back to another recent matter that we looked at, was if you look at commercial and then if commercial seems to fit the location, then you ask for the most intense -- well, that would have been C-4, but in this case the penultimately post intense -- intense use, that it doesn't logically follow for me that you would assume that you'd have the most intense use. But don't worry, because I've talked to staff, and the staff people assured me yesterday that they are satisfied that the C-3 use is justified.

MR. WEYER: Okay.

CHAIRMAN FRYER: So the only other thing I had was on the -- well, would anyone object if we added 134 peak p.m. trips to the \$20,000 [sic] or 20 --

MR. MULHERE: We wouldn't object.

CHAIRMAN FRYER: Okay. Thank you.

All right. That's all I have, and no one else is lit up. Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Sorry I didn't push the button.

I'm just wondering how -- with those peak trips, you're going to have to actually measure into the gas station. It wouldn't be at the intersection, because the intersection's going to be impacted by -- and I'll state it because --

MR. MULHERE: That's correct.

COMMISSIONER SCHMITT: -- there's 6,000 homes eventually are zoned for Fiddler's Creek, but some of that is also a separate community down the street.

MR. MULHERE: You're absolutely correct.

COMMISSIONER SCHMITT: So the measurement is where?

MR. MULHERE: The measurement is the project-generated trips.

COMMISSIONER SCHMITT: Project, yeah. Because the Publix is certainly going to generate and --

MR. MULHERE: It's no problem, because that is the higher trip generation. The 20,000 square foot of retail uses would generate 124. So we know what the end user is right now and probably into the foreseeable future, certainly probably longer than I'll be worried about it, so the 134 is fine.

COMMISSIONER SCHMITT: And all of that -- I mean, Fiddler's Creek is vested, so there's no issue with the vested rights.

MR. MULHERE: Yes. Oh, that reminds me. I'm sorry.

COMMISSIONER SCHMITT: Go ahead.

CHAIRMAN FRYER: Fair share?

MR. MULHERE: I don't know if Tony wants to get up and speak, so maybe -- I don't want to steal his thunder, but we did have a letter that was a letter of no objection as long as we

agreed to a fair-share contribution for the traffic signal from the CDDs. There's two of them. Tony represents both of them.

CHAIRMAN FRYER: Why don't you just confirm or signal on behalf of your clients that you do agree.

MR. MULHERE: We do. We do.

CHAIRMAN FRYER: Okay. Thank you. Anything else for this applicant?

(No response.)

CHAIRMAN FRYER: No. All right.

Thank you, Mr. Mulhere.

Next, he'll hear from staff.

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

The project and the companion small-scale GMP petition is compliant with the GMP and the rezoning criteria within the LDC; therefore, staff recommends approval subject to the following conditions: First condition, the developer, their successor or assigns, shall pay fair-share costs of a future signal at Tamiami Trail East U.S. 41 and Greenway Road should FDOT determine the signal meets warrants and is required. The second condition, the maximum allowable commercial intensity shall be 20,000 square feet with 134 peak p.m. trips.

CHAIRMAN FRYER: Okay. Any questions or comments directed to staff?

(No response.)

CHAIRMAN FRYER: If not, thank you, Mr. Finn.

Ray, do we have registered members of the public?

MR. BELLOWS: We have one registered speaker. It's Anthony Pires.

CHAIRMAN FRYER: Mr. Pires.

MR. PIRES: Mr. Chairman, members of the Planning Commission, thank you very much. And, Bob, thank you for agreeing to that stipulation, and that's consistent with what Mr. Mulhere and Mr. Wright advised last week.

And just for clarification, we request language that was in my letter, albeit the letter for the fair-share contribution because right now it doesn't say where that money goes.

And the Districts will be paying for the design, installation, and construction and the warrants study for that signal.

So the requested language was in my letter of September 4th, and I think that's what Bob's agreeable to?

CHAIRMAN FRYER: Let's get a signal to that effect.

MR. MULHERE: Well, actually, we're agreeing to pay our fair-share contribution. I don't think it's our business how the county allocates that, so I'll defer to the County Attorney on that. I don't care, but -- it costs the same amount of money for us either way.

MR. KLATZKOW: Trinity, are you there?

I don't know what the deal was.

MR. PIRES: If I may, Mr. Chair?

CHAIRMAN FRYER: Yes, please.

MR. PIRES: And this was in my letter of September 4th, Mr. Chairman.

CHAIRMAN FRYER: Yes, I've seen that, and I think the other planning commissioners were copied on it.

MR. PIRES: Thank you. And, again, that's just for clarification what we would request.

CHAIRMAN FRYER: Yeah. That's a fair point.

COMMISSIONER SCHMITT: Trinity, just for clarification, the question is where does the money go, because I think --

MR. KLATZKOW: I am almost --

COMMISSIONER SCHMITT: -- Mr. Pires stated it is the -- both CDDs are basically the

ones going to carry the cost of the --

MS. SCOTT: And this isn't unheard of in the county. We actually have two signals that are -- one being constructed now, one being ready to start construction where this is happening, and typically it's done just privately through the entities. It doesn't come through the county. They just provide documentation to the county so that when we're doing -- typically when we're doing PUD monitoring. This isn't a PUD, but when we're doing monitoring so that we have the documentation. As I stated, we're doing this at Market Street right now with Benderson, and they're working with the parties around to pay their proportionate share, and Benderson's kind of collecting that, and then the Baumgarten PUD as well.

COMMISSIONER SCHMITT: It's a State Road, but you're certainly made aware it -- when they make the application and they go through that process?

MS. SCOTT: Absolutely, because ultimately we maintain the signals on the state highway system. So FDOT -- Florida Department of Transportation, sorry. Try not to live in acronyms.

COMMISSIONER SCHMITT: I didn't know that.

MR. KLATZKOW: I'll tell you what, I don't think the applicant cares because they're going to pay it anyway.

MR. MULHERE: I'm okay with it.

MR. KLATZKOW: I don't know that the Planning Commission really cares about this. Rather than doing it likes this, between now and the time it gets to the Board, if everybody gets together to agree on which language is better.

CHAIRMAN FRYER: Works for me.

COMMISSIONER SCHMITT: We'll let Jeff and Tony fight it out.

MR. PIRES: I won't be fighting it out.

CHAIRMAN FRYER: Mr. Pires, your sufficient -- your record is sufficient?

MR. PIRES: Yes, sir. Thank you very kindly.

MR. MULHERE: I do want to make just one very minor clarification. Tim read the trip cap, which you want as a condition; we have no problem. But there's some standard language, p.m. peak hour, two-way. So we just want to make sure we get that correct as well.

CHAIRMAN FRYER: Yes, that's what we want. Thanks very much.

All right. Any other speakers registered?

MR. BELLOWS: No other registered. We'll see if there are any online. No online speakers.

CHAIRMAN FRYER: Nobody online. Any people present -- any persons present in this room who have not registered but yet would like to speak? If so, let us know. It appears not to be the case.

So with that, we will close the public comment portion of this hearing without objection, and we will take up the matter. We've got two to vote on. First, the small-scale -- small-scale GMPA and then also the straight rezone.

Any further discussion from the Planning Commission?

(No response.)

CHAIRMAN FRYER: If not, I'd entertain a motion on the first one, which is the small-scale GMPA. Is there a motion?

COMMISSIONER SCHMITT: I'd prefer not, since I'm a resident. So I'll let someone --

CHAIRMAN FRYER: I'll make the motion.

COMMISSIONER HOMIAK: I'll make the motion to approve --

CHAIRMAN FRYER: Oh, good.

COMMISSIONER HOMIAK: -- with the changes we discussed.

CHAIRMAN FRYER: Okay. Motion from the vice Chair.

COMMISSIONER FRY: Second.

CHAIRMAN FRYER: Second. And just for clarification, then, the changes that we were talking about -- thank you for mentioning those, ma'am. We've got the 134 p.m. peak trips and the fair share for the traffic signal properly written and the 20,000.

MR. MULHERE: But those go with the rezone, not the GMPA.

CHAIRMAN FRYER: Thank you very much. Okay. All right.

COMMISSIONER SCHMITT: Not the GMPA.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously. Thank you.

Now on to the straight rezone. I'd entertain a motion to approve that.

COMMISSIONER HOMIAK: I'll make a motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: This time with the changes.

CHAIRMAN FRYER: Yeah, thank you. Thank you. Thank you.

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, Mr. Mulhere.

MR. MULHERE: Thank you very much.

CHAIRMAN FRYER: ***Okay. The next item to come before us is a CU, and it is PL20190001278. It's the Deep 50 Gun Range conditional use, and this will also require an EAC vote, I believe.

COMMISSIONER HOMIAK: Yes, it does.

CHAIRMAN FRYER: Yes. All persons wishing to testify in this matter, please rise to be sworn in by the court reporter.

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

CHAIRMAN FRYER: Ex parte disclosures from the Planning Commission starting with Commissioner Shea.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER FRY: Staff materials, emails.

CHAIRMAN FRYER: Staff materials, emails, and meetings with staff.

COMMISSIONER HOMIAK: Just email.

COMMISSIONER SCHMITT: And I spoke to the applicant and to Wayne Arnold about this as well.

CHAIRMAN FRYER: Okay. Thank you. Without further adieux, Mr. Arnold, please proceed.

MR. ARNOLD: Good afternoon, Mr. Chairman and Planning Commission members. I'm Wayne Arnold representing Matthew Pitel for the Deep 50 Gun Range conditional use. It's for a sports and instructional school and camp, and this is for property that was the -- those of us who've been around a while, it's the old Copeland Prison and has been in service in different capacities for the Sheriff's Office for a few years. And Mr. Pitel purchased that property and wishes to establish a sports and instructional school on there.

I have a PowerPoint presentation. I'm trying to find out where it may have gotten loaded on our form. If not, I've got a flash drive.

MR. FRANTZ: It's on there.

MR. ARNOLD: One second. Sorry.

CHAIRMAN FRYER: Not a problem.

MR. ARNOLD: So the -- I'm not sure how to remove the PowerPoint label off of that.

But the property, I don't know if you're familiar with it, but on State Road 29 south of I-75 is the old Copeland Prison site. This piece of property's just under 11 acres, and the aerial photograph that you can see on the right shows a depiction of the camp appropriately six months ago, seven months ago. Today if you drive out there, it's a burned-down facility. The fire district and the Sheriff's Department cooperated to have a -- I couldn't even see the X.

They had a cooperative effort to go ahead and do training on the facility so it was burned down, and so there was -- it looks a little different. But the point of our project is to refurbish this property into a gun range for members only.

And this is our conceptual site plan that accompanies the conditional use. And we have one access point on State Road 29, which will be gated. We'll try to reutilize some of the existing parking that's out there for the facility today, and then there will be a series of shooting areas inside that are arranged in a north/south direction, and it's, as I said, open to members only.

So we'll have probably a small office trailer out there as well as the storage and maintenance buildings that were retained as part of the prison facility. That will be used to store equipment, et cetera. And we envision there to be some movable target areas, so there's some fixed and moveable position areas for the shooters.

And the neighborhood information meeting, as you can imagine, was attended by one individual who lived nowhere near here. There's not another home within, I think, almost five miles. But he saw our ad in the paper, was anxious to be a member of the facility, and came to meet Mr. Pitel, the owner, so he could get some information on the facility.

So like I said, it's a fairly straightforward -- this is a copy of the site plan overlaying on the property, and you can see that, you know, we're 375 feet off of State Road 29.

Mr. Pitel's been cooperating with the wildlife agencies. It is a gated area because there are Florida panther fencing along this portion of State Road 29. So it is secured at their request and, of course, his for public safety and, again, for members only. And there, largely, is going to be dawn-to-dusk activity, and that would be -- maybe if there was a sanctioned training event or something beyond hours with the Sheriff's Office or some other law enforcement training, they would bring in some portable LED lights to light up whatever area they needed to have that activity.

We worked with staff to establish some conditions of approval. We're, obviously, in agreement with those, but the important ones for us were that it's going to be gated, secured, members only. We're not going to sell firearms or ammunition on site. And then hours of

operation, as you can see we're limited to dawn to dusk unless there was a sanctioned competitive event or law enforcement governmental training.

So a fairly straightforward request. And I would just say that this wasn't scheduled to come to you initially. It was going to go to the Hearing Examiner but for our Hearing Examiner lapsed, and we had no place to come other than through the Planning Commission. And, actually, by the time the new Hearing Examiner was appointed, we'd already been advertised here and felt it was just more expedient to have the Planning Commission go ahead and hear the item rather than us revise and get delayed even further for the Hearing Examiner.

So with that, I'm here to answer questions. Mr. Pitel, the owner, is here to answer any questions you might have.

CHAIRMAN FRYER: Mr. Schmitt.

COMMISSIONER SCHMITT: Yes. Wayne, what caliber are we talking about for -- is this both handgun and small arms, long rifle, or, like 5.56 or -- type? What do -- I can't remember --

MR. ARNOLD: I'll have to have Mr. Pitel tell you exactly the caliber, but this is largely going to be for pistol training.

COMMISSIONER SCHMITT: Pistol.

MR. ARNOLD: We do, if you look on the north side of the property, against one of our earthen berms, there is one rifle target area, and that would allow for targets to be shot in a westerly direction away, obviously, from State Road 29 --

COMMISSIONER SCHMITT: Yeah. The reason I ask, from a safety concern. And we have to vote on it from EAC. I just -- no chance of people, you know, raising a rifle or whatever to shoot over the berm?

MR. ARNOLD: Yeah, I don't think so. I mean -- it's a member driven -- and I know that there will be range rules in place for shooters, and a little different, obviously, than the Sheriff's facility. If you go into Golden Gate Estates and try to, as a member of the public, use the Sheriff's, they have Sheriff's deputies on that staff at all times for that, for the training. This one, because it's member-driven, it won't be operated quite that way, and the public can't --

COMMISSIONER SCHMITT: The Sheriff's site, he fires up the 50 cal out there.

MR. ARNOLD: Yeah, they do. And I can't say what somebody might show up to shoot. But if you'd like Mr. Pitel to answer that more specifically, I'm happy to have him come forward.

CHAIRMAN FRYER: It sounds like, though, that long guns, you've just got one that's farthest away from 29.

MR. ARNOLD: That is correct, yes, sir.

COMMISSIONER SCHMITT: Good.

CHAIRMAN FRYER: Joe, did you want to hear from Mr. Pitel?

COMMISSIONER SCHMITT: No.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: I'm a little naive on the gun side of it. I'm not as astute as Joe. The maximum size gun that somebody could shoot, assuming it wouldn't be much of a degree difference to get up over a 12-foot berm, how far could that travel?

MR. ARNOLD: That I don't know the answer. I'm sure --

COMMISSIONER SHEA: That, to me, would be an important thing.

MR. ARNOLD: I'm sure it can travel --

COMMISSIONER SHEA: Somebody's going to miss that berm.

MR. ARNOLD: Well, I think if you're a trained shooter, which is the intent to have a member training, and the berms, if you go out to the Sheriff's academy facility, those are 12-foot-high berms. And as far as I know, they have residences immediately surrounding that site.

I don't believe they've ever had an incident of a bullet either going through their berm or over, to my knowledge.

COMMISSIONER SCHMITT: Well, I mean, I'm not a shooter, but I can tell you, I've shot a lot of weapons in my 30 years in the military.

It will go by probably, you know, three or four kilometers if you over the top -- a AR15 would probably go that far, the round. But the key here is it's -- frankly, it's private, and if anybody tried that, they'd be thrown off the range, which they should be.

COMMISSIONER SHEA: I'm just saying, I mean, to me, 12 feet, whatever that distance is, it's only a couple degrees. And I'm just starting to shoot, and the first time I shoot it goes over the top, what's there to protect the public?

COMMISSIONER HOMIAK: Stop shooting.

COMMISSIONER SHEA: I'm there to learn.

COMMISSIONER HOMIAK: You shouldn't have a gun.

COMMISSIONER SHEA: I'm there to learn.

MR. ARNOLD: I can have Mr. Pitel come and address your comment.

CHAIRMAN FRYER: Come on up, Mr. Pitel, would you.

MR. ARNOLD: Matthew, if you want to maybe use the other podium, that would be great. Introduce yourself, too, for them.

MR. PITEL: I'm Matthew Pitel with Deep 50 Gun Range. I just wanted to reiterate, if you look at the SDP up there, it is -- the 12-foot berms is for the pistol bays only. The rifle bay is actually going to be a minimum of 20 feet high. So it actually -- we're trying to get it, you know, a little bit harder [sic], but we're playing with some math here.

COMMISSIONER SHEA: It's 12 feet on the diagram, right?

MR. ARNOLD: If you look to the west, there's a section where it says rifle berm 20 feet high.

MR. PITEL: If you look right there, 20 feet.

CHAIRMAN FRYER: On the extreme left, upper left.

COMMISSIONER SHEA: Oh, the small print.

MR. PITEL: Yeah, the small print. Read the fine print.

COMMISSIONER SHEA: I can't see. Thank you.

MR. PITEL: So it's actually 20 feet.

COMMISSIONER SCHMITT: And that's really sufficient.

CHAIRMAN FRYER: Anything else, Commissioner?

COMMISSIONER SHEA: No.

CHAIRMAN FRYER: Thank you for raising that safety. That was an important subject. And then we have Commissioner Fry.

COMMISSIONER FRY: Just a minor question. I'm not sure if I misinterpreted it. But a couple of the site exhibits, one showed that there was a lot more property to the north that was all, it looked like, unspoiled native vegetation. Is that part of the project? Will that be retained, or what will happen to that?

MR. ARNOLD: It is not part of the conditional use. It is owned by Mr. Pitel. He owns a total of 20 acres. But the intent here, because it's in the area of critical state concern, an ST zoning, we obviously don't want to disturb anything except for what has been disturbed, which -- why there's the condition about the best-management practices for the ammunition and then also the least grading came up through the Archaeological Review Board. They didn't want us out here digging more lakes or holes. So we can go out and site grade and get things ready for any of the other improvements within the areas that have previously been impacted.

COMMISSIONER CHRZANOWSKI: So this conditional use does not include any changes to the area outside of this parcel for the gun range.

MR. PITEL: Correct, that's correct.

MR. ARNOLD: Correct.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: I just have a couple of quick ones, and I'm referring to Exhibit C, the conditions of approval. I discussed this with staff, and I think they're in agreement with me, but staff can speak for itself. First on No. 5 where it says that in the case of law enforcement or government training, it may occur beyond dusk. Shouldn't we have an end point even for beyond dusk so it doesn't go all night?

MR. ARNOLD: I think we probably can. I can't speak for Mr. Pitel, and he's standing there and can. But in the event that the Sheriff's Office wanted to have some later night training, that would be my only concern, that it would be law enforcement activities. They might need darkness or a later hour.

MR. PITEL: And it would only be for law enforcement, or if some other governmental agency like that, if they want to do some night operation, training or something.

CHAIRMAN FRYER: I get that.

MR. PITEL: Not very frequent.

CHAIRMAN FRYER: Top-grade people, but I just don't want something in there that could go all night.

MR. PITEL: Sure.

CHAIRMAN FRYER: So I'll -- I would entertain, at least for my individual part, any reasonable time frame that you could offer to us for when we go beyond dusk but not later than X. What's X?

MR. PITEL: How about 10 p.m.; reasonable?

CHAIRMAN FRYER: Looks like -- Joe?

COMMISSIONER SCHMITT: I would agree with 10 p.m. My only concern is let's say the Sheriff wants to have SWAT training and they want to do it at sunrise or some time -- something that deals with early morning rather than late at night.

MR. PITEL: A good point, yeah.

COMMISSIONER SCHMITT: And --

CHAIRMAN FRYER: Predawn, in other words?

COMMISSIONER SCHMITT: Yeah, predawn where they're doing some kind of special training, which it's a great site for it, quite honestly.

CHAIRMAN FRYER: What if he said -- and I'm not wedded to these durations, but what if we said, in the case of government law enforcement, two hours before dawn to two hours after dusk.

COMMISSIONER SCHMITT: That would work.

CHAIRMAN FRYER: Does that work?

MR. PITEL: Fine.

COMMISSIONER SCHMITT: That's perfect.

CHAIRMAN FRYER: Then only other thing is immediately succeeding Condition No. 6, it refers to the Florida shooting ranges as developed by the Department of Environmental Protection, and I would just like to add the words "as developed from time to time" by the Department of Environmental Protection so that we're not locking into what the rules are today, if they're changed a year or two from now, that you would also be subject to them.

MR. PITEL: Fine.

CHAIRMAN FRYER: Is that agreeable?

MR. PITEL: I agree.

CHAIRMAN FRYER: Okay. And that's all I had. Nobody else is lit up, so I assume that there's nothing further at this time for the applicant.

MR. ARNOLD: No. We're fine if you are.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: One final question.

CHAIRMAN FRYER: Oh, I'm sorry. Go ahead.

COMMISSIONER FRY: Is there anything to the north or south within two or three kilometers?

MR. ARNOLD: No. No, if you look back at the aerial, not to belabor it, but you see it here on the left on the image, and our subject property is that one. There's nothing until you get down to Copeland, which is there, and that's several miles.

CHAIRMAN FRYER: Okay. All right. Nothing further, then, for the applicant. We'll call on staff.

MR. PITEL: Thank you.

CHAIRMAN FRYER: Thank you. They're both dirty now.

MR. BELLOWS: Whatever podium you want.

CHAIRMAN FRYER: They both need to be cleaned.

Tim, let the lady clean that one first, please.

Thank you. Mr. Frantz or Mr. Finn.

MR. BELLOWS: Just got a few slides to show as well.

CHAIRMAN FRYER: Okay.

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

The project is compliant with the GMP and LDC; therefore, staff recommends approval with the following conditions, and I have a PowerPoint.

The first condition we have, the Deep 50 Gun Range conditional use shall be limited to that which is depicted on the Deep 50 Gun Range conditional use site plan and site alteration plan per LDC Section 4.02.14, revised March 26, 2020, prepared by Q. Grady Minor & Associates, P.A. And our rationale is that this is the latest and most updated site plan approved by county staff.

Second condition, the facility is open only to club members and government and law enforcement members only. The rationale: In order to ensure safety and security, the applicant is restricting access to the facility.

The third condition, the facility shall be gated and secured at all times. The rationale behind that, to provide security for the facility and to provide continuity of the panther fencing installed along SR29, and the facility will remain gated.

The fourth condition, no firearms or ammunition shall be stored or sold on the premises. The rationale: For safety and security, the applicant will not sell ammunition or firearms.

Fifth condition, and there was a change to that so bear with me: The hours of operation for members shall be from dawn to dusk. Sanctioned competitive events and law enforcement or governmental training may occur two hours before dawn and two hours after dusk. The rationale is only for special sanctioned events will there be a need to utilize the facility beyond dusk, and then portable lighting will be utilized for safety.

The sixth condition: The applicant must follow the best-management practices for environmental stewardship of Florida shooting ranges as developed by the Department of Environmental Protection, and I believe I need to back up. After "developed," it's from time to time.

CHAIRMAN FRYER: Right.

MR. FINN: And the rationale behind No. 6, a condition was added from Collier County Pollution Control. Staff requested Deep 50 Gun Range follow industry-specific best-management practices to protect Collier County's ground and surface waters.

The last condition, No. 7: No excavation of any type shall be allowed on the property; however, final grading shall be limited to those areas of the shooting range necessary to facilitate

the drainage of the shooting and parking areas to the water management system. The rationale behind this one: This is a condition of approval from the August 21st, 2020, Historic/Archaeological Preservation Board meeting.

And that's it.

CHAIRMAN FRYER: Thank you. Okay. Any questions or comments from the Planning Commission for staff?

COMMISSIONER SHEA: Yes.

CHAIRMAN FRYER: Oh, I'm sorry. Commissioner Shea.

COMMISSIONER SHEA: Just a minor question, and it was probably in the document somewhere but I missed it. But what are you going to do to handle the water supplies and wastewater disposal?

MR. FINN: Let's see. I don't know if we have Danette from Pollution Control.

CHAIRMAN FRYER: Good question, since we're going to be having an EAC vote on this, too.

MR. McLEAN: Matt McLean, Development Review Director.

This particular site, if they wanted to have any water/wastewater facilities, would have to go through and get a well and a septic system, follow the appropriate DEP regulations affiliated with that.

CHAIRMAN FRYER: Thank you. Does that answer your question?

COMMISSIONER SHEA: Yeah. You said "if they." Don't they need to have one with the facility?

MR. McLEAN: They're going to have one with the facility, yeah, so they'll go through that proper protocol.

COMMISSIONER SCHMITT: Okay. If they put a restroom out there and they have either port-o-potties or septic, it would still have to go through all the permitting re- -- especially if they were going septic, would go through all the permitting requirements.

MR. McLEAN: That's correct.

CHAIRMAN FRYER: Thank you, Matt.

Anything else?

COMMISSIONER SHEA: That's it. Thank you.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Tim, is there a definition for the word "sanctioned"?

MR. FINN: I'll have to defer to Ray.

COMMISSIONER FRY: If I sanction an event, does that count?

MR. BELLOWS: For the record, Ray Bellows. And, yeah, any event that is part of the membership oriented would be a sanctioned event.

COMMISSIONER FRY: Is there a definition for or requirements for the concept of membership? A fee? Time frame? I mean --

MR. BELLOWS: Yeah, generally a membership is fee driven and a list of members kept.

COMMISSIONER FRY: Is there anything that precludes the applicant from announcing that all the public is now members as of today?

MR. BELLOWS: Well, it wouldn't be a private membership club then. It's open to the public in that regard. They're guaranteeing that it be a private membership not open to the public.

COMMISSIONER FRY: Okay. And staff is satisfied with that in terms of limiting it as we would expect?

MR. BELLOWS: Yeah. For the record, I don't see a problem having a public shooting range either. I mean, it's -- a shooting gallery is a shooting gallery, and they're just limiting it to certain membership, basically, which is consistent with their traffic study. If it was open to the public, you can expect higher traffic rates. But they're committing to a membership. And was

there a limit on the members?

COMMISSIONER FRY: I wondered if we could have --

CHAIRMAN FRYER: Can we get into that level of private activity?

COMMISSIONER FRY: Yeah, is that -- I would just be curious in what a gun club membership looks like or what is planned to limit the membership.

MR. ARNOLD: Mr. Pitel has operated gun range facilities previously before relocating to Collier County, and his fee right now, I think, is going to be \$500-per-year membership fee, and that's obviously subject to change. He's had several hundred people express interest. And I think if you asked him, he would tell you that many of these people join to have the privilege of having a place to shoot, yet they don't avail themselves of shooting there very often.

So it's kind of self-regulating. He is going to charge a fee. There may be a different fee structure, obviously, for law enforcement, but you and I could not go to the facility unless we're paid members. You'll have a membership card. You'll have membership access to a keypad to get through the gate, et cetera.

COMMISSIONER FRY: Partially out of curiosity, is there then an additional fee every time you go and shoot?

MR. PITEL: No.

COMMISSIONER FRY: So a one-time -- or an annual fee, and you get to shoot as often as you like?

MR. PITEL: An annual fee, and you get to shoot --

CHAIRMAN FRYER: Sir, it's difficult --

MR. ARNOLD: He's not on the record, but I'll repeat what he said, Mr. Fryer. It's an annual fee, and there's not an additional fee each time you shoot.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: All good questions.

Anything else for anyone?

(No response.)

CHAIRMAN FRYER: Let's see. At this point I guess we go to registered speakers, if any.

MR. BELLOWS: None have registered.

CHAIRMAN FRYER: Anybody in the room wish to speak on this, whether you've registered or not?

(No response.)

CHAIRMAN FRYER: Appearing that's not the case. So we will close public comment at this time, and take the matter up on this side of the daises -- dais. Who would like to begin discussion, or are we ready for a motion?

COMMISSIONER SCHMITT: Yeah, I would, just for --

CHAIRMAN FRYER: We've got CU and an EAC. I'm sorry.

COMMISSIONER SCHMITT: I mean, the use is going to be limited because of the number of lanes, so that's going to be the limiting factor.

With that, I would recommend approval of PL2019...1278, or 20190001278, a conditional use. I would recommend -- first we'll vote as the EAC, and then we'll follow with the conditional use. So I'll make a motion for the -- acting as the environmental -- Environmental Advisory Council.

CHAIRMAN FRYER: All right. Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Is there a motion as EAC [sic]?

COMMISSIONER SCHMITT: I'll make a, likewise, motion for the conditional use sitting as the Planning Commission, then. I already did the EAC. This is as Planning Commission.

CHAIRMAN FRYER: Right, right. Is there a second?

COMMISSIONER HOMIAK: I'll make a second with the changes.

COMMISSIONER SCHMITT: Second, yeah, as -- with the changes as noted by -- during our discussion, limiting the hours of operation.

CHAIRMAN FRYER: Yes.

COMMISSIONER FRY: You mean the staff recommendations, the staff --

CHAIRMAN FRYER: I think the staff incorporated our changes as we made them.

COMMISSIONER SCHMITT: He incorporated them as we went through them, yes.

CHAIRMAN FRYER: Yeah. There were changes to 5 and 6, and I think staff got them.

MR. BELLOWS: Correct.

CHAIRMAN FRYER: Good. Any further -- was that seconded?

COMMISSIONER HOMIAK: Yes, I did.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Thank you very much to this applicant.

MR. PITEL: Thank you.

CHAIRMAN FRYER: It passes unanimously.

All right. Last item of the day -- oh, before we do that, I'm going to ask Madam Court Reporter. We're nine minutes away from what would be our midafternoon break, what say ye?

THE COURT REPORTER: Will it be long?

CHAIRMAN FRYER: No, I don't think so.

MR. ARNOLD: I don't think this will be a lengthy one.

CHAIRMAN FRYER: I think it's going to be pretty short. Are you okay if we go through it?

THE COURT REPORTER: Yes.

CHAIRMAN FRYER: Everybody else okay with that?

COMMISSIONER SCHMITT: I was thinking of making them stay till at least 4:30 just so we could --

CHAIRMAN FRYER: We certainly could. Rich is --

MR. YOVANOVICH: It just feeds the family.

CHAIRMAN FRYER: Mr. Yovanovich is never short of words. He could fill any space of time.

MR. YOVANOVICH: And I could be as brief as you want, especially since I can't figure out how to load the PowerPoint for presentation, so...

CHAIRMAN FRYER: Okay. Let me announce this thing first.

***This is going to be PL2019002323; it's the Heavenly Community Facility PUDA. And we'll ask any members of the public who wish to be heard on this matter to please rise and be sworn in by the court reporter. Seeing none, oh, we're seeing the proponents and staff.

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

CHAIRMAN FRYER: Thank you. Ex parte communications starting with Commissioner Shea.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER FRY: Staff materials only.

CHAIRMAN FRYER: Staff materials and meetings with staff.

COMMISSIONER HOMIAK: Just emails.

COMMISSIONER SCHMITT: I spoke to Wayne Arnold as the agent and Mr. Yovanovich, who's acting in behalf of the petitioner.

CHAIRMAN FRYER: If memory serves, I spoke with Mr. Arnold, too.

MR. YOVANOVICH: You did.

CHAIRMAN FRYER: Thank you. Okay. Please proceed, Mr. Yovanovich.

MR. YOVANOVICH: Thank you.

We are actually here to amend an existing PUD that was -- it's called the Heavenly PUD, and it was approved many years ago after a very heated and negotiated process.

So I'm happy to tell you that the proposed amendments we're making are minor tweaks to what was previously approved, and the residents are very supportive of what we're proposing to do.

I have John Hunter here with me from the church if you have any questions that I can't answer and, obviously, Mr. Arnold is the planner for the project.

We're here to make some minor -- and I'll take you through the master plan real quickly, but we're reconfiguring the master plan from a two-church campus to a one-church campus, so we're combining some of the uses. We're adding an outdoor playground area. We're slightly increasing the square footage to address the fact that the church has been very successful with youth when a lot of churches aren't, but they're having a lot of success with youths, so they're having a slightly larger area to address youth and a couple of deviations related to the outdoor playground area.

I'm sorry that this is the -- this is oriented north/south, but this is the subject property. It's at the corner of, basically, 41 and Myrtle Road, as well as Ridge Drive in the Pine Ridge community.

We have two deviations that I'll show you on the master plan related to the playground area that we're adding. One is for a fence to make sure the children can be safe, and two is to be able to use that area for outdoor parking or excess parking and not have to put paved drive aisles for overflow parking.

This is the current master plan. I'm not as skilled as Bob Mulhere with the use of the drawing, so I'll try to; see if I can beat Bob.

COMMISSIONER SCHMITT: Look at that.

MR. YOVANOVICH: Look at that. This is -- under the existing master plan, that was an existing church. That is now going to become the church offices, so that's one of the changes I'll show you in a minute. And right here is going to become the playground area that I just

discussed that has the deviations.

See if I can do it. How about that?

This is the proposed master plan, again, showing you what I just showed. This is the church area that we're talking about. That's going to be the office that was previously a church, and this is the outdoor play area for children that come to the church and will also be overflow parking.

That's a comparison of the two together. You can see that, basically, the church building campus area is the same size. We relocated what were previously -- there's houses, if you know the campus, that serve as the church office now. That will be relocated, as I just discussed.

And that's a quick and dirty for what we're proposing to change for the PUD. We've had -- we had meetings with the leadership of the Pine Ridge Association, we had a neighborhood information meeting, and they've all been supportive of what we're trying to do to consolidate the campus, and hopefully we can get done in time for Terri to not take a break but to go home, and we'll answer any questions you may have.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yes. I was part of staff when this came forward, and as Rich alluded to, this was a major significant emotional event for that part of the county, to say the least. But, obviously, you proved to be a great neighbor, and I was absolutely delighted to see, from the standpoint of the feedback, nothing from the Pine Ridge community and almost insignificant at the neighborhood information meeting.

So, with that, I'm going to support it and recommend my approval, but I'll hear from the other commissioners.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: When you say "insignificant" related to the NIM, as I read it, you had a meeting with yourself.

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER FRY: Staff and yourself.

MR. YOVANOVICH: I've got to tell you it was my first YouTube. We did it by YouTube, and I think I had four hits. So I just want you to know I've registered for --

COMMISSIONER FRY: So we can sign up to follow you?

MR. YOVANOVICH: I don't know. I don't know how to use any of that technology, but I've been told I had four hits.

COMMISSIONER SCHMITT: Go back to this when was first rezoned, I think we had a room and overflow.

MR. YOVANOVICH: We did, and I may have actually been physically hit.

COMMISSIONER FRY: So no increase in total seats, no increase in traffic generated, but you're adding some additional building space to the main footprint of the building.

MR. YOVANOVICH: Correct, we're not changing the envelope. We're getting rid of the childcare and school and things that initially were concerns, so...

COMMISSIONER FRY: So it actually should reduce traffic even though you're --

MR. YOVANOVICH: The day -- yeah, the weekday traffic will be.

COMMISSIONER FRY: Weekday traffic.

MR. YOVANOVICH: Potential, yes.

COMMISSIONER FRY: That's all I had.

(Simultaneous crosstalk.)

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: This is a highly technical question. You may not be able to

answer it. But what is a landscape enhanced dry water management area?

MR. YOVANOVICH: I'm glad you prefaced it by highly technical so I could punt -- I'm going to punt to Mr. Arnold.

MR. ARNOLD: Hi. Wayne Arnold again.

And an enhanced water management landscaped area is going to be that; it's going to serve us as a water management area, but it's going to be landscaped as well so it's not just going to be a pond on the corner. It is going to be a landscape enhancement area.

MR. BELLOWS: Does that mean it's grassed as well?

MR. ARNOLD: It is.

COMMISSIONER SHEA: Is that why they call it dry water?

MR. ARNOLD: Dry water, yeah.

COMMISSIONER SHEA: It just doesn't sound right, dry water.

MR. ARNOLD: Yeah, it's a dry water retention. It's dry most of the time. Under a major storm event, it will get undated with water. It recedes, and then it becomes dry until the next event.

COMMISSIONER SHEA: Thank you.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: Kind of like my backyard about a week ago.

CHAIRMAN FRYER: I have no questions or comments. So unless somebody else on the Planning Commission does, we'll thank the applicant, and we'll then hear from staff.

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 FRYER: Thank you.

Any questions for staff? Comments?

(No response.)

CHAIRMAN FRYER: Nobody's lit up, and I don't have any. So thank you, Mr. Finn.

Do we have any registered public speakers?

MR. BELLOWS: No one has registered.

CHAIRMAN FRYER: Does anybody in the room wish to speak?

(No response.)

CHAIRMAN FRYER: No, okay. Thank you.

We will then, without objection, close the public comment portion of the hearing, and we'll discuss and ultimately vote on this matter.

Who would like to begin discussion or with a motion?

COMMISSIONER FRY: I'll move to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHMITT: I second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor of approval, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, Mr. Yovanovich and Mr. Arnold.

MS. ARNOLD: Thank you.

MR. YOVANOVICH: Right at 2:30.

CHAIRMAN FRYER: All right. That completes the substantive portion of our agenda.

***Item No. 10 is new business. I'm quite sure there is no new business.

Old business; I had the same level of certainty.

Public comment; even greater level of certainty.

COMMISSIONER SCHMITT: I have a question on the upcoming meeting.

CHAIRMAN FRYER: Please, please, Commissioner.

COMMISSIONER SCHMITT: It's just time. My main concern is -- of course, we all have received a significant amount of email in regard to one petition on here. My main concern is, we do -- the agenda looks full for the 1 October meeting, and if we have the number of public speakers that coincidence with the number of emails, we may need two days just to hear public speaking, public petitions.

So I'm concerned about are there carryover days scheduled, or what -- what's the plan for this?

MR. BELLOWS: Anita's on her way.

MS. JENKINS: Commissioner, we're going to begin the October 1st meeting with two petitions that are also on that agenda, and then we're going to get into One Naples' petition. What we don't finish that day would continue on to October 15th.

COMMISSIONER SCHMITT: So it will just be continued?

MS. JENKINS: Unless you want to have another meeting. I'll check the boardroom if you want to see me in between, too.

COMMISSIONER SCHMITT: No, we've got an LDC meeting. That's why I'm concerned about the number, yeah.

MS. JENKINS: It would just continue on to October 15th.

CHAIRMAN FRYER: Something else we might --

COMMISSIONER HOMIAK: It's last on the agenda.

COMMISSIONER SCHMITT: I see three petitions, Meridian Village --

MS. JENKINS: And Temple Shalom, those are companions.

COMMISSIONER SCHMITT: Temple Shalom.

CHAIRMAN FRYER: And those -- well, Temple Shalom is coming back for adoption, and Meridian Village is, what?

COMMISSIONER SCHMITT: Okay. So the Vanderbilt Beach --

CHAIRMAN FRYER: That's One Naples.

COMMISSIONER SCHMITT: They're both the same.

MS. JENKINS: Yeah, it is -- the comprehensive plan amendment is Vanderbilt Beach.

COMMISSIONER SCHMITT: I haven't read any of the material yet, so...

CHAIRMAN FRYER: Before we go to Commissioner Shea, let me raise this for a discussion if it be the wish of the Planning Commission to discuss this.

Chairman Burt Saunders has -- when he encounters huge numbers of speakers, he has -- with the Board of County Commissioners' approval, has reduced the length of time that each individual speaker can speak. And ordinarily they're allowed -- well, five minutes here. They're allowed only three minutes, Board of County Commissioners, and I've heard that he's actually reduced the time for speakers down to one minute each.

And that's not a decision we have to make now because we don't know for sure how many people are coming in. But I think -- I think we can keep that arrow in our quiver, if needs be, so that we don't go on and on. I mean, we want everybody in the public who wishes to speak to speak. We'd prefer not to have a lot of redundancy, but the important thing is everybody who

wants to gets a chance to speak for a reasonable length of time.

COMMISSIONER SCHMITT: Yeah, and I only say that -- we all have been inundated with emails, but it's basically three emails, three different flavors --

CHAIRMAN FRYER: Right.

COMMISSIONER SCHMITT: -- of the same -- so I'm concerned about 60 people coming in all saying the same thing. I think we can try and narrow that down. But we do have to provide them an opportunity, but we should also say, basically, if you're going to repeat what the person in front of you said, please wave your hand.

CHAIRMAN FRYER: Well, with leave of the Planning Commission, I will be very explicit about that --

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN FRYER: -- and strongly encourage people not to -- it's not necessary to repeat. If you want to just stand up and say I agree with the previous speaker, that's just as impressive or carries as much weight as if you stand up and repeat everything that the previous speaker said. So that's one of the opportunities that we have for the 1st. We're obviously not going to get completed with One Naples because there are some matters ahead of it, but that's -- so that's what we'll do, and we'll go to the 15th.

Anything further to come before the Planning Commission this afternoon? If not --

Oh, Paul, sorry.

COMMISSIONER SHEA: Yeah.

CHAIRMAN FRYER: Were you lit? I'm sorry.

COMMISSIONER SHEA: Yeah.

CHAIRMAN FRYER: Gosh, I've got to do better.

COMMISSIONER SHEA: I don't know if it's lighting up or not.

CHAIRMAN FRYER: No, it's me.

COMMISSIONER SHEA: I'll yell. Don't worry.

CHAIRMAN FRYER: Thank you. Please do.

COMMISSIONER SHEA: Really a question for Ray, I mean, along the lines -- I have the same concern Joe has, and I like to consider public opinion, but when I get a form letter that says the exact same thing from 25 people with no address -- so we could be getting 60 pieces of information from somebody that doesn't even live in the area. So I had asked staff if there's any way that we can identify their resident addresses so we can see where these letters are coming from, and you said you were going to try.

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

The correspondence that comes in is typically an email response, so it's harder to track down addresses that way if -- it is almost impossible, quite frankly.

COMMISSIONER SHEA: I think somehow we should put out some kind of guidance, because I know as a commissioner, if I get 50 letters or email that I have no idea where they come from, who they represent, it doesn't have as much impact as if you put your address on it and I can see that you're -- you live right next door and you're, you know --

CHAIRMAN FRYER: We could probably establish a policy, although it may be subject to Board of County Commissioners. But if we wanted to require emails to have an address on there, it's possible we could do that on our own or with the Board of County Commissioners' approval.

MR. BELLOWS: Well, for the record, again, when we send out our public notices, maybe it's possible to put a note in there saying, if you're going to submit correspondence, please provide your address.

CHAIRMAN FRYER: Yes.

MR. BELLOWS: But some people may be nervous about providing that personal

information and just want to express objection or concerns without providing the address. But, as a courtesy, maybe we can ask them to try to provide it.

CHAIRMAN FRYER: Let's sort of take that one under advisement, but your point's well taken. And I'm quite sure no one's lit up right now.

But there's Commissioner Schmitt.

COMMISSIONER SCHMITT: On a matter of public record, though, I've just been putting those into a -- on my email, my county email. I'm just putting them in a folder, and that's available for public access and public record.

MR. BELLOWS: Yeah, it is a public record, so anybody can request to see the correspondence that staff has received. We provide all -- it's all public information. That's why some people may not want to provide their address when they submit information.

COMMISSIONER HOMIAK: Or email. But they've giving their email if they're sending an email.

CHAIRMAN FRYER: Yeah, yeah.

COMMISSIONER HOMIAK: It's public record.

CHAIRMAN FRYER: Yeah, that's true. Without any objection --

COMMISSIONER SCHMITT: It is a public record.

CHAIRMAN FRYER: -- we are adjourned. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 2:37 p.m.

COLLIER COUNTY PLANNING COMMISSION

EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on _____, as presented _____ or as corrected _____.

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