

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, November 19, 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
Robert L. Klucik, Jr. (attended remotely)
Christopher T. Vernon
Tom Eastman, Collier County School Board Representative

ALSO PRESENT:

Jeremy Frantz, Land Development Code Manager
Raymond V. Bellows, Zoning Manager
Jeffrey Klatzkow, County Attorney
Heidi Ashton-Cicko, Managing Assistant County Attorney

P R O C E E D I N G S

CHAIRMAN FRYER: Ladies and gentlemen, good morning, and welcome to the November 19, 2020, meeting of the Collier County Planning Commission.

Will everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Before I ask the secretary to call the roll, there's another preliminary matter that needs our immediate attention. I've been informed by our County Attorney that at its most recent meeting the Board of County Commissioners adopted a resolution that essentially supplants the executive order of Governor DeSantis with regard to remote participation as a result of COVID-19. And staff had recommended that the Board of County Commissioners make a finding that, and I quote here, concern over spreading or contracting COVID-19 constitutes an extenuating circumstance for purposes of remote participation in a public pleading by a member of a board or advisory committee.

Now, we have a planning commissioner, Commissioner Klucik, who's requested our action under this resolution in order that he be permitted to participate in this meeting remotely. The commissioner has informed me that although he does not have COVID-19, he's come down with a garden variety upper respiratory infection and just felt that it would be best for all concerned if he absented himself physically from this meeting.

So the Board's resolution, again, quoting, is to allow remote participation in the proceedings of a public meeting by a member of a board or advisory committee who would otherwise not participate due to concerns about the COVID-19 virus.

And, once again, this was as a result of the lapsing without renewal of Governor DeSantis' order. We will still -- oh, and we also return to needing physical presence in order to constitute a quorum, so that rule has come back to us.

Now, as far as I'm concerned, during a pandemic such as this, Commissioner Klucik's cold could readily be viewed as an extenuating circumstance which is -- which is the standard that is before us. And this is not a decision that I as the Chair could make. Under the ordinance it's required that the advisory board itself, by means of those who are physically present, must take a vote on whether to allow the remote participation by, in this case, Commissioner Klucik.

So I believe that this is highly in order, and I applaud him for thinking about us as well as himself and absenting himself, so I'm going to make the motion to allow him to participate remotely and ask if there's a second.

COMMISSIONER SCHMITT: Second.

COMMISSIONER VERNON: Vernon.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, signify by saying aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN FRYER: Those opposed?

(No response.)

CHAIRMAN FRYER: Wonderful. So that passes unanimously. And the ayes have it.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Sorry. Did someone say something?

COMMISSIONER KLUCIK: Mr. Chairman, this is Rob Klucik.

CHAIRMAN FRYER: Oh, Commissioner Klucik, thank you. I was just going to call and see -- call upon you and see if you were here. And you were unanimously approved for remote participation, so welcome, sir.

COMMISSIONER KLUCIK: Everything's working on this end. I have audio and video, thank you.

CHAIRMAN FRYER: Perfect. I'm glad to hear that.

Now, I'm going to ask the secretary to please call the roll.

COMMISSIONER FRY: Thank you, Mr. Chairman.

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.

CHAIRMAN FRYER: Mr. Vernon?

COMMISSIONER VERNON: Here.

COMMISSIONER FRY: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER FRY: Mr. Klucik?

COMMISSIONER KLUCIK: Here.

COMMISSIONER FRY: Mr. Chairman, we have a quorum of seven out of the seven.

CHAIRMAN FRYER: Thank you, Mr. Secretary.

Addenda to the agenda. I don't know if it's Mr. Bellows or Mr. Frantz. Is there any addenda to the agenda?

Mr. Bellows?

MR. BELLOWS: Good morning. For the record, there are no changes to the agenda.

CHAIRMAN FRYER: Thank you, sir.

Planning Commission absences. Our next meeting is on December 3rd. Does anyone know at this time if he or she won't be able to attend that meeting?

(No response.)

CHAIRMAN FRYER: Okay. That looks like we can expect, we hope, certainly a quorum.

The second regular meeting of December is on the 17th. Same question about that. Anyone know whether he or she will not be able to attend?

(No response.)

CHAIRMAN FRYER: Okay, very good.

Approval of the minutes. We have none -- none have come before us, so there's nothing for us to act upon.

The BCC report, Mr. Bellows or Mr. Frantz?

MR. BELLOWS: I don't have an update for you at the present.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER SCHMITT: I do want to ask a question, though. I do believe the Board -- and I believe some of the commissioners have some questions. The Board did approve the Growth Management Plan amendment, amendments to the Rural Land Stewardship. Was

there any further guidance presented by the Board? Because I didn't go back and look at the minutes of the Board.

MS. JENKINS: Good morning, Commissioners. Anita Jenkins, your Zoning Director.

The Board did approve for transmittal the Rural Lands Stewardship Program as written and as recommended by the Planning Commission, and there was no further action taken.

COMMISSIONER SCHMITT: Did you present to the Board any type of a schedule for the LDC amendments? That will be -- of course, that comes after -- when we get to the adoption hearing, but then a follow-on schedule for the -- implementing LDC amendments. Has that been transmitted to the Board?

MS. JENKINS: No, it has not. We'll discuss that at the adoption hearing.

COMMISSIONER SCHMITT: At the adoption hearing.

COMMISSIONER SHEA: Yeah, it's the same question we talked about is also we wanted to see more activity in terms of making the amendments more friendly and promoting towns and villages as opposed to the aggregation.

MS. JENKINS: Right.

COMMISSIONER SHEA: Is there -- how do we get a schedule on that rather than just "we're working on it"? And don't take that the wrong way. I mean, to get something that we can be monitoring the feedback and when we should expect it and --

MS. JENKINS: So we will bring forward Land Development Code amendments that implement the Board's policy as directed. To date we haven't received any direction from the Board to delve into different towns or villages, but we can talk about that with the Board on the adoption.

COMMISSIONER SHEA: Can we do that now? I don't know why we would wait for the LDCs -- why wouldn't we start the process now if -- working with whatever task force comes together to decide what would be a stronger incentive in the rural lands for developing towns?

MR. KLATZKOW: If I may, there is always a chance when it comes back for adoption the Board is going to deny it. So I don't know how much work you want to do on LDC implementations if the Board actually winds up saying no to it. That would be my only caveat.

CHAIRMAN FRYER: The vote was not unanimous at the BCC.

COMMISSIONER SCHMITT: 4-1 vote.

MR. KLATZKOW: You're also going to have a change in complexion of the Board.

COMMISSIONER SCHMITT: Right.

MR. KLATZKOW: So it's just -- as far as your LSA, I wouldn't assume that the Board is going to be adopting it. I'm not saying they won't. I just wouldn't assume it.

COMMISSIONER SCHMITT: Would -- any movement between the disagreements between the Wildlife Federation and the Conservancy, or that pretty much stayed as presented to us?

MR. KLATZKOW: It's a steel cage death match.

COMMISSIONER SCHMITT: Couldn't have said it any better, Jeff. Thank you. Okay.

COMMISSIONER SHEA: But I guess -- I don't want to belabor it, but I don't see how starting to develop a plan on how we're going to incentivize can be changed by -- whatever the vote comes out, we're still going to be working on that. So why hold off on moving forward with that? Because either way you're going to do it no matter what happens in the future.

MS. JENKINS: Well, we would have to have Board direction for that, Mr. Shea, to go --

COMMISSIONER SHEA: This board?

MS. JENKINS: -- forward with the -- the Board of County Commissioners would direct us to change the Land Development Code.

COMMISSIONER SHEA: No, I'm not talking about that. I'm talking about the task force to try and determine what we can do to make the plan more of an incentive to build towns

and villages. You had talked about getting together with some of the developers and some of the key stakeholders on what would be some potential changes that would present more incentive for them to go after the larger building units.

MS. JENKINS: Right. And we'll wait for Board direction on that when they adopt that.

COMMISSIONER SHEA: Okay. We're just dragging it out.

CHAIRMAN FRYER: All right. Thank you.

Anything else on BCC report?

(No response.)

CHAIRMAN FRYER: Okay. Chairman's report; none today.

Consent agenda; we have none today.

***So that takes us to our first advertised matter. And there is no companion rezoning for us to consider today, so the matter is purely legislative in nature, and the swearing of witnesses and ex parte disclosures is not required.

This -- the matter in question is PL20180002233. It's a transmittal for us today, and it's the NC Square Mixed-Use Overlay.

Ms. Harrelson and Mr. Davies, please proceed.

COMMISSIONER HOMIAK: Got to swear them in.

CHAIRMAN FRYER: No, we don't. It's legislative.

COMMISSIONER SCHMITT: Legislative GMP amendment.

COMMISSIONER HOMIAK: Oh, oh.

MR. DAVIES: Thank you, Mr. Chairman. Good morning, Commissioners. Noel Davies on behalf of the petitioner.

I am here today with the full project team. Jessica Harrelson is our professional planner with Davidson Engineering; Carl Thrushman is our civil professional engineer with Davidson as well; Mike Myers is our environmental consultant with Passarella & Associates; Gerald Hendry is here, our economist with Maxwell, Hendry, and Simmons; and Norm Trebilcock is our transportation engineer with Trebilcock Consulting Solutions.

This is the GMPA transmittal hearing, as the Chairman mentioned, for a mixed-use cluster development in the Rural Fringe Mixed-Use District. I am very proud, Commissioners, to be involved with this project. As far as I understand, this is the very first 100 percent private-developer-funded affordable housing development. It contains a daycare on site as well as 44,400 square feet of neighborhood limited in intensity commercial uses to serve the teachers, essential service personnel, hospital workers, first responders, and other families who are potential future residents at this development.

Our petition meets a number of significant policies in your Growth Management Plan, including and especially the policies governing the county's ever-growing and desperate need for housing affordability.

The property is located approximately 3.4 miles east of the intersection of Collier Boulevard and Immokalee Road, just south of Twin Eagles. All of the affordable housing units will be for-sale owner-occupied condominiums and townhomes. No rentals. And the county's regulations governing affordable housing categorize income levels into five different buckets: Extremely low, very low, low, moderate, and gap. This product would serve the moderate and gap categories which together are 80 to 140 percent of the median household income in the county.

Our projected pricing is in the 200,000s and 300,000s but will be tied specifically to that median household income number which gets adjusted every year by your county housing department. There will be a variety of proposed sizes from a one-bedroom condo all the way to potentially a four-bedroom townhouse.

We have worked very closely with your staff and with the County Attorney's Office on an affordable housing agreement. That agreement will be recorded on the property as a restrictive

covenant and will remain of record for 30 years.

There are no caveats, no exceptions to that time period, and that is something that is very near and dear, frankly, to my client's hearts. They are fully committed to doing the buildout on this project and to it remaining for affordable housing for the full 30-year time period even on resale from the next set of buyers after the developer exits.

Your staff is recommending approval, and there's been significant community support with zero opposition to date.

That concludes my brief overview, Mr. Chairman. I'm happy to take questions now. But if I may, I'd suggest that you hear from Jessica Harrelson with Davidson Engineering. She does have a detailed PowerPoint, and then we'd be happy to answer any questions after her presentation.

MR. KLATZKOW: Mr. Chair, I would focus on the language here because there's nothing in the language that's before you that requires affordable housing. So -- and I'm not saying that that's not the project. But if that's when the project is, we're going to have to tinker with this language to make that requirement; otherwise, this is a dog-and-pony show.

CHAIRMAN FRYER: That was going to be one of my points. Thank you, County Attorney.

MR. DAVIES: And if I may, Mr. Chairman, for the record, we'd be happy to work through appropriate language to that end. The intent is to do affordable housing.

CHAIRMAN FRYER: Well, we'll have a conversation about whether what you're proposing really is affordable housing, and there may be other questions and comments. But as you requested, I want to ask any Planning Commissioner if he or she has questions of Mr. Davies before Ms. Harrelson presents. If not, thank you, sir. We'll hear from Ms. Harrelson.

MR. DAVIES: Thank you, Mr. Chairman.

MS. HARRELSON: Good morning. For the record, Jessica Harrelson, certified planner with Davidson Engineering.

The future land-use designation is Rural Fringe Mixed-Use District and within the receiving lands. The property is 24.4 acres in size.

This petition proposes to establish the NC Square Mixed-Use Overlay that will permit a maximum of 129 residential units, 44,400 square feet of neighborhood commercial uses, and a 12,000-square-foot daycare.

Density above the one unit per five acres will be achieved through an affordable housing agreement between the owner and Collier County. Rezoning of the property is in the form of a PUD and will be a companion item presented to you at the time of adoption hearings.

We held a NIM on August 6th. No one from the public attended virtually or in person, and to date we have not received any opposition regarding this project. In fact, we have received letters of support, and you should find those in your backup materials.

The developer has agreed that 100 percent of the residential units will be affordable housing units, and all will be owner occupied. The affordable housing agreement will run with the land for 30 years from the date of CO for each unit. The development will serve Collier County residents earning incomes in the moderate and gap categories. The units will be restricted by the median household income.

We have coordinated directly with Cormac Giblin, the county's Housing Operations and Grant Development Manager, to draft the affordable housing agreement. A formula is included that provides that the monthly payment for households shall be approximately 30 percent of the household's median income.

This is our current master plan depicting a compact mixed-use development. Let me turn my pointer on here.

We have 87 multifamily townhomes that will be located south of this preserve along Immokalee Road and 42 townhomes. Residential setbacks are 200 feet from Immokalee Road,

25 feet from the preserve areas, and 30 feet from the remaining boundaries.

Commercial and daycare are located along the Immokalee Road frontage. The setbacks for the commercial area are 30 -- or 50 feet from the right-of-ways and 30 feet from the remaining boundaries.

The site will preserve 6.2 acres, and this plan meets LDC requirements for landscape buffers.

Access to the site is a right-in, right-out along Immokalee Road and a full access drive along Catawba Street. A dedicated eastbound right-turn lane will also be constructed. On-site stormwater management areas will be designed to Collier County and South Florida Water Management District standards.

Our traffic engineer's analysis concludes that none of the analyzed roadway links are projected to exceed their levels of service with or without this project, and that is based on the 2019 AUIR. The companion PUD will limit the site's trips.

The market analysis identifies a three-mile study area from the property. The study area has an existing population of over 12,000 and is lacking neighborhood commercial uses to serve this population. And the current average sales price of homes within the study area is currently over \$600,000.

In our economist's professional opinion, the study area has significant demand for neighborhood commercial uses and obviously for housing affordability.

The project complies with the goals of the Rural Fringe Mixed-Use District. The project is located within the receiving lands, which has been deemed the most appropriate for development. The project will preserve 25 percent of the total site area. It is located along a six-lane arterial roadway with existing infrastructure in place to accommodate the development. And NC Square is a mixed-use development that will provide housing affordability in Eastern Collier County.

The project complies with recommendations also outlined in the restudy white paper. This includes promoting mixed-use development, promoting housing affordability, and recommends higher density and elimination of TDRs for developments providing affordable housing.

The white paper states that during public workshops participants were supportive of increased density and passionate about the need to address affordable housing within the rural fringe. Participants were favorable toward mixed-use development and supportive of employment, goods and services, and a mix of housing types in the receiving lands.

This exhibit illustrates the locations of schools, fire and police stations, and healthcare facilities within a five -- within five miles of the project. All of which the employees at these facilities can benefit from this development.

We believe this development meets the goals of the Housing Element of the county's Growth Management Plan which is to create an adequate supply of decent, safe, sanitary, and affordable housing for all residents of Collier County and to find ways to encourage the provision of affordable housing for working-class families.

Staff is recommending approval of the transmittal of this GMPA with some suggested updates, and our applicant is fine with those changes.

And I'm going to have Norm come up to address some traffic issues.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner Klucik.

COMMISSIONER KLUCIK: When would you like us to chime in? I mean, do you want us to wait until all the presentation or what?

CHAIRMAN FRYER: I think that's up to you, sir. If you have a question for Ms. Harrelson, now would be a fine time.

COMMISSIONER KLUCIK: No. I'll just -- I'll wait till they're done with their presentation, but I do want to say something when there's a natural time to do that. Let me know.

CHAIRMAN FRYER: All right. Thank you.

MR. TREBILCOCK: Good morning. For the record, my name is Norman Trebilcock. I'm a professional engineer and certified planner with over 30 years of experience here locally.

We prepared the Traffic Impact Statement for the project. Really just some of the conclusions from the Traffic Impact Statement; you-all have the detailed document. But the project is what we'd call a significant generator for the roadway network at this location.

We had prepared traffic studies that had utilized the 2018 and '19 AUIR documents, and under those evaluations, we did not exceed the levels of services with or without the project at buildout.

Last week, the 2020 AUIR was adopted by the Board. And so that AUIR does illustrate that one of the links, Link No. 44 that we connect to, which is Immokalee Road between Collier Boulevard and Wilson Boulevard, is slightly over capacity with the project. It has a V over C, velocity to capacity ratio of 1.01 with the project. So it's about 30 peak-hour trips that trigger that.

The county's work program, though, has committed construction of a new parallel roadway link of Vanderbilt Beach Road between Collier Boulevard and Wilson Boulevard that will relieve capacity that will be contemporaneous with this project development. That improvement is in the Long-Range Transportation Plan as a constructed, committed improvement to be completed between 2021 and 2025.

So all other network facilities have sufficient capacity to accommodate the project and all the other analyzed links. The developer proposes to provide a Transportation Mitigation Plan as applicable in order to be consistent with policy 5.1 of the Transportation Element of the Collier County Growth Management Plan.

COMMISSIONER VERNON: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER VERNON: Are you done?

MR. TREBILCOCK: Yes, sir.

COMMISSIONER VERNON: If I could ask a question.

CHAIRMAN FRYER: Yes. Go ahead, Commissioner.

COMMISSIONER VERNON: Can you just explain, elaborate, maybe simplify what you mean by that last bullet point. The Transportation Mitigation Plan.

MR. TREBILCOCK: Right. So we would -- we would prepare a Transportation Mitigation Plan that may limit trips or as such as appropriate. What we see here is really with the reliever facility of Vanderbilt Beach Road, that this will likely not be an issue because it will relieve traffic enough so that we won't have a problem, because based on the analysis that we've done, based on this most recent AUIR information, it's -- again, it's about 30 peak-hour trips over. So we could potentially, you know, limit the number of trips.

We still -- we're doing a consistency review at this point. When we go to develop, we'll have a concurrency, and that's really when we look, specifically, to make sure that there's adequate capacity for the development at that time.

COMMISSIONER VERNON: I'm going to steal a line from Denzel Washington: Explain it to me like a fourth grader. What do you mean by the Transportation Mitigation Plan?

MR. TREBILCOCK: Okay. So a Transportation Mitigation Plan can provide -- you could, you know, stage and limit your development until there is sufficient capacity. That could be one part of your plan, you know, so that --

COMMISSIONER VERNON: You guys don't -- I mean, this is something you may do and you don't have sketched out in any way.

MR. TREBILCOCK: Correct. There's not a specific plan, but we've committed to

preparing a mitigation plan and would limit accordingly. So, you know, we really have been in process for a long time for this project and had relied on AUIRs. This project has been pushed back over a period of time and, as a result, you know, coming last week, there's a new AUIR that gets adopted. And, you know, whether or not that really is the appropriate one to evaluate this right now is a question. But, you know, we're willing to provide a mitigation plan as necessary.

COMMISSIONER VERNON: Okay.

CHAIRMAN FRYER: Anything further, Commissioner Vernon?

COMMISSIONER VERNON: No. Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: Just to Mr. Vernon's question, maybe a third-grader level. So a traffic -- a mitigation plan would be basically adjusting the project so it generates fewer trips to stay within the level of service if Vanderbilt Beach Road does not get extended in a timely fashion?

MR. TREBILCOCK: Yes.

COMMISSIONER FRY: Is that accurate? Okay.

MR. TREBILCOCK: Thank you.

COMMISSIONER FRY: That's all I had.

CHAIRMAN FRYER: Further to the traffic situation, in fact, the 2020 AUIR has pronounced that this Segment 44 will be deficient next year, which is as soon as two months from now, and that -- on one side of the equation. And then a long-range plan for improvement of Vanderbilt Beach Road, you know, I -- that is of concern to me. And so, you know, I -- when this does come back, we're going to want to deal with this in a more specific way. I certainly am, at least.

MR. TREBILCOCK: Yes.

CHAIRMAN FRYER: Okay. I don't have anything further for Mr. Trebilcock, and nobody else is lit up at this point. So, Mr. Davies.

MR. TREBILCOCK: Thank you.

MR. DAVIES: Thank you, Mr. Chairman. That does conclude our formal presentation. I'm happy to answer questions with the team.

CHAIRMAN FRYER: Commissioner Klucik, did you want to lead off?

COMMISSIONER KLUCIK: Yes, thank you.

And I'm sorry, sir. Could you tell me your name again.

MR. DAVIES: It's Noel Davies.

COMMISSIONER KLUCIK: Okay. I'm going to ask this of everybody.

MR. DAVIES: Sure.

COMMISSIONER KLUCIK: Were you -- did you call me earlier to try to speak with me? Was that your team?

MR. DAVIES: Yes. Yesterday we spoke briefly.

COMMISSIONER KLUCIK: Yeah. And I just -- I wanted to go ahead and disclose that that they called, and I explained that I was not feeling well and I probably might not be participating, and that was the end of it. We didn't discuss anything about the project.

I did want to ask you two questions. So what is the price range that you expect for these homes?

MR. DAVIES: 200,000s to 300,000s is the current projected range. As I mentioned, there's a number of different sizes, unit types, and the ultimate pricing will be tied to the county's data with respect to the median household income for the county, which -- you know, which is updated every year. Go ahead, sir.

COMMISSIONER KLUCIK: Yeah, thank you. Thank you very much.

So you mentioned that this was, you know, privately funded, and I just wanted to point

out -- and I'll do this on behalf of, you know, the developer in Ave Maria. And I sit on -- I'm elected to a board out there in Ave Maria, the district board that we have out there, and --

MR. DAVIES: Yes, sir.

COMMISSIONER KLUCIK: -- and I'm certainly -- out there on that board, I'm not known as a friend to the developer. I actually ask extremely pesky questions all the time of our developer out there, but I will say I want to go ahead and tout -- and this is Ave Maria Development, which is Barron Collier Company, and CC Devco in particular. But they have consistently had homes, you know, around -- starting around 200s; the price has recently gone up. But even today they have homes that start at, you know, 240s, and that is another private initiative. That's not designated affordable homes, but they're certainly homes that are affordable by people that can, you know, pay the price range of your homes.

I only bring that up because I want to tout what our developer has done. Like I said, I am -- I am quick to question our developer, but I think they really deserve, you know, praise for having affordable homes out here in Ave Maria, and they have, you know, since 2007, for the last 13 years. And I just wanted to say that. And I say that, and I'm praising you as well. I want to go ahead and highlight that we do have developers trying to address the issue of affordability of homes, and I thank you for that.

MR. DAVIES: Thank you, sir.

One point of clarification, for the record, in this specific area of the county -- and, certainly, thank you very much, Commissioner Klucik, for your comments.

As part of our study, the average home price in this portion of the county is over \$600,000. So this -- this is a price point that is certainly very different from the -- from what the market deems in this location. But thank you, sir.

CHAIRMAN FRYER: Anything further, Commissioner Klucik?

COMMISSIONER KLUCIK: No, thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: We'll go back to the second-grade level here. Commercial. On the commercial side of it, I guess I see where you identify that there's 1.7 million square feet of available between what's an existing and what's coming. But I don't see how you got a demand, whether -- it seems like what you've done is you've restricted the use on the commercial to the more local type commercial, and that's how you've gotten around a concern that maybe there's too much commercial coming into that area with this project.

MR. DAVIES: Sure. So there's certainly, within your code, you know, different categories through the use lists of the intensity, frankly, of the commercial, which ties back to market demand.

The study that we provided does provide the support for the type of commercial that, you know, this petitioner is seeking and, really, it's that -- much less intense. We're not talking about a regional shopping center. We're not talking about the big box stores. Rather, we're talking about much smaller and less intense neighborhood type commercial that would be limited and primarily serving the folks at the -- at the site, these future families, and in the immediate nearby vicinity, not massive drive times from other parts of the county.

COMMISSIONER SHEA: But being a second grader, I guess I look at it, 1.75 million, well, what is in that market area? What do you expect the demand to be; 1.5, 1.1, 2.3? I'm looking for the other number that compares the supply and demand to the 1.75 million.

MR. DAVIES: Well, I think the 1.75 applies to a pretty large swath of area.

COMMISSIONER SHEA: Not just the acres -- the three -- not just the area of your study? I thought it was your three-mile circle.

MR. DAVIES: I'm not sure what the 1.7 -- if that's for five miles or three miles. I know Mr. Hendry's here and could speak to that more specifically. But with respect to our -- you know,

our neighborhood commercial on this site, we do feel that there's specific demand.

Go ahead, Jessica.

MS. HARRELSON: Sorry. Within the three-mile radius, there is currently 95,147 square feet of existing commercial uses.

COMMISSIONER SHEA: Okay. So when the staff report says "market area," they're not talking about the same market area you're talking about?

MR. DAVIES: No, sir.

COMMISSIONER SHEA: Okay. I'm sorry. I told you it was second grade.

MR. DAVIES: Thank you, sir.

CHAIRMAN FRYER: Will the person who prepared the commercial needs analysis be speaking?

MR. DAVIES: Mr. Hendry's here. He's certainly happy to answer any questions, Mr. Chairman.

CHAIRMAN FRYER: Well, put him in reserve, and I'm going to call on Commissioner Fry first.

COMMISSIONER FRY: Thank you.

Noel, I couldn't help but notice that the staff recommendation changed from the last meeting to this one. If I'm reading this correctly, at the last meeting this item was in our agenda packet, it got continued, and they had a recommendation not to approve. This time they have a recommendation to approve. One of the main differences, it was general commercial, and now it is neighborhood commercial.

MR. DAVIES: Yes, sir.

COMMISSIONER FRY: What else has transpired in terms of from your standpoint -- I plan to ask staff this as well -- resulting in the change in recommendation to approve?

MR. DAVIES: So I would defer --

CHAIRMAN FRYER: Hold on, please, sir. Commissioner Fry, I've got a redliner that I prepared myself, the new versus the old staff report.

COMMISSIONER FRY: Okay.

CHAIRMAN FRYER: And I'm going to get very detailed in that with Mr. Schmidt who knows -- I met with him on Tuesday, and he knows this is coming.

COMMISSIONER FRY: Okay. So if that renders my question premature --

CHAIRMAN FRYER: It's not premature at all. You may still have questions, but I wanted you to know that I'm going to try to address the --

COMMISSIONER FRY: Okay.

CHAIRMAN FRYER: -- the issue of the staff reversal.

COMMISSIONER FRY: Okay.

MR. DAVIES: If I could make one comment related to that, and certainly I'll defer to Mr. Schmidt, the planner on this project.

The first staff report was based in large part on a false assumption that the petitioner was seeking C-4 uses. There has never been, since this project's been in the system well over two years now, any attempt to request a C-4 use, and that's something that we did work with your staff on to clarify. We were confused, frankly, when we saw that first iteration of the staff report. And so, foundationally, the concept -- and it does relate to a general commercial sort of characterization versus the neighborhood.

The intent of this -- of this petitioner has always been to do the neighborhood and, in fact, we did limit the use -- the uses even further. We -- in our discussions with staff to clarify and to cement the neighborhood character of the uses.

So we took that C-3 list, and we reduced it by an additional 60, six zero, uses to really -- to make the true feel of a neighborhood center rather than a larger commercial or regional center.

COMMISSIONER FRY: So give us all a sense of sample uses, neighborhood commercial uses that we might expect there.

MR. DAVIES: Small retail shop, for example. I mean, basically -- I mean, there's a number of them in the C-3 use list, but we're not -- we're talking about limitation in size and limitation in intensity, traffic, parking, all of that. We're not talking about a Home Depot, for example. It's -- it would be the opposite of that, something that's more sort of mom and pop and very, very small.

COMMISSIONER FRY: And as a result, attracting far less traffic from a narrower range of communities, correct?

MR. DAVIES: That's correct.

COMMISSIONER FRY: Okay.

MR. DAVIES: The idea, frankly, when the developer conceived of this, was to not just provide for the housing affordability needs in the county but rather to also provide a compact and cluster development with some commercial there to also serve those residents.

One of the other components is a daycare, for example, for the families so that -- so that some of those needs outside of just the housing needs can also be serviced.

COMMISSIONER FRY: As Mr. Klatzkow pointed out and Mr. Fryer reinforced, can we assume you're not opposed to us tightening up the language to require affordable housing where it is not, perhaps, required in the language currently?

MR. DAVIES: Yes. And I did speak with Ms. Ashton-Cicko about that. And with all due respect, Mr. Klatzkow, I believe that language is in the current iterations of the staff report.

MR. KLATZKOW: Your -- I have no doubt what your intentions are with this project. I'm just saying that the language that you're asking this board to approve does not require affordable housing. I understand the staff recommendation, but what you are -- right in front of me right now doesn't do it. We have to change it. If that means putting in provisions of the staff recommendation, that's fine. But we're going to have to, before we're done here, just tighten up this language. That's all.

MR. DAVIES: Understood. And we are in full agreement --

CHAIRMAN FRYER: I'm going to cap onto that if I may, also.

MR. DAVIES: Yes, sir.

CHAIRMAN FRYER: The issue that I was going -- I was going to come at it in a slightly different manner, but the point the County Attorney made is very well taken. As I read the document that you're wanting to put forth -- put forward to us and then the Board of County Commissioners, it says "up to a maximum of," and there's really no requirement at all of any housing. And that --

COMMISSIONER FRY: So I do have one more question, Ned, if you're -- are you still rolling or --

CHAIRMAN FRYER: I've got a number of questions, but that --

COMMISSIONER FRY: I have one final question.

CHAIRMAN FRYER: Go ahead. Go ahead.

COMMISSIONER FRY: Leave it wide open for you.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: You mentioned the -- I believe you said the median price of the housing in the area is 600,000 currently?

MR. DAVIES: That's right.

COMMISSIONER FRY: What area are you referring to? This is 3.4 miles east of Collier Boulevard. What is the geographic range of that analysis where it's \$600,000? You said -- what are you -- how are you defining "this area"?

MR. DAVIES: Yeah, if I can defer to Mr. Hendry for the specifics of where that

600- came from. I mean, I believe it's in the nearby area, but I don't want to speculate as to one-, three-, five-mile radius, if I may.

COMMISSIONER FRYER: Okay. Chairman Fryer, do you anticipate us having Mr. Hendry?

MR. DAVIES: Hendry, yes, sir.

CHAIRMAN FRYER: I'm going to want to hear from him. I've got questions.

COMMISSIONER FRYER: Then I'll defer that question for him when he comes up.

CHAIRMAN FRYER: Thank you. Do you have anything further at this time?

MR. DAVIES: Nothing further.

CHAIRMAN FRYER: While you're up here -- and you brought up the subject of C-3 uses and C-4 uses.

MR. DAVIES: Yes, sir.

CHAIRMAN FRYER: You and I had a conversation yesterday, and at the time I believe you were willing to at least query your client if the client would be interested in modifying somewhat what we could -- what we could reasonably expect, even though this is at the Growth Management Plan stage, when the PUD comes along because, typically, even though permitted uses are tied to the PUD rather than the Growth Management Plan, we always want to talk about them at the GMP time because we want to know what to expect. So I think it's a fair statement. And I'm going to get in deeper on the commercial needs analysis with Mr. Hendry.

But can you tell me what your client said when I asked you to find out if, for the purposes of our action on a GMP today, instead of all of the uses that you've specified, that you would agree to C-2 uses plus those C-3 uses that would be approved at adoption.

MR. DAVIES: Thank you, Mr. Chairman. I did have opportunity to confer with my client since our discussion yesterday. If that is the will of this commission, my client's agreeable to language that I could work with Mr. Klatzkow on or talk on the record today that memorializes that concept, sir.

CHAIRMAN FRYER: All right. Thank you. I appreciate that.

And just so that everyone understands the nature of the conversation we had, I -- when the scope of the commercial development was right-sized to neighborhood, my concern is that doesn't match up one for one definitionally with C-3. It's a different way of describing a certain complex series of things. And I was more comfortable, and I would ask, you know, the rest of the Planning Commission to consider that we do, in fact, ask the applicant to agree at this point to C-2 uses plus those C-3 uses that might be acted upon at the time of adoption. And that way, I think -- I think I'm much more comfortable about voting to approve the proposal. I do have one other issue, but I want to talk it through with the group.

So thank you, Mr. Davies, for agreeing to do that, if that be the wish of this board, and we'll find out whether it is the wish of this board when the time comes.

MR. DAVIES: Yeah, thank you.

CHAIRMAN FRYER: All right. Then I'm ready to hear from and to speak to Mr. Hendry unless -- nobody else is lit up here. So could he come up?

MR. HENDRY: Good morning. For the record, Gerald Hendry, Maxwell, Hendry & Simmons, and we are real estate consultants and appraisers in Southwest Florida.

CHAIRMAN FRYER: Okay, thank you. Do you want to make an opening statement of any kind or just respond to questions?

MR. HENDRY: I didn't really have anything prepared here, but willing to answer any questions that you may have.

CHAIRMAN FRYER: Okay, fine. Thank you.

First of all, much was made of the five-mile radius in your study, which seems to me, at least, to exceed the scope of the neighborhood commercial needs analysis. Could you respond to

that?

MR. HENDRY: Yeah, I would agree with you. That -- the three-mile is our primary market area, our primary distance. And you have to understand also, when this first started, the proposed uses were different than where we are today. We are definitely at a lower-scale, lower-intensity type list of allowable uses. And even, you know, C-3, I think they've broken those down even further. So we're definitely in the neighborhood of neighborhood type uses now, which would typically -- these are the convenience-type uses. So, typically, the trade area would be about a three-mile radius, or a three-mile distance from the households.

CHAIRMAN FRYER: All right, sir. And you wouldn't -- you wouldn't for some reason recommend against your client going with C-2 plus later-to-be-determined C-3 uses, would you?

MR. HENDRY: That's -- that's their decision, not my decision.

CHAIRMAN FRYER: Okay. Well, I'm asking you. Do you recommend against that?

MR. HENDRY: I think there's a need for uses, obviously, within C-2 and what they've proposed for the C-3.

CHAIRMAN FRYER: All right. Well, right now they've got auto and home supply stores, business services with an exception, business services, yeah, being very broad in nature. They've got dance halls. They've got garment pressing; general merchandise stores without limitation; clinics; home furniture and furnishing stores; home health services; household appliance stores; labor unions; laundry and dry-cleaning and commercial laundries; loan brokers; membership organizations -- heaven knows what that could be -- mortgage bankers; paint stores with accompanying odors; personnel supply services; photo finishing laboratories with potential odors and noxious -- that word -- odors and substances in the air; political organizations; radio, television, and consumer electronics stores; repair services; lawnmower repair; leather goods repair, which also puts off odors; retail miscellaneous; social services activity centers; veterinary services; vocational schools; and then any other principal use which is comparable. So you see a need for all of that in a neighborhood concept?

MR. HENDRY: I think if you look at actually the diagram that Jessica has up on the screen here, you can see that there's a -- there's a severe lack of any type of commercial use. If you go from the intersection of 951 and Immokalee Road, if you -- aside from the new developments that are happening in that exact quadrant, it's 3.2 miles to the subject property of nothing. If you go from the subject property east, you're 2.4 miles. So you've got this gap of about 5.4 miles that you have nothing, and you've got 6,900 homes within that -- in that area. You've got another 3,000 homes which are in discussion and potentially going to go into that neighborhood. So I do see a great demand in the neighborhood.

CHAIRMAN FRYER: So it's your testimony that those uses that I mentioned would be appropriate in a neighborhood commercial setting?

MR. HENDRY: I don't see them being inappropriate.

CHAIRMAN FRYER: Okay. Thank you.

My next question has to do with how far out you're looking to determine supply and demand, and you're carrying it out to 2040. Do you think that's appropriate, and if so why?

MR. HENDRY: Can you rephrase that? Out to 2040?

CHAIRMAN FRYER: Yeah. Typically, there's a five- or 10-year horizon in looking for supply and demand equal out, and you're taking it all the way out to 2040.

MR. HENDRY: I'm actually going out five years.

CHAIRMAN FRYER: Well, not according to your study. Your study -- you mentioned, I think, 2028 in one place in your study, but all the rest of your study talks about 2040.

MR. HENDRY: I don't believe that's correct, sir.

CHAIRMAN FRYER: Okay. All right.

Next question: When you look at current supply of commercial, are you considering areas

that are, at present, properly zoned for commercial but have not yet been improved?

MR. HENDRY: Yes. We took a look at what's existing right now. Right now, within this radius that we have on the screen, you've got about 95,000 square feet of commercial use. In the report, it shows 89,000 square feet that's currently in existence but with the time that this was presented and now, obviously, some things have been added to that. We did take into consideration the new projects that could come online.

There's very few -- if you look at the star, there's very few until you get to the extreme east or west radius of these -- of this market area. Most of it's going to happen around the Randall Boulevard -- Randall Curve there, as you-all are aware, and most is going to occur at that 951/Immokalee Road interchange, but you still have this wide gap. You still have this area of about 5.2 miles that you're not going to see anything. There's just -- there's nothing proposed other than -- I shouldn't say nothing proposed. Let me correct myself. There are a couple of church applications that are proposed. But it's not until you get to those extreme east or west borders of the three-mile radius that you start seeing proposed construction.

CHAIRMAN FRYER: Did you give equal consideration to the property that is properly zoned at present, commercially zoned but not yet developed? Did you give that equal consideration with property that is already developed commercial?

MR. HENDRY: We considered both, yes.

CHAIRMAN FRYER: Equally?

MR. HENDRY: Yes, we did consider both what's existing and what's proposed.

CHAIRMAN FRYER: You consider them equally?

MR. HENDRY: What's properly zoned, yes, sir.

CHAIRMAN FRYER: All right. So how many square feet is there now of commercially developed within the -- within the three-mile radius? How many square feet?

MR. HENDRY: Right now you have 95,147 square feet, and that's what you see on the screen here highlighted in blue.

CHAIRMAN FRYER: And then what is the number for properly zoned but commercially un -- properly zoned commercial but yet undeveloped?

MR. HENDRY: Properly zoned but undeveloped within that three miles --

CHAIRMAN FRYER: Yes.

MR. HENDRY: -- 689,000, and that's within three projects: Orangetree, Randall Boulevard Commercial Subdistrict, and Randall Boulevard Center all to the east.

CHAIRMAN FRYER: Are these -- what's -- you describe it as if these projects are coming online at some point; is that correct?

MR. HENDRY: They are -- they are -- this is square footage that is within entitled projects, not necessarily that it's going to happen but could potentially happen.

CHAIRMAN FRYER: Within -- within the three miles, how much of that property is zoned commercial but is not subject to any plan at this time that you know of?

MR. HENDRY: I don't have the answer to that. I'm not sure of that. I don't think there is much in that area until you get to the east or west borders of it.

CHAIRMAN FRYER: Okay. So, I mean, then you really don't know what the potential competition is with respect to properly zoned commercial property that is not in the pipeline.

MR. HENDRY: Well, we did consider what has been entitled. We don't know what's -- what could possibly go in the other areas that aren't currently zoned.

CHAIRMAN FRYER: I believe it's the policy of our planning and zoning people to consider equally land that's available for commercial development even though it's not -- even though a project is not yet online; that that is to be given equal dignity to projects that are already developed and undeveloped but in the pipeline.

MR. HENDRY: Right.

CHAIRMAN FRYER: Did you follow that guideline?

MR. HENDRY: From our research, we are not aware that there are any other commercially zoned properties that I haven't discussed here along Immokalee Road.

CHAIRMAN FRYER: So you haven't -- you haven't looked at the zoning atlas, then, to determine what is --

MR. HENDRY: We have, yes.

CHAIRMAN FRYER: Okay. Well -- but you don't -- you don't have that number in your head?

MR. HENDRY: I don't have that with me, but the 689,000 is what we have estimated based on the zoning that's in place for that stretch.

CHAIRMAN FRYER: Okay. But I'm just saying, do you agree with me when I characterize the policy of the county to even consider, on the supply side, not only developed and undeveloped but planned -- but undeveloped and properly zoned and not planned yet?

MR. HENDRY: I fully agree with you.

CHAIRMAN FRYER: All right. And did you give all three of those categories equal weight?

MR. HENDRY: Yes, sir.

CHAIRMAN FRYER: Okay. All right.

Commissioner Shea.

COMMISSIONER SHEA: I guess I'm concerned because you're using a three-mile circle. If you take yours out and you put a three-mile circle at Collier and Immokalee and you put a three-mile circle on the right, you don't need any commercial in that area, because the two circles are just about touching.

So you're -- you know, there's a tremendous amount of commercial development at Immokalee and Collier and a lot more, and it looks like on the right there, as you called it the Randolph [sic] corner, there's a lot more. So I guess I wonder whether -- if you look at it just beyond the three-mile area, it doesn't seem like you really need that much commercial in this area.

I mean, if I lived in Twin Eagles, I would go one way or the other. I probably wouldn't -- you know, in the first half of the circle, everybody's going to go back to Immokalee, and the second half they'll probably go to the Randolph [sic] area.

MR. HENDRY: Right. I don't disagree with you. If the circle is moved and that -- the center of that circle is at 951 and Immokalee Road, sure, you've got -- you know, you're at the heart of heavy activity.

But the center of our circle here, we have a severe lack of anything that's convenient. And we're talking about neighborhood, again. We're not talking about -- we're talking about neighborhood commercial. We're not talking about community commercial or regional commercial. We're talking about convenience-type factors where, you know, you don't want to drive three, four, five miles to get a service.

But we're really lacking in this. You know, if you're at Twin Eagles, you still have to drive two-and-a-half miles to the east or three -- over three miles to the west. And, you know, we're still -- we're still lacking. There's a huge gap right there.

COMMISSIONER SHEA: But it's still the same question I have is the one that Commissioner Fryer has is which -- I mean, there's a certain amount of land that's already committed even though it's not developed. Somebody is relying on the fact that it's zoned commercial, and that's the question I would have is, are we adding too much commercial to the area? Maybe not existing commercial, but in the planned commercial, we could be adding too much.

MR. HENDRY: Right. All that you're adding, all of the square footage that you are adding is on the eastern -- is on that Randall Curve around the Publix, around Randall Boulevard

there, as well as to the west around 951. You're not adding any new commercial within, you know, three miles west of the subject or two miles east of the subject.

So you've got -- yes, I agree with you, there is a lot of square footage going on, you know, within this five-mile area, but you have nothing in between. You're really lacking in between. And that goes back to the traffic issue. You know, if we're not providing commercial services to go with the 3,000 additional homes that are going up within this three-mile radius, you know, that's -- you know, we've got more cars going this way, more cars going that way, and it's not what we want.

COMMISSIONER SHEA: I have more of an education question for anybody. Where do we -- what's three miles? Is that a standard of the industry? Why do we pick three-mile -- three-mile radius versus a four- or a five- or a one-?

CHAIRMAN FRYER: I think we're going to hear from staff that that is typically what they look at, three miles.

COMMISSIONER SHEA: Okay.

MR. HENDRY: That's a typical trade area for neighborhood type centers. If you look at ULI, Urban Lands Institute, a lot of their studies will show that for the convenience strip-type centers, you want to be within about a mile. For the more neighborhood -- and we're going to fall in neighborhood down for this proposed project. For the more neighborhood centers, you're a three-mile radius. It's once you get into the larger community centers, power centers, that's when you get into the three, six, 10 miles away.

CHAIRMAN FRYER: One of the points of confusion was -- is that your commercial needs analysis had lots of material in there on the five-mile radius.

MR. HENDRY: I would agree.

CHAIRMAN FRYER: Yeah, okay.

MR. HENDRY: And it's a factor of where we were when this was first published to where we are now.

CHAIRMAN FRYER: Okay. That's fair enough.

Anything else, Commissioner Shea?

COMMISSIONER SHEA: No. Thank you.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: So to summarize, staff has changed from not to approve to approve partly, I think, because of a clarification of the type of commercial that's going into this property. So you've pointed out on your slide 95,000 square feet existing, another 689,000. So that's over seven times more than is existing is already approved to be developed commercial within the three-mile radius, but your -- your statement is that most of that is on the Randall Curve and so it is -- even with that coming, there is still the need for neighborhood commercial in this location for the homes that are in the immediate vicinity?

MR. HENDRY: That is correct.

COMMISSIONER FRY: Okay. And I look forward to hearing from staff in terms of how they arrived at the decision that it's now acceptable with this level of commercial. Thank you.

CHAIRMAN FRYER: We will.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Just a question. You mentioned the corner of Collier Boulevard and Immokalee. And my recollection, that proposal that came in was going to be significant from the standpoint of a more upscale-type development to include housing, mixed use, and I would call it larger-type retail. Had you -- I don't know if anything has come in yet, or did you conclude that in part of your study at all, or was it outside -- you're considering it outside the three-mile, but it was in the five-mile. Did you look at any -- anything come in yet that you

looked at approved for that site?

MR. HENDRY: On the Baumgartener [sic] site?

COMMISSIONER SCHMITT: Yeah.

MR. HENDRY: They're actually under construction on several properties there. They've got a self-storage going on, office building under construction. I believe they're going for more of the -- you know, there's going to be a ton of restaurants there.

COMMISSIONER SCHMITT: Yes.

MR. HENDRY: So we did take a look at that. You know, like I said, that's -- although it's just outside of the three-mile, we did take that into consideration.

COMMISSIONER SCHMITT: I just have some questions of staff as well.

CHAIRMAN FRYER: Yeah, I do, too.

COMMISSIONER SCHMITT: Thanks.

CHAIRMAN FRYER: All right, sir. That's all I have for you.

MR. HENDRY: Thank you.

CHAIRMAN FRYER: Thank you. Mr. Davies, is there more from you?

MR. DAVIES: Nothing further on my end, sir.

CHAIRMAN FRYER: Okay. All right. Any questions or comments from Planning Commission?

(No response.)

CHAIRMAN FRYER: All right. Then in that case, we are ready to hear from staff.

MS. JENKINS: Good morning, Commissioners. Anita Jenkins again, your Zoning Director.

I'm going to start off the presentation. Corby's here to answer questions with us. But I'd like to just give you a briefing on the Rural Fringe Mixed-Use District, and it will help you understand how we came to some of our conclusions.

This is a restudy that has been going on, and it is anticipated to come before you in the first quarter of next year. It is another -- it's another Transfer of Development Rights program. And the Rural Fringe Mixed-Use District, I'll just show you. In the map on your left, you can see the orange and blue areas. Let me see if I can use a pointer to help. This is the Rural Fringe Mixed-Use District. So it includes North Belle Meade area in this area. The orange areas are sending areas. The blue areas are receiving areas.

This project is up in this receiving and send area here, and on the map on your right you can see in more detail the location of that.

This entire receiving area has developed at one unit per acre in gated communities. The intent of the Rural Fringe Mixed-Use program was similar to the Rural Lands Stewardship program where villages were anticipated. But you were also allowed to do cluster development at one unit per acre, and that's what's happened in this entire receiving area.

So while the policies were encouraging a mixed use, that was not achieved in this receiving area. So this receiving area did not receive the commercial that we would have hoped to have seen in this area.

And like in the Rural Lands Stewardship Area where you heard about the towns and villages and the different types of commercial, you expect to see neighborhood commercial in those towns and villages as well as some town centers in towns.

So this project right here would achieve two of the objectives of the Rural Fringe Mixed-Use District, and that is housing affordability and the mixed use with neighborhood commercial. This project would not consume TDR credits. And when we went through the public workshops for the Rural Fringe Mixed-Use District, we have a white paper on the Rural Fringe Mixed-Use District, and those amendments are being brought forward to you in March in a draft form for you to review.

But this project and -- conforms with the recommendations in that white paper to increase the density for affordable housing outside of a village, and it also provides for the commercial uses to capture those trips so they don't all have to get out onto Immokalee Road. Twin Eagles are also able to access that as well as the surrounding areas. So in the form of the Rural Fringe Mixed-Use District, this project is furthering those goals of affordable housing and mixed use.

So with the 129 residential uses [sic] for affordable housing and the daycare center and the commercial uses, staff is making a recommendation of approval. And we did go through the process with the applicant to get to this point where we could agree that, yes, this is, in fact, neighborhood uses. Some of those uses are limited by square footage, unlike in the community where you don't have those limitations. But the neighborhood commercial uses you would see a less intensity of those uses.

The staff report has an entire list so you could have an idea of the types of uses that were being proposed at the time. What you see in the ordinance has general commercial uses, and I think you've had that discussion today where you would see those specific uses come back to you in the PUD. But if it's the pleasure of this board and your recommendation to be specific in the Comprehensive Plan amendment to certain C-2 uses, then that would fall into the Comprehensive Plan language as well.

The Comp Plan language also does provide for the requirement for an affordable housing agreement that would come along with the Planned Unit Development on this project.

So staff is recommending approval on this project, and I'm happy to answer any questions. Corby's also here to answer questions about any of the market analysis that was done.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yes. Anita, I don't know if -- you or Corby. I know as it was brought up, this thing evolved from the staff report we first received. I don't know if that was done by accident when you put a wrong report in the last time. But, of course, this one changed it because it was initially a recommend disapproval because of the square footage that was being requested to commercial square footage. I just have one question on the sentence, and let me look for it. Because it, again, was confusing. Sorry. Oh, I can't find it. Stand by. Stand by.

MS. JENKINS: While we're standing by, Trinity Scott is also here to answer your questions about transportation and impacts, mitigation.

COMMISSIONER SCHMITT: On page -- Packet Page 14, which is 8 of the staff report, it said, the original commercial intensity proposed is too high. Shouldn't that read the original commercial intensity proposed was too high? I think it's past tense now, is it not, because it's been changed? And then it says the demand is shared or near by -- nearly duplicated with two other requests. That was all part of the original proposal. I'm just puzzled as to why that is now in this staff report.

MS. JENKINS: So the original staff report was based on an understanding of more intense uses. And so while this project was continued several times, the applicant continued to work with staff to address those uses, because we were concerned about the community-type uses, the larger intensity commercial uses being in this location. And so that was a matter of continuing to work with an applicant to get to some consensus of where we could come to an agreement. So that was, I think, staff's attempt to explain that for you, Mr. Schmitt, to say that through that process they were able to come with a list of uses that we could agree to that met the neighborhood commercial intent.

COMMISSIONER SCHMITT: And I did speak with Noel and Jessica Monday -- Monday. Time flies -- and they did concur with all the changes. In fact, the -- in the language, the strikethrough and underline and the double underline. I verified it, and would you state for the record as well that there's concurrence between staff on the language as proposed.

MS. JENKINS: Yes, sir.

COMMISSIONER SCHMITT: That's all I have.

CHAIRMAN FRYER: Okay. No one else is -- oh, I'm sorry. Go ahead, Vice Chair.

COMMISSIONER HOMIAK: Why are the commercial uses in the Growth Management Plan amendment and not just the PUD?

COMMISSIONER SCHMITT: That's a good question.

MS. JENKINS: Well -- yeah, currently the -- our current Growth Management Plan doesn't allow that, and they're coming forward with a Growth Management Plan, because we haven't brought forward to you yet the Rural Fringe Mixed-Use District. So they're just a little bit out in front of us bringing forward that full package to you.

So currently this property would only allow one unit per acre through cluster development and the use of TDRs if they were 40 acres or more, but they're not. So they'd have to amend the Growth Management Plan to bring forward an affordable housing project along with commercial uses. It's just an inconsistency with the Comp Plan as it stands now.

COMMISSIONER HOMIAK: So that's going to be changed.

MS. JENKINS: Yes. This is a Comprehensive Plan amendment for 24 acres, yeah.

COMMISSIONER SCHMITT: And I do --

COMMISSIONER HOMIAK: No, I mean the commercial, you're putting it in the Comp Plan for this specific -- for this property.

MS. JENKINS: Yes. The list of uses for this property would be included in their subdistrict. So you would have 129 units that would be subject to the affordable housing. You would have 44,400 square feet of commercial uses and then 12,000 square feet of daycare uses, and that's what would be listed in the Comp Plan. And the implementing language of the Planned Unit Development would further limit the specific type of commercial uses that you would expect to see there.

COMMISSIONER HOMIAK: Sounds specific to me already.

CHAIRMAN FRYER: Let me see if I can take a crack at that, Vice Chair. The -- what we have before us -- we frequently talk about uses at the GMP discussion level because it's of concern, and not infrequently there are references in the GMP to conditions that we would expect to see or to be resolved when the PUD comes along if we're considering the GMPA separately.

What I'm proposing is that we -- there are, like, 68 or 69 listed uses here. I'm proposing that we move away from that approach and simply say that when permitted uses come back to us at the PUD level, it's going to be C-2 plus -- plus approved C-3s. So it's not going to be all this verbiage about dance halls and the like.

MS. JENKINS: Well -- and also, if I may, those specific uses are in the staff report. If you look on Packet Page 24 and 25, that's the resolution. So that's the specific language that would be in your Comprehensive Plan in the subdistrict that would list -- if it is specifically C-2 uses and as specified C-3 uses in the PUD, that would be language that we could modify in here. But right now it basically says commercial uses, 129 residential units subject to affordable housing.

CHAIRMAN FRYER: Commissioner Schmitt, may I -- before you go ahead, I'm going to follow up on this, if I may.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Thank you.

The ordinance language now, as I read it, at least, says, up to a maximum of 129 affordable housing units. When I hear TV advertising saying, you can have up to 100 percent off, it means anything less than that, including zero. Zero off is okay. Shouldn't we specify that there's going to be 129 affordable housing units rather than saying up to a maximum?

MS. JENKINS: Well, generally in our Comprehensive Plan we do have a range of density. In the urban area, for instance, it's four units per acre. Most Planned Unit Developments

come in under a maximum density that is provided, but certainly this language could be amended to provide for exactly 129 units if that's something that you are interested in.

CHAIRMAN FRYER: Or even a range. If the developer is planning on something, like, between 100 and 129, just so that they can't come back and say, well, we're not obligated to do a single one of these.

MS. JENKINS: Right. And sometimes at the point of a Comprehensive Plan, you haven't done specific Site Development Plan yet. So the number of units that they could achieve, given any permitting that would come back for them, they may need to reduce a few units. So that flexibility is built in there. So the 129 would be the maximum.

CHAIRMAN FRYER: Yeah. Understood. And as long as it is staff that is requiring the number to be less, that's one thing. But I just don't want the developer to have an opportunity under the plain meaning of this language to say, we're not going to do any of these. So -- okay.

Then before -- before we hear Corby, I want to -- I just want to -- I guess I'll put this in the form of a thank you. When -- in our meeting of two days ago -- and for everyone's information, I meet with staff two days before each meeting unless there's a conflicting Board of County Commissioners meeting, and at that meeting I raised a serious question about a lack of redliner that had been -- no redliner was provided to us between the initial staff report and then the significantly changed staff report. So it took me several hours to go through and create one. And I'm saying thank you to Ms. Jenkins because she's acknowledging that we need to have that and that we're going to get it going forward. So thank you.

COMMISSIONER VERNON: Mr. Chairman, if I could comment.

CHAIRMAN FRYER: Yes, Commissioner Vernon.

COMMISSIONER VERNON: I just want to say that I really like this project a lot, and I do want to disclose I spoke with Noel and Jennifer [sic] the other day as well.

But I -- and as a new member -- I'll use that excuse for a few more months, probably. But as a new member, I share the concerns that, certainly, the Chairman clearly has, but I think others have, and that is, you know, we want it to be vague enough so that we don't deter the developer from developing a good project but, at the same time, I think a lot of us are concerned about the vagueness, and I guess that's where the Chairman's headed with this, and I just don't know the best way to deal with that issue, whether it's the Chairman's proposal or there's some other way. So I just wanted you to know what's in my head.

MR. KLATZKOW: There's what we normally do, and then there are unusual ones, all right. What we normally do is have a Comp Plan that's relatively malleable, and a PUD comes in and just wraps it up.

This one here, I think, is a little different because they're coming in here selling this as an affordable housing development. And so the impact on the area, traffic and everything else, is being mitigated by this affordable housing. I don't know how you'd just not require the affordable housing as part of this. If that's what they're asking for, and if they're going to get it, then you should be assured that what you're getting is affordable housing.

COMMISSIONER VERNON: Well, if I may respond, I 100 percent agree with what Jeff just said; absolutely. One of the things I really like about the project, or I'd say the thing is the affordable housing component. So I totally agree with that. I was going a little further, and I think that's where the Chairman's going. So I just wanted everybody to know what I was thinking.

CHAIRMAN FRYER: Thank you, Commissioner.

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: With apologies to Commissioner Schmitt whom I cut off and then went away from. Please.

COMMISSIONER KLUCIK: And then, Mr. Chairman --

MS. JENKINS: I will point out to you as well that in your draft resolution under the

developer agreements is that the density above one unit per five acres shall be through an affordable housing agreement between the owner and Collier County. So that language for the requirement for affordable housing to achieve that density is in the Comp Plan. So you would expect to see that coming back as the PUD. So that is in there, it's just not the --

MR. KLATZKOW: They could just do this commercial.

MS. JENKINS: -- just not the specific number of units.

MR. KLATZKOW: Just do this as commercial.

MS. JENKINS: Yeah.

MR. KLATZKOW: So I understand what you're saying, Anita, but if -- if what you like about this is affordable housing, okay, then that's what you require.

COMMISSIONER FRY: Do you have suggested language, Jeff?

MR. KLATZKOW: I do not. I think that would be between the applicant and staff to come up with that. I don't think it's fair to ask this board to review language on the fly. We can always either table this and we can continue it, or you can give direction to staff, and then it can come back to you, like, on a summary agenda so you can read the language to make sure you're comfortable with it. If you're comfortable with it, it would just pass. If you're not comfortable with it, you could pull it and then discuss it.

CHAIRMAN FRYER: And that would be --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir. Commissioner -- is that Commissioner Klucik?

COMMISSIONER KLUCIK: Yes.

CHAIRMAN FRYER: Please go ahead.

COMMISSIONER KLUCIK: Well, no.

(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: You -- the attorney -- you go ahead and have your colloquy with the attorney, but I also want to talk. Just --

CHAIRMAN FRYER: Okay. Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. I would like to hear from Cormac Giblin. If he could give us at least his -- the affordable housing staff review of this and let us know where we are with the affordable housing density bonus agreement. Is it currently in work? And it would come to -- it typically does not come to this panel but is an accompanying item of the PUD that goes to the Board of County Commissioners.

So, Cormac, if you could just give us your staff review of the -- of the proposal.

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

This originally did come to the staff as a joint Growth Management Plan and PUD amendment together. So I have had the luxury of seeing their draft affordable housing agreement already and, in fact, we've tweaked it, and we've worked on it over the months that this has been an ongoing petition.

It models exactly what a traditional affordable housing density bonus agreement looks like. It has the same sections, same requirements, same income set-aside areas. So I'm comfortable with, when we get to that stage, that we have that going forward, and that's pretty much already teed up.

COMMISSIONER SCHMITT: And the market they're focusing on is what you believe is the -- what is needed to be focused on for this area?

MR. GIBLIN: What they're proposing -- and, again, it's not part of this petition, but --

COMMISSIONER SCHMITT: Yes.

MR. GIBLIN: -- as part of what -- the draft agreements that they've -- that we've been working on, they're proposing about 50 percent moderate income and 50 percent gap income.

The -- all for-sale product. And to get to your question of need, we do a housing needs analysis every year. It was part of our housing plan. We've got an approved method that we go through, and we determine how many units at what income levels are needed. The short story is, we have affordable housing needs in this country ranging from the extremely low up to gap income. Any project that comes in and helps to chip away at those -- at those projected needs, I think, is something that my department would be supportive of.

COMMISSIONER SCHMITT: Good. Thank you, Cormac.

CHAIRMAN FRYER: Commissioner, may I --

COMMISSIONER SCHMITT: I don't know if anybody else have any questions of Cormac. I do have one follow-up, though. I do support the Chairman's recommendation, and I think that would come back as part of the adoption or part of the PUD?

CHAIRMAN FRYER: Well, we could --

COMMISSIONER SCHMITT: Is that what you're recommending? Because I -- as long as the applicant and -- Noel, and you're working with your client, if it's a C-2 with then a list of acceptable C-3s, I'm fine with that.

CHAIRMAN FRYER: We can do a number of different ways, and it's really whatever is the pleasure of the Board. We could also bring it back for consent just to take a look at the language that was crafted because, you know, we do have a consent agenda for things to come back.

COMMISSIONER KLUCIK: Mr. Chairman?

COMMISSIONER SCHMITT: And then I think -- we can do that looking at the language. I agree with Jeff; I would like to see specificity in the language.

It will be specified because that's what's probably going to go to the Board. But I agree, if it's a GMP, and that's what they're proposing and that's what the density is identified, it's tied to the affordable housing agreement which allows the Board the authority to grant the increase in density, and it should be some kind of language in the GMP.

CHAIRMAN FRYER: Mr. Giblin. And I'm going to jump in, if I may.

For your information, I had a conversation with the applicant's representatives yesterday and expressed significant concern about scope or lack of scope of the affordable housing agreement. And I'm willing to be persuaded, and you're just the person to do that, but I need to hear some more.

So my first question is -- well, I'll preface it with a comment. Typically, I mean, you've got five categories of affordable ranging from gap, which is the top. What's that, 140 percent?

MR. GIBLIN: Exactly.

CHAIRMAN FRYER: Yeah. And then down to extremely low. And gap and moderate are the two highest categories. Is -- have we had a proposal before -- have you had a proposal before where we were only targeting those two highest categories, or is this the first?

MR. GIBLIN: I think as Mr. Davies said earlier, this is the first private development to come forward with no government subsidies proposed, no land trust, no Housing Trust Fund, no grants to voluntarily commit to 100 percent of their overall units. We do have other density bonus agreements that have units that are set aside for moderate and gap units, but those are not encompassing of the entire development.

CHAIRMAN FRYER: I see, okay. Yeah, I get that.

But as far as an affordable housing project is concerned, this is the first -- it's private, but this is the first one that is -- that is being provided for the top two, the people of -- the people who are most affluent of those in financial need, correct?

MR. GIBLIN: Correct.

CHAIRMAN FRYER: Okay. I did a little research about what -- you know, what entry-level essential services people are able to do, looking at teachers, police officers, sheriff's

deputies, firefighters, paramedics, EMTs, et cetera. And the entry level -- this is a very rough estimate -- you know, plus or minus, say, \$42,000 a year.

Now, those folks -- and frequently they're young and frequently they have small children, but those folks, they couldn't afford this, could they?

MR. GIBLIN: The -- when we get to the -- let's frame the situation, though. We're talking about something that may come later in the form of a developer agreement. Right now what we have in front of you in the Growth Management Plan doesn't get into the percentages or the price points.

When we get to that point, the agreement would govern the incomes of the buyers, not necessarily the sales price. Now, sales price is governed indirectly through the income of the buyer, but the county would not put a number out saying everything there must sell less than 250,000 because --

CHAIRMAN FRYER: That's not what I was suggesting.

MR. GIBLIN: Okay.

CHAIRMAN FRYER: What I was suggesting is just -- you've told me this is unprecedented, and I've heard a number of people who are -- you know, who are saying positive things about this, and I'm trying to get my head around it. Particularly, if we can get to the C-2 plus designated C-3 thing so that I could vote in favor of this. But let's not -- let's not pretend that this proposal is going to do anything for a fairly large segment of essential service personnel, namely those who make around \$42,000 a year, because they -- they're not in the moderate or the gap category.

MR. GIBLIN: Okay. I understand your question now.

CHAIRMAN FRYER: Yeah. And that doesn't mean it's necessarily bad. And I think I hear people saying that the need is across the board. But I want to ask you this question if -- the need may be across the board, but is the need greater for any of those particular categories of income and, if so, which ones?

MR. GIBLIN: Particularly, as you go lower to income, the need is greater.

CHAIRMAN FRYER: That's what I thought.

MR. GIBLIN: This project will be owner occupied. It's very difficult to produce an owner-occupied product anywhere in Collier County where someone with a household income of \$42,000 would be able to afford.

You're looking at a purchase price of around \$150,000. That's going to be very, very difficult without the additional subsidies and grant programs and other incentives that the county could bring to the table.

For our planning purposes and modeling purposes on affordable housing, we use the county's average household size of about 2.7. We round it up to three, a three-person household. And so for a three-person household at the moderate income level, that would be a combined household income of about \$85,000. Now, you multiply that by about the rule of thumb of three, and you're in the 240-, 250- range. That's what a moderate-income household of three household members -- that would be two people. It would be the teacher married to the fireman coming together and being able to afford a product in this range.

CHAIRMAN FRYER: The firefighter was the female. I just want to clarify that. We all make some assumptions.

This is -- this is currently Estates zoning, right, one unit per five acres?

MR. GIBLIN: Right.

CHAIRMAN FRYER: And what is being asked for is 5.29 dwelling units per acre. So that's an increase, according to my math, of 26 times. They're asking for 26 times the density that they would have under present zoning in exchange for targeting a rather limited segment of those in financial need and a segment which is not representative of the majority of those in financial

need and a segment that probably represents more senior or older people, perhaps, who don't have young children, perhaps their children are grown. They've reached a point as a teacher or as a firefighter where they can afford this with a little help.

But I just want to be sure that we all understand what this is and what this isn't. It may still be good, but I want to be clear that it is -- that it is unusual, and when I first looked at it, it didn't look to me like affordable housing.

MR. GIBLIN: Let me -- a little bit more perspective to that point. If this project were to come in in the urban area where the traditional affordable housing density bonus rating system comes into play, they would be entitled for up to a density bonus of 12 units to the acre over base. This project, as proposed, is proposing about five units to the acre over base.

So I think putting that in context that this is not in the urban area and we didn't -- you wouldn't be expected to see those density bonus numbers on the same par, it's a little less than half of the density -- of the corresponding density bonus that this project would qualify for if it were three-and-a-half miles to the west.

So I think putting that in context of because of the location, the density bonus has been, you know, correspondingly cut down to mitigate for that.

And then just one other point. Again, not every affordable housing development is going to be specific to every -- or going to fill the needs of the entire spectrum. In fact, on your agenda later today we have one that's dramatically targeted towards those at the extremely low and very low income. The county has -- through our efforts, we're doing apartment complexes on the Golden Gate Golf Course and other areas of land that each will have their own specific niche to try to, again, as a whole, meet all the housing demands of the county.

CHAIRMAN FRYER: And that's a fair comment. I see what you're saying.

COMMISSIONER VERNON: Mr. Chairman, if I could -- I didn't want to cut you off.

CHAIRMAN FRYER: Yes. Please, Commissioner Vernon.

COMMISSIONER VERNON: I just -- again, I'm repeating myself, but I really like this project a lot, and I like the fact that the private sector, private funding is coming in and trying to address the affordable housing issue, which has been a huge issue that never gets dealt with, in my opinion, here in this town. And I think that we need to -- in my opinion, we need to defer to the analysis that the staff just did in terms of most of these are two-income households. You're not talking about a single-income household, and the rule of three. And to me this fits beautifully within that.

And so I think it's a step in the right direction, and I think the county's had a hard time making that step, because you look at their calculations, the average house is \$600,000, and that's not going to -- you know, we've got to do something, and I think this is a great move in that direction.

CHAIRMAN FRYER: I think you make a fair comment, and I'm listening. I want to say one more thing, and then I'm going to ask Commissioner Fry to ask a question, and then we're going to take a break.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes.

COMMISSIONER KLUCIK: Commissioner Fry's been lit up for a while. May I go first with him? Commissioner Fry.

Commissioner Fry.

COMMISSIONER FRY: Cormac, with these two initiatives today, it's a leap forward, I think, in and a lot of our understanding of the affordable housing program and all the statistics that go with it. So I just wanted to have you clarify a little bit about the gap portion of the spectrum.

So that's 100 -- up to 140 percent of the median. You mentioned 85-. I saw a chart in here that said 82- elsewhere in our packet, but -- which is it? Is the median for that three-person

household, is it 82 or is it 85?

MR. GIBLIN: I may have just been rounding. But I have the chart here. For the gap income a -- is that what you were asking, a three-person income limit for gap housing?

COMMISSIONER FRY: Yeah.

MR. GIBLIN: It's \$103,740 a year combined.

COMMISSIONER FRY: So the median would be?

MR. GIBLIN: The median for a three-person is 88,920.

COMMISSIONER FRY: But 140 percent of 88,000 is way more than 103-. That's over 120,000. I was just -- so that's -- that's where I'm trying to understand the word "gap." If -- 88,000 times 140 percent, that's 123,200.

MR. GIBLIN: But these are based on -- there are some other factors that come into the income limits. It's based on HUD calculations specific to each county. The metropolitan statistical analysis area. So there are slight tweaks that come in here and also another function of the median of the income limits is that while the median income may fluctuate up some years, and it usually does, the income limits are capped at how much they can come down.

So, essentially, once you qualify, if the next year there was a bad year in the economy and the income then went down, HUD doesn't want to throw people on the street just because everyone else was laid off.

COMMISSIONER FRY: But you're saying that 103,000 is really the cutoff.

MR. GIBLIN: It is.

COMMISSIONER FRY: The upper income level that applies to this program?

MR. GIBLIN: Correct.

COMMISSIONER FRY: So --

MR. GIBLIN: I'm sorry. It's based on family size.

COMMISSIONER FRY: Based on family size.

MR. GIBLIN: So if a three-person household came in, their income limit would be 103,740.

COMMISSIONER FRY: What would a four-person --

MR. GIBLIN: A four-person, 115,220. So it's based on family size.

COMMISSIONER FRY: Six figure income. So you have either two people adding up to that or you have one person making six figures. I guess my question really is, where do you -- is that considered -- that's not considered impoverished but yet that is somehow an income level where some assistance is needed on the affordable housing side. So just explain to me how a six-figure income is considered in need of affordable housing.

MR. GIBLIN: Sure. The gap income section strategy was implemented by the Board of County Commissioners about 10 years ago or so in recognition of the fact that Collier County has a huge housing affordability problem even for people who are not traditionally low income or moderate income.

So at the time there was nothing in the country, really, that focused on anything above that traditional moderate income or 120 percent of median. So what we did about 10, 15 years ago was we invented this gap income, and it's called gap because they fell between the income that traditional government programs and grants could assist them with but not -- still not enough to buy product on the open market in Collier County.

And that's why -- that's where that kind of gap section came from.

COMMISSIONER FRY: So basically a testament to how expensive real estate is here in this area?

MR. GIBLIN: It is. And since then the State has adopted -- the State of Florida has adopted categories going up to that 140 percent level as well, because they recognized it statewide after we did here.

COMMISSIONER FRY: So in your opinion, as the affordable housing expert at the county, is that -- even though this is only addressing moderate and gap income levels of that affordable housing spectrum, there is still a significant need, and this is -- this is a very beneficial outcome for the county?

MR. GIBLIN: It is, and equally as beneficial to this project are not only the initial sales price and the initial income qualification but that long-term, that you can't flip it for 30 years. It needs to stay in that category. So that's equally beneficial as well.

CHAIRMAN FRYER: Mr. Giblin, I'm going to ask us all to pause here for a moment. Commissioner Klucik on the phone has got a question or a comment. Commissioner Schmitt is lit up. And, Mr. Fryer, were you finished or --

COMMISSIONER FRY: Finished.

CHAIRMAN FRYER: Okay. And I've got one small comment. So we'll ask you, Mr. Giblin, to come back up after we take our 15-minute break, which will take us to 10:50, please. We're in recess.

(A brief recess was had from 10:35 a.m. to 10:50 a.m.)

CHAIRMAN FRYER: Ladies and gentlemen, let's return in session, please.

And first I need to clarify something so that we don't get cards and letters from the people who actually do live in the Estates.

Ladies and gentlemen, please. Can we have order in the room, please.

The property in question is zoned ag, not Estates, but the density's exactly the same, but I mischaracterized it when I said it was the Estates. So we don't want to get cards and letters coming in from the people who really do live in the Estates.

Then, Commissioner Fry, I believe you were finished.

COMMISSIONER FRY: Yes, sir.

CHAIRMAN FRYER: All right. Commissioner Klucik, are you there, sir?

COMMISSIONER KLUCIK: Yes, I am. Thank you very much.

And I guess it seems as though we're having a discussion about low-income housing versus affordable housing. You know, obviously, that's, you know -- and we want to -- I think the issue is, do we want, you know, as a commission, Planning Commission, do we want to afford, I guess, a benefit that -- in tweaking or, I guess, granting an exemption to density because we think, you know, there's something special about this project where we -- we ought to approve it, and the issue is whether it is important enough to approve it.

I guess I'm asking my fellow commissioners, I mean, is that really what we're -- you know, if we're going to approve something in this request, the issue then is, is -- are we getting a benefit from the community -- is the county getting a benefit from this? Is that really what we're talking about from the questions that I hear?

CHAIRMAN FRYER: From my perspective, Commissioner, that's exactly right. Is the benefit sufficient? And I think Mr. Giblin said that he believes it is. And I think Commissioner Vernon believes it is. I'm sitting on the fence at this point, but I'm willing to listen, and I'm trying to listen. But I think you've characterized it correct.

COMMISSIONER KLUCIK: And I guess I would ask, then, the follow-up question. What could the owner do with this property as it is and, you know, if we don't grant this, you know, this application, what would they be doing with it? What would they be able to do with it? Because it seems as though we're -- you know, we can encourage something that, you know, alleviates an issue for people, you know, in the county, which we've already talked about. You know, even if it's two families making a -- you know, two -- husband and wife making \$100,000, you know, it's still hard to afford a home in this county, you know, unless you drive a long way out from Naples proper.

CHAIRMAN FRYER: Yeah.

COMMISSIONER KLUCIK: And so I guess that would be the question is what can they do right now -- if we didn't grant this, would they be able to build any housing at all, or what would they be able to do with this?

CHAIRMAN FRYER: I'm going to ask Ms. Jenkins to address that if --

COMMISSIONER SCHMITT: One unit per five acres.

CHAIRMAN FRYER: Yeah. I mean, right now it's agricultural. One unit per five acres, but the trend has been with respect to agriculture that it is -- it is designated for more dense development as a planning matter. It's just a question of what that would be.

COMMISSIONER KLUCIK: Right. So we would be granting some sort of change anyways, most likely. Obviously, I mean, we're recommending -- we're making a recommendation based on what we think the needs of the county are, you know, and the common good of the county. So I guess we're -- we would probably be inclined to recommend approval on some sort of change. In this case, they're asking for an increased density so they can still make a profit on it even though they're offering homes that are more affordable. I think that seems -- that's what we're looking at.

And I think it's a good proposition. I think it's legitimate as well. The concern that -- you know, you mentioned the advertising "up to 100 percent off," you know. And I agree, you know. And I don't know what's traditional or customary, but I hate it when there's so much wiggle room that the exception becomes the norm, and I would agree that it seems like we should do something to lock that down.

CHAIRMAN FRYER: Thank you, sir.

Let's see, Commissioner Schmitt.

COMMISSIONER SCHMITT: Well, I would just like to comment when you close the public hearing, because I just want to make general comments and move forward with how we're going to vote. So I'll hold until we close the public hearing and open for discussion.

CHAIRMAN FRYER: Fair enough. No one -- oh, Commissioner Fry.

COMMISSIONER FRY: One question for staff; it doesn't matter who. You've got affordable housing, which -- I've been on this board just shy of two years ago, and affordable housing has been, in a lot of cases, a driveby that's been added in the 11th hour during our proceedings here on a limited basis, and now we finally have a formal affordable housing project. So, personally, I welcome this as the first privately funded affordable housing project. So that all seems to be good. So with that, I concur with Commissioner Vernon on a high level.

The other -- the other attributes of this are the 44,000 square feet of commercial, and we haven't talked much about the daycare. My question for staff is, are those concessions to the developer in return for bringing something the county really needs in the form of affordable housing, or is there -- in your opinion, is there a great benefit to the county from both the commercial and the daycare?

MS. JENKINS: I think we find benefit in both the commercial and the housing because, again, it gives you an opportunity to reduce trips on Immokalee Road. So those that live in the community and nearby the community are not traveling multiple miles for any type of goods and services.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Thank you. Let's see. Anything else for Mr. Giblin?

(No response.)

CHAIRMAN FRYER: I guess not. Thank you, sir.

Ms. Jenkins, when everything's cleaned up over there, I'll be asking you if staff has more to present.

MS. JENKINS: We have no more to present, Commissioner, but we're happy to answer questions.

CHAIRMAN FRYER: Okay. I'm going to put something out for consideration here, because I think Commissioner Fry has been relying upon my intention to go through my redliner. And at this point I think that that's not justified -- a justifiable use of our limited time.

Most of my concerns have been addressed.

COMMISSIONER FRY: Mine, too.

CHAIRMAN FRYER: And so -- well, that's what I wanted to hear. Okay. So I'm not going to ask for explanations of why the language in the staff report had changed. And we're going to get redliners from now on, so everybody will be able to easily determine what those changes are.

And let's see. All right. Does anyone have any further questions for staff? Comments? (No response.)

CHAIRMAN FRYER: All right. We have members of the public who want to speak on this or not? Any registered speakers?

MR. FRANTZ: No registered speakers for this item.

CHAIRMAN FRYER: Okay. Is there anyone in the room who hasn't registered but wishes to be heard on this matter? If not, without objection, we'll close the public-comment portion of this hearing and turn to Commissioner Schmitt.

COMMISSIONER SCHMITT: From a general perspective -- and I was your representative probably for almost two years on the Affordable Housing Committee.

I strongly support this project, and it -- the reason I support it is -- Commissioner Vernon spoke as well -- this is a privately funded, privately initiated project. It is -- and the only way you can get affordable housing in the market here in Collier County is through density. Other ways are -- the only other way is really through some kind of subsidy; government subsidy program, a rent subsidy or other type of program. This is strictly an affordable housing project initiated by the developer, and to make it affordable you have to have density. And density, yes, in terms of, quote, awarding, it is awarding density, but it is a way to help buy down the cost of the construction.

As Cormac pointed out, in the urban area this would be significantly more dense at the same type of project because of the density bonus agreements that you could come up with. So based on that, I would make a recommendation to propose to -- and propose that we send this GMP amendment on transmittal with a recommendation of approval as proposed with the provision that the language be added to specifically identify the requirement for affordable housing.

And I leave it up to the County Attorney and the petitioner to codify or formulate that language and come back on the consent agenda so we can at least review that language.

So with that, I make a recommendation of approval.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: I'll second it.

CHAIRMAN FRYER: Okay. I have some questions. I want to ask for clarification, if I may.

If we require affordable housing, that would still perhaps only get us one affordable housing unit, which I don't think is our intention. And I believe that we should require a certain number of affordable housing units and would like to know what --

COMMISSIONER SCHMITT: But the -- yes, but the affordable housing agreement that would come back with the PUD has to clearly identify that. The calculations and all of the requirements for the density and affordable housing that goes before the Board would do that. But do we want to put a number in? I'm fine with that, putting a number in.

CHAIRMAN FRYER: I was going to suggest --

COMMISSIONER SCHMITT: Like, you know, 130 or less or whatever you want to go with. Go ahead.

CHAIRMAN FRYER: I think 129 is the maximum. I was going to suggest 120 because that seems to give the flexibility that would be needed when we get to the point of specificity with the PUD that they might not be able to go with.

COMMISSIONER SCHMITT: I would concur. I would agree.

CHAIRMAN FRYER: And I know we've closed the public comment portion, but I'm going to ask Mr. Davies if he would object to the number 120 being put in as a minimum.

MR. DAVIES: Thank you, Mr. Chairman.

No objection to -- first of all, you know, there's been a lot of discussion, and I think it's just a language snafu. I mean, the intent here was never to have some sort of out to not doing affordable housing. More than happy to work with your County Attorney on language that makes certain that that's the case.

With respect to the units, I did want to take the opportunity, Mr. Chairman, just to sort of clarify some early discussion, if I may. I think some of the potential confusion lies in the difference between the GMPA transmittal process and the PUD, which I recognize are certainly related. And here, there is an affordable housing agreement. Well, there's language in the GMPA that provides that this project is subject to that agreement, but technically that agreement goes before you at the PUD level.

I would like to read a couple provisions from that agreement, because I think that clarifies. There's a construction schedule in here as well as multiple references as to the requirement to do affordable housing. If it's the will of the Commission --

CHAIRMAN FRYER: Well --

MR. DAVIES: Yes. Go ahead, sir.

CHAIRMAN FRYER: Before you do that, I'm going to ask the County Attorney if -- would that -- is that the kind of a solution you were looking for?

MR. KLATZKOW: I don't know that I'm the one looking for a solution. I'm just making suggestions what the Planning Commission wants.

CHAIRMAN FRYER: I personally would like to have -- and I was not suggesting that you were trying to pull one over on us, but, you know, things happen down the road, and new people come in, and they look at that and they see that there's only a maximum. There's no minimum.

So I would like to -- I realize there's reference to the affordable housing agreement in here but, personally, I would like to see a minimum number, and I put the number of 120 out there and would like to know if your client would agree to that.

MS. ASHTON-CICKO: Mr. Chair, if I may, I do have a couple suggestions before he provides an answer.

CHAIRMAN FRYER: Please.

MS. ASHTON-CICKO: My recommendation is I wouldn't do too much with the language other than to add a couple things that they've previously stated. One is that they're going to be owner-occupied units, and the second is that all of the units will be affordable housing.

CHAIRMAN FRYER: I think they've already said that, haven't they?

MS. ASHTON-CICKO: I know, but you can add that to your language. So that addresses the unit number. So all of the units they construct will be affordable, which is what they've previously stated.

CHAIRMAN FRYER: But they could do all commercial?

MS. ASHTON-CICKO: Well, you could do a requirement that they have to build a certain number of residential for the commercial.

CHAIRMAN FRYER: That's what I'm wanting.

MS. ASHTON-CICKO: Okay. We can certainly put something like that in.

CHAIRMAN FRYER: Well, does the Planning Commission feel that we should ask the

County Attorney and the applicant to work out the exact number?

MR. KLATZKOW: Well, would you approve this project if it was just the commercial?

CHAIRMAN FRYER: Boy.

MR. KLATZKOW: If the answer is no, then you want to require them to put this X number of affordable housing units to get the commercial because that's the carrot.

COMMISSIONER FRY: Yes.

CHAIRMAN FRYER: Yes, I think so.

MR. KLATZKOW: So then my question to you is, what's the minimum number of affordable housing units you want to see before they get to build the commercial?

CHAIRMAN FRYER: Well stated.

I'm recommending 120.

COMMISSIONER SHEA: I agree.

MR. KLATZKOW: Is the applicant okay with that?

MR. DAVIES: So there is -- and this is just a -- really a market flexibility comment. There is, as I mentioned, a minimum project requirement in the affordable housing agreement, and it reads, a minimum of 25 percent of the residential units and a minimum of 4,900 square feet of commercial area must be constructed. No building permits shall be issued on the remaining 75 percent of the residential units until the minimum commercial square footage has been issued a certificate of occupancy.

MR. KLATZKOW: No, that's not what we're saying, because the one thing I've witnessed here is the current owner gets approval, then flips it, and somebody new comes along, and the project is very different than what was sold to the Planning Commission and the Board of County Commissioners.

What I think the Planning Commission is saying to you is that we're giving this to you because of the affordable housing. But for the affordable housing, I'm not entirely sure that they would be approving the commercial portion of it.

So the question to you is, is the applicant okay with no commercial until the affordable housing units are met?

MR. DAVIES: Yeah, I don't -- I cannot give an answer today on the 120 number. As to requiring affordable housing and as to having affordable housing alongside commercial, I can commit to that today. I'd have to confer with my client and -- I mean, I could provide for language that requires that with a specific number at PUD.

MR. KLATZKOW: Well -- and in fairness, I'm not trying to put you on the spot here, because we can have those discussions off-line and then, should we come into a concurrence as to the language, then bring it back to the Planning Commission on the consent, then if they have any questions, they can pull it for a full discussion.

COMMISSIONER VERNON: Mr. Chairman, could I comment?

CHAIRMAN FRYER: Yes, please, Commissioner Vernon.

COMMISSIONER VERNON: I agree with Commissioner Schmitt's recommendation. I agree with the intent of your modification. I agree with Jeff's warning. I just am envisioning us accidentally saying 120 units, now they've got nine mansions there because they only have to do 120, and they can build nine multimillion-dollar homes, or I can envision a situation in which the project doesn't do well because they've got to get 120 houses built before people living there can then use the nail salons or whatever they want.

So I just -- I agree with the concept and the warning. I just -- I guess my thought process is, I think the staff knows what we want. I think the developer knows what we want. And let them come up with something that doesn't -- that carries out the intent of what we want and doesn't accidentally make the project harder.

CHAIRMAN FRYER: Well, I understand your point of view. My personal point of

view is is that I'm going to want to see language in here that establishes both a maximum and a minimum. And I threw out 120 because it seemed plausible in relation to what the potential reasons could be for that number being varied. And I don't -- I'm not in a position today to vote in favor of this unless we can get a minimum number, or bring it back on consent, and we will discuss that minimum. We can do that as well. But I can't -- I can't approve it when it just says "up to a maximum of."

So I don't know where others stand on that.

COMMISSIONER VERNON: I'm supporting what Joe said and what your intent is. I'm just saying -- I don't know how to procedurally do it, but I'm supportive of what you're saying. I'm just saying that if they go behind the scenes and go, well -- you know, the staff goes, well, this could give them an opening which we didn't intend, I just want to give them the flexibility to modify how we get to where you want to go.

CHAIRMAN FRYER: And I don't object to that. That makes sense to me.

MR. DAVIES: Mr. Chairman, I may be able to make this a little easier, because I did have opportunity to confer with the client. Minimum 120, maximum 129. Does that help?

CHAIRMAN FRYER: Yes, sir. It helps me. Does it help others?

COMMISSIONER SCHMITT: Yes.

COMMISSIONER FRY: It does. And can we clarify, I believe, the only housing -- the only residential units you can build on this property are affordable, correct?

MR. DAVIES: That's correct, yes.

COMMISSIONER FRY: So the chance of mansions is not there, but I think we're there.

CHAIRMAN FRYER: I agree.

Now, there was one other thing that I was going to ask you for. Right now this -- the proposed ordinance has a whole long list of uses. And I think it's been mentioned that, typically, we wouldn't want to have that in a GMP ordinance, and I don't want it in there either. What I propose is --

COMMISSIONER HOMIAK: Can I just say, the proposed ordinance doesn't have the list. That's the staff report's recommendation.

CHAIRMAN FRYER: Okay. So there's --

COMMISSIONER HOMIAK: The ordinance doesn't -- that was my question. The ordinance doesn't have the list.

CHAIRMAN FRYER: Okay. All right. If that's --

COMMISSIONER FRY: It doesn't specify at all.

CHAIRMAN FRYER: Okay. Well, I would like to specify that the uses be C-2 and such C-3 uses as may be approved at adoption, and I guess I'd ask the party -- the commissioner who make the motion, would you accept an amendment to that effect?

COMMISSIONER SCHMITT: Say that again. You said C-2 and some then identified C-3?

CHAIRMAN FRYER: Yeah, yeah. So they'll have until adoption to identify the C-3 uses they want, and then we'll look at it, and the Board of County Commissioners will look at it.

COMMISSIONER SCHMITT: I'm fine with that, but typically we don't get to that kind of specificity in the GMP amendment, but --

COMMISSIONER HOMIAK: Yeah, I don't --

COMMISSIONER SCHMITT: -- this is unique because of the affordable housing tie as well, and I'm fine with that.

COMMISSIONER HOMIAK: Not a list of it, just --

CHAIRMAN FRYER: No, no. I'm just saying the GMPA will contain language that says in the PUD the applicant will be permitted all C-2 uses plus such C-3 uses as may have been individually looked at by the Planning Commission and the Board of County Commissioners.

MR. DAVIES: And, Mr. Chairman, as I mentioned in the opening, if that's the will of the Commission, we're agreeable to that.

CHAIRMAN FRYER: Okay. Thank you.

COMMISSIONER SCHMITT: And I'm fine with that amendment.

COMMISSIONER FRY: Second. Re-second.

COMMISSIONER HOMIAK: Yes.

CHAIRMAN FRYER: You probably want to withdraw your second.

COMMISSIONER HOMIAK: No, that's fine.

CHAIRMAN FRYER: All right. Any further discussion?

(No response.)

CHAIRMAN FRYER: Okay. Well, I am -- I am persuaded on the affordable housing subject, so I'm going to be voting in favor of this even though this is the first time this has come around where we're just going for moderate and gap. But I'm going to follow staff's recommendation on this and approve it -- vote to approve it.

Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor with the two conditions, the requirement of 120 units minimum and 129 max and also that the GMPA will contain language "C-2 plus later to be specified C-3 uses that we'll take up at adoption."

All those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Okay. And that was just a timing delay. I think, Commissioner Klucik, you were voting aye, correct?

COMMISSIONER KLUCIK: Correct.

CHAIRMAN FRYER: Okay.

MR. KLATZKOW: Do you want it brought back on consent or not?

CHAIRMAN FRYER: I don't -- I don't personally need it to; now we've got a maximum and minimum. Unless you, sir, recommend --

MR. KLATZKOW: No, no. It's pleasure of the Planning Commission.

COMMISSIONER HOMIAK: You had wanted it back on consent.

COMMISSIONER SCHMITT: Yeah, I said that, but with the clarification language, I don't see any need to have it on consent. And we get a cut at this again during adoption.

CHAIRMAN FRYER: We do, yeah. Okay, thank you.

MR. DAVIES: Thank you, Mr. Chairman.

CHAIRMAN FRYER: Thank you, Mr. Davies and Ms. Harrelson.

***All right. The next matter to come before us is the Sabal Bay MPUDA. This is PL20190002305, the Sabal Bay Mixed-Use Planned Unit Development.

All those 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: Thank you. Ex parte disclosures from the Planning Commission starting with Commissioner Shea, please.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER FRY: Staff materials, emails, public record.

CHAIRMAN FRYER: In my case, staff materials, meeting with staff, and discussion with agents of the applicant.

COMMISSIONER HOMIAK: I spoke with Mr. Yovanovich.

COMMISSIONER SCHMITT: I also spoke with Mr. Yovanovich on this project.

COMMISSIONER VERNON: I spoke with Mr. Yovanovich.

MR. EASTMAN: No disclosures or contacts outside of what's reflected in the public record.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Same for me as the previous; no communication other than staff material in the public record.

CHAIRMAN FRYER: Okay. Thank you, sir.

Mr. Yovanovich, you may proceed.

COMMISSIONER FRY: Mr. Chairman, may I just point out that we had over two hours of Planning Commission activities without Mr. Yovanovich at the podium, which may be a record.

MR. YOVANOVICH: I think that's the longest I've ever sat still. I wasn't even still. I mean, the longest I've been quiet. Let me rephrase.

Still good morning. For the record, Rich Yovanovich.

We're here to amend the Sabal Bay PUD, which is an existing PUD, to add about 102 acres.

The project team and who will be speaking is Jennifer Sapen is our planning -- expert planner; Wess Kayne is here to answer any civil engineering questions; Andy Woodruff will be presenting regarding environmental impacts of the project; and Norm Trebilcock will be presenting with regard to transportation-related comments. Michael Elgin, with Minto Communities, is the owner representative and can answer any questions that the owner's representative must address.

As I started with, the proposed PUD amendment is to add approximately 102 acres to the existing Sabal Bay PUD. Outlined in yellow is the existing boundaries of the Sabal Bay PUD. It is almost 2,200 acres when we get said and done with what we're proposing to do. You can see there's already some existing development within the project. And, essentially, what we're proposing to do is add 230 single-family or single-family attached product to the Sabal Bay PUD. Basically, continuing on with the type of development that already exists in that portion of Sabal Bay.

We're creating a separate tract. It's known as the R-9 tract, and that's what you reviewed through the PUD amendments, and that is where you'll find the limitation on the type of residential product that can go on that property.

Under the Growth Management Plan, we're designated urban mixed-use, urban coastal fringe district. That's the area, essentially, south of Tamiami Trail. It has -- it has certain limitations on what type of projects can occur in that area, because it's also designated Coastal High Hazard Area, which -- so normally you've heard me say the urban residential density is four units per acre, but because we're in the Coastal High Hazard Area, we lose a unit, and we go down to three units per acre mainly addressing storm surge and other issues related to storms.

Under that designation, we could, under the Comprehensive Plan, come in and ask for 307 residential units. We are obviously asking for less than that at 230. So our requested density is, in fact, consistent with the Comprehensive Plan.

This is the current master plan for Sabal Bay. The arrow shows the property we're adding. It is not all of the hole in the doughnut, but it is a large majority of the lands that would be the hole in the doughnut. It could be developed -- and Jen will get into this in greater detail. It could be

developed as a separate PUD with all of its access coming off of Bayshore. Instead, we're incorporating it into our project to allow it to get easier access to the commercial that's on the corner of the property, which is at the corner of Thomasson and U.S. 41.

So there is some benefit to including it in our project because not all of the trips will go on Bayshore if it was a stand-alone project with all of the trips going on Bayshore. When Sabal Bay was originally approved, you'll see there are some arrows that show it connecting to Bayshore, so Sabal Bay was always intended to connect to Bayshore, and we're going to continue on with that intent of the development.

We're not making any changes to the access, and we're really not making any changes to the master plan other than adding our property.

Your staff is recommending approval of the proposed PUD amendment to incorporate these lands. We'll take -- hopefully we'll answer all of your questions through our presentation. To the extent that we don't, feel free to ask us questions. But hopefully at the end we will have answered all of them, and we will answer questions that were raised in individual conversations that I had with some of you.

When we're done with our presentation, at the conclusion of the public input, we are going to request that the Planning Commission follow your staff's recommendation and transmit this to the Board of County Commissioners with your recommendation of approval. And unless you have any questions for me in my brief overview of the project, I'll turn it over to Jen.

CHAIRMAN FRYER: Nobody is lit up. Any Planning Commissioners have questions? Mr. Klucik, do you have any at this time?

COMMISSIONER KLUCIK: No, I'm fine. Thank you.

CHAIRMAN FRYER: Okay. Thank you, Mr. Yovanovich.

Incidentally, we have two podiums, but I expect you want to be there because you want to be near the -- okay.

MS. SAPEN: Good morning. Well, hello. My name is Jennifer Sapen. I'm the vice president of planning with Barraco & Associates, and I am an AICP certified land planner.

This slide shows the two proposed -- or the two plans next to each other. On the left is the current approved plan. On the right is the proposed. It's just zoomed in a little bit closer than the slide you saw before.

As you can see here, the request is simply to add that yellow area of 102.5 acres and to increase the total density by 230 units.

And I do agree with staff's recommendation of approval and agree that the request is consistent with the Growth Management Plan.

First I want to talk about what is changing, which is very little to the master plan. There's no changes to access points, no changes to uses, and the preserve is unchanged.

The changes are adding the additional acreage and units, and you'll see here we are committing that there will be no multifamily with these additional units. That condition can be found in Note 11 with the residential development standards. It's on Pages 34 and 35 of your PUD document.

There will be 41 additional acres of open space with this amendment, 30 of that being preserve. And this individual area, the 102 acres, does meet the preserve requirements as a stand-alone development, meaning that none of the preserve from the other areas of Sabal Bay are included within this proposal.

Zooming in a little bit closer to the master plan, this is Tract R9. You can see that the access for Tract R9 is from the north. That's the connection corridor road that currently exists for Sabal Bay. That corridor connection connects the main property that is under development now to the east to the future parcels to the west.

This plan shows the preserves and the open space, the calculations in the bottom right side

of the page, showing that it does meet the requirements as a stand-alone development, and it provides for the buffers and access, and the buffers do meet the Land Development Code requirements.

I want to pull back a little bit and look at the surrounding neighborhoods. Demonstrating compatibility with the surrounding neighborhoods from a density standpoint is what this slide shows. We look here at the five neighborhoods and, in fact, the only residential that is south of Thomasson on Bayshore. For these five neighborhoods, you can see the densities on the left side here. They range from 4.9 units per acre to 1.9 units per acre. And you can see that the proposed amendment area is equal to the lesser densities and is less than half of some of the more intense densities.

I also want to note that the top one, Holly Drive, at 4.9, and the -- in the middle there, Pine/Andrews/Woodside, those are the two neighbors that are closest to this proposed amendment, and those are the higher densities. This slide also shows the zoning categories for the existing neighbors. North of the existing Sabal Bay and the amendment area, that is an RMF-6 zoning category.

So we wanted to look at what would happen to this land or what could happen to this land if not developed by Isles of Collier Preserve. The property currently is zoned with two different zoning categories. The north is RSF, and the south portion is ag.

It is a reasonable assumption that the bottom portion could be rezoned to RSF-3, especially given the more intense neighborhoods to the north. This site plan does comply with the RSF-3 regulations in terms of lot size, setbacks.

So this plan, there would only be access on Bayshore Road. So residents and construction for this property would only be on Bayshore Road. Conversely, the Isles of Collier Preserve has the ability to disperse traffic throughout the project with access on 41 and then the access on Thomasson, which leads out to a lighted intersection.

This plan you see here, it does meet water management needs, and the preserve is a duplicate to what we are proposing; however, it is unlikely that this site would meet the fill balance that is required; therefore, additional construction traffic would come down Bayshore through dump trucks. Conversely, by expanding Isles of Collier Preserve, fill material from other areas of the site -- and you see there's a lot of lake in Isles of Collier Preserve -- that material's able to move within the site rather than using public roads to bring that material in.

Another way to develop this project would be to rezone to PUD, and if you did that, the density could be requested at the maximum density of 307 units. Our request, much less than that, at 230.

I have a few slides on the transportation -- or on traffic and access before I send it over to Norm to talk more detail on traffic.

I wanted to show you here the access points that are unchanged. The yellow access points, there are five of them. Those remain. They're unchanged. On the eastern side, the main project entrance on 41, and then towards the north, that's Thomasson access, and you take Thomasson then to 41 to a lighted intersection. And you can see on the left side the three yellow arrows, two of them are access onto Bayshore Drive. Those exist today.

Zooming in a little closer, you can see the additional parcel in yellow. So you can see the gray area going across Bayshore Drive with access to Bayshore Drive that is already approved and that exists today. The yellow addition area would access by internal roads with no additional connections proposed.

And this is just a little bit closer zoom. You can see Bayshore Drive does terminate at Holly. The future right-of-way extends further down, but it is undeveloped. The two yellow arrows here would indicate where two gated entries would occur.

That concludes mine. Unless you have any questions, I will turn it over to Norm.

CHAIRMAN FRYER: I don't see anybody lit up. I do have a comment for you, though, Ms. Sapen.

MS. SAPEN: Sure.

CHAIRMAN FRYER: And it has to do with the NIM recording.

MS. SAPEN: Yes.

CHAIRMAN FRYER: That was entirely unsatisfactory. And I want to suggest to you that NIM recordings are important to us. Some -- in some cases more than others, but when I can't hear what's being said, I can't know what the members of the public were concerned about. And that -- one way of dealing with it would be to have someone -- rather than just turning a recorder on and ignoring it, have someone with a set of headphones on who can see how it's coming across, who can monitor it.

And I don't know if anybody else experienced this problem listening to the NIM, but it was just -- it was entirely worthless to me. And I'm not asking that it be redone, because I don't have that many issues to raise. But if this had been a more complicated or controversial thing, I would have serious misgivings about voting in favor of something without another NIM.

So I just respectfully ask that, you know, you, number one, be sure that you're getting a good recording and, number two, it's your responsibility as well as the staff facilitator's responsibility to ensure that people identify themselves before speaking.

MS. SAPEN: I appreciate your comments, and I do apologize if the quality was a little low. I do want to point out that our NIM was one of the first ones done during the COVID. We took a great deal of effort to try to make sure that all the public was notified. Maybe some of the recordings that you heard were from some of the Zoom call-in people. We even wrote a protocol to try to help Collier County try to manage how to do NIMs. Probably since then they have been improved, in part learning from where we may have failed.

We did try to restate the question after it was asked for the recording, just for that purpose, and restate the question and say is that -- is that accurate?

I do apologize. We really, really, really tried to meet standards.

CHAIRMAN FRYER: Well, I understand if it's the first one in COVID, but that wasn't the problem. The problem that I had was not being able to hear you, and there really isn't any excuse for that. The people -- and the people in the room, and actually the people on Zoom I could hear pretty well. But there was just some ambient noise that was a real distracter. And I appreciate your apology, and I accept that you won't let that happen again. So thank you very much.

MS. SAPEN: I won't. I did want to also mention, in addition to the NIM, we have had four other meetings with the public. We've had two meetings with the CRA, and we've had two meetings with the internal residents of ICP. So I apologize, but there have been multiple opportunities for a public meeting.

CHAIRMAN FRYER: Thank you.

MS. SAPEN: Thank you.

COMMISSIONER FRY: Ned?

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Before you go.

MS. SAPEN: Yes.

COMMISSIONER FRY: So I'm just looking at -- I am looking at the -- some of the summary of issues raised at the NIM. I wanted to just ask you about them. I'm not sure who we'll be hearing from in the public, but one was adding more people to the development, without additional amenities, and I wondered what is the latest and greatest on that.

MR. YOVANOVICH: If you don't mind, I'll take that, because I think that's more of a, what's the purpose of zoning on a property and what's the purpose of developer plans for specific

amenities.

We have had discussions with residents to address their concerns about the level of amenities and providing additional amenities to address those concerns.

As you know, we don't -- we don't address in a PUD rezone what types of amenities a developer ultimately decides to provide. So that's why you don't see any changes to the PUD, because I think that's outside of the PUD rezone criteria. But I'm not saying we're not addressing those.

We are addressing that with the neighbors, by way of example -- and we have a slide we could show later on -- the sales center, as you're coming in, is about a four-and-a-half acre site. It has a roughly almost 8,000-square-foot building already on it. That will be provided to the HOA for further -- for future amenities as they deem appropriate to further address these concerns. So they'll get a four-and-a-half acre site. They'll get a building to survey themselves to figure out what other amenities they may or may not want as part of the development.

So those are the types of things that we are doing to address those comments. And I think the vast majority of the comments from the public were related to that, and there were other comments related to Bayshore traffic as well as that. But there were a lot of comments regarding amenities.

COMMISSIONER FRY: Okay. With that, I'll wait to hear what the public has to say.

MR. YOVANOVICH: Okay.

CHAIRMAN FRYER: Anyone else?

COMMISSIONER SCHMITT: I'll just follow up on that.

CHAIRMAN FRYER: Please, go ahead.

COMMISSIONER SCHMITT: Typically, as Mr. Yovanovich pointed out, many of these really have nothing to do with the zoning. It is certainly a concern of the residents, but that's an issue that is between the property owners and the homeowner association or the master association. It really has nothing to do with zoning other than it certainly can influence your vote, but there's nothing in the staff review that has anything to do with amenities.

COMMISSIONER FRY: I'm thinking back to an expansion of a PUD that came to us a while back, maybe a year or so ago, where the developer was asking for additional units, I think additional density, and we actually turned it down. And I think part of the reason was that they were not honoring their commitments that they had made to the residents up to that point.

And so I guess it's a broader question. If there are -- if you're adding units to a large development and the amenities to support those additional residents are not there or not planned for, should that or should that not be part of our criteria in deciding whether to offer our support for it?

MR. YOVANOVICH: And I will -- I will -- I will tell you that a couple of different times this has come up. I don't know if you were on the Board when there was an amendment to the Mirasol PUD to also add land to the Mirasol PUD. Residents always come in and say, you're putting another 40 houses in here. I can't get in the gym at 8:00 in the morning when everybody else in the development wants to get in the gym; therefore, please don't make me compete with anybody to get to the fitness center. In that particular case, the Board clearly said that is not a zoning-level decision. Those are issues between the developer and the residents. We, as the Planning Commission -- and that's the way it, up through that point, has also been handled -- we're not going to get into that level of decision.

The only time I'm aware of that change occurring was the Orange Blossom PUD project that I think you're referring to where a majority of the Planning Commission decided that amenities was going to become a discussion for purposes of PUD amendment approval.

Had I been here representing that developer, I would have -- I would have said, I don't think that's appropriate. We shouldn't do that. You may have done it anyway. But I don't think

it is appropriate. You find it nowhere in the review criteria. And it becomes so subjective to people when I will show you HOA documents that are recorded before the very first unit owner buys in there, and it is clear.

And I can show you for this specific project where it says, developer can add land. They always do that, because there's always a parcel or two around that they couldn't buy initially, and if it ever becomes for sale, they want to buy it because they want to make sure it's in keeping with the quality of the development they're already doing, and we've done that in -- Mirasol was the perfect example, and that's what we're doing today.

And it always, always says, the developer -- the developer decides what are the appropriate amenities for all of the residents within the development because, historically, and I think appropriately, the Planning Commission doesn't get into that level of detail on a zoning-level decision. It's either appropriate for this land to come into the Sabal Bay PUD and -- for those zoning review criteria or it's not, because then we'll have to come in with a separate PUD, which under the existing HOA documents I could incorporate into Sabal Bay anyway.

So I would hope that we don't change or add new zoning review criteria to get into what amenities individual developers are going to offer as part of a zoning approval.

COMMISSIONER FRY: Rich, what is the --

MR. KLATZKOW: I mean, not for nothing. It's part of the criteria in a rezoning that the proposed change will not adversely impact living conditions in the neighborhood. So that, you know, if you're asking for a change and the residents are saying it's going to adversely affect me, yes, it's one of the criteria you look at. So I'm not entirely sure, Richard, that I agree with your argument here.

MR. YOVANOVICH: And that's fine. You could disagree with it. But on the last one, Mirasol, we were -- the Board agreed that you didn't want to get down to how many square feet were dedicated to a fitness center. You didn't want to get down to how many chaise lounges were going to be around the pool. And that's what that discussion was about at Mirasol. Adversely affecting the conditions of the community is -- you know, you certainly could take that into consideration. But I don't think you want to get into how many feet of fitness center a developer provides.

COMMISSIONER FRY: I take your point, and I take Jeff's point. And I think in the Orange Blossom case, it was a case where some minimum requirements of levels of service were not being met, and they wanted to add to it. And it was an -- it was a legitimate issue on that one.

MR. YOVANOVICH: And it had to do with parking and other things that ultimately --

COMMISSIONER FRY: Inability to put your trash cans --

MR. YOVANOVICH: And, ultimately, all of that was, in fact, addressed at the BCC adoption hearing. They did take into consideration -- they did provide additional parking and things like that.

COMMISSIONER FRY: I think we just want to do our job and look at it from all angles. But let me ask you this question, Rich.

Twenty-two hundred acres, it's a large development. Only a portion of it's developed now. You've added another little piece in this. What is -- is there an end game? Is there a vision for what the Sabal Bay full buildout might be in terms of how long, how many units? Just where it goes from here? Will we continue to see additional parcels added to it with additional homes?

MR. YOVANOVICH: I will never say never only because I'm old enough to know better now, but I don't think there's the potential to add any additional parcels to this property. The next piece that comes available, I don't know that it's the one -- where I showed you the piece adjacent to that. I don't know that it's -- it's not very -- it's pretty wet. So let me put it another way; that it's probably not financially the best interest of Minto to overpay for land they really can't use.

So I would -- that's why I say, never say never, but I would say highly unlikely that they'll

be in requesting for another -- another addition to the project.

Overall, the project would go from 1,999 to 2,229 potential units. And I do want to point out and take a little bit of Andy Woodruff's thunder. When you look at that master plan, there's pretty close to 1,300 acres of land that is either county preserve or land that's going to the Rookery Bay. So there's -- there's a tremendous amount of preserve area set aside in that acreage.

COMMISSIONER FRY: Okay. I assume we'll hear from the protected species angle later on?

MR. YOVANOVICH: You will. He's part of the presentation.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah, just to follow up on that, Karl. I was part of staff, certainly, when this thing came in. I was the Community Development Administrator. That's not the name. It's just Growth Management Department now.

But I'm very familiar with this project. I have a very lengthy -- well, I have some questions I'm going to ask of Andy which I've already spoke to Rich about on the preserve. But just so you understand, if I recall, almost 40 percent of the land mass in this PUD is in some form of preserve as determined through the federal permitting process. Andy may have more detail on that, but through the U.S. Army Corps of Engineers' federal permitting process, Section 404 of the Clean Water Act, Section 401, endangered species review and all the other where other agencies have a chance to comment, much of this land, it was in preserve, and some of it has since been dedicated to, I think, Rookery Bay.

All that counted as part of preservation requirement. So, again, I can't say never say never, but pretty much never would they be able to go into those lands without some significant litigation.

And I'll ask Andy to talk about that, but also with the preserves in general. So we'll get -- hopefully, we'll get a clear understanding of what is in preserve, and what was approved. This was a significant project for land mass. How many acres is it? You're --

MR. YOVANOVICH: It's close to 2,200. I know we know the exact number.

COMMISSIONER SCHMITT: Twenty-two hundred acres and --

CHAIRMAN FRYER: Twenty-two twenty-nine.

COMMISSIONER SCHMITT: Twenty-two twenty-nine.

MR. YOVANOVICH: Yeah.

COMMISSIONER SCHMITT: And probably only about half of that is actually even developable. 1999 -- it was limited to 1999 units. A couple of reasons. One, it was under the DRI threshold at that time back when we had DRIs, but it also was limited because of the amount of preserve as required through jurisdictional wetlands. And, again, I'll be -- I reserve time to talk to Andy about that when it comes up.

MR. YOVANOVICH: Just so I -- instead of let's just -- let me just go right to the PUD document instead of talking generalities. If this is approved, it will be 229 units on 2,453 acres, of which, you know, pretty close to 1,400 of those acres is preserve area. So it's -- it's a significant project regarding preserves.

COMMISSIONER SCHMITT: Rich, you said 4,000? That's what I thought it was up to --

MR. YOVANOVICH: 2,453 total acres, total acres. And it has -- it has evolved over time. At one time it had a golf course in it that then went away when golf became less popular, but -- so we are where we are, and I'll let Mr. Trebilcock --

CHAIRMAN FRYER: Commissioner Vernon?

COMMISSIONER VERNON: Thank you, Mr. Chairman. Quick question in response to Mr. Fry's comments and questions about the amenities.

I think you said, in passing, that, you know, maybe we don't want to drill down or, for whatever reason, it's not relevant to what we're doing from your perspective. So what would -- and you mentioned something about not the appropriate forum to raise this. What would be the appropriate forum for people in Sabal Bay who object to this due to the amenities? What would be the appropriate forum?

MR. YOVANOVICH: Well, what -- the way it's worked in the past is the developer meets with the residents. And, typically, the majority of the residents and the developer work things out in a private -- in a private setting and in a private agreement. There will always be some that will say the developer didn't give enough.

COMMISSIONER VERNON: No, no, I'm with you on that. What would be --

MR. YOVANOVICH: That's typically how it works out.

COMMISSIONER VERNON: What would be the appropriate forum for them to try to address --

MR. YOVANOVICH: And they're already meeting. The leadership of the residents and the developer have continuing dialogue about what they would like to see added to the amenity package that's already there to address these, roughly, 230 homes. And it's not a total of 230 homes. We have a calculation that we can show you.

COMMISSIONER VERNON: Right, no. I think I understand that. But I'm saying, if you can't work it out, I thought -- and maybe you weren't. I thought you were suggesting this, where we are right now, would not be the appropriate forum for the remaining objectors to address their concerns.

MR. YOVANOVICH: What I'm suggesting is that the PUD zoning document is not the document that you prescribe what amenities will be provided within a community. That is typically left up to the developer to decide what will be within a PUD project. And when we add lands to the project, the Planning Commission has typically said, we don't want to be involved in that. I don't want to -- you don't want to get into a fight about what the HOA documents say the developer's allowed to do. And I don't think that that -- nor should you be involved in that discussion, in my opinion.

CHAIRMAN FRYER: Commissioner Schmitt?

COMMISSIONER SCHMITT: Since we're on that line of questioning, Rich, is there a foundation board or an HOA board?

MR. YOVANOVICH: HOA board.

COMMISSIONER SCHMITT: Are members of the community on that board?

MR. YOVANOVICH: Yes, sir.

COMMISSIONER SCHMITT: So that's where the -- that would be the forum where they would raise these issues?

MR. YOVANOVICH: Yes, sir.

COMMISSIONER SCHMITT: It's not -- it's still controlled by the developer, but there are members of the community that are on that board, and the residents certainly can raise an issue at -- I would have to assume they have board meetings of some sort.

MR. YOVANOVICH: They do, and I'm sure I can get Mr. Elgin up here and tell you that he's had plenty of conversations with the residents, and they have plans to address those concerns.

COMMISSIONER SCHMITT: That would be the appropriate forum.

MR. YOVANOVICH: Yes, sir.

COMMISSIONER SHEA: In that case, though, the HOA has not been turned over to the residents yet, right?

MR. YOVANOVICH: Correct.

COMMISSIONER SHEA: Okay.

MR. YOVANOVICH: Before I turn around again --

CHAIRMAN FRYER: No one is lit up.

COMMISSIONER SCHMITT: We just don't want to talk to Norm.

MR. YOVANOVICH: I've got two more hours before I catch up.

COMMISSIONER SCHMITT: Get up here, Norm.

MR. TREBILCOCK: Good morning. Norman Trebilcock, for the record, certified planner and professional engineer. Our firm had prepared the Traffic Impact Statement for the project, and that's what I would look to review with you-all.

The traffic analysis we performed was prepared in accordance with the Collier County guidelines. We look at the trip generation. You-all have the detailed traffic study, but distribution assignment, background traffic, existing future road network, impacts to the area roadway network and improvement analysis and mitigation of impact.

We use the latest ITE, Institute of Transportation Engineers Trip Generation Manual, 10th Edition. Also, the Bayshore Drive segment south of Thomasson Drive is not a Collier County monitored roadway, but it is a public roadway, public street.

So what we did is we did take an additional step at the request of the residents and the staff and did a traffic count there. So we're able to analyze that. We also took the additional measure, too, to assume that the already approved future projected traffic for Isles of Collier would utilize that roadway segment, too, because it hasn't opened up yet. And so we use that as background traffic as well when we looked at the project, and that's reflected in the traffic study that we presented to you. So those came at the requests of staff and the community as we met as well, so...

The trip generation, as I mentioned, was -- and we have 90 single-family detached, and then we have 140 villas in the project with a total cap, p.m. peak-hour cap, because that's the peak hour we're looking at here in the project, of 172 vehicles per hour two-way.

We did a distribution, coordinated with staff, we looked at the percent distribution, and then also with the peak-hour distribution of the trips as well by p.m. peak hour.

And as I mentioned, we looked at also the Sabal Bay traffic as background on Bayshore as well, south Bayshore, to look at that, see what the impacts are per the prior traffic study for that.

We looked at the links in the area, background traffic without the project. This is utilizing the 2019 AUIR. Most recently we just received last week, or was approved, the AUIR for 2020, but -- so at the 2019 there were no -- no exceedents [sic] without the project or with the project either.

When we look at the 2020, what happens is Link No. 92 becomes deficient under background. And so, then, that would be a minimal level-of-service issue as well.

One of the items is the Transportation Concurrency Exception Area. The PUD has provisions for that already, so that's an area as well; however, realistically, for this project, that particular link that has failed, we would be de minimis when we look at the internal capture of the project. So we'd look to be -- make sure that we're under the 1 percent, which is the -- what they call a de minimis level for the project. So that, realistically, is what we look at in the project.

But just in the conclusions of the study, the surrounding links were, under 2'19, at a satisfactory level; 2020, we had the singular link, 92; and we do not directly access this link, and we do not meet significance for that link, too. We're under the 2 percent. Also, though, we'd be at or below 1 percent as well, so that would be considered de minimis in that situation.

There is a commitment already to be in the Transportation Concurrency Exception Area. And then we'll look at the -- making the access improvements at the time of development. We'd look at those -- that connection with Bayshore really occurring at the time that this project is being developed as well there.

We look at a trip cap for the project, 172 vehicles per hour for this phase of development and that's, again, less than what current zoning would allow.

So the project is a significant generator on Bayshore and Thomasson, but there is adequate and sufficient roadway capacity on those roadway segments to accommodate the proposed development, and so it does -- and the project does not create any adverse impacts.

CHAIRMAN FRYER: I'm going to have to interrupt you on that one, Mr. Trebilcock.

MR. TREBILCOCK: Yes, sir. Yes, sir.

CHAIRMAN FRYER: In fact -- and, of course, you're acknowledging, fairly so, that the 2020 exhibit -- or Attachment F to the AUIR now puts this segment, Segment 92, into deficiency status, but it also says that the minimum standard for that segment is E, and the current level of service is an F. And so I think that that needs to be recognized, and I'm going to have some questions of Ms. Scott about that.

But the other thing that I don't think should be glossed over is both of those segments -- rather both of these access roads, Thomasson and Bayshore, access that segment. And so to say that it's not going to have an impact or it's going to have a de minimis impact on that segment under the current situation, I think, is a little misleading.

Your comment?

MR. TREBILCOCK: As far as the -- again, we do just look at the levels of service and distribution of the traffic, and so the amount being added by this project, if you look at internal capture, that amount is less than a 1 -- is less than or equal to 1 percent of that segment's level of service, so...

CHAIRMAN FRYER: Well, that may be the case, but this is going to have a significant impact on this segment. And as Mr. Yovanovich and I spoke about yesterday, you can't -- you can't widen that road. That's not -- that's not possible or practical. And so, therefore, there are going to need to be meaningful mitigation steps to be taken whether it's a phasing in of issuances of certificates of occupancy or something else to go along with other -- other -- other throughways besides 41 East that would relieve some of that traffic. But, you know, we're heading into a situation that is really untenable. And it may meet the 1 percent or the 2 percent, but there's going to have to be some mitigation going forward. And I think it's something that we all need to be aware of.

MR. YOVANOVICH: If I may, Mr. Chairman.

CHAIRMAN FRYER: Go ahead.

MR. YOVANOVICH: The Comprehensive Plan specifically says that if a project is less than 1 percent, it is considered de minimis, and we wouldn't even get into the discussion of any mitigation at all. Also, it's ironic that we could develop this as a separate PUD with a higher density, throw all of our traffic onto Bayshore, which would put more traffic on Bayshore and Thomasson to get to the Publix shopping center, and we wouldn't even be having this conversation about a link -- the link you're talking about that would fail. So we're actually punished by including this into the project, allowing internal roads to get access to Publix and the other commercial amenities than if we had developed this as a separate project, because under the link analysis that we would be doing, we wouldn't even be discussing that link of U.S. 41.

So I would -- I'd hate to take a position of applying a different standard than what the Comprehensive Plan already says. I'm happy to say that there's got to be a condition in the transportation condition that says our impacts cannot exceed the de minimus standard in the Comprehensive Plan. I think that's a fair transportation condition. But to require that there be some improvements to an eight-lane -- or a four-lane road that you know and I know are never going to happen in order to get these units would not be consistent with the existing Growth Management Plan and I don't think would be an appropriate standard for this project. But I think a de minimus standard that we can't exceed the 1 percent as a transportation condition would be -- would be a fair standard.

CHAIRMAN FRYER: Well, we'll hear from Ms. Scott and have a conversation up here

and decide what we think is best. Certainly, you're capably representing your client as an advocate, but we're trying to look out for the interests of the people of Collier County, and this is going to have a significant negative impact on that segment, and something has to be done. And I'll wait to hear from Trinity, but it's first and foremost in my mind on the list of concerns.

MR. YOVANOVICH: I understand.

MR. TREBILCOCK: Next would be Andy Woodruff to speak about environmental.

Thank you.

CHAIRMAN FRYER: Thank you.

MR. WOODRUFF: Thank you. For the record, Andy Woodruff. I am with Passarella & Associates. I've been with them for many years, 27 of which I've been working here in Southwest Florida as an environmental consultant.

We -- at Passarella we deal primarily with habitat, mapping, listed species surveys, wetland delineations, and regulatory permitting. Most of that of which is our responsibility for this particular project.

The mapping that we did for the property identified approximately 49 acres of slash pine, palmetto uplands. We had approximately 54 acres of identified wetlands on the property. Those included hydric pine and cypress pine forested areas, some buttonwood shrub, and some mangrove. The buttonwood and the mangrove located on the southern portion of the site.

The habitats, unfortunately, on the property they've been heavily invaded by exotic species, primarily Downy rose-myrtle has been extensively colonized, some of the upland habitats on the property. We also have Melaleuca, pepper, and climbing fern on the property as well. The site historically has been used for ATV use and also as a dumping ground.

Some of the better quality habitats, as I alluded to earlier, include some of the mangrove and buttonwood scrub, wetland habitats that are located more towards the southern end of the property.

We did conduct listed species surveys. Those surveys identified a population of gopher tortoise located on the northern half of the property in our upland area. We did identify less rare plants on the property. Those included air plants and butterfly orchid, which were scattered throughout both the uplands and wetlands on the property.

There are no other agency records of listed species occurrences that were noted for the property. We also conducted species-specific surveys for bonneted bat, which is one of our more recently listed -- federally listed species, as well as crocodile, and both of those surveys were negative for those species.

We had to take into consideration the gopher tortoise population that was on site. And to allude to what Joe was talking about earlier, I was involved in the original Sabal Bay PUD. I've been out working on this particular property for over 25 years.

The existing PUD, it was configured to provide a semi-contiguous preservation area to contain habitat to support gopher tortoises, and we currently have several hundred tortoises that are in those preserves located on the property. And it did provide connectivity as part of the larger conservation plan, which included our lands to the south, which was the Rookery Bay Estuarine research reserve.

You can see a little bit of that here in this exhibit. The areas circled in orange are our conservation easement areas for the PUD. The lands on the southern side that are tagged there, those lands, which include 780 acres, those are in the process of being deeded to Rookery Bay, and that process is nearing completion now.

The population of tortoises that we have on the Fleischmann property, in its condition today, it exists in an isolated area of the overall development plan. It is now separated by the residential developments that you have to the north, the Isles property to the east, you have roadway separation, you have the Avalon Canal that's now been constructed on the east side of our

property, and then the future development for Isles, which we call Parcel T out further to the west as well.

The habitat quality that we have for those uplands, it is in poor state, and that's primarily to the invasion by exotic species, primarily Downy, as well as the trash and dumping that's been occurring and ATV use over the years.

The surrounding developments, including the residential that's existing and proposed, those developments are going to preclude the use of prescribed fire as a management tool for gopher tortoises. And fire, as many of you may have already heard, is a critical component to managing quality gopher tortoise habitat.

To put it a little bit more in perspective, when we look at what the Game Commission considers as being appropriate size for long-term sustainable recipient sites, the area that we have currently on the Fleischmann property would only be about half of what the Game Commission would be considered as a minimum size for a long-term protected recipient site.

This exhibit shows some of the isolating mechanisms that we have and the preserve area that was selected for the property. As I had alluded to, the Avalon Canal and Isles as a barrier on our east side. You have road networks, including Bayshore Road right-of-way, which is plotted down our west side of the property. The selection that we did for the preserve is for the higher quality wetland habitats that are located on our southern end. Those will abut with the Rookery Bay National Estuarine Research Reserve lands that are being deeded and provide connectivity to the remainder of our conservation areas on the remainder of the PUD.

So our selection, it provided for water quality and wildlife habitat considerations by restoring some of the higher quality wetland habitats that we did have on site. Those are contiguous to existing conservation lands and the expanded boundary that's being proposed for Rookery Bay Research Reserve that will be on our southern side. The preserve will provide protection for mangrove habitat as well as buttonwood swamp habitat, and both of those provide some excellent listed wading bird foraging habitat during certain times of the year.

We do exceed our native vegetation preserve requirement by approximately four acres. We have over 29 acres proposed for preserve for the property.

The gopher tortoises that we do have on site, those will be relocated off site using an FWC-approved long-term recipient permit, and our wetland impacts that we're going to be incurring on the site, those are currently under review, and they'll be authorized in accordance with both a Water Management District and Corps permit.

At this time I'll turn it back over to Rich unless there are questions.

CHAIRMAN FRYER: Before I recognize Commissioner Schmitt, it's five minutes after noon, and I want to talk about timing and lunch. And so I'm going to first ask Mr. Yovanovich how much longer he would have assuming no questions from us.

MR. YOVANOVICH: Sixty-four seconds.

CHAIRMAN FRYER: Okay. All right. Then is it agreeable with the Planning Commission that we get through the application's presentation first?

COMMISSIONER SHEA: Please.

CHAIRMAN FRYER: Okay. That's what we'll do. Go ahead.

MR. YOVANOVICH: That's assuming no questions.

CHAIRMAN FRYER: That's understood. Go ahead.

MR. YOVANOVICH: But I think Mr. Schmitt had a question, so...

COMMISSIONER FRY: So do I.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER SCHMITT: I do have questions both -- of Mr. Yovanovich at the end. But I do want -- Andy, can you go to that slide on the preserves. And just for the record, I noted that we all, on the Board, received a letter from the Conservancy and I note -- and I question -- and

I don't know if anybody's here from the Conservancy, but I do question -- I don't -- I did not receive that letter from staff. It was sent directly to each of the commissioners, and I -- and receiving that letter, I did contact Mr. Yovanovich because I had some specific questions on preserves, and I noted that the petitioner did not receive that letter either. So I kind of thought that was disingenuous.

But let's talk about preserves. The land directly to the west, in the area -- and I don't -- I do not have the map. I only have it in email what the Conservancy sent but pretty much want the petitioner to put in preserve the uplands where the gopher tortoise -- where they sighted gopher tortoise and, of course, the burrows in the wintertime for the Indigo snake. Now, the gopher tortoise is listed endangered or threatened?

MR. WOODRUFF: Threatened.

COMMISSIONER SCHMITT: Threatened. I just wanted to -- I know, but I wanted it for the record.

MR. WOODRUFF: Threatened.

COMMISSIONER SCHMITT: Likewise.

The preserve area that was identified by the Conservancy would pretty much -- you're putting it on the -- so nobody from the -- but I'm kind of jumping ahead because I wanted to talk about this. If you could highlight that -- would pretty much, what they're recommending, to remain -- well, they're recommending that the preserve would pretty much take away most of the development area in this acreage.

MR. WOODRUFF: Yeah. When you look at where the tortoises are located, and that's on the north side of the property in our uplands --

MR. YOVANOVICH: Right here.

MR. WOODRUFF: Correct.

COMMISSIONER SCHMITT: So -- but the land directly to the west is not part of the PUD, so there's no way -- we have no idea what's -- if those gopher tortoises have migrated or any way went into the lands to the west; do you know that?

MR. WOODRUFF: I know from my experience on being on the property and having a little bit of knowledge of the adjacent property. The adjacent property, as Rich had talked about, is wetter. It is less favorable for gopher tortoises. I do not expect that there's any significant population of tortoise that exists on that adjacent piece.

COMMISSIONER SCHMITT: Now, the areas that you're identifying on the south is preserve. Are those -- were those identified as jurisdictional wetlands?

MR. WOODRUFF: Yes.

COMMISSIONER SCHMITT: You had a JD approval and --

MR. WOODRUFF: Yes.

COMMISSIONER SCHMITT: -- and reviewed by Corps. So that helped you identify those areas. So you have to preserve those or mitigate, correct?

MR. WOODRUFF: Correct, correct.

COMMISSIONER SCHMITT: So if you did the other preserves as well, as asked for by the Conservancy, in fact, it would pretty much take away all the development area in this -- in this development. So I just want to point that out.

Now -- and you have filed for -- or have -- did you file for a -- or have you done already a take permit through Florida --

MR. WOODRUFF: That would be done at time of development order basically.

COMMISSIONER SCHMITT: At time of development --

MR. WOODRUFF: All of our surveys have to be more current for them before we make application with the State. But they have already commented through our ERP and Corps process on the property, the Game Commission has, and that would be the agency that's going to be

handling the permit.

Their concerns were related more to nuisance bears. They didn't have concern about the gopher tortoise.

COMMISSIONER SCHMITT: So as -- from your professional opinion, relocating the gopher tortoises from the current location, as identified by the Conservancy, would be beneficial to the gopher tortoise survival because of the acreage needed?

MR. WOODRUFF: Yeah. You have to think about what's the long-term sustainability for the population and where you're trying to keep them and preserve them in the landscape. So when we did the original PUD, we worked with the Conservancy. We worked with the county to try to maintain a large contiguous area that would provide for long-term sustainability for gopher tortoises, and we provided that connectivity between our uplands and our wetlands. And we were able to preserve a lot of the really high-quality gopher tortoise habitat when we did that.

This particular area, it has, unfortunately, been, now, surrounded by development. It is essentially in an isolated condition.

When you look at the Game Commission's management plan for gopher tortoises, they consider isolated being anything that doesn't have upland connections within a thousand feet that isn't separated by roads or, you know, canals, water bodies or fences or houses. That's the situation we're in here where this area has, essentially, now been surrounded and will be surrounded by that continuing situation. And then it's small size when you look at what's left; you know, 20 acres basically or less. It doesn't even meet half of what the Game Commission considers to be a long-term sustainable site, so...

COMMISSIONER SCHMITT: That was somewhat my estimate as well. But from the Conservancy's standpoint, have they talked to specifically about their concerns on the gopher tortoise on this site?

MR. WOODRUFF: Yeah. They pretty much wanted the gopher tortoise preserved at any cost. And, you know, we love gopher tortoises, but you have to think about what's the long-term sustainability factor that you're doing here to the tortoises. And, certainly, in the past, we used to preserve tortoises in much, much smaller preserves, and it's a sad situation because the habitat degrades. The tortoises will eventually end their life in that preserve. They will not continue to repopulate and expand, and it ends up just being a dead preserve at the end of the day, so...

COMMISSIONER SCHMITT: Last question on that, then, as far as you're concerned from the game preserve -- or the game -- the agency, Florida Wildlife, they are -- they support the removal and creation of a better habitat elsewhere. And have you identified a habitat -- you will when you pursue this through the State?

MR. WOODRUFF: We will. The habitats that we relocate these tortoises to, those are all permitted by the State. So the State looks at them as long-term sustainable areas. So most of those are located on ranchlands further east.

COMMISSIONER SCHMITT: Correct.

MR. WOODRUFF: On large tracts.

COMMISSIONER SCHMITT: Uplands. Usually --

MR. WOODRUFF: Very large tracts of land that they can maintain with fire, which is a big component --

COMMISSIONER SCHMITT: Slash pine, uplands, and other areas, correct? Yeah.

MR. WOODRUFF: Yeah.

COMMISSIONER SCHMITT: Can you go back to the other preserve map because I -- on the -- on the visualizer, because I have one last question. All the lands that have been deeded or potentially be deeded to the -- to Conservancy, and that is pretty much that entire south and southwest which, again, was part of the PUD, for my colleagues, and was originally part of the

areas that the federal and state agencies identified to remain in preserve. The areas being deeded, has the developer -- prior to it being deeded over, does the developer -- is the developer required to reclaim these lands and remove the exotics?

MR. WOODRUFF: We've been working on that process in excess of five years.

COMMISSIONER SCHMITT: That's what I thought.

MR. WOODRUFF: So there's been a substantial amount of work that has gone on in those preserve areas, substantial amount of money that's been spent.

COMMISSIONER SCHMITT: If I recall, when this was first --

MR. WOODRUFF: Mike is probably nodding his head there but, yeah, we had some of the similar problems on the rest of the property in our preserve habitats, including Melaleuca and Downy rose-myrtle and --

COMMISSIONER SCHMITT: If I recall, when this was zoned originally, almost 20 years ago, and again amended in another amendment, that was all required as part of the rezoning. And Mr. Yovanovich is probably shaking his head as well that prior to turnover, at least you'd be working with the Rookery Bay and the -- at significant cost, by the way, when you -- when you're talking about removing Melaleuca and Brazilian pepper.

MR. WOODRUFF: Yeah. And we did just get our sign-off from the Water Management District with regard to our obligation for that, so we're very thankful for that. But it's been -- it's been many years to get it to the state where it is today so that we could turn that land over to the Rookery Bay folks.

COMMISSIONER SCHMITT: Okay. I'm done with preserves unless -- and I know hopefully the Conservancy will be here. But I have one last question for Mr. Yovanovich.

CHAIRMAN FRYER: Well, okay. We've got two people who want to ask questions of --

COMMISSIONER SCHMITT: Go ahead. On environmental?

CHAIRMAN FRYER: Yes. Is that right?

COMMISSIONER SHEA: I just wanted to confirm, what's the long-term success when you relocate these gopher tortoises? I mean, are we just -- are we just finding an easy way to put them out of their misery, or is it really something that they flourish when we relocate them?

MR. WOODRUFF: So, I mean, the State has been looking at this, and they've been looking at it hard. They have a management plan statewide for gopher tortoises, and that's why they set these guidelines as far as what is an appropriate size to put tortoises in.

And the more studies that come out over the years -- you know, we started with 40 acres, and now it's jumped to 200 acres, and now it's jumped to 700 acres, and now some people think it should be 1,000 acres or more for long-term sustainability for gopher tortoises.

So the more that we learn, the more knowledge that we accumulate, the more we understand that you really need to have some serious acreage to have sustainable populations and healthy to maintain -- maintain those gopher tortoise.

COMMISSIONER SHEA: Was that a, we're not very successful at it yet, and we -- but we will be in the future or --

MR. WOODRUFF: I think there's -- yeah, I think they're still studying that aspect of it but it has been increasing over the years the more -- the more knowledge that we accumulate. And part of that is not just, you know, the size component, but there's a management component that has to go along with it as well. And the smaller the preserve areas are, the more they're located in urban areas, the more difficult it becomes to manage them appropriately. Especially with fire.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Do we know the trajectory of the current population of gopher tortoises in terms of is that population growing? Are they thriving? Are they diminishing because they are cut off from this natural contiguous area that you mentioned?

MR. WOODRUFF: I know that we do have a healthy population on site. We have moved over 700 burrows that have been relocated to the Isles' conservation easement areas. So we do have several hundred tortoises that have actually been tagged and numbered on site.

COMMISSIONER FRY: They were relocated to this parcel; is that what you're saying?

MR. WOODRUFF: Yeah. From the development areas on the original PUD into the conservation areas.

COMMISSIONER SHEA: Well, he said something different. He said something different here.

MR. WOODRUFF: We are not a recipient site for off-site parcels.

COMMISSIONER FRY: But you relocated on site --

MR. WOODRUFF: On-site relocation.

COMMISSIONER FRY: -- tortoises to this location?

MR. WOODRUFF: Yes, yes.

COMMISSIONER SHEA: Not to the parcel in qu -- not to the R9, to this parcel. That was your -- that's what you asked originally.

MR. WOODRUFF: No, nothing that -- unless somebody dumps tortoises here, which is a potential.

COMMISSIONER SHEA: Okay.

MR. WOODRUFF: But, no, we haven't specifically put any tortoises --

COMMISSIONER SHEA: We're not putting them through a second move.

MR. WOODRUFF: We haven't thrown them over the fence, no.

COMMISSIONER FRY: So I'm really unclear. We are not sentencing them to death by relocating them, or are we?

MR. WOODRUFF: No, you are not sentencing them to death. They have a relatively long lifespan. They can live 50 or more years. So they carry out their life, just in a different part of the state.

COMMISSIONER FRY: Has Audubon weighed in?

MR. WOODRUFF: They have as part of our conversations -- I think they were part of our communications with the Conservancy, and they had the same concerns with the gopher tortoises and wanting to maintain a population on site.

MR. EASTMAN: Andy, you're relocating them to a better spot where they won't inbreed, and they'll have a better habitat?

MR. WOODRUFF: Well, it's -- it's a more sustainable long-term area for them where it can be appropriately managed, so, yeah.

MR. KLATZKOW: The gopher -- I'm just looking it up. The gopher population is down 60 percent in Florida. That's going to continue to happen. You know, if you're going to put people on property the gopher tortoises live, you're going to have less gopher tortoises. It's just -- it's just a harsh reality of it.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: That's why they're listed and not endangered, because there is a significant population.

But I -- one question for Mr. Yovanovich, and we haven't got to that yet, but there's an issue that was raised regarding the CRA boundary, and the MSTU staff is recommending that the entire area be subject to the MSTU. Again, I don't believe that has anything to do with the zoning, but it does have to do with a Board decision whether they're going to expand the CRA.

COMMISSIONER SHEA: Joe, can you explain that more to some of us newer guys. I was going to ask that question.

COMMISSIONER SCHMITT: Bayshore/Gateway is a CRA, Community Redevelopment Agency. It's -- you have to put the boundary up. But, basically, they established

the tax base, and the incremental base over the years goes to pay for CRA activities and not to the county. Fundamentally, it is a loss of income to the county as far as taxes, because it just goes to the CRA, and it's only spent in the CRA area.

And the MSTU is a Municipal Servicing Taxing Unit. They've elected to tax themselves for significant improvements to Thomasson Drive and other areas.

But part of this property is in the MSTU, and some of the development will not be. And, again, it's not a zoning issue, but it will be an issue for the Board because they will have to expand the MSTU. And the CRA, who can -- I believe controls this MSTU, would have to -- because the Board of County Commissioners sits as the CRA board as well. They would have to expand the CRA as well.

So I don't know what your position is on that, because staff is recommending that all of it be included. And -- go ahead.

MR. YOVANOVICH: Okay. That was part of my 64 seconds. This is an exhibit that shows you what part of the property is currently in it, and then everything south of that diagonal line property would be -- is not currently within the boundaries.

So going back to the two staff conditions. We are -- we are fine with both of the staff conditions. Obviously, we don't control either one of the conditions. They will have to be implemented by the Board of County Commissioners. But we're not objecting to the conditions should the Board decide to implement the conditions. And those conditions, one happened to deal with neighborhood calming on Bayshore. If the Board elects to install some calming, traffic-calming devices on Bayshore leading up to Thomasson, we're fine. We'll pay our fair share. That's what the first condition says. And the second condition says, if the Board decides to expand the MSTU boundaries, we don't have an issue with that.

All we've asked is for the Board to make up their mind within a certain period of time, because we need to know what our obligations are going to be at turnover for the HOA. If the Board's not going to do traffic calming, fine. If they are, we'll pay our fair share. And if they're going to expand the boundaries of the MSTU, we just need to know what we have to tell our residents as we're getting ready to do turnover so we don't saddle them with an unknown financial condition. We just want certainty.

COMMISSIONER SCHMITT: Well, it would also have to be clear any kind of sales documents --

MR. YOVANOVICH: And we will disclose all of that, but we want --
(Simultaneous crosstalk.)

MR. YOVANOVICH: We just want to make sure that when it comes time to do turnover, we're not going to have to fund an unknown thing that may never happen is all we're asking.

COMMISSIONER SHEA: What's a typical turnover period? A certain -- 80 percent of the residences sold, or what would govern when we get to the turnover?

MR. YOVANOVICH: It's typically at 90 percent.

COMMISSIONER SHEA: Ninety percent.

MR. YOVANOVICH: So, I mean, we're still a little ways off, so it's not like you have to decide tomorrow, but it's --

COMMISSIONER SCHMITT: Do they do it by villages there, or the whole thing?

MR. YOVANOVICH: Well, I'm sorry. There's different divisions that have their own HOA -- right, Mike? -- or just have one. Just one.

COMMISSIONER SCHMITT: One HOA.

MR. YOVANOVICH: Okay. So they just have one -- what would typically be the master. They just have one.

CHAIRMAN FRYER: Any other questions?

COMMISSIONER SCHMITT: That's it. Thank you.

Okay. Are you ready to turn over?

MR. YOVANOVICH: I am ready. I am ready.

CHAIRMAN FRYER: Sorry?

COMMISSIONER HOMIAK: Did you find out about St. Andrews --

MR. YOVANOVICH: I knew that. I knew you were going to ask that. The question is -- that condition was always an FDOT-generated condition --

COMMISSIONER HOMIAK: Yes.

MR. YOVANOVICH: -- and FDOT does not see the need for that additional access point. We will have to -- we might have to extend some right-turn lanes to address the fact that there won't be that access point, but FDOT is not requiring that access point at St. Andrews and the project.

COMMISSIONER HOMIAK: Ever?

MR. YOVANOVICH: Ever. Thank you. I forgot -- I'm sorry. I forgot to address that with Mr. Trebilcock.

COMMISSIONER HOMIAK: It could change, though.

MR. YOVANOVICH: I'm sorry?

COMMISSIONER HOMIAK: It could change, though.

MR. YOVANOVICH: Well, again, I always go with never say never, but there's already development in that area that relied upon FDOT saying we don't see the need for that access point. There's a wall there now, and you can see the --

COMMISSIONER HOMIAK: To disperse some of the traffic.

CHAIRMAN FRYER: All right. So you're resting your case?

MR. YOVANOVICH: I am resting my case.

CHAIRMAN FRYER: Would anyone have a problem with only a 45-minute lunch? I mean, we've got so much on our plate.

COMMISSIONER SHEA: No problem.

COMMISSIONER HOMIAK: Are there speakers for this?

CHAIRMAN FRYER: Well, yeah. Let's find out about that. What do we have, Mr. Frantz, speakers?

MR. FRANTZ: We have approximately 17 people on Zoom, and we are approaching 20 people registered in person.

CHAIRMAN FRYER: Okay. Thank you. Then without objection, we will stand in recess until quarter after 1:00 for lunch.

(A luncheon recess was had from 12:25 p.m. to 1:16 p.m.)

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

CHAIRMAN FRYER: Ladies and gentlemen, let's reconvene. I believe we want to hear more from staff at this point and, in particular, Ms. Scott.

COMMISSIONER SCHMITT: Trinity's outside.

COMMISSIONER FRY: Nice entrance, Trinity.

CHAIRMAN FRYER: Yeah, with your usual flare.

COMMISSIONER FRY: Next time I'd like some dramatic music before you walk in.

MS. SCOTT: I'll work on that. Troy.

CHAIRMAN FRYER: Trinity, I'll set the stage, although it probably doesn't need to be set. I am very concerned about something that may well be beyond anyone's control. But on behalf of the residents of Collier County, I am very worried about Segment 92 of the East Trail, which is not only, as of 2020 in Attachment F of that AUIR, it's now already deficient, but the minimum standard is E, and it's coming in at an LOS of F. And I am hopeful that there are things that can be done not just by way of staging or staggering the certificates of occupancy, but something else meaningfully that can be done that can be anticipated will be done so that those of

us who have to drive that stretch will have some relief from the 172 peak p.m. hour trips that are being asked for.

So with that, and unless another Planning Commission has something to say, I'd welcome a presentation from you.

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

I'm going to throw out four letters, four letters that you guys hate to hear from me. But this is in a TCEA, a Transportation Concurrency Exception Area.

Back in the early 2000s when Collier County was implementing checkbook concurrency, there were three special areas with regard to concurrency that were established. The two Transportation Concurrency Management Areas, which are in other areas of the county, which we have area-wide levels of service; 85 percent of the lane miles have to be above certain thresholds.

The Transportation Concurrency Exception Area down in the U.S. 41 area is an area that it was recognized was essential -- I'm not going to say essentially built out. It had a very small percentage of undeveloped property.

COMMISSIONER SHEA: Can you explain technical concurrency? I hear that a lot, and I don't fully understand what you mean, a concurrency area.

MS. SCOTT: So when a land-use petition is coming before the Planning Commission and, ultimately, the Board, so for a zoning action, we do a consistency review. Is it consistent with the Growth Management Plan?

When they come in to go do that vertical construction, their Site Development Plan, or their plats and plans, they go through another transportation review where we're looking at the remaining capacity of the roadway compared to the amount of trips that the project would consume.

So we have affectionately called it through the years checkbook concurrency so the remaining capacity is how much money you have to spend, and the developers are coming in and saying, well, we want to withdraw X number of trips out of that bank. I did a good job of explaining that? There you go.

So when the Transportation Concurrency Exception Area was implemented, and still to this day, there is a significant portion of it that wasn't developed. There was an understanding that U.S. 41 is constrained. It is six lanes.

CHAIRMAN FRYER: But it hasn't been designated constrained, has it?

MS. SCOTT: Actually -- you know, I was just -- I was pulling up 2002 meeting minutes to read about -- I wasn't in this position at the time when the TCEAs and the TCMAAs were developed. Mr. Schmitt was here at that time, but --

COMMISSIONER SCHMITT: I accept no responsibility, nor will I.

MS. SCOTT: So I actually have to go back and read meeting minutes. I do know the prior person who was in my position at that time, and so I can pick up the phone and call him or ask him at the dinner table.

CHAIRMAN FRYER: Is this Norm?

MS. SCOTT: No. It was my husband.

COMMISSIONER SCHMITT: Let's get -- let's get Mr. Scott in here.

MS. SCOTT: Mr. Scott.

COMMISSIONER SCHMITT: Or Mr. Feder.

MS. SCOTT: Mr. Scott and Mr. Feder. They were -- Mr. Feder was our administrator at the time. So I can call Norm or Don and ask.

But I did go back while we were on break, and I looked at the meeting minutes. And so the backup documentation, there was significant analysis that was done at the time to look at the fact that -- and it does refer to U.S. 41 as constrained. That's why I need to go back even further to see if there's more as far as an official constrained action taken by the Board of County

Commissioners.

So it does recognize the fact that the roadway's not going to be six-laned -- or go beyond six lanes but that there were redevelopment opportunities, particularly the Bayshore CRA, that if development was required to follow concurrency standards, that we would, essentially, set the Community Redevelopment Agency up for failure; that we would have area-wide moratoriums.

When we were going through -- just as you went through with your RLSA discussion, it's a discussion back and forth with property owners and staff looking at property rights, too, of trying to implement strategies overall that can try to keep the transportation system moving as best as possible but still recognizing the fact that there are private property rights to be able to allow folks for development.

So the Transportation Concurrency Exception Area was developed. It encourages mixed-use development. It encourages development along transit routes, bicycle/pedestrian facilities. So trying to -- while, Mr. Fryer, you say, the traveling public in this particular area has decent alternative transportation modes. They have a transit route that runs along Thomasson, goes from the government center out along Thomasson, up Bayshore, to the Coastland Center Mall. There's connections right out here at the government center to a majority of the transit routes. There's bicycle/pedestrian facilities within the area as well.

So from an alternative and multimodal aspect, that -- that was one of the provisions within the Transportation Concurrency Exception Area that we knew that U.S. 41 could only handle so much, but there wasn't that much left to be able to be built.

CHAIRMAN FRYER: Going back to the constrained concept. You found that word used in board meeting minutes?

MS. SCOTT: I found it in backup documentation to the July 29th, 2003, BCC meeting where they specifically talked about the TCEA and the TCMA and creation of them.

CHAIRMAN FRYER: Okay. So was it this particular segment that was referred to as constrained or --

MS. SCOTT: It just referred to U.S. 41.

CHAIRMAN FRYER: U.S. 41 in general.

MS. SCOTT: Yes.

CHAIRMAN FRYER: All right. Now, let's say that further research would reveal that it is officially constrained. What does that create? What circumstances result from such a determination as they may affect the developer and as they may affect recommendations we can make and decisions that the BCC can make?

MS. SCOTT: The developer, based on your current adopted transportation element, would be required to implement three transportation demand management strategies. That would be what they are required to do to be able to move forward to be exempt from checkbook or link-by-link concurrency.

CHAIRMAN FRYER: Okay. And these are the ones that you -- like carpooling and things of that nature?

MS. SCOTT: In this particular one, because it's residential -- I think Norm had them on a slide. Including neighborhood commercial uses within a residential project, so they're interconnecting -- they're part of the overall Sabal Bay PUD. So mixed-use development.

Providing transit shelters within the development in coordination with Collier Area Transit. There are bus shelters, I believe, up at the Thomasson -- along Thomasson. This particular PUD also built that section of Thomasson Road, the section that's wider towards the end up at U.S. 41. So there are transit shelters up there.

Providing bicycle and pedestrian facilities with connections to adjacent commercial properties. Presuming they're going to have internal bike/ped facilities as well as they would be building at least the pedestrian connection on Bayshore to get to the existing sidewalk to get to the

redevelopment area within Bayshore.

And then the last item that they could choose from would be vehicular access to adjacent commercial properties with shared commercial and residential parking.

CHAIRMAN FRYER: Okay. The opportunity that staff has when it comes time to issue COs -- we're years away from that presumably -- what sort of remedial action can staff take by way of staging or constraining further development until circumstances change in some respect?

MS. SCOTT: In this specific area --

CHAIRMAN FRYER: Yes.

MS. SCOTT: -- I would say as long as they implemented their TCEA transportation demand management strategies, we would not hold them back.

CHAIRMAN FRYER: Okay. That's, I think, a little different than I thought I heard when I was meeting with Ms. Jenkins and staff.

MR. KLATZKOW: The point of staging COs is when you have a project on the horizon, and we did that for years where we were going to six-lane a particular road. It was in the five-year program. We knew we were adding capacity, so we would approve developments but say, okay, we'll issue you X number of COs initially, but you have to hold off on the rest until the road's completed.

There is no rationale in withholding COs unless there's a solution on the horizon. And we're not -- we're not eight-laning 41, and I don't think there's enough open property out there that you can put an alternate road on it.

At the end of the day, you're looking at staff for solutions, but the issue -- and it's been decades in the making -- is a density issue. And you want to increase density on a project-by-project basis, and people come in here and say, well, my project's not going to impact the roads that much, that much, that much, and you get to a point of a death of a thousand cuts, and here you are.

CHAIRMAN FRYER: As a practical matter, then, is there anything that we or, more importantly, the BCC can do when these developments come in and we know that it's going to make matters worse on a major road?

MR. KLATZKOW: They've got vested rights for certain density, and that's what you give them, and when they ask for more density, you say no. But that's not been the Collier County model.

CHAIRMAN FRYER: Understood. Okay, thank you.

MS. SCOTT: And, Mr. Fryer, there are provisions within the state statute as far as pay and go, and that's probably what you talked about with staff. Pay-and-go provisions are implemented in Florida Statute 163.3180, but it does specifically state that a developer is not required to pay for a deficiency.

CHAIRMAN FRYER: Yeah, unless the GMP is changed, right?

MS. SCOTT: No, that is state statute.

MR. KLATZKOW: No, no, no. It's -- you have to have a solution. So, yes, we have a deficiency. If there's a solution -- and Trinity is very good at this -- we can negotiate with the developer as to how to get there. But you've got certain sections of the county where you simply have no solution to increase your traffic space. It's just -- you've got your roads, and that's all there is. Your planning staff will tell you, well, that's when you implement mass transit and that sort of thing, but until the people of Collier County are willing to take buses everywhere, you're going to have that traffic.

CHAIRMAN FRYER: Okay.

MS. SCOTT: One other item that I would offer is in the past we've looked at six-lane facilities of, well, you can't widen them, and so there's no more capacity to be had. Not necessarily the case based on new innovative intersection designs. We're getting ready to

implement some on Pine Ridge Road.

So what I would say is to say that we'll never do an improvement to U.S. 41, I don't know. We don't control that roadway. That is U.S. -- I'm sorry -- Florida Department of Transportation. Florida Department of Transportation currently is really encouraging the counties and the municipalities to look at alternative transportation modes as well and to look at land use, mixed uses, and encourage public transportation as well as bike/ped facilities.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. I wanted to, for the record -- so, Trinity, you recall as part of the original PUD, Thomasson Drive was required to be re-routed and --

MS. SCOTT: And widened.

COMMISSIONER SCHMITT: And widened. That was all developer required, if I recall.

MS. SCOTT: Yes.

COMMISSIONER SCHMITT: So as part of the mitigation for this -- this development.

MS. SCOTT: Yes. And there is an existing provision within the PUD that requires that they follow the TCEA requirements, should it be necessary to be exempt from link-by-link concurrency.

CHAIRMAN FRYER: Going forward, those remediation steps that are spelled out, choosing two of them or three of them or whatever, can those provisions of the Land Development Code or the GMP could be changed by Board of County Commissioners, right, to make something that is more meaningful if there were something out there, which maybe there isn't, but --

MS. SCOTT: Yes, yes. And we've talked about that before. And Ms. Jenkins and I have talked about that as far as within the Transportation Element of looking at what are the -- we've come a long way since 2002 when these were originally implemented, and there are different opportunities out there now that we should be looking at as far as having more meaningful or other options, if you will, with regard to the transportation demand management strategies for both the Transportation Concurrency Exception Areas as well as the Transportation Concurrency Management Areas.

CHAIRMAN FRYER: Okay. So in other words, something may be coming down the pipeline.

MS. SCOTT: Yes.

CHAIRMAN FRYER: On its way to the BCC?

MS. SCOTT: Not quite yet. We have quite a few -- based on state statutes over the years --

CHAIRMAN FRYER: Yeah.

MS. SCOTT: -- there are quite a few changes that we need to work on as far as within the Transportation Element.

CHAIRMAN FRYER: Would that come through us first?

MS. SCOTT: Yes.

CHAIRMAN FRYER: Okay. Good. Be a five minutes after 5:00 kind of thing? Okay.

MS. SCOTT: And I'll keep you here till midnight.

CHAIRMAN FRYER: I really appreciate your explanation.

MS. SCOTT: Okay. Thank you.

CHAIRMAN FRYER: And I mean, it's -- it seems to me there's really not a heck of a lot we can do here, and that's very frustrating. And it's going to be a real problem for people who drive along 41, and particularly with the mini-triangle now coming back alive. Good Lord. It's, well, unimaginable almost.

Any other questions for Ms. Scott?

(No response.)

CHAIRMAN FRYER: Okay. Thank you so much.

Mr. Bellows?

MR. BELLOWS: Good afternoon. For the record, Ray Bellows, Zoning Section Manager. I worked on this project with Laura DeJohn, our contract planner. And we have recommended approval, as noted in the staff report. It's staff finding it consistent with the Growth Management Plan.

The staff recommendations you see on the screen have been, Condition No. 2, or Stipulation No. 2, we have a minor revision to that I'd like to share with you now.

CHAIRMAN FRYER: Okay.

MR. BELLOWS: Go back to --

CHAIRMAN FRYER: County Attorney's Office seen it?

MR. BELLOWS: Yes. She helped write it. Uh-oh.

This is Stipulation 2 as it's -- staff is proposing it to be rewritten, and it's basically staff recommends that all of Tract R9 of the Sabal Bay MPUD be added to the Bayshore Beautification Multiple Service Taxing Unit.

CHAIRMAN FRYER: So the two-year expiration has been removed?

MR. BELLOWS: Correct.

CHAIRMAN FRYER: Any Planning Commissioners --

COMMISSIONER SCHMITT: I have a question.

I understand, Ray, but is this justification just merely something that the staff has recommended for consistency because of the access to Bayshore? I mean, the real question is: How do these units -- and I know it's the haves and have nots, so to speak. The northern half is already in the MSTU. But what benefit does the southern half get out of the MSTU unless they're going to go out through Bayshore? They -- you're sort of imposing -- you're recommending imposing a tax on homes that really aren't benefiting from MSTU.

MR. BELLOWS: Well, I think part of the reason for the change is that the PUD document may not be the best place to have this type of condition with that kind of time limit, that that is a separate process, and that would be worked out by the municipal taxing unit board.

COMMISSIONER SCHMITT: Right. Well, won't the CRA have to be the entity making the recommendation to add these folks to the MSTU?

MR. BELLOWS: They're part of it, but there's a separate board is my understanding.

COMMISSIONER SCHMITT: Yeah, there is. I mean, I know that, a separate board. The CRA is -- the Board sits as the CRA board.

MR. BELLOWS: The PUD document shouldn't put the time limit in. That should be -- (Simultaneous crosstalk.)

COMMISSIONER SCHMITT: Okay. All right.

MR. YOVANOVICH: Mr. Chairman, may I?

CHAIRMAN FRYER: Yes.

MR. YOVANOVICH: My understanding is the time limit came out because at the time the Board is going to be considering the PUD, they will also, on that same agenda, make the decision whether or not to include this property in the MSTU. That's why I agreed to take out the language I had in there. So I just -- just want to make sure that's still the plan.

MR. BELLOWS: That is still the plan.

MR. YOVANOVICH: So you understand.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: Thank you.

MR. BELLOWS: So staff is recommending approval subject to that change. And we concur with the information presented by Transportation Planning staff, and we have other staff

members if you have questions.

CHAIRMAN FRYER: Okay. Any Planning Commissioner have a question or comment of staff?

Go ahead, Commissioner Fry.

COMMISSIONER FRY: Ray, you only got a half step.

So if this was not before us, then the property's already zoned to have more units and generate more traffic?

MR. BELLOWS: Repeat the question.

COMMISSIONER FRY: If not for this application -- and I'm just trying to clarify something that Rich said, a statement that -- here he comes. If this project was not before us, Rich made a statement that it could have been -- it was already zoned for more units which would have generated more traffic than the current application.

MR. BELLOWS: I don't believe it's zoned --

COMMISSIONER FRY: Is that not correct?

COMMISSIONER SCHMITT: They'd have to come in for a PUD.

MR. BELLOWS: -- but its consistency with the Growth Management Plan would allow for more.

MR. YOVANOVICH: Ray, if I may.

COMMISSIONER FRY: Sure.

MR. YOVANOVICH: Part of the property is zoned RSF-3. We could come in and rezone the entirety of the property RSF-3 or a PUD at three units per acre, which would be consistent with the Growth Management Plan. And if that were approved, we would -- we would generate more traffic, because all of the traffic would be going on Bayshore versus integrating it into Sabal, Isles of Collier Preserve -- Isles of Collier.

So that's -- if I confused you, I apologize for that. But I'm saying under the existing Comprehensive Plan, we could generate more traffic than what we're requesting by incorporating it into the PUD.

COMMISSIONER FRY: Thank you for the clarification.

Thanks, Ray.

CHAIRMAN FRYER: Mr. Bellows, is staff finished with its presentation?

MR. BELLOWS: Yes, and we're here for questions if you have any.

CHAIRMAN FRYER: Okay. It doesn't appear that there are any. So the time has come for us to hear from the public.

Mr. Frantz, what -- how many people do we have, and are we going to start with people in the room and --

MR. FRANTZ: I'm going to call a few people from our slips who were turned in from the room, make sure that everybody's here or in the room. There might be people in other buildings and in the hallway.

CHAIRMAN FRYER: Oh, good. In fact, maybe the first five, if you could do that.

MR. FRANTZ: I'll do that. So our first speaker will be Sandy Grace. Sandy will be followed by Stephen Young, followed by Ryan Young, and Ryan will be followed by Jerry Schreiberstein.

CHAIRMAN FRYER: Say that one again.

MR. FRANTZ: Jerry Schreiberstein.

CHAIRMAN FRYER: Okay.

MR. FRANTZ: And the fifth speaker is Arthur Acker. Now, some of these people may have switched from in-person to Zoom, so we may be searching for these names as we go.

CHAIRMAN FRYER: All right. The first name. Was it Ms. Grace or Mr. Grace? Is member of the public Grace here?

MR. FRANTZ: I'm being told that Sandy Grace would like to yield her time to another speaker.

CHAIRMAN FRYER: And she is here?

MR. FRANTZ: To Stephen Young, who is our next speaker.

CHAIRMAN FRYER: Okay. Okay. Thank you.

Mr. Young, please proceed.

Before we -- actually, before you do, we need to talk about how many minutes we want to give folks. And I think the choices are either three minutes or five minutes. Go along with tradition. But what does the Planning Commission -- what's your pleasure?

COMMISSIONER SCHMITT: Given the number speakers and the schedule we have for today, I would recommend we try and limit it to three minutes, unless they -- somebody has yielded the extra minutes from someone else.

CHAIRMAN FRYER: I think that's wise. And without objection, then, that's what we're going to do.

And, Mr. Frantz, you're going to keep time for us, sir?

MR. FRANTZ: (Nods head.)

CHAIRMAN FRYER: Okay. So this gentleman has six minutes.

MR. YOUNG: Okay.

CHAIRMAN FRYER: You may proceed.

MR. YOUNG: Good afternoon, and thank you for your time.

My name is Steve Young. I've lived in Naples, Collier County, now for 16 years. Lived over in the Isles of Collier now for five. And glad I found that place.

But I'm a little embarrassed to say that I'm a hypocrite because I'm here to oppose any of this development, and I'll give you specific reasons as to why.

I also want to straighten out earlier -- I'm a little dismayed at what I heard, because if -- perception's everything until proven otherwise, and when I heard some of the testimony from the people that are trying to build this and what the truth is two different issues.

For instance, there is nobody from our community on that HOA board. There's nobody. No representation. We've had maybe one meeting, the NIMs meeting that was held at our facility in the community building that somebody mentioned the acoustics were not so good. You're right. The room is not that good for that sound.

In any case, at that meeting we even approached and gave opposition to why. And so we have several reasons for this. And when we say we're opposing it, we want you to know that we have an alternative, too, for planning, for exactly what your jobs are, I would hope, and for the citizens of the county.

And what am I talking about? I love the sign behind you-all. That seal's pretty good. It says "In God we trust." And we're talking about Naples, Florida. And I don't know about you, but I, a long time ago, took a kayak trip, or I went to help a company -- my son, you'll here from later, runs a company called Rising Tide. And I went out to help him out one day, and a bunch of ladies were coming in from their first afternoon trip with all big smiles on their face. And I asked them, I said, are you all on a toothpaste commercial?

They said, no, this was great.

And the head of the organizer got out and said to me, I've been here for 30 years, and I never knew that I was living in a maternity ward of the United States.

Folks, this is called the eighth wonder of the world, the Everglades, and we're the gateway of the Everglades. I don't know if it makes sense, and in God's way giving it to us -- it's pristine. Naples is always ranked as the number one place to come for tourism and for the health and everything else like that. Do we have to pave over every piece of property we have?

And at the NIMs, by the way -- I'm going to bring up several points that, when we were

there, when we brought the idea -- and why conserve? Because Botanical Gardens are right there. Rookery Bay is right there. You-all know it, the area. If any of you walked it -- I've walked every piece of property over there. The trails are outrageous. I saw a couple of pictures, yes, of ATV trails. It's loaded back there. People used to use that property for hunting and fishing for their subsistence. When I first moved in, people still used it for fishing in the cypress waterway, by the way.

And when you take a kayak and go over that weir and go into the back 100 yards, you're in another world. We are in the backwater of the Gulf of Mexico. So do we really want to keep paving over that? I say no.

And, ironically, on the last ballot, if you-all know, it's a gift to us. On the ballot it passed for Conservation Collier that now we have funds to be able to purchase property for green space like that. And we're not alone. There's other properties; Forever Florida.

There's many things we all could do to try to lock up this area and let us appreciate what the area's all about for tourism and other benefits. And is it going to do us any good?

I also heard that not only do we have no board member there, but they were going to give us some benefits. No, we've asked for some, and we were told there were no amenities if this property gets approved. Zero.

So I'll give you the math. The increase in the doors that Minto would build is 9 percent increase in doors. That will equate to tens of millions of dollars to Minto. That's awesome for them. I don't -- I'm a business guy. I'd love to make a few million. I think everybody in this room would.

However, what do the residents of Isles get? Zero. Somehow that's unequitable. And, by the way, giving us the sales center, it's in the condition as-is. And it's a beautiful-looking thing when you walk in there. They've got a fake tree in the middle of it. What are we going to do with a building with a fake tree in it? And how much is it going to cost to retrofit?

So there's a lot of cost to this. And I heard the attorney say, is there a negative impact to the cost to the residents? The answer, clearly, is yes. So there was misnomers given, and I want to straighten that out.

And I want to just lead to -- oh, I told all the people we support, and, by the way, I'm representing about 768 people as we speak because of some emails that went out to the population that lives in Isles now, and they all pretty much support what we're talking about.

And I told them that I'd make them aware. Are the board members aware of 1962 road to nowhere? Have any of you ever heard that? Yes? No? Great, good, sir. So if you don't mind, I'll just tell you what it's all about. It's what put us all in this room. It's what preserved this area, because back in 1962, the commissioners back in that day had visions of turning this area into the Fort Lauderdale and Miami, if you will, of the West Coast. They had plans to connect Naples, Naples Bay, into Keewaydin over to Marco Island and run the bridges down. They were all set to do it. They were all ready to go until some residents got together, went to a very wealthy guy on Keewaydin, knocked on his door and said, did you know? And he goes, no. You've got money. Can you make a phone call? You've got influence.

He did. And the commissioners at the time were not in a hurry, so they postponed the meeting. They all went to them and said, listen, we're going to give you a petition with 2,000 signatures. We'd like the opportunity to raise money and buy this property. And you know what they said? Okay.

As a result of that move, they bought 1,600 acres. That road never got built. If it had, we wouldn't be sitting in the same area that we've got now. That's why I think God's pretty good to us to give us what we've got. The mangroves, there's nothing like it in North America than we got in this area, and we don't want to destroy it. And if we let building like this go on, we do.

And I think green space is the way to go, and you'll hear a proposal later about making a

greenway pass all the way from Bayshore all the way up -- back up to Barefoot Williams, out to Picayune Strand to be able to be networked, and it can be done. They even have drawings. We already gave it to the CRA.

MR. FRANTZ: That's six minutes.

MR. YOUNG: We'll come back again.

And I'll close out now. There are three things that we saw about wildlife. Somebody was asking questions about that. I appreciate that. We brought that up about the indigo snake.

Now, why is that important? The tortoise, the gopher tortoise, by the way, if you know anything about it, it's called a keystone species, and the reason it's a keystone is because of their dens. It's unbelievable when you think about it. They are able to house 322 other species. Can you imagine that?

CHAIRMAN FRYER: Sir, with respect, I'm going to ask you to wind it up.

MR. YOUNG: I am. I'll be very quick. I'll speak fast if you can listen fast, and thank you for the graciousness.

The indigo snake is the -- is non-venomous. And I don't like snakes personally but, by the way, they're really necessary. They're the only snake -- and it is on the endangered list, okay, that will actually eat as prey venomous snakes. We have loads of diamondbacks here. They also will eat baby pythons. And by the way, folks, we have pythons in the area, found and caught.

So it's a very important species, and we completely overlook them. It's not in any of their reports when we brought it up at the NIMs. So I think that's important.

The traffic, by the way, you brought it all up. I heard it. Think about 500 extra cars over that. Ridiculous.

And the last thing, stormwater runoff. I could go on to it and into it. But the planning that's been done there, all the water's going to come down. It's going to flood that area. It's going to hurt it. It's a beautiful area. We love where we live. It's nice. Let's preserve it. Let's go try to get funds publicly and buy that property. That's what the Isles people would like now. We do not want that to be approved.

CHAIRMAN FRYER: Thank you, sir.

MR. YOUNG: Thank you for the gift of your time.

CHAIRMAN FRYER: And as Mr. Ryan Young comes up, I'm going to ask Mr. Frantz to keep us rolling ahead with the -- about five ahead of people if we can. So who's after Mr. Acker?

MR. FRANTZ: After Arthur Acker is Donna Young.

CHAIRMAN FRYER: Dominic Young?

MR. FRANTZ: Donna Young.

CHAIRMAN FRYER: Donna, sorry.

MR. FRANTZ: And after Donna is Louis Caschera.

CHAIRMAN FRYER: Okay. Thank you. And is Ryan Young online?

MR. RYAN YOUNG: Yes, I'm online.

CHAIRMAN FRYER: Yes.

MR. RYAN YOUNG: Can you guys hear me?

CHAIRMAN FRYER: Yes. You have three minutes, sir.

MR. RYAN YOUNG: Thank you so much, guys.

I am a local science professional, and I used to be senior biologist for the DEP up in the South District in Fort Myers.

So in looking at this project and hearing about it, what I'm seeing is one of the last sections of upland habitat on the west side of the Rookery Bay Reserve that's about to be paved over, and a buffer zone for the estuary is vitally important for the health of the estuary itself and also for the habitat that it provides for all these species we've been hearing about all night [sic].

And you know, we heard from the gentleman from Passarella & Associates. I nearly took

a job with them in the past. And, you know, citing the acreage for gopher tortoises, that's the minimum acreage, according to FWC, for suitable relocation habitat. But this is a natural upland area, and they're going to utilize it as they are. So to say that this is not suitable for gopher tortoise despite having a population of over 100 in this area is just simply not accurate.

Now, this area also provides recreation opportunity for people in a growing area that already has a lopsided ratio of residential to commercial space according to the East Naples Development Plan study that they've done. So to add more residents on top of what is already a lopsided ratio is going to reduce the amount of amenities that we have as a community as a whole.

And in terms of access to these places, the plan, according to the Collier County Metropolitan Planning Organization, the 2012 plan had a greenway planned for -- it's called the Naples Bay Greenway which came off the end of Bayshore and connected to Barefoot Williams and Tower Road, and greenways and nonmotorized transportation has been cited as a priority across the board everywhere I've ever looked. I'm sure you've heard it a million times.

But this section of property provides the only remaining upland area that could lead to the development of a greenway to go over here. And one of the most unsafe places cited in this study also for pedestrian movement is that U.S. 41 corridor between Collier and Bayshore. And to have this --

MR. FRANTZ: Thirty seconds.

MR. RYAN YOUNG: -- off-road access to provide recreation access to people would change the community and provide so much more opportunity for the residents to utilize these areas and appreciate them. Putting more homes there is just going to limit our ability to utilize areas like that. It's going to tip the scales further to have more residential compared to commercial, and then it's going to degradate our natural system by eliminating the last remaining --

MR. FRANTZ: Three minutes.

MR. RYAN YOUNG: -- public property on the west side of Rookery Bay Reserve.

CHAIRMAN FRYER: All right. Mr. Young, start wrapping it up, please, sir.

MR. RYAN YOUNG: Okay. Yeah. Thank you so much. And, you know, looking at the data and the wildlife that utilize this area, fire, while it may be difficult in residential areas, not impossible. And all you need is a northwest breeze like we have today. So you can burn and manage with fire without a problem. Gopher tortoises are using it already. And it's an important piece of critical habitat that could easily be restored, and I hope that you guys consider that in your decision.

CHAIRMAN FRYER: Thank you, sir.

MR. RYAN YOUNG: Thank you so much.

CHAIRMAN FRYER: Thank you very much.

The next speaker, Mr. or Ms. Schreiberstein, but while we're getting ready for that speaker, I didn't get the name of the person after Donna Young.

MR. FRANTZ: After Donna Young, Louie Caschera. After Louie Caschera will be Joe Dahm.

CHAIRMAN FRYER: Got it. Is speaker Schreiberstein in person or on Zoom?

MR. FRANTZ: Jerry is online. Can you hear us?

MR. SCHREIBSTEIN: Yes. Can you hear me?

CHAIRMAN FRYER: Go ahead, sir. You have three minutes. Plead proceed.

MR. SCHREIBSTEIN: I'm a five-year resident. I'm sorry. Can you hear me okay?

CHAIRMAN FRYER: Yes.

MR. SCHREIBSTEIN: Yeah. Hi. I'm a five-year resident of the Isles, and I would just like to express my opposition to this project.

We don't need any more traffic actually coming through the Isles. As Minto has represented, the traffic would come Bayshore through the Isles onto 41, which is already

congested. That intersection of the Isles and 41 is already prone to many traffic accidents. I think more traffic through the Isles is not in keeping with the residential nature of the property. I think more paved areas is really not in the nature preserve concept that we bought into the Isles for.

I agree with the two Mr. Youngs regarding the need for more nature trails and passive recreational activities and also say that there has been no representation on the HOA from the members of the Isles.

And the fact that they were saying they were giving the sales center as an amenity, that's nothing new. That was in the original proposal. So there has been no new changes, and I think this would be a detriment to the area, to the Bayshore triangle region, as well as to the residents of the Isles, and I would like to yield my time to Mr. Young if possible.

CHAIRMAN FRYER: Thank you very much.

Next speaker is Mr. Acker, I believe. And to be followed -- who's after --

MR. FRANTZ: Mr. Acker is followed by Donna Young, Louie Caschera, Joe Dahm, and then our fifth speaker is Edward Grace.

CHAIRMAN FRYER: Grace. Thank you.

UNIDENTIFIED SPEAKER: Okay. Well, I spoke --

CHAIRMAN FRYER: Go ahead, Mr. Acker. You have three minutes, sir.

MR. FRANTZ: We may have lost Mr. Acker. We'll move on to Donna Young. Donna is on Zoom. Give us just a moment to unmute.

Donna, can you hear us?

CHAIRMAN FRYER: All right.

MR. FRANTZ: Donna, you may have to unmute on your end. Donna is passing.

We're moving on to Louie Caschera. He'll be followed by Joe Dahm.

CHAIRMAN FRYER: Thank you. Mr. Caschera?

MR. FRANTZ: This is a slip from someone here in person, so they may just be in another room. Joe Dahm is the next speaker, followed by Edward Grace.

CHAIRMAN FRYER: Mr. Dahm.

MR. DAHM: Should I go over here?

CHAIRMAN FRYER: Your choice. They're both clean.

MR. DAHM: Thank you.

I'm a resident at the Isles of Collier Preserve. I'm a retired science teacher. And so I've really -- first of all, I want to start off, I want to congratulate Minto on developing a beautiful community, and we like it so much we decided to buy a house.

And so, my -- my concern about this proposed expansion is threefold. One is we've heard about their traffic study, and they mentioned there's a potential 1 percent increase in traffic. But my understanding is the current development is only 50 to 60 percent developed, so there's going to be further traffic expansion, and that will impact the whole community.

But my -- really, my main concern is that, from what I understand, this parcel is really a unique parcel with the gopher tortoises and the indigo snakes and the other kind of species, and as other people have talked about, it's really a gateway to the Rookery Bay Reserve, and so I don't really see it as being cut off. And so I think if we can preserve this, that would be a treasure for future generations. And I really think if at all possible, that should be done. And I understand there's some potential money for buying land in this area.

So the third thing I think we should really consider is how it's going to currently impact the current residents, and other people have talked about how there's no really additional plans in place for any additional, like, sports courts or pools.

And the concentration is 240 doors, I understand, 90 of which will be houses, single-family. So it's going to have a higher proportion of villas. So I think the stress on the current residents and also the people in the surrounding community will be great.

But I would just really encourage you to think, if at all possible, if we could preserve this land, and I understand that Minto wants to make money, but I think they've only sold about a little over half of their current land that they already have under development. So I would really hope that this could be set for future generations to preserve that unique habitat. Thank you.

CHAIRMAN FRYER: Thank you, sir. Now, the next speaker, Mr. and Ms. Grace, I guess is not the same person who yielded time. And here comes Mr. Grace.

Sir, you have three minutes. Please proceed.

MR. GRACE: Thank you. My name is Ed Grace. And my wife and I were one of the first residents at the Isles. At that time, the Minto sales personnel made lots of promises about what was going to be done for amenities and things at the -- at the Isles.

None of them -- most of them weren't really fulfilled. Our current clubhouse has the capacity to hold 142 people, and that's for an event or a function, and that's a non-pandemic times. Today we're only 50 percent developed, okay. If you add another 250 homes, we really won't have, I mean, a lot of space for the residents that were there to use. It's really unacceptable to our current residents, and I think that a lot of us were totally misled by Minto very early on.

I have a hypothetical question for the Planning Commission. Would you have approved -- or would you approve the Minto plan as they have submitted it if it was a stand-alone? I think I know the answer, which is no. And I don't think it should be approved as part of the Isles.

Thank you.

CHAIRMAN FRYER: Thank you, sir.

Mr. Frantz?

MR. FRANTZ: Your next speaker is Courtney Bellaire followed by Al Schantzen, and Tim Owens.

In case any of these people are coming in from the hallway or another room, we can move on to the Zoom speakers.

Kelly McNab. Kelly, can you hear us?

CHAIRMAN FRYER: Kelly McNab, are you able to hear us?

MS. McNAB: Hi there. Can you hear me?

CHAIRMAN FRYER: Yes. Please proceed, and you have three minutes.

MS. McNAB: Oh, wonderful.

Yes, good afternoon. Kelly McNab, environmental planning specialist with the Conservancy of Southwest Florida.

So the Conservancy, along with Florida Wildlife Federation and Audubon, we met with the applicant in February where we were made aware of the significant amount of state-designated threatened gopher tortoises and burrows on site as well as the plan to develop all over the gopher tortoise habitat and transfer those tortoises to a Glades County recipient site. Our organization's expressed concern over the destruction of the tortoises' preferred habitat as well as concerns over their relocation.

Responding to a comment made by a commissioner, I do want to clarify that we did not intentionally try to be disingenuous by not cc'ing the applicant on our letter sent to you-all. It was an oversight on our part; however, our organization and the other environmental groups have contacted the applicant by letter and email with no response.

The applicant received the letter several months nearly identical to what you-all received, and they have been aware of our concerns but chose not to respond.

Another comment that was brought up was regarding the -- whether or not the gopher tortoises would be better off staying on site or moving, and there's been some interesting research out of Northwest Florida this year, earlier this year, suggesting that there are significant issues that arise from tortoises relocated to recipient sites, including stress mixing with these different populations and high density of tortoises impacting food sources ultimately leading to a condition

similar to starvation.

So, therefore, the applicant's suggestion that the recipient sites are the best-case scenario for the health of the tortoises may be unfounded. So as proposed, this project does not adequately address or protect on-site threatened species like the gopher tortoises or eastern indigo snake.

We're asking that you require the applicant to create a 20- to 25-acre preserve within the development that will allow a large number of gopher tortoises to remain on the property while protecting their preferred upland habitat. This, in turn, helps support and protect other species that utilize the burrows such as the eastern indigo snake.

And then I want to respond to another comment brought up by a commissioner regarding the map --

MR. FRANTZ: You have 30 seconds.

MS. McNAB: -- we included at the end of our letter -- sure. And I just want to make sure it clear that that was an approximation of a potential preserve. It was just us looking at the data provided by Passarella from their listed species survey and creating a map based on that. It's in no means an exact location.

And I want to thank you for your time and consideration of our concerns. Thank you.

CHAIRMAN FRYER: Thank you, Ms. McNab.

MR. FRANTZ: We may have someone in the room who's previously been called.

MR. OWENS: Yes.

CHAIRMAN FRYER: Yes.

MR. OWENS: Good afternoon, my name is Tim Owens. I'm actually a 40-year resident of Naples, having lived all those years in the eastern side of town. Most it right in Kings Lake off of Davis Boulevard. Now living in the Isles.

This new proposed addition of 230 villas that is being brought about, just doing the math, is approximately 460 additional cars that will mostly be impacting Bayshore Drive. Some of which, as I'm hearing now, is even going to be flowing through the Isles, which is a residential planned community that was never designed for another 500 cars coming through there every day.

But the impact on Bayshore -- and it was talked about a little bit before by the traffic people in the planning committee, another -- all that traffic going down Bayshore is mostly going in toward town.

And as you mentioned, Mr. Fryer, the implication now with the triangle at Davis and 41 having all these new units and possibly a hotel eventually, in the near future, we're going to have such an impact on the Gordon River bridge getting into our town. It's already congested getting in there. To add all this more traffic just doesn't seem to make good sense from a County Commission planning board.

I've always complimented Collier County on how it has gone about building into the future. Obviously, you can't stop growth, but it has to be well thought through. And some of these things, we're just looking at huge problems if we add more congestion.

Some of the points that were made earlier about the amenities within the Isles, a lot of them are already stressed. And I don't know that that's really your concern as a planning board, but this is going to impact the residents there very negatively by adding another 500, roughly, residents to be using the same amenities that already exist.

And Minto, I've been to many of their meetings. They make it very clear that they intend to build no more amenities or increase the size of anything. So to think that they're going to --

MR. FRANTZ: You have thirty seconds.

MR. OWENS: -- build anything more in this new area is, you know, pie in the sky.

The green space aspect of this property has been discussed, and with the November 3rd note to have more monies in the coffers of the county to buy more green space, it just is a perfect spot, and the Conservation Collier people, we've talked to them. They say that that particular

parcel meets all --

MR. FRANTZ: That's three minutes.

MR. OWENS: -- meets all the criteria for the type of land that they would like to purchase.

CHAIRMAN FRYER: Thank you, sir.

MR. OWENS: Thank you.

MR. FRANTZ: Your next speaker on Zoom is George Khoury. He'll be followed by Ron Cook, Michelle Tricca, Chris Mei, and Shamim Ruff.

George, can you hear us? We do have two Georges in the Zoom meeting, so...

CHAIRMAN FRYER: We're looking for Mr. Khoury.

MR. FRANTZ: We do have Al Schantzen here in the room now. He was previously called, while we try and get George Khoury.

CHAIRMAN FRYER: Thank you. Yes, please proceed, sir.

MR. SCHANTZEN: For the record, Al Schantzen. I'm a member of the CRA board and also on the subcommittee for stormwater in that local area.

My concern for today is the stormwater and the runoff that goes down there. When -- on the east side of Tract 9, they put in the Avalon Canal when they built Sabal Bay the first time, and that accepts all the water from the east -- from the north/south Kelly Lake outflow for the main watershed that goes through there into the Rookery Bay area.

The land that they're talking about developing right now is at presently the high elevation of six feet. And both sides of Bayshore south flow that direction, and that area receives the water from everything from Thomasson down south and goes that direction.

If they go and develop the area, they're going to end up increasing the height, which backs up the water, which stormwater is our big problem anyway.

If they're going to do this development, they need to build a similar watershed canal on that side of the Tract 9 so that that water can get to Rookery Bay just like the water on the north side outflow. That's on the stormwater.

I walked the East Naples jogging path that's around the lake there during Tropical Storm Eta. I was walking back there when it was nice and quiet and no other activity, and three deer came running up to me on the -- on that -- coming right off of that tract. So nobody's mentioned in the environmental study any deer that's in that area, and there definitely is deer in that area.

And you're correct on the NIMBY meeting. You should have been able to hear a lot of what was going on in there, because it was packed with people that were dissatisfied with what was going on. I'm sorry you didn't get to hear that.

And one last thing is on their density calculation for what they have going on here, they come up with a lower density, but I suspect that they're doing that density based on the size of the entire tract, not the buildable tract, in order to come up with that density -- a lower density type thing. If you take the tract that can only be developed per the FEMA maps and everything and the elevation maps, I think you're going to find the higher density in the northern sector of that tract instead of taking that into consideration.

MR. FRANTZ: You have thirty seconds.

MR. SCHANTZEN: And I thank you for your time.

CHAIRMAN FRYER: Thank you, sir.

MR. FRANTZ: Your next speaker is George Khoury. George, can you hear us?

MR. KHOURY: Yes, I can hear you. Can you hear me?

CHAIRMAN FRYER: Yes. Please go ahead. Three minutes.

MR. KHOURY: All right. I'm a resident of the Isle of Collier, a very happy resident, I must add.

The points I wanted to make have already been made by the other residents. I can only

support their positions, and on that I yield my time.

CHAIRMAN FRYER: Thank you very much.

MR. FRANTZ: Your next speaker is Ron Cook, to be followed by Michelle Tricca, Chris Mei, Shamim Ruff, and Cyndy Nayer.

Ron Cook, can you hear us?

CHAIRMAN FRYER: Mr. Cook?

MR. FRANTZ: Mr. Cook, you need to unmute yourself. We'll move on to Michelle Tricca.

CHAIRMAN FRYER: Ms. Tricca?

MR. FRANTZ: Michelle, you need to unmute yourself.

MS. TRICCA: Hi. Can you hear me?

CHAIRMAN FRYER: Yes, ma'am, we can. Please go ahead. Three minutes.

MS. TRICCA: Okay. So people come to Naples to enjoy our nature, which is too rapidly dissipating. Does Naples really need more housing on the market? What we do need is to preserve our precious resources. Once nature is gone, it's gone. We can't build any more.

We have anorexic deer nibbling our shrubs out of desperation that their home is being destroyed. I had a bear the size of Snuffleupagus enter my garage when I was exiting my car with takeout food.

We love animals. That's why we chose to live in a nature preserve. But, unfortunately, paving over paradise is not conducive to nature.

Another massive issue is water and the impending flooding with water saturation and canal flooding issues. We're all on waterways here at the Isles of Collier Preserve. How about -- I have a suggestion. If the county could consider the purchase of this plot for green space -- I believe you have the funds. And according to Conservation Collier, that particular parcel fits within the criteria. Just something to keep in mind.

That's all. Thank you.

CHAIRMAN FRYER: Thank you very much.

MR. FRANTZ: Your next speaker was Chris Mei, followed by Shamim Ruff, Cindy Nayer, Ferdousi McAllan.

Chris Mei? Sorry, we've lost Chris Mei.

The next speaker that's on Zoom looks like Cyndy Nayer.

CHAIRMAN FRYER: Ms. Nayer, are you there?

MS. NAYER: Hi. Can you hear me now?

CHAIRMAN FRYER: Yes, we can. Please proceed. Three minutes.

MS. NAYER: I have a bunch of notes in front of me. Many of them have been said, so I want to share a couple of things that haven't been said.

I was in the streets in Irma, and I am a member of -- and live here in Collier -- I'm sorry -- in the Isles of Collier Preserve.

The amount of water flow, if you recall in Irma, was unbelievable, and rolling backwards back out into the sea as fast as it was coming in. And, of course, the preserve is much closer to the Everglades outlet and Everglades area of this South Florida area as a whole.

That's where we lost firefighters. What I'm trying to say is, has anybody done the actual movement of wind and water, those studies, and mapped them to see if this is even reliable? And what really scares me now is the idea that at the corner of Bayshore and Thomasson, we're now facing only six feet until the sea, which is less than what Miami has before they start to flood every week.

So there's a real problem here with the water control. And among all of those things, what I don't hear is, yes, I understand the traffic control, but did people also consider the boat launch control into Hamilton Harbor and the bay? Did they also consider the amount of dump trucks and

the trash that comes along with that in this particular area that is so unique in the world?

Really, I think we can do a whole lot better. And I think that as a group and knowing -- the amazing questions that you-all ask, because I've been on this Zoom today since you opened this morning, which was -- there was a lot that I learned today. And I want to say to you mostly what I learned is that you really did have all of us on your mind, all of the citizens, and I appreciate that. And I would like to be a part of helping you think otherwise here about not doing this process that has been proposed.

We don't get information from -- from our HOA. There aren't any people that are residents on the HOA. And when we do go in and try to talk to people, we get punched around from one person to the other.

MR. FRANTZ: You have 30 seconds.

MS. NAYER: So thank you for your time. If there's any time left on my spot, please give it back to Steve Young. Thank you.

CHAIRMAN FRYER: Okay. Ma'am, before you leave, will you tell me again your name, please.

MS. NAYER: Sure. It's Cyndy, C-y-n-d-y, last name is N like Naples, a-y-e-r.

CHAIRMAN FRYER: Thank you so much.

MR. FRANTZ: We're going to try Shamim Ruff one more time, to be followed by Ferdousi McAllan, Dairdre McGlothlin, Mike Linder, and Ilene Glickman.

Shamim, can you hear us?

MS. RUFF: Yeah, can you hear me?

CHAIRMAN FRYER: Yes, we can. Please proceed.

MS. RUFF: Okay. Good afternoon. Thank you for the opportunity to speak.

I have very similar comments to those that have already been shared. I am -- I'm a resident of the Isles of Collier Preserve. And my biggest concern is regarding the water. I mean, this has been mentioned by several people. I'm really worried about that and flooding. I think we really, really don't need additional houses being built.

Secondly, I am also worried about the traffic. And as one speaker mentioned, not just outside the community but within the community. You know, one of the reasons we bought in the Isles of Collier was because it was quiet and peaceful.

And then, obviously, I'm against, you know, more of the preserve being used for housing. I think it really should be left to nature.

So as I say, I agree with everything that's been said before. But my biggest, biggest concern is the stormwater on the flooding, the concerns around flooding associated with that, and thank you.

CHAIRMAN FRYER: Thank you very much.

MR. FRANTZ: Your next speaker is Fedousi McAllan. Fedousi, can you hear us?

MS. McALLAN: Yes, I can. Can you hear me?

CHAIRMAN FRYER: Yes, we can. Please proceed.

MS. McALLAN: Yeah, so falling on from all of the other residents, we actually are one of the very first people who bought. We bought our plan. We were told all sorts of things by Minto about how things were being developed. They really haven't fulfilled a lot of those. As everyone else has said, they're very bad at coming back to any residents about anything. We've had an awful lot of issues, and they really haven't been great.

The community is very nice. We bought, again, because it was a nature reserve. We love nature. We love the quiet. We really can't do with that many more cars, you know. The number of people that are there already are struggling to get on the amenities in high season, and we don't want to just become a resort with this many extra people around. So as everybody else said, those are some of the issues that worry us. Plus the flooding water really does trouble us. You know,

we've had more and more tropical storms, and we feel this will really adversely affect our community, our properties, and the reason why we actually bought in the first place.

CHAIRMAN FRYER: Thank you very much.

MR. FRANTZ: Your next speaker is Dairdre McGlothlin, followed by Mike Linder, Ilene Glickman, Susan Stine, and Marc Rosenberg.

Dairdre, can you unmute yourself?

MS. McGLOTHLIN: I believe I did.

CHAIRMAN FRYER: We hear you now. Please proceed.

MS. McGLOTHLIN: Yes. Thank you. Yes, my name is Dairdre McGlothlin. My husband and I will be permanent Florida residents January 2021, and we look forward to spending full 12 months in our Naples home here at -- in the Isles.

We have lived in cities and towns in 10 different states over our about 50-plus married years. We are very happy to report that Naples is the nicest place we've ever lived. We believe that is due, in large part, to county and local efforts to maintain the beauty and the integrity of what makes Naples Naples.

We also understand that Florida voters have authorized funds to purchase more land for conservation and green space, and we certainly do applaud that effort.

So we are strongly opposed to Minto's proposed amendment to the existing Sabal Bay PUD which would add 230 dwelling units on 102 pristine acres. We believe this is a no-win for Naples residents and Naples ecosystems, and we urge you, our Collier County Planning Commissioners, to deny the Minto request to amend their Planned Unit Development, and I thank you for your time.

CHAIRMAN FRYER: Thank you.

MR. FRANTZ: Your next speaker is Mike Linder, followed Ilene Glickman, Susan Stine, Marc Rosenberg, and Dinah -- Dinah and David Austin.

Mike, can you unmute yourself? We have two Mikes on the line, so we're going to try both of these. Mike, can you unmute yourself?

(No response.)

MR. FRANTZ: We will move on to Ilene Glickman. Ilene, are you there?

CHAIRMAN FRYER: Ms. Glickman?

MR. SILIN: Yes, I'm Andy Silin (phonetic). I'm Ilene's partner. She and I are sitting here together. So I beg your indulgence to -- she's encouraged me to make some comments.

CHAIRMAN FRYER: Go right ahead.

MR. SILIN: Okay, good. First, it's Andrew Silin and Ilene Glickman, and we do live in the Isles, and we thank you for the opportunity to address you.

I also want to applaud all my fellow Collier County residents for the way they've articulated themselves today in addressing major concerns that they have. I will not reiterate all those concerns, though I would add that I have someone that's technologically capable of making this comment, and that is that Minto does not appear to be doing the proper maintenance on exotics throughout the whole community. So with additional exotics, that could be a real problem and, certainly, it will ultimately be a problem for the owners when the community is turned over.

I would say this, and I think you've heard it very clearly in the last 45 minutes, that there sadly is a growing discomfort, and if I may use the strong word "distrust" between the relationship between Minto, the developer, and the owners. There seems to be clear concern about a wide variety of things. And I would suggest to the planning committee that they really, really squeeze Minto a little bit to be more -- more open and honest.

When I listened to their paid professionals at the beginning of this meeting, I was picking up -- and I'm just a resident -- I was picking up a wide variety of things that those professionals were saying that weren't necessarily true.

So I thank you. I think all these other people have been articulate. They have some real concerns that I think the Board should be addressing, and I'm sad to say that, as I've said, there is a growing distrust between the owners and Minto. Promises, promises, promises unkept.

Thank you very much.

CHAIRMAN FRYER: Thank you very much.

Mr. Yovanovich, would you mind approaching for a moment. I have a question to ask of you, sir, and I'll start asking it while you're coming up. It has to do with -- a lot of these comments are directed toward levels of trust or miscommunication, no information coming through. Would your client be willing voluntarily to add a resident to the HOA board?

MR. YOVANOVICH: I'm not prepared to answer that question right now.

CHAIRMAN FRYER: Okay. Well, I didn't think you would, but I wanted you to hear the question so that before we vote on this --

MR. YOVANOVICH: Before we even talk about that, there are meetings that do occur with the residents. There are -- I'm just saying, if I may, Mr. Fryer, we're listening to all of these comments. And there are meetings. The residents are informed. They may not like some of the responses, but to say that there isn't meetings between Minto and the residents I don't think is factually correct.

CHAIRMAN FRYER: All right. You've made your point, sir. I'm going to ask you to consult with your client because I'm going to come back to that at the appropriate time.

Who's next?

MR. FRANTZ: Your last five speakers are Susan Stine, followed by Marc Rosenberg, Dinah and David Austin, Susan -- oh, that's the second one -- and Meredith Budd.

Susan, can you unmute yourself?

MS. STINE: Yes. Hello. Can you hear me?

MR. FRANTZ: We can. You have three minutes.

CHAIRMAN FRYER: Yes. Please proceed.

MS. STINE: Okay. So I actually just got on this to listen because I just signed the papers in September, so my lot is actually starting development next week; however, hearing all this definitely has me being a concerned resident.

When we purchased in September, you do walk into the sales center, and there is a large tree. They have an entire room that is based -- they have bikes in there. They have nature trails. They show you everything. They have waterways and boats and different places that you can go, and they talk so much about the preserves, which makes this the Isles of Collier Preserve.

So, you know, besides that, I really just wanted to listen, but I feel like it's, you know, very important what everybody's saying.

And then the only other point that I will make, you know, from somebody that does really love the activities there, I'm a young 50-year-old. I enjoy tennis and pickleball and all the activities that are, you know, available. But when you think of the pickleball courts, we have eight. And if you have people playing singles, that's 16 people. If you have people playing doubles, that's 32.

You know, we had one of the -- you know, I attended one of the first socials on Thursday evening, and, you know, there were people waiting to get out and play, so -- I mean, which is fine to do like a round-robin, but I just feel as if I'm in agreement with them that if we continue to take away our preserves, you know, we're not going to have availability for, you know, even what they have. And I know when I was there, I don't even think they're at 50 percent capacity. I mean, I don't know all the details. I'm listening. But I would -- I would defer my time to anybody else if they have more comment to make.

CHAIRMAN FRYER: Thank you.

MR. FRANTZ: Your next speaker is Marc Rosenberg.

CHAIRMAN FRYER: Mr. Rosenberg?

MR. ROSENBERG: Can you hear me?

CHAIRMAN FRYER: Yes, sir, please proceed. Three minutes.

MR. ROSENBERG: All right. Thank you. I'm a resident of the Isles for five years.

I want to correct a couple of things. There is no representative on the Minto -- on the Isles board right now because we have just hit 50 percent sales. There is going to be an election for the first representative on the board. The election will be in January as far as I know. Other than that, there is no representation on the board.

Yes, there have been meetings. There have been discussions; they have been informal and formal. And Minto has said that they're not inclined to do anything about the amenities.

I was concerned about that, and so I took it upon myself to conduct some research over the summer with regard to this. And there's too much data to give you in three minutes, but I'll give you the top line here and that is, we asked a representative sample of over 100 residents that -- given the fact that the Isles is only half built, and when it is built it will have 1,700-plus homes and 3,000 plus people, the question was: How concerned are you that one or more of our current amenities will experience increased stress or overcrowding at certain times of the day, week, or year? Nine percent of the respondents said they weren't concerned; 91 percent of the respondents said that they were concerned.

We then asked them if that -- whether they thought the overcrowding of the amenities will affect the lifestyle, the quality of life in the community. Again, 91 percent thought this was a major issue. We asked them if it would -- if this problem would affect sales of new and existing homes going in the future, and here it was a little bit better. I think it was about 82 percent of the community is concerned about this. So there is a major concern, and this was generated by the addition of these extra homes.

Whether or not the homes are built from an environmental perspective, I'm not qualified to speak. But I have done the research, and I have done the collection of resident input here, and I know that the residents are alarmed by the numbers of people who will one day in the not too distant future, looking at home sales, one day will be living at the Isles and trying to do the amenities. And my message to the developer is please consider the impact that this --

MR. FRANTZ: Thirty seconds.

MR. ROSENBERG: -- that this proposal is having on the quality of life at the Isles and let's seriously reconsider the ability of the infrastructure and the amenities to handle it, because at 50 percent now, we're already stressed. Who knows what it's going to be like in three or four years. It will be a mess. And I hope that Minto will discuss this in a more proactive way. Thank you.

CHAIRMAN FRYER: Mr. Rosenberg, before we lose you, did I understand you to say that in January of 2021 there will be a resident member of the HOA board?

MR. ROSENBERG: What I understand -- and you can clarify this with the HOA -- we have two boards. We have a condo board that represents -- I get a certain percentage of people who live in condo-like structures. They already have a representative on their board. We have recently had 50 percent, and according to Florida law, at 50 percent we're entitled to a seat on the board.

That election, I am told, will take place either in January or prior to January, because I know there is -- the annual meeting is supposedly scheduled for January. Now, I'm not speaking on any kind of official basis, so you have to confirm that, but that is the latest information that I have. I hope I'm correct.

CHAIRMAN FRYER: Thank you. Thank you very much, sir. We will look further into that with the petitioner.

MR. FRANTZ: Your next speaker is Dinah and David Austin.

CHAIRMAN FRYER: Mr. and Mrs. Austin?

MS. AUSTIN: Can you hear me?

CHAIRMAN FRYER: Yes, we can. Plead proceed.

MS. AUSTIN: Okay. I will not use your time, because I think most points have been covered.

The only thing I would add is that when we bought in five years ago we were told there would be 1,659 doors or 1,649 doors, was the basis on which we built. We're now hundreds more and with the additional yet more being proposed.

I would clarify that your earlier speaker is quite correct, there are meetings every year; we do attend meetings. But there are meetings where we are told what is going on. There is no ability to influence what might happen.

Thank you.

CHAIRMAN FRYER: Thank you. Is Mr. Austin going to speak?

MR. AUSTIN: No, I agree with everything that's being said so far, and I think a lot of my major concern is I do question the integrity of some of the things said by the developer.

CHAIRMAN FRYER: Thank you, sir.

MR. FRANTZ: So you have four additional speakers. There were a couple of people who, in all the shuffle, we've passed over.

Your next speaker is Meredith Budd. Meredith will be followed by Derek McAllan, Melanie Lawrence, and Donna Graham.

CHAIRMAN FRYER: Okay. Ms. Budd?

MR. FRANTZ: Meredith, can you unmute yourself.

MS. BUDD: Yes. Good afternoon. Meredith Budd on behalf of Florida Wildlife Federation.

One of the greatest threats to the state-listed gopher tortoise is development of their preferred upland habitat. This is because gopher tortoises prefer open canopy, forested lands that have sandy, well-drained soils and, unfortunately, that also represents the preferred landscape for human development.

Since gopher tortoises are an obligate upland species, they require uplands, and their habitat is underrepresented in conservation lands across the state. This really presents a problem for the species, especially since uplands are offered far less regulatory protections than wetlands. And when gopher tortoises are present, permitting requirements simply relocate the resident population, extricating them from their home range.

The FWC relocation requirements were mentioned, and while permitting guidelines do require the relocation site to be of a certain size, of which the on-site area does not meet, in practice there have been very successful gopher tortoise populations that remain isolated, specifically here on Marco Island.

An FGCU study noted that of the 3- to 400 tortoises surveyed on the island, they are divided into isolated concentrations of tortoises throughout the different areas, including the estates and the Sheffield/Dogwood Drive areas, even smaller numbers on Spinnaker Drive, and the west side of Hideaway Beach among others.

The study identified that while genetically isolated, proper management and protection of the species would preserve the uniqueness of the population and minimize further population reduction.

Translocations off the island, on the other hand, will lead to genetic drift. So it was recommended to explore solutions to retain individuals on the island, and that is simply what the Federation requested of the applicant, to explore potential options.

The Federation, along with other colleagues, submitted a couple of these options that we would -- we wanted to discuss with the applicant. And we were -- unfortunately, attempts to

discuss these ideas were -- they fell on deaf ears. This included unanswered phone calls and unanswered emails sent on April 10th, and the submitted letter on July 2nd.

So aside from the initial and, really, obligatory meeting that the applicant had with the environmental community so that they could say that they met with us here today, they completely refused to follow up on our concerns in any detail despite the peer-reviewed literature stating the importance of maintaining resident populations.

We understand that the applicant is proposing to work within the gopher tortoise permitting guidelines; however, the Federation is certainly very disappointed in the applicant's lack of meaningful --

MR. FRANTZ: You have 30 seconds.

MS. BUDD: -- dialogue (audio malfunction) community. If there is an opportunity for the applicant to protect these uplands in any form or fashion, we urge you to request that the applicant explore that further, and the Federation still remains committed to working with the applicant to look closer at this and see if there's a way that we can preserve some of the on-site gopher tortoise population to not further extricate gopher tortoises from their home range.

I appreciate the time, and have a great afternoon.

CHAIRMAN FRYER: Thank you. Don't hang up, ma'am, because Commissioner Fry has a question.

COMMISSIONER FRY: Hey, Meredith.

MS. BUDD: Hey, there.

COMMISSIONER FRY: Sounds like you're the official representative again for the Florida Wildlife Federation. So my question is, if the gopher tortoises were to be relocated but within the same general vicinity as you're requesting, taking the other environmental species, flora and fauna that exist on that property, is the Florida Wildlife Federation in support of this project if the issue with the gopher tortoises could be addressed?

MS. BUDD: So if we could relocate the tortoises even locally, that's something that we talked about with the applicant. I called FWC. Unfortunately, the closest relocation site to my knowledge is Glades County. So there's no actual relocation site within the region that would -- that they could move them to. So, unfortunately, I don't think that that's an option.

There's ways to, you know, create smaller relocation sites for the on-site actual project, if I understood it correctly when I spoke to the FWC staff. But in terms of a local relocation site, the closest one to my knowledge is Glades County, so I just don't see that being possible.

But, yes, if we can work with the applicant to preserve some of that habitat, that's something we really wanted to do, and we were just really disappointed that we didn't even have the opportunity to do that.

COMMISSIONER FRY: The indigo snake was also mentioned as being frequenting that area. It was mentioned by a couple of people, and it's in the reports. Is that a concern of yours also?

MS. BUDD: Yes. So the eastern indigo snake is also federally listed, and it's known to use gopher tortoise burrows as a refuge, particularly when the weather gets a little bit cooler. So since the property is located where eastern indigo snakes may occur, the impacts from the property would also impact -- and the gopher tortoise habitat would also impact them. So, yes, it's of concern.

COMMISSIONER FRY: They go hand in hand.

MS. BUDD: Yes.

COMMISSIONER FRY: Because the eastern indigo snake uses the gopher tortoise burrows.

MS. BUDD: Yeah. As logical would follow, yes.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Mr. Schmitt.

MS. BUDD: Thank you.

COMMISSIONER SCHMITT: Yeah, Meredith, Commissioner Schmitt here.

In regards to applying for a take permit, do you have an opportunity to comment when they apply for a take permit to relocate? Do you have an opportunity to comment with the Florida Wildlife --

MS. BUDD: I don't know that answer, sir. I apologize, I assume that it would be noticed, and you could comment on it, but I'm honestly not sure of that answer.

COMMISSIONER SCHMITT: Because it's -- as you well know, it's not a major significant event. It's a listed species. It's not -- it's not classified as endangered. It's classified as listed, which certainly is significant enough. But it is not a major event to get a take and, typically, the State of Florida will then recommend where -- where they would be relocated.

So I guess I'm asking you, then, you're looking at this board basically to prevent the development because of the gopher tortoises when, in fact, they can get -- relatively easy get a permit through the -- through the State of Florida; is that correct?

MR. BUDD: Well -- so -- and I -- I did not intend to say that they -- there's -- I think I mentioned that -- we understand they -- they are working within the permitting guidelines. We understand that. As I said gopher tortoise habitat, that upland habitat, is not really offered those protections that wetlands are, and so it's really unfortunate, because we end up losing a lot of uplands because, you know, us humans, we -- that's also our preferred habitat.

And so because we lack the protections we need to protect our upland habitat, they're often destroyed, legally, and this applicant is following these permitting guidelines. I'm simply here to tell you that that idea that they engage with the environmental community is true in that they -- it was an obligatory thing to do, so they did that, but they didn't actually have a dialogue. We tried to talk to them. We tried to see if there was ways that we could work together.

The impacted wetlands that are in the south of the property, if there was any way to explore seeing what the quality of those really were in order to preserve, perhaps, some of the upland habitat, and there was just no ability to have that dialogue because the applicant was shut off to it.

So, you know, I do understand that they're working within the permitting guidelines and that they are fully capable of going to FWC and requesting a relocation, but I do want to heighten the idea that uplands do lack those federal protections like wetlands have, and it's a concern because they keep going away, and there are obligate uplands species like our gopher tortoise habitat that kind of get shafted in that way.

So it would have been great if the applicant would have been able to work with us. And if there's any way that the applicant is able to protect some of the uplands to maintain an isolated yet successful population of gopher tortoises, that could be, you know, a driver for people to come to the community. It could be something that people -- people love the environment. They may love seeing gopher tortoises on property, maybe walking along the preserve. There's ways, I think, that it could happen, and if there's a way for the applicant to do that, then that's what we are committed to helping the applicant do.

COMMISSIONER SCHMITT: Well, my -- you brought up the comment, but I'm going to follow up, then. Because the issue is they had a jurisdictional determination, a JD, and the JD identified the wetlands that had to be at least protected. And as you well know, there's only three ways you do that. You avoid, you mitigate, or you compensate. And in this case they avoid impacting the wetlands, and they go through the federal permit process, Section 404 of the Clean Water Act.

And the attempt is to protect the wetlands but, frankly, they protect the wetlands at the expense of uplands, and the uplands are the habitat most desirable, as you pointed out, for the

gopher tortoise. So it's -- I don't -- I don't know of any legal way in the permitting process to impose some kind of a restriction that they can't develop uplands other than -- you identified it and, of course, Kelly did as well from the Conservancy, that this is habitat for the gopher tortoise, but there's no -- I don't -- I don't have any idea how I can legally restrict the development on uplands other than designating it in the PUD or in the zoning as a preserve.

But we do that at the expense of losing wetlands, and I can go in length about the wetlands issue in this country but you know that, and Kelly does as well. I'm just -- I'm at a loss here.

MS. BUDD: Yes. And I appreciate the comment, sir. And I think it's -- you know, for lack of a better term, it's kind of a -- we're kind of in a little bit of a pickle, because there are about, I think, 27 acres of wetland -- wetland impacts for the property, which amount to, you know, I guess -- well, the question is, are they functional wetlands? And I understand that there's permitting guidelines, but what -- initially, when we interacted with the applicant, we wanted to look further into that.

Is there ways to discuss with the agencies understanding that, you know, these wetlands that are severely impacted are getting protected not necessarily restored in any way, so they don't really have necessarily the same function as, you know, what you would think of a pristine wetland at the expense of relocating this resident gopher tortoise population.

So we wanted to really just hash that out and see if there was any possibility of looking at -- well, of course, the preferred manner would be increasing density and just changing the site plan without impacting the wetlands. But understanding the functionality of those wetlands, you know, we wanted to look further into it. Whether or not it's -- it would be even allowed from an agency perspective, you know, I don't know the answer to that because we never got that far.

So I don't know if there's anything as a commission that you-all can do to, let's say, for lack of a better term, require the applicant to do something with the upland preserve. I simply am here, really, today to point out the, really, lack of collaborative effort or even meaningful dialogue that -- with the environmental groups that were concerned about this species and bring up maybe a systemic, you know, issue that we have with, you know, our upland habitats, and perhaps it's something that the county could take a more proactive approach on, you know, through their -- through their planning and policies.

But we do have a lack of policies in place, you know, fed -- whether it be at the state level, federal level, or local level to protect, you know, these upland habitats, because that's what we like to build on, too. And it's just -- we're seeing more and more gopher habitat get impacted for our development, and they're getting extricated. And I don't know the solution. We were hoping that the applicant would be more willing to discuss and figure something out that could benefit everyone, and we were disappointed with the outcome.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Given that we returned from lunch at 1:15, ordinarily we would take a midafternoon break at this time, so I'm going to ask the court reporter what her preference is. Could we go another 15 minutes?

THE COURT REPORTER: Yes.

CHAIRMAN FRYER: Next speaker, please.

MR. FRANTZ: You have three remaining speakers. First is Derek McAllan.

Derek, can you unmute yourself.

MR. McALLAN: I have. Can you hear me?

CHAIRMAN FRYER: Yes, we hear you.

MR. McALLAN: Thank you very much.

You can probably tell by my strange accent I'm not a resident of Florida normally, but I am a resident of the Isles. And I agree with everything that's previously been said.

CHAIRMAN FRYER: Would that be the British Isles, sir?

MR. McALLAN: It would, indeed, yes.

CHAIRMAN FRYER: Thank you.

MR. McALLAN: Thank you.

I agree with everything that the previous residents have said.

I think it was very telling when the applicant's representative opened up by trying to tell you and your fellow colleagues that you weren't entitled to have an opinion or comment on the facilities that Minto were and weren't going to leave behind, and throughout the comments there's been a stream of Minto telling people what to do.

And when we bought the house, there was -- we were promised various facilities which were either late or didn't materialize. And I think my conclusion is, if you trusted Minto, you would believe they would voluntarily commit to dealing with the various -- the various concerns of both the residents and the environmental resident -- the environmental concerns and the traffic concerns. My observation to you is that they only do it if they're made to. They won't do it voluntarily. They wouldn't put a member of the -- representing the residents on the board voluntarily when asked and, therefore, that's why they've completely lost our trust.

So what I would say to you is that you simply cannot count on Minto to do the right thing unless you make them do the right thing.

That would be all. Thank you.

CHAIRMAN FRYER: Thank you, sir.

MR. FRANTZ: Your next speaker is Melanie Lawrence. Melanie, can you unmute yourself?

CHAIRMAN FRYER: Ms. Lawrence, are you there?

(No response.)

MR. FRANTZ: We're not getting anything from Melanie.

The final speaker is Donna Graham. Donna, can you unmute yourself?

CHAIRMAN FRYER: Ms. Graham, are you there?

MS. GRAHAM: Hello, yes. This is Donna.

CHAIRMAN FRYER: Yes, we hear you. Please proceed.

MS. GRAHAM: Yep. I've been listening all day, and so I agree with the comments of everyone who's opposed to it for all of the various reasons.

And I see that, as it's gone on, we've gotten more into discussing how we feel about Minto and how they treat their residents. I am a resident there.

And I guess I just want to steer you back to some things, and I'm sure you're capable of doing that yourself; that it's not for you to mediate between the residents of Minto and, you know, what we want or don't want, what we, you know, want increased or not. But as a buyer, when we bought, we knew what was being built, we knew what the facilities were, and that was that. For them to come in years later and now add to it, that, you might think, is not your problem, but it is in that I don't think they should be allowed to do that to us. And our protection would be you. And so -- but you can stand on it for the reasons of the traffic, and I take great exception with someone -- and I didn't write down who it was, but earlier this morning who said that, well, if Minto didn't develop this property and someone else did, they could have many, many more residents and, therefore, increase traffic, so they're actually doing, like, a favor because they weren't going to have the density and, oh, by the way, people could just travel through the existing community. That's offensive to me because, you know, as anyone who bought there, we knew what the limits of the community were.

And so now to simply say, well, we'll just -- you know, lucky for you guys, there won't be as much going out on Bayshore. All of those streets are very busy. All of Naples, all of Florida is very busy. Everyone is wanting to go there because you're a tax haven, and all the wonderful things and the weather and everything that comes with, you know, living in Florida.

But for Minto just to wipe it off that we don't matter, the existing people, and then -- and then to, you know, increase the number of people who are using the things but to say to you that it's a benefit to the community in terms of lucky they build there, the traffic won't be as bad on Bayshore. But it's still coming into the -- you know, it's going to the community, it's on Thomasson, it ends up on Bayshore, it ends up on 41.

And then the other thing I think is a real problem is the flooding. And nobody knows, call it climate change, global warming, we don't know. We do know that the incidences of extreme weather are increasing. Hopefully not, you know, continually --

MR. FRANTZ: You have 30 seconds.

MS. GRAHAM: But I think you would have to look long and hard. We are all on little lakey (phonetic) ponds or whatever, and the idea of flooding, there's a huge responsibility there. So the idea that the residents of Florida voted that you could have money to purchase and conserve green space, I think this is a huge opportunity for you to do that and deny Minto the project.

So thank you. I appreciate -- it's been a long day for you-all, and I've learned a lot, and I hope it goes forward however it's best suited.

CHAIRMAN FRYER: Thank you.

MR. FRANTZ: That was your last speaker.

CHAIRMAN FRYER: Thank you very much. It's 2:52. We'll stand in recess for eight minutes until 3:00 p.m.

(A brief recess was had from 2:52 p.m. to 3:00 p.m.)

CHAIRMAN FRYER: Let's reconvene. And before we ask the applicant if he has rebuttal, we've got two matters that I don't think we could possibly reach, and they are Bembridge and the Safety Service Facility, Golden Gate and DeSoto Boulevard CU. I would entertain a motion from the Planning Commission that we continue those so that those folks don't have to stay around for the rest of the day.

COMMISSIONER HOMIAK: Are they all right with that, the petitioners?

CHAIRMAN FRYER: Well, we're not going to reach them.

COMMISSIONER HOMIAK: Well --

COMMISSIONER SCHMITT: That was --

CHAIRMAN FRYER: Bembridge and the safety service facility.

COMMISSIONER SCHMITT: Yeah. I certainly don't think we're going to get to those today. We still have the other one, the landmine, land --

CHAIRMAN FRYER: Richdale, yeah. And -- with respect to.

COMMISSIONER SCHMITT: We have a lot of landmines.

COMMISSIONER HOMIAK: There's another one.

CHAIRMAN FRYER: Yeah, well, the LDC.

COMMISSIONER HOMIAK: No, earth mining. Edward's Grove.

COMMISSIONER SHEA: Yeah, that's what he's talking about.

CHAIRMAN FRYER: Oh, Edward's Grove, yeah, you're right. You're right. Edward's Grove.

So I would entertain a motion that we excuse the representatives of those applicants because we can't possibly reach them, and it's -- I don't know whether we're going to reach Richdale, but I know we've got a lot of people that want to speak on it, and I want to give them every opportunity to do so since they've been here for a long time.

Could I have a motion?

COMMISSIONER VERNON: Vernon moves.

MR. FRANTZ: Just for your awareness -- I apologize for interrupting -- we do have one person registered for Bembridge.

CHAIRMAN FRYER: Okay. Okay. Thank you. Is there a second?

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: Okay. Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, the matter before us is continuing Edward's Grove, Bembridge, and safety service facility to our next meeting, which I think we've got a couple meetings where we're light. Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: (Absent.)

CHAIRMAN FRYER: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Those matters are now continued. Thank you.

Mr. Yovanovich, do you have rebuttal?

MR. YOVANOVICH: Yes, sir.

CHAIRMAN FRYER: Please proceed.

MR. YOVANOVICH: What I'd like to do first is -- I can't do it that way. Never mind.

What I'm going to do is I'd like to bring up Mike Elgin from Minto first to address a lot of the comments that the residents made.

You've already heard on the record, and I'll confirm, that the plan is in January to have the election of the first resident member of the board. I confirmed that after you asked me to do that. He already told me we're doing that.

CHAIRMAN FRYER: Thank you. That satisfies my concern. Thank you.

MR. YOVANOVICH: So what I want to do next is bring Mike up. Pardon my scrolling real quick, because we've been through all these. But -- there you go.

MR. ELGIN: Good afternoon. For the record, Michael Elgin. I'm director of community development for Minto Communities for the Isles of Collier Preserve.

As Rich mentioned and, again just -- I know he just clarified for you as well, but that is correct, per our documents -- at 50 percent homes CO'ed and closed, our documents and declarations provide for a resident -- an election of a resident board member. The save the date for that has been sent out for January. We still have not noticed that. We've just completed some of our budget workshops in advance of that, and that will happen.

As was also mentioned, I think, by Mr. Rosenberg, is that we do have one condo association, which has had a resident board member on that for at least a year. I think we've had two resident participants on that board as well.

So we're sticking to the documents in accordance with how HOAs function.

(Simultaneous crosstalk.)

CHAIRMAN FRYER: I'm satisfied with that personally. Unless another member of the Planning Commission wants to ask for it sooner, I'm okay with that.

MR. ELGIN: Perfect.

So the next topic I wanted to tackle a little bit is we've discussed a little bit about the total additional units to the HOA and that impact to the HOA. Two hundred and thirty is obviously the zoning application request that is before you.

This slide is one that I'd like to clarify. So the PUD, the Sabal Bay PUD, has a current

total of 1999. We're requesting an increase to 230. The proposed PUD total would then go to 2,229 units.

One thing that's very important to consider here is that 437 of those units are still controlled and are part of the commercial pieces, and the Colliers still have entitlement to those. Minto does not have entitled rights to those.

Minto has set up this association, and the current HOA billing is based upon 1,649 units. That means when the amenities were constructed, the association was intended to be 649 [sic] total doors, total dwelling units. We currently can only build 1,562 within the current ICP footprints. Now that we're on our final stages of planning, plat, and permitting of our last couple parcels, unit changes, density changes have changed through the years and a couple of those parcels which resulted in us physically being able to build less units in the existing ICP.

So with the 1,649 that was static, when you do the math with the 230 additional units as part of this application, the true impact to the association is only 143 units. So that's the delta to -- between the two based on the final planning.

So, again, I wanted to clarify. Again, I have spoken multiple times in front of our residents. They've seen this slide. This slide was part of our NIM. We did conduct two other meetings with which the Fleischmann acquisition project was discussed with them. One in November in 2019, and then we had one specifically dedicated to it again last spring around when the original NIM was scheduled to occur. So we do have active communication with the residents regarding that.

The only other item that I really wanted to touch on, again, we've talked about there were a number of comments related to the sales center parcel. Again, the sales center parcel, that's what houses our sales operations currently. And, again, it's a four-and-a-half -- approximately four-and-a-half acres. The existing building on it is 7,730 square foot of building with parking. And the developer has committed to making this and dedicating the underlying land to the HOA. It is a correct statement that was stated that Minto has committed to transfer that over to the HOA as an as-is condition.

We didn't commitment to making any changes. As recent as last week, we've had four different budget meetings, and also as part of those meetings there was active discussion about this sales center parcel, and the developer, myself, committed at that time to work with our residents to look at the future planning for that. There were requests from our residents specific to how to prepare some reserves, so -- to make sure that the building is delivered in an adequate fashion or that there are sufficient reserves in place to handle it when it is turned over.

So it's a little disingenuous by a number of residents who had spoken who said, you know, we didn't have an open dialogue. Those meetings were last week with which this sales center parcel was actively discussed.

In addition to that, just as kind of a clarification, again, our current clubhouse -- this is just our calculations of that facility. That facility currently is about 14,000 square feet. That building at the sales center is half of that square footage which would be added to that, which can be used for meeting rooms or card rooms and other things that potentially would be identified at that particular point in time as necessary of the HOA to move into that.

So, again, we think that that particular property is adequately suited to turn over to the HOA to fulfill some of these expansion areas, you know, and offset some of those additional units at that time.

I will tell you as well that we are actively working on plans for some expansion of some of the amenities, that same report that Mr. Rosenberg spoke about which he shared with the developer a month ago, I believe, plus-minus, that was resident done and resident participation kind of gave a true picture of where the residents believe there are some deficiencies.

One of our most active amenities is our pickleball. You heard that from a number of our

residents, and we are actively working on some planning activities for some commitments to build some additional pickleball courts and expand that facility as we go through this acquisition process.

So those voices have not been unheard by the developer. At the appropriate time, when we get through the planning stages and further into this acquisition of this property, then I have stated that, again, we can look at the facility capacities and where those deficiencies are and are committed to look at what the needs are at that time.

But we are 50 percent built out. And it's important to not [sic] understand that we don't build our facilities so that everybody can show up at 9:00 a.m. and be on a treadmill. That's not how facilities are designed. And while things are expected to be at peak hours, we try to do our best to develop our amenities that way.

The last point I will make about amenities is there were many of -- many statements related to Minto's lack of delivery. Minto has delivered 100 percent of the committed amenities in this community, and we did so prior to 50 percent buildout. It included our six tennis courts, our eight pickleball, our four bocce, a restaurant, about a 2,200-square-foot restaurant. We have two pools. We have a fitness center which, obviously, is shown on here within the clubhouse, multipurpose rooms, saunas, and everything. Two event lawns.

We have delivered 100 percent of the amenities as was indicated in the sales process and is on our topo boards at the sales center as intended, and we've done so before 50 percent buildout. They are built out, and we've completed those.

We've also -- we are in the process, as we develop new properties, of expanding our nature trails of which we have miles of trails. If we can go back to some of Andy's exhibits, one of the important things in development of the Isles, which many of you know that were familiar with the Sabal Bay, is the cypress waterway and having those trails and going into those 1,400 acres of conservation. Many of those trails are accessible and completed. They're paved, they're structured, they're unstructured paths and very accessible to our residents, which they do enjoy, and those have been delivered and completed well in advance of that 50 percent.

So I just wanted to -- do you have any questions on any of those comments?

COMMISSIONER FRY: Yes.

COMMISSIONER SCHMITT: I just --

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: My questions I want to direct to Yovanovich first.

COMMISSIONER FRY: I do.

CHAIRMAN FRYER: Just a moment. Commissioner Fry has a question.

MR. ELGIN: Was I too quick?

COMMISSIONER FRY: Yes, sir.

So you stated you're about -- I'm over here. About 50 percent built out.

MR. ELGIN: Approximately, yes.

COMMISSIONER FRY: Approximately 50 percent.

MR. ELGIN: Yes.

COMMISSIONER FRY: So I'm not a developer. Explain why, if you're only at 50 percent, you are already in -- you're in need and why this is before us now -- when you have another hundreds and hundreds of homes that could be built on your existing footprint, why are you needing to expand into this area now.

MR. ELGIN: Sure. This parcel, specifically the hole in the doughnut, I think one of my consultants referred to that before, was looked at early on as part of the original acquisitions as part of this. It was not available. I wasn't here for that part. But, again, we couldn't add it at that time.

We are continuing to build. I think our residents will admit we build a good product. Our property is great. They love living there.

This property became available, and we felt it a good opportunity. It's adjacent to the property. Our corridor road goes right by it. It integrates perfectly with the community, and we felt it appropriate to continue to expand and develop the Isles in the same fashion that we've done and build a great community.

COMMISSIONER FRY: And so one of the points that the residents have made, and I think it's pretty universal amongst the people that spoke, was you've made it clear you're really only adding a net of 143 units above and beyond what you -- is realistic in your ICP, is what you call it, the ICP, correct?

MR. ELGIN: Yeah, I'm sorry. Isles of Collier Preserve. It's my acronym; I'm sorry.

COMMISSIONER FRY: Okay. So you're adding 143 units. That's not a huge percentage. It's not maybe 10 percent, but it is above zero. And you're at 50 percent built out. You already have some concerns among residents about amenities currently, and then you're -- but you're only 50 percent built out.

Why is it unreasonable for their -- their request that you do enhance your amenities when you're adding 143 units and you already have some potential issues, pretty widely stated concerns about amenities?

MR. ELGIN: Sure. And, respectfully, I -- again, we believe -- and, again, I respectfully disagree with some of the residents who believe that our amenities are at capacity already. I'm on that property every day, as many of them are as well, and I don't know necessarily --

COMMISSIONER FRY: I actually didn't say that. I just said that there are concerns about amenities, especially as you grow from here on.

MR. ELGIN: Sure.

COMMISSIONER FRY: And I understand the point about 9:00 a.m. not everybody can get a treadmill. So go ahead.

MR. ELGIN: Sure. And I think that, as I stated earlier, again, the sales center parcel and the opportunities for the HOA as part of us dedicating that property to them also gives them the opportunity to expand those amenities.

As I stated as well, one of the things on -- in the study that Mr. Rosenberg referenced, one of the -- and pickleball was referenced earlier. There is a commitment from the developer, and we're in the planning stages of that right now to, in conjunction with this application, expand that facility, upwards of -- and I haven't come to a completed number of that because it has to do with what the facility -- the physical footprint of the facility holds, but it could be somewhere between six and eight courts -- additional courts, which doubles the capacity of that.

So the developer is not opposed to looking at where are deficiencies are by adding this net 143, which we think is a small number from our perspective. Respectfully, our residents believe that's a large number, and I understand that.

But, again, we are recognizing that additional units potentially could warrant some additional look at our facilities. I don't know what those deficiencies are. A simple example is, as we grow by almost 200 units per year -- that's what our sales pace is. Last year has been a very difficult year to track what our impact on our amenities are because half of our amenities were closed last year as we basically added 400 units and our facilities have been lightly used due to COVID-19, unfortunately.

So, again, the developer's willing to take a look at the opportunities within the amenities as we see deficiencies that are there, and we're working towards some of those right now.

COMMISSIONER FRY: Was the handing over the clubhouse -- I'm sorry, the sales center, is that something that is related to this application, or is that something that was in the works from the beginning?

MR. ELGIN: I believe -- I was not with the Isles since the beginning. I think one of our residents stated that was always part of the plan. I went back to leadership within Minto and

reconfirmed, and it is my path and my direction to transfer that underlying land now as a commitment to ensure that. There's nothing in our documents, in the HOA documents or anything that requires -- or the PUD that requires us to dedicate that. But the developer has reaffirmed that commitment to do that. And, again, as stated, we discussed how that would be turned over as an as-is condition. As the slide showed, it's -- you know, it's a sizable facility that would be -- and the sizable asset that, again, can be used to whatever the HOA determines it wants or needs at that particular time a couple years down the road when we get to turnover.

COMMISSIONER FRY: Okay. Thank you. I'm just trying to get --

MR. ELGIN: Sure, understood.

COMMISSIONER FRY: -- to what you might have offered, because you are adding capacity to the amenities, and they are asking to say -- you know, you are -- you are doing that, so why not offer us something in return. And so I'm trying to establish what, if anything, you are offering in return for adding this land and all those additional units to the amenities that these folks must share. So that's where I was going.

MR. ELGIN: I appreciate it. Thank you.

COMMISSIONER SCHMITT: I have a question for him.

CHAIRMAN FRYER: If I may first, I need to clarify the record with respect to the continuances and be sure that all the Planning Commission is on board. We continued three items, and I think we might have said that it was being continued to a date certain, but then I mentioned two different dates in December. And I believe it's our intent that those three be continued to the first meeting, December 3rd, and so that staff can inform the applicants. Are there objections to that clarification?

COMMISSIONER SHEA: That's 4, 5, and 6 on the agenda?

CHAIRMAN FRYER: It's Edward's Grove, Bembridge --

COMMISSIONER HOMIAK: Yes.

CHAIRMAN FRYER: -- and safety service. Thank you. I'm sorry. Go ahead, Commissioner.

COMMISSIONER SCHMITT: Yes. Who owns the property now?

MR. ELGIN: It's --

COMMISSIONER SCHMITT: I looked on the Property Appraiser's website, and it shows Bayshore Parcel, LLC.

MR. ELGIN: Minto is currently not the owner of the property. That is the current owner of the property.

COMMISSIONER SCHMITT: So you have not purchased the property yet?

MR. ELGIN: We are not. So to clarify that, we have a contract pending. We have an executed contract, and the acquisition of the property is contingent upon acquiring entitlements for the property, which includes the rezoning, South Florida Water Management District, Army Corps of Engineers.

COMMISSIONER SCHMITT: Okay. Because I went through a quick count, and it looks like somewhere around at least the appraised value of the property is 3.5 million, all the parcels and, typically, if you -- if you take 70 percent, that's probably 4 to \$5 million.

And the reason I bring that up is because we heard several of the residents talk about Conservation Collier and -- or the county buying that property. My question I have, who should preserve it? Who should buy it? And, of course, many of the residents recommended Conservation Collier. Well, for Conservation Collier to buy it, you need two things. You need a willing seller and a willing buyer. If you were approached by Conservation Collier, do you believe that you would sell it at this point?

MR. ELGIN: I'm not sure I could answer that question, because without the entitlements, I would not own that.

COMMISSIONER SCHMITT: Yeah.

MR. ELGIN: I'm not at liberty to disclose the purchase price, but it's not \$3 million.

COMMISSIONER SCHMITT: Yeah. I would guess. But I'm just looking at the -- I'm looking at the appraiser, so --

MR. ELGIN: Understood.

COMMISSIONER SCHMITT: I mean, that's the Property Appraiser's site. Because I --

MR. ELGIN: Yes.

COMMISSIONER SCHMITT: I find it -- found it interesting because, of course, the intent of many of the speakers was to keep this in preserve, and with that I'm going to go to Rich on the current zoning, if I could proceed.

CHAIRMAN FRYER: Yes, please.

COMMISSIONER SCHMITT: Mr. Yovanovich, Rich, the existing -- can you put up the map? Because, again, that was -- one of the speakers brought up about kind of -- it was sort of the intent, and I took it as bait and switch, but this was really not a bait and switch. It is zoned ag and RSF-3; is that correct?

MR. YOVANOVICH: Yes. Yes, that is -- I'm trying to find --

COMMISSIONER SCHMITT: Go back to the other one. That one there. It is -- the north is RSF-3, so you could -- a person could go in there today and build three units per acre, and the southern half, they would come in -- if you wanted to develop this as shown, because this, as I looked at it, delineates the lands that have to be placed in preserve, you -- that have been identified either through jurisdictional determination or otherwise or South Florida Water Management District, so if you were to build this today, there would be -- of course, it would not interconnect at all in any way, shape, or form with Sabal Bay. All this property, legally, could still go through Bayshore, is that correct, up Bayshore Drive?

MR. YOVANOVICH: Yes. What we would have to do is we'd have to bring a straight rezone petition for the south, basically, half of the property.

COMMISSIONER SCHMITT: Right.

MR. YOVANOVICH: To rezone it to RSF-3.

COMMISSIONER SCHMITT: Right.

MR. YOVANOVICH: I think it would be very difficult for the Planning Commission to deny a straight rezone to an adjoining zoning district. So assume we get through that rezone process. Yes, we would redevelop this property as identified here. We would preserve the same preserve area we're talking about, because it's 100 percent consistent with your Growth Management Plan. All the traffic, including all the construction-related traffic, which means bringing in all the dirt --

COMMISSIONER SCHMITT: Right.

MR. YOVANOVICH: -- as Jen -- would all go through Bayshore, and the overall traffic impacts on Bayshore would be higher than what we're proposing through the rezone, and the overall traffic on the transportation network would be higher. It would disperse a little bit differently, but the overall traffic impact would be higher than if we were to do what we're proposing.

COMMISSIONER SCHMITT: So in follow-up to that, then, the property to the west of this is privately owned as well.

MR. YOVANOVICH: Correct.

COMMISSIONER SCHMITT: And, of course, if this was put in preserve, you still have, let's call it, the hole in the doughnut. That still could be developed, that land next to it. I'm not sure what it was -- what it's zoned. I think it's zoned ag, but I'm not sure. That's --

MR. YOVANOVICH: I think it's ag. I'm not 100 percent sure to be to honest with you.

COMMISSIONER SCHMITT: So again, there's this -- the proposal was to preserve it,

because now we don't want the development. That's what we're hearing from the -- from the people who spoke against the project. But, of course, other than the offer by -- trying to convince -- would take a while to convince Conservation Collier, because typically it has to go before the land acquisition board, or whatever they call that today, for Conservation Collier, then they would have to review it and recommend it to the Board of County Commissioners.

I would consider -- I would believe it would be a fairly spendy purchase.

MR. YOVANOVICH: Of course, we're not at liberty to disclose the --

COMMISSIONER SCHMITT: Right.

MR. YOVANOVICH: -- current purchase price.

COMMISSIONER SCHMITT: Well north of \$4 million.

MR. YOVANOVICH: Yes, yes.

CHAIRMAN FRYER: I'm going to take this time quickly to send a message to Mr. Troy Miller that I need the charging cable for the deliberator, sir.

COMMISSIONER SCHMITT: I have a question for your engineer, if -- because we heard a lot about water management. So in a nutshell, I mean, it can be developed. And --

MR. YOVANOVICH: Can I just -- yes, can I just address one of my rebuttal points, because I think it's --

COMMISSIONER SCHMITT: Go ahead.

MR. YOVANOVICH: -- an appropriate time.

I find it a little bit ironic that we're being told to preserve the uplands and go impact the wetlands, because I'm 100 percent certain -- well, maybe 99 -- whatever Ivory snow is, 99.9 percent sure that if we came in showing impact on the south portion of that land immediately adjacent to Rookery Bay, the same environmental groups who are telling me to preserve the uplands for the gopher tortoise would be here screaming that I'm now impacting the wetlands down by the Rookery -- Rookery Bay -- yeah, Rookery Bay Preserve.

So we are following the Growth Management Plan process. I can tell you, we didn't short shift any environmental groups, but the residents that we spoke to did not want us building multifamily at a taller height on that property to condense the building footprint to try to preserve some of the 30 or so acres to come up with an even smaller gopher tortoise preserve area. So we understood it. We just knew realistically what they were asking for, we weren't going to get through the process.

COMMISSIONER SCHMITT: Well, just to follow up, most likely you wouldn't get a permit through Army Corps.

MR. YOVANOVICH: You know, I'm not an expert in this. I have consultants I've been around long enough to know by listening to them we're not getting that permit to impact those wetlands.

COMMISSIONER SCHMITT: With my experience as a former commander in the U.S. Army Corps of Engineers, Savannah District, who used to deal with the 404 permitting process, and as a consultant who advises clients on 404 permitting, most likely you would not have gotten approval for any type of impact on this, or you would have and, as I said before, you would have to mitigate or compensate. Mitigate meaning go in there and mitigate somewhere for the land -- the impacts that have -- were taken, or you would have to compensate by purchasing off site, which probably would not be approved. So I'm just saying "probably." I didn't -- I know you may have already started that process, or your client.

Anyways, your engineer, I want to talk about water management. We heard a lot about water management, and as she's cleaning I'll go through it. Of course, you have to go through the South Florida Water Management District for an ERP, Environmental Resource Permit, which includes your water management. And with that, I want you to clarify that when you go through the ERP process, you are not allowed to have any adverse impact on adjacent property; is that

correct?

MR. KAYNE: For the record, Wess Kayne with Barraco & Associates. I'm a licensed professional engineer in the state of Florida.

And, yes, what you just stated is correct. You're not allowed to have a detrimental impact on adjoining properties.

Another thing I just want to bring to your attention, because I know there was some conversation about flooding and stormwater and some concerns. Currently -- I don't know if you can see the pointer on the screen -- but Minto currently owns this stretch of land right here --

COMMISSIONER SCHMITT: Correct.

MR. KAYNE: -- and actually has an Environmental Resource Permit for that piece of land. So this Fleischmann property is already bounded by, A, the permit that Minto has for that, what we call the connector road parcel, and then, B, the Avalon swale that runs along the east side.

So at this point, really, what we're developing, what we would be developing on this property is, essentially, an independent system that operates on its own, stands on its own.

COMMISSIONER SCHMITT: That ERP, Environmental Resource Permit, will include -- correct me if I'm wrong, it will include calculations for all requirements for stormwater runoff.

MR. KAYNE: Water quality and attenuation.

COMMISSIONER SCHMITT: Water quality and water runoff to be retained on site. And if you're going to move it off site, you have to identify how it will be transmitted and where it will go; is that correct?

MR. KAYNE: It would have to be at a limited discharge rate.

COMMISSIONER SCHMITT: Limited discharge rate.

MR. KAYNE: Up to the 25-year storm event.

COMMISSIONER SCHMITT: Okay. All right. I just wanted to make sure that was on the record. Thank you.

MR. KAYNE: Yes, sir.

CHAIRMAN FRYER: Thank you.

MR. KAYNE: Thank you.

COMMISSIONER SCHMITT: I have one last question for Rich. And you mentioned nature trails, and I heard one of the homeowners talked about nature trails in this area. Are there any Minto nature trails on this property?

MR. YOVANOVICH: On the Fleischmann -- I'm sorry, on the property we're buying?

COMMISSIONER SCHMITT: On the Fleischmann property, yeah.

MR. YOVANOVICH: No, nor is it part of the existing project, and we're not impacting any of the already existing preserves to build this project.

COMMISSIONER SCHMITT: Correct. There's -- I mean, what was it, 1,400 acres? I can't remember. There was a significant amount in the original PUD.

So if there's people on this site, it's not part of the nature trails. They were just talking about having access to the site, but they don't -- Minto doesn't own the site? It's privately owned, and as far as I'm led to believe, it is not an amenity that's associated with the development as of right now for -- basically, if people are entering that property, they're not -- they're entering it as trespassing?

MR. YOVANOVICH: Well, I could tell you that Minto does not own this piece of property.

COMMISSIONER SCHMITT: Okay.

MR. YOVANOVICH: I could tell you it is not part of the amenities for the existing ICP project, and I could tell you that whoever's there is there at probably their own peril as far as the current property owner is concerned. It is not a public piece of property owned by the public. It

is a privately owned piece of property.

COMMISSIONER SCHMITT: And I have just one other question, though, again for Andy.

Andy --

CHAIRMAN FRYER: Why don't you go to the other podium, sir.

COMMISSIONER SCHMITT: I can ask the question while standing there. He can hear it.

Both -- Kelly McNabb and Meredith Budd both spoke that they would have liked to have had the opportunity to talk to you about some of their concerns in regards to this piece of property and sort of implied that there was no conversation, and you stated you certainly had a conversation with them. Can you clarify, please.

MR. WOODRUFF: Yeah. We certainly met with them. You know, we agreed to meet with them. We had conversation with them.

You know, their interests were in protecting the gopher tortoise in situ. They wanted to preserve the gopher tortoise habitat and all of them in situ and have us impact more wetlands on the property to try to fit our development in.

Obviously, that's like going to the other agencies and asking them to get your teeth kicked in by a mule, and that was not an acceptable option or economically feasible to try to preserve that tortoise population in situ.

So we looked at it from the perspective where it was situated in the landscape, how big it was, the condition of the land, the habitat that exists there today, what it would take to try to restore that type of habitat, and whether all of that was even feasibly to be managed inside of an urban situation. And all of that read very poor situation, okay.

So it's -- you know, you have to try to pick and choose your battles here as to where you're going to try to fix things and where you can preserve things in place and where you just have to move on and decide that you're going to develop this, okay. And a lot of that battle was fought over the original PUD where we did preserve hundreds of acres for gopher tortoises, and it does provide for hundreds of tortoises in situ, and those were preserved on site.

COMMISSIONER SCHMITT: In regards to the wetlands -- and it would have been a tough mountain to climb to impact wetlands. If you were to mitigate off site, it would be loss of wetlands on site, of course, and if you were to mitigate off site by purchasing bank credits, where is the local -- where's the closest bank that you would have to purchase? I know where it is. But it's Panther?

MR. WOODRUFF: Panther Island Bank, yes.

COMMISSIONER SCHMITT: Which is in Lee County.

MR. WOODRUFF: Regional bank, yeah.

COMMISSIONER SCHMITT: Yeah. So it would have very -- very significant detrimental impact on wetlands in Collier County. But taking wetlands away is not the answer.

MR. WOODRUFF: It's not. And the other consideration you have here is water quality. You have Rookery Bay underneath you, and you want to try to preserve that buffer to Rookery Bay between your development and the Rookery Bay lands and try to preserve those wetland habitats.

COMMISSIONER SCHMITT: Was any of that made clear in some of these meetings with the public that this was a -- sort of a dilemma between the uplands and the wetlands? And, of course, the public wants to preserve the entire parcel, and I guess that can be done if somebody purchases it.

MR. WOODRUFF: You not only purchase it, but you'd have to restore it --

COMMISSIONER SCHMITT: Restore it.

MR. WOODRUFF: -- and there's considerable cost to try to do that. Then you have to ask yourself, is this an appropriate place to be preserving and restoring some of those wetland

habitats?

You have to understand that the wetland habitats that exist in here -- and I'm talking about for the PUD that we did originally, a lot of these wetland habitats, and where you can see the major development on Isles, that historically was wetland habitat in that area. When they put in the Lely Canal, it ripped the landscape. It drained the landscape considerably, and it drained those wetland habitats. I did the jurisdiction on that piece, and those were drained non-jurisdictional wetlands at the end of the day where the major development sits on Isles.

COMMISSIONER SCHMITT: Is the Lely part of the LASIP when they put --

MR. WOODRUFF: Yes, it's all part of the LASIP program. So that canal used to sit at negative three. The tide used to come roaring back before it was fixed with a spreader weir.

COMMISSIONER SCHMITT: Just for my colleagues, LASIP was the Lely flood improvement. It took 14 years to get the permit through the Army Corps of Engineers, 14 or so years, which was for flood control.

MR. WOODRUFF: Yeah. So when I talk about quality of wetland habitats being better on the south side of the property than the north side, north side's drained and, to a significant degree, it's completely invaded by exotic species. Trying to preserve that, take out the exotic plants, yeah, you can do that. You still suffer with the hydrologic disturbance that's going to exist and continue.

COMMISSIONER SCHMITT: And one last question. If Collier -- Conservation Collier were to buy this piece, they would have to, of course, remove all the exotics on a parcel this large. What would your estimate be?

MR. WOODRUFF: It's considerable cost. I mean, you're talking million-plus dollars to try to do that. It's --

COMMISSIONER SCHMITT: Right.

MR. WOODRUFF: And you have to manage it.

COMMISSIONER SCHMITT: Then you have to manage it.

MR. WOODRUFF: Continue it. Yeah, you just can't turn your back on it.

COMMISSIONER SCHMITT: Okay. Thanks.

CHAIRMAN FRYER: Thank you. Don't go anywhere, sir. Chair recognizes Commissioner Fry.

COMMISSIONER FRY: Andy, that may be the best slide to answer this question, but I think there was a statement made early on that it is surrounded, it's more or less cut off from the -- from being an effective part of a contiguous wetland and connected dry upland and wetland corridor, wildlife corridor, and all that. I guess, can you maybe show an exhibit that clarifies that? Because it looks like it's bordered except on the east side primarily by unspoiled lands that do appear to be contiguous preserve, wetland corridors, et cetera. It may not be the case, but I just need to see a more descriptive exhibit.

One of the public speakers was a former DEP engineer, I believe, who said that the uplands of that area became -- was a buffer between the wetlands and the developed area, and it had a strategic role. So just speak to that. And I just -- I guess what I'm trying to get to is the environmental value of this land, what we lose if we develop it, how it does fit into the overall picture, and why it is the best choice to develop it as has been recommended.

MR. WOODRUFF: Yes. So we talked a little bit about the hydrologic disturbance that's occurred, and that's a regional condition for this area. You can't necessarily go and replace that. You're going to flood people's homes, okay. So you have to deal with the situation that you have, and that provides us places to live and work. You know, we can't just go and restore the landscape back to its prehistoric condition before we were here and mucked it up. That piece of property, it is now -- you've got the Avalon Canal, which is constructed with a wall next to Isles of Collier, so that's a complete barrier down your east side of the property now.

I don't -- the Avalon isn't really clear on that piece -- that aerial.

MR. YOVANOVICH: I thought you had one more slide.

COMMISSIONER FRY: It would need to be zoomed in significantly for that to become apparent.

MR. YOVANOVICH: Do you want an actual aerial, or would this exhibit work for you?

COMMISSIONER FRY: This would -- anything that just shows how this really is cut off, because I actually don't see that from the aerial.

MR. GREENWOOD: And some of the aerials, if you -- I mean, the Avalon was only put in several years ago. So some of the -- if you're looking at older aerials, you won't see it on the aerial.

But Avalon runs all the way from the park above the property, continues through the property all the way down the east side of this Fleischmann tract. It terminates with a weir in the corner, southeast corner of this Fleischmann property, so there's --

COMMISSIONER FRY: At the bottom of the blue arrow?

MR. WOODRUFF: Yes.

COMMISSIONER FRY: Okay.

MR. WOODRUFF: And that just free flows out into the conservation lands and then through Rookery Bay and back into tidal waters.

Along that Avalon Canal is a wall that abuts the Isles development to the east, okay.

COMMISSIONER FRY: So I can see that that's a hard border.

(Simultaneous crosstalk.)

MR. WOODRUFF: That's a hard border.

COMMISSIONER FRY: This property's on the other side of that border --

MR. WOODRUFF: Yeah.

COMMISSIONER FRY: -- and it's adjacent to a property that Rich says is too wet to develop, the white part that's not under consideration.

MR. WOODRUFF: Yeah. The west of us, we had looked at that, and that had been reviewed years ago. It gets wetter as you get toward that side of the property. So there isn't as much developable land on that side to the west of us, west of that Bayshore Road right-of-way that comes down, and there's -- that road right-of-way comes down to another outparcel that sits just south of us. It's another little hole in the doughnut there.

COMMISSIONER FRY: Little white square?

MR. WOODRUFF: Yeah. It's a little 10-acre square, I think, that sits at the bottom there, and that's where the road right-of-way provides access to that parcel.

COMMISSIONER FRY: So is it your professional opinion that that -- the subject property does not add strategic value to the adjacent lands in terms of being a buffer for -- an upland buffer between the wetlands and development -- I mean, obviously, the gopher tortoises could be relocated at some -- you know, I guess it's an arguable point whether it's good or bad for them. But what -- I'm looking for, just to make up my own mind.

MR. WOODRUFF: I mean, the opportunities we have are to add to the existing conservation lands that are already in preserve, and those exist to the south of those. Those are in conservation. And those are about to be managed through Rookery Bay and expanding their borders to include the 780 acres underneath us is there.

So expanding upon those lands, providing additional water-quality benefits by preserving when restoring wetlands abutting those lands, we felt was significantly more important than trying to preserve a small gopher tortoise population in situ and trying to restore that habitat for gopher tortoises. And the gopher tortoises, they will be surrounded by roads and residences at the end of the day if you try to preserve them at that location.

The tortoise population that was most -- in closest proximity to what's left there today was

just on the other side of the Avalon Canal, and we relocated -- there were two spots there on the other side of the Avalon Canal. We took out both of those and relocated them elsewhere into preserves on the Isles of Collier property. So those -- those no longer have the opportunity to interact with the population that it ordinarily did in the other upland habitats that once existed on the other side of Avalon Canal there.

COMMISSIONER FRY: I will admit I do have concerns because you seem to be confirming the lack of a dialogue with Conservancy and the Florida Wildlife Federation, and I think of the RLSA -- and correct me if I'm wrong. That's why I'm saying this -- RLSA and the Florida Wildlife Federation stood hand in hand with the Audubon in support of the RLSA while the Conservancy was against it.

But I think the Florida Wildlife Federation exhibited themselves to be very fair minded and weighing the interests of development and conservation and trying to find a balance in the middle, and that's really what Ms. Budd was asking for was a dialogue. And she wasn't necessarily saying there was a workable solution, but there was no dialogue, and I understand why.

But I -- being asked to take a leap of faith that this is a best thing for the county, I would like to have seen some good-faith attempt at a dialogue with one or both of those groups. So I'm just saying, that is a -- that's a concern to me as is a concern that the developer has so many residents standing up and saying they don't feel there's anything being offered in return for adding these homes and the stress on the amenities.

So those are kind of my two main concerns I'm expressing while you're standing there, Andy, but Rich is right behind you. And I appreciate your statement, in your opinion this is the best use of this land if you can't conserve it completely?

MR. WOODRUFF: Yeah. You have to pick and choose your battles, and I don't think this is one that you try to fight for at the end of the day.

COMMISSIONER FRY: Thank you.

UNIDENTIFIED SPEAKER: That sucks.

MR. YOVANOVICH: Someone's not muted.

COMMISSIONER FRY: Is that Rob Klucik?

COMMISSIONER HOMIAK: No.

CHAIRMAN FRYER: Go ahead, Mr. Yovanovich.

MR. YOVANOVICH: It's kind of hard to follow that.

COMMISSIONER FRY: You may have a heckler.

COMMISSIONER KLUCIK: It was not me.

MR. YOVANOVICH: I'm used to hecklers, you know.

COMMISSIONER KLUCIK: You're used to me heckling you.

MR. YOVANOVICH: I am. You know, I could vouch for the fact that Mr. Klucik is very difficult with developers in having personal meetings with him for Ave Maria.

What I want -- a couple of points -- most of the rebuttal points have been addressed through the questions we just had.

I just want to point a couple things out that I don't think are on the record yet. For one thing, the -- and I don't know if Mr. Fryer, Chairman, is aware, the trip bank that exists for the current AUIR includes 1,766 trips for the Isles of Collier Preserve property as it exists today. So it's already taking up some of the capacity for the future development of Isles of Collier Preserve. Just want to get that on the record.

CHAIRMAN FRYER: In fact, we talked about that when we spoke by phone, and I am aware of it.

MR. YOVANOVICH: Okay. I just want to make sure that it's part of the record for people to understand that that's been prepaid for by Isles of Collier Preserve.

CHAIRMAN FRYER: While we're on that, are you in a position to accept as a condition

of our recommending approval that the traffic be limited to the 1 percent number that was talked about?

MR. YOVANOVICH: The de minimus number, yes.

CHAIRMAN FRYER: Yes.

MR. YOVANOVICH: For this site, for the 172 --

CHAIRMAN FRYER: Yes.

MR. YOVANOVICH: I mean, the 102-acre site, the 230 units, yes.

CHAIRMAN FRYER: Okay. Thank you.

MR. YOVANOVICH: We will -- yes.

I'm just going through to make sure I got that. Water management.

I think it's clear, whether it becomes part of Isles of Collier Preserve or it stays outside of Isles of Collier Preserve, the property's going to get developed. I don't think you're going to have -- unless -- unless the county steps up through Conservation Collier to pay significantly more than Mr. Schmitt's appraised value of the property, you're not going to have a willing seller, which the program requires a willing seller as well as a willing buyer.

So the question then becomes, what's best for the overall community from a planning perspective and a zoning perspective? And I think, not only for the overall Collier County population but also for the protections that are provided to the residents of Isles of Collier Preserve that are near by this piece of property, having the quality of homes that already exist in Isles of Collier Preserve be the natural expansion area is in their best interest as well.

There is -- there is a -- and you heard Mike express that the developer is in an active dialogue with the residents to address their concerns about the impact of I think it was 149 additional units on the existing planned amenities for Isles of Collier Preserve.

If he builds the six pickleball courts -- I don't do percentages. It's almost a doubling of what's there today for the 149 additional homes. I think that's a significant commitment to address impact on facilities, and you do have a parcel -- a parcel and a building that can be modified for whatever use the needs committee decides is appropriate for the committee, and there's a commitment to work through that.

There was a comment about traffic from the outside of the community. And I don't know -- and I may have misheard that. We're not talking about traffic from outside of the community coming through Isles of Collier Preserve, because this property would be part of the community. So there's not going to be an ability for someone to come down Bayshore, come into this community, and then go the back way through the community to get to any of the existing commercial. I may have misheard that comment. I just wanted to make sure I did address that.

There were also comments about somehow we were taking away preserves from the existing community to build this project. I may have misheard that comment as well, but we are not taking away any of the existing preserves that we showed you through this presentation to build this project.

Your staff has reviewed the petition. Your staff has said we satisfy all of the Growth Management Plan provisions applicable to this project. They testified that we satisfied all of the rezone criteria applicable to this project. The competent substantial evidence that you've heard from your planning experts as well as our planning experts as well as our traffic consultant and your traffic team as well as our engineer and what will happen through the review process all indicate that this project should be approved. And with that I will -- again, I told you I would say at the end, we're going to ask you to recommend to the Board of County Commissioners approval of this project as proposed with the staff recommendations that we discussed.

And with that, we're available to answer any further questions you may have regarding this project.

CHAIRMAN FRYER: Commissioners? Commissioner Vernon, did you have

something?

COMMISSIONER VERNON: No, but I've been kind of quiet through this. I'm going to -- I just want to put on the record kind of the things I worked through. I think the questions of the fellow commissioners have pretty much got me to where I want to be on this.

But it was significant to me that it's only 143 new net units, so I appreciate hearing that.

I had, like, seven thoughts that -- you know, one is what forum do objectors really have if it's not here, and, you know, I asked you that.

I was a little worried about the natural amenities, but I think that was addressed here at the end. Internal traffic, I think that's what they were talking about. I listed that as a concern, as well as the external traffic. But I think, based on what I understand Chairman Fryer's concern is, there's already a problem there. You're not really causing the problem, and you are saying -- you're limiting it to 1 percent.

The species issue's obviously important. Stormwater, but that was addressed by Commissioner Schmitt with his questions.

I guess the one comment I would make is that your client did say we're thinking about doing the pickleball courts, but that wasn't a commitment. So I would certainly -- if any of the Board of County Commissioners are reviewing my comments, I'd say I'd certainly like to see your client talk to them about actual commitments as opposed to "maybe," "we might," "we're thinking about."

MR. YOVANOVICH: And I've known you long enough to know that you'd pick up on that as a litigator.

The commitment's there; it's just not going to be in the PUD. They're committed to at least six pickleball courts, okay. Minto, if you -- you've not been -- you've not been -- and some others. Minto has been probably at the forefront of Collier County kind of being the pickleball capital of the world. They brought the tournament here. They supported the tournament here. They're committed to this. Minto has been a very good corporate citizen in Collier County.

So when Mike tells me I can say you're going to get at least six more pickleball courts through the appropriate forum, you're going to get those six pickleball courts. So I hope -- there's no waffling there anymore.

COMMISSIONER VERNON: Okay. That's helpful. And they had other concerns about the amenities. So certainly it sounds like you're committed to talking -- keep talking to them. I just wanted to put that on the record.

MR. YOVANOVICH: Absolutely.

COMMISSIONER VERNON: But based on what I've seen, I would support the project.

CHAIRMAN FRYER: Thank you. Anything else, Mr. Yovanovich?

MR. YOVANOVICH: No. I'm just waiting to see if you have any more comments because, you know, Mr. Vernon had one and --

CHAIRMAN FRYER: Any other questions or comments for the applicant? Vice Chair ?

COMMISSIONER HOMIAK: Staff recommendations are --

MR. YOVANOVICH: They're fine. We agree to staff recommendations and Mr. Fryer's recommendation about the trip --

CHAIRMAN FRYER: One percent.

MR. YOVANOVICH: One percent.

COMMISSIONER HOMIAK: Okay.

CHAIRMAN FRYER: Okay. With that, we will close the public segment of this application hearing, and we'll deliberate amongst ourselves and vote. So I'd open up the floor for anyone who wishes to speak on this matter.

Commissioner Shea.

COMMISSIONER SHEA: I think I would echo a lot of what Commissioner Vernon said. We worked through a lot of the issues. And it is frustrating for the residents to wonder what the proper venue is for them to voice the many different complaints they've had here. But I feel comfortable with all of the comments from the staff and the technical people that this is the right decision for that piece of property, so I would support it.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: I, likewise, would support it. I would go back to the issue about preserve. Would I like to see it preserved? Absolutely. But in order to be preserved, I have to have a willing buyer and a willing seller. I don't see that. And, quite frankly, it's my estimation that if Conservation Collier were to attempt to buy this, it would far exceed what their budget would allow, so -- but I leave that decision to the Board, I mean, from the standpoint if they want to pursue that. But as far as I'm concerned, I support Commissioner Vernon and would recommend approval subject to the conditions as identified by staff.

CHAIRMAN FRYER: Commissioner Klucik, do you have anything to say, sir?

COMMISSIONER KLUCIK: I really don't have anything to add. You know, based on the recommendation of the staff and the thorough discussion of the many issues, you know, and what my colleagues, all of you, have brought up, I feel very comfortable supporting approval as recommended by the staff.

CHAIRMAN FRYER: Thank you. Any other comments from the dais up here?

COMMISSIONER FRY: I'd like to make a comment before just before the vote.

CHAIRMAN FRYER: Okay. All right. I'll make a comment, and then you may.

I'm going to vote in favor of this, but I'm really quite depressed about the situation that we find ourselves in on that segment of the East Trail. I just -- I think that we're really in for some more trouble, big trouble for the residents of Collier County, particularly when this goes in and the mini-triangle properties come in. I think we've got ourselves a serious problem, but I'm unable to see a solution, so that's very -- that's very disappointing.

I perceived a real significant sense of, in some cases, mistrust, another case lack of communication. But I'm satisfied that that will be addressed in January when a resident will become a part of the HOA board.

So that's all I have. Any further -- oh, Commissioner Fry.

COMMISSIONER FRY: So I'm not prepared to sink this ship, because I understand -- I feel a sense of the Board's will here. I'll be voting a strategic no, and the reason is because of the way this process works.

We are an advisory board that submits a recommendation to the County Commission. They make the ultimate decision. So I see some benefit to the residents in terms of what you said, Rich. You have high-quality homes, and it's part -- it's better than the unknown of what might go in right -- that might be an eyesore or just not up to the same standards, but I feel a couple things are missing, and I guess I'm going to vote no in the hope that a couple things can happen between now and the County Commission that's totally up to them, but I'd like it on the record.

I would like to see a dialogue between the Florida Wildlife Federation, Audubon if they're interested, and the Conservancy with the applicant just to make sure that the plan that has been presented and that staff has approved does at least have them able to walk in the room and say we had a dialogue and we understand how we arrived at this.

The other thing is I am, like, Commissioner Fryer, a little bit saddened that, you know, we approve something, but there definitely are notes of distrust between the residents and the developer, and I feel it's not quite enough that they might have one representative on the board. I feel like they are being asked to allow 148 or have 148 more homes in their development sharing those amenities. I think it's not unreasonable that the developer offer something formal along with

this application.

So I just really want those concerns on the record. I'm not going to sink the vote, I think, by being the one -- perhaps one objector to this, but I hope that there might be additional dialogue between the developer and the environmental groups and the developer and the residents and be able to come into the County Commission with a little bit more in place to satisfy those concerns.

CHAIRMAN FRYER: Thank you.

Anything further from up here?

(No response.)

CHAIRMAN FRYER: If not, I'd entertain a motion.

COMMISSIONER FRY: He already made it.

COMMISSIONER SCHMITT: It wasn't really a motion.

COMMISSIONER VERNON: Vernon moves to approve it with the -- I think there's two conditions from the staff plus the -- or that may be one of them -- your condition of the 1 percent de minimus, so I'd make that motion.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER SCHMITT: I second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Those opposed?

COMMISSIONER FRY: Nay.

CHAIRMAN FRYER: It passes 6-1.

MR. BELLOWS: And for the record, that was staff recommendation as revised on Stipulation 2?

COMMISSIONER SCHMITT: Correct, staff recommendation as revised, yes. Thank you. Thank you, Ray.

CHAIRMAN FRYER: Thank you.

***We are going to start immediately, if we may, with the Richdale Recycling. And before we do get started, I had a conversation with Mr. Frantz and Ms. Jenkins about how we have to proceed with respect to the 5:05 time. That is not a hard break for us. It's just that we can't start that earlier than 5:05.

So I'm recommending to the Planning Commission that we certainly get started on Richdale and give it sufficient time so that if there are any members of the public who cannot be here on December 3rd and wish to be heard that we allow them to be heard, even if that extends up to, like, quarter of 6:00 or something like that.

And I don't know how the others feel about the LDC amendments. All my questions have been answered satisfactorily. So I think, from my perspective at least, it would go rather quickly. So be thinking about that.

And with that, I'm going to ask -- first of all, I'll call the matter. It's PL20190002105. It's the Richdale Recycling CU.

All those 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: Thank you.

Starting with Commissioner Shea, if I may please have ex parte disclosures.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER FRY: Ditto.

CHAIRMAN FRYER: Staff materials, staff meetings, conversations with applicant's agent.

COMMISSIONER HOMIAK: I spoke to Mr. Mulhere and Paula.

COMMISSIONER SCHMITT: I had a conversation with Mr. Mulhere.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: No disclosure.

CHAIRMAN FRYER: Okay. Commissioner Klucik.

COMMISSIONER KLUCIK: I have nothing to disclose.

CHAIRMAN FRYER: Thank you, sir.

Mr. Mulhere, please proceed.

MR. MULHERE: If Jim Banks is in this building anywhere, please come front and center.

CHAIRMAN FRYER: Cleanup in Aisle 3.

MR. MULHERE: For the record, Bob Mulhere. I don't have to put my mask on. For the record, Bob Mulhere with Hole Montes here on behalf of the applicant.

I appreciate your comments, Mr. Chairman. I was going to ask the same question. I know there's a lot of people here. They've been here all day, and I am being paid to be here, and they're not, so I wanted to respect that -- you know, that opportunity for them to speak.

CHAIRMAN FRYER: Thank you.

MR. MULHERE: And I also know that, you know, there's a lot of concerns about this project, and I think there's -- at this point there's a lot of misinformation out there. I'm going to try to clear that up so that, you know, when they do speak they have the advantage of having the latest information.

I don't know if it will change their mind, but at least they'll have the latest information. So let me proceed.

Jim Banks, nowhere to be found. That's my traffic engineer. He was here.

So the project team is Paul Reddish. Paul and Dominick are partners in Richdale Recycling, although Paul is relatively new. He was on the Zoom line. I don't know if he still is. I mean, it's been a long day, so he may or may not be. And, again, Paul is relatively new in the last years and very experienced in this business. So I wanted him to be on the line in case there were some questions maybe I couldn't answer.

Paula McMichael is with me right here. Paula works with me at Hole Montes, and we've worked together for quite a few years and so, as I move on to other responsibilities, you'll be seeing more of Paula. I was going to introduce her, but we'll do that another time.

And somewhere in this building is Jim Banks, and I'm stalling so that he gets down here. But anyway...

COMMISSIONER SCHMITT: He's caught up in traffic.

MR. MULHERE: I'll move on. I'll move on.

So this is a conditional-use request for approval of a facility for the collection and transfer of processing and reduction of horticultural waste. And the process converts that horticulture waste into topsoil, loam, and mulch. It's a conditional use that's provided for under the ag district. The property's zoned ag.

Some of the confusion rests with the original application request, which did also include concrete crushing and air curtain, which I don't know the technology of exactly what that means except that it allows for quicker burning of the materials in a more enclosed condition.

CHAIRMAN FRYER: We've become experts on that.

MR. MULHERE: Well, it's no longer part of this petition, nor is the concrete crushing. And I can tell you that solid waste, such as white goods or other types of materials, were never part of this condition, but I've seen an awful lot of information on Facebook and everywhere else that that was -- we were going to build a big solid waste recycling plant on this property. That was never the intention.

And the reason that we eliminated the concrete crushing and the air curtain was because at the neighborhood information meeting and at a subsequent meeting at the East Naples Civic Association, we heard a lot of concerns. Now, I don't think that alleviates all the concerns, but there were a lot of concerns about noise, dust, and other things that would be created either with the air curtain or as part of the concrete crushing.

So I spoke to my client and said, I don't think you're going to get a positive reception moving forward with that. We eliminated those.

So, really, we are talking about something that should be supported in Collier County, which is taking the volumes -- there are four or five of these facilities -- of horticulture organic materials and converting them into useless -- useless -- useful products.

So, you know, some of that product goes into the Collier County Landfill. Some of it's burned on site. If they don't have a place to take this stuff, they burn it on site in a development. So this is really a viable or better alternative. And it's better for Collier County if, you know, that is diverted outside of the landfill and that the capacity at the landfill is reserved for solid waste, meaning garbage.

Now, the county does have plans to build a very modern high-tech recycling facility, reclamation facility north of the landfill, but that's really not -- doesn't really exist at this point in time.

So before -- before we completed going through this process, I wanted to make sure that I understood why we had to go through this conditional-use process, because a wholesale nursery is a use permitted by right in the agricultural district, and my client has an occupational license and operates a wholesale nursery and will continue to do so on the site and, in fact, has a desire to expand that use.

And as an ancillary use to a wholesale nursery, you can do exactly what he's asking to do. You can convert organic materials into topsoil, loam, or mulch. The key there is that's an ancillary use to the principal permitted use of a wholesale nursery.

So you can see what's on your screen is a definition at the bottom. It's a definition of what an accessory use or -- what an accessory use is. It's a use or structure located on the same parcel and incidental and subordinate to the principal use.

So if my client, which he does wish to, was to be able to have organic materials come from other than his own operations to the site and be processed, that falls into a different category. It falls into what's called a transfer station. Now, the transfer station could be for a lot of different types of materials. In this case, we're limiting to organic materials, but it still falls under that type of definition for a resource recovery facility is a transfer station, because materials are coming from somewhere else.

And that is on the next page here. It says, horticulture waste can be delivered to the site for processing via other vendors or parties than those that generate the horticultural waste or those hired to collect and deliver it to a nursery or a site for processing. So when we do this, it becomes -- it falls into this area that requires this conditional use which requires us to notify people, and they get an opportunity to come in and speak because of the nature of the use.

So the site is, as I said, zoned ag. It is also in the Rural Fringe Mixed-Use District, and I'm sure you're going to hear some comments about that, and it's zoned receiving. It is 16-and-a-half acres in size, so it's a good-sized piece of property. It's located directly on Tamiami Trail, but it has existing access on Riggs Road. There is no possibility and -- no possibility of

getting a permit to access this site from Tamiami Trail when there's a left-turn lane into Riggs Road and an existing access on Riggs Road. They're not going to let you put another access closer to Riggs Road. It only causes a greater likelihood for accidents.

This aerial shows you -- Jim Banks here yet? Oh, good. All right. Good.

This aerial shows you the surrounding property. Let's see if I remember correctly. I think -- I just wanted to -- so the subject site is, you know, right here. And you can see there's a pond here. I don't know the exact size. If this is 16 acres, that's probably a couple of acres, that pond, and the access is right here.

Over here is a pretty significant nursery operation. And, yes, north on Riggs Road on both sides of the street are residential agricultural properties. I think they're generally five acres. They could be bigger, but there are homes there. There absolutely are homes up there.

And across Tamiami Trail is this large pond which, I guess, supports the golf course and the residential development across the street.

Over here is -- to the east is part of Lipman Family Farms. This is 6L Farms Road here. And so this is a large row crop and probably some other operations that extends further to the north.

This is an aerial that is a little bit -- I just wanted to give you a little wider perspective on this so that you could see Riggs Road, which extends up to here, and also see the depth of the -- the ag operations that are in this area. As you can see, pretty substantial.

COMMISSIONER SCHMITT: Oh, wait a minute. That last squiggle is Fiddler's Creek. That's already --

MR. MULHERE: Oh, that's going to get -- but it is -- it was ag when the aerial was taken, I guess.

COMMISSIONER SCHMITT: That's now -- that's Taylor Morris.

MR. MULHERE: That's a good point, though, that just a little bit further here will be a commercial piece for -- a little bit further to the west is the commercial piece for Fiddler's that is now under development, under construction for a Publix shopping center. Okay.

This is our conceptual plan. Point out that, again, the site's a good size. Our -- so we have only really one direct neighbor that is -- has a residential use, and that's to the north, just right here. And as you can see this site plan, this conceptual site plan called for improved access, parking, and most of the resource recovery activity would be in this area.

One of the things that I've been considering really since I started looking at -- after I spoke to a number of Planning Commission members was that although we have an enhanced landscape buffer here -- and I'll talk about that in just in minute. There's a pretty significant distance. This is about 200 feet from the property line. So I intend to -- if it -- if it -- if it helps, to clearly state that there will be no resource recovery operations within 200 foot of that northern property line. They can use it for wholesale -- you know, the landscaping part of the business, which would be to put trees there, but I have no objection to moving the resource recovery part -- that it will be no closer than 200 feet to that property line.

So I did want to talk about the landscape buffers for a minute. Along U.S. 41 there is a preserve that's required. That preserve has been impacted. I don't know when. There was a Code Enforcement Board case five years ago. I was not involved in this. I know we're going through this process right now. Part of the remedy and the correction that we are required -- you may have seen it as a condition -- is that we have to restore this buffer; replant it and restore it or as preserve.

So most of the 41 frontage will have this 2.55-acre preserve next to it, and then a Type D buffer will be required right in here. This can serve as a Type D, and a Type D buffer will be required right in there. Type D buffer's always required adjacent to a right-of-way. The width of the buffer is dependent upon the width of the right-of-way. The wider the right-of-way, the wider

that buffer.

The rest of the buffers that are required -- really, there isn't a buffer required, or maybe it's a 10-foot buffer between ag uses and ag uses, but we are providing a -- let's just see here, to the east -- a 15-foot Type B buffer here, so we are providing a buffer there.

To the north, typically what would be required is a 15-foot Type B buffer. Well, let me explain to you what a Type B buffer is. A Type B buffer is required to be 80 percent opaque within one year, and it's 15 feet wide. And it can -- the opacity can be achieved by either a wall, a fence, a hedge, or a berm or any combination of those.

What we are proposing here is a Type C buffer that will be 100 percent opaque within one year, same allowance of any combination of a wall, fence. We'll put it on the berm, probably a 2-foot berm, and that requires a double hedge row versus a single hedge row, so that helps with the opacity. And we're also providing a Type C buffer right here, 20 feet wide.

I'm going to ask Jim Banks to come up and talk a little bit about transportation because I had a number of questions, and I really think I ought to have the guy that did the analysis come up. What you see before you as the analysis indicated that this use doesn't really generate a lot of trips, and it certainly doesn't generate a lot of p.m. peak-hour trips. And not to steal Jim's thunder, but the vast majority of the trips are coming from the west, and there's a left-turn lane into the site, so --

CHAIRMAN FRYER: Before you step down, Mr. Mulhere, I don't want -- I want to postpone Mr. Banks' thunder for just a moment, because you and I had what I think is potentially a pretty fruitful conversation.

MR. MULHERE: Yes.

CHAIRMAN FRYER: And I'd like to establish at least what you were willing to consider and discuss with your client. If we can take these things off the table in the forms of conditions, we might alleviate the need for at least some of the speakers to --

MR. MULHERE: Yes. So let me go back to, I think, what might be a little better exhibit. Maybe this one works.

CHAIRMAN FRYER: Okay. So a couple of things that I didn't expressly ask for, but I don't think you have a problem with it, in the ordinance we would outright prohibit the ACI.

MR. MULHERE: No problem.

CHAIRMAN FRYER: We'd outright prohibit the rock crusher.

MR. MULHERE: Yes.

CHAIRMAN FRYER: Okay. Now, we talked about Riggs Road, and there seems to be a lot of concern on the part of the neighbors that it's so narrow, and having large, what, thousand-foot [sic] potential trucks, tractor trailers coming through.

MR. MULHERE: Hundred foot.

CHAIRMAN FRYER: Hundred -- hundred foot, was it?

MR. MULHERE: You said a thousand.

CHAIRMAN FRYER: Oh.

MR. MULHERE: Maybe you were talking about the weight, but they're heavier than that.

CHAIRMAN FRYER: Sorry. Thank you for correcting.

MR. MULHERE: All right.

CHAIRMAN FRYER: All right. But I suggested that you consider -- that your client considers widening Riggs Road for X number of feet.

MR. MULHERE: Yes.

CHAIRMAN FRYER: And of course, the shorter -- the shorter you'd have to widen, the less expensive it would be, and the shorter you have to widen, the farther away it would be from more distant points on Riggs Road. And then you could have an internal road on your site if you needed to configure the facility the same way, or you could reconfigure it.

Then we talked about an outright prohibition of everything except, quote, clean

horticulture vegetation, closed quote. Now, I'm fine leaving in the other, you know, negative things, because I think that allays people's concerns. So leave all that in, but --

MR. MULHERE: Yes. The staff language was limited to organic materials, and I'm fine with what you said.

CHAIRMAN FRYER: But you're fine with clean horticulture vegetation?

MR. MULHERE: Yes.

CHAIRMAN FRYER: Okay. Then to -- the windrows, to limit those to 20 feet.

MR. MULHERE: Yes, I was going to go over that, but -- or 25, I think -- I looked at -- Mr. Chairman, I looked at Tony Pires' -- or, excuse me, Zach Lombardo -- I see Woodward, Pires, and Lombardo. I'm used to seeing Tony's name. I think it was written by Zach. Hold on one second. I'm sorry. I looked at his letter. Zachary W. Lombardo, who is an attorney with Woodward, Pires, Lombardo, 25 feet. Now, I also looked -- I just -- I had a chance to look after we talked.

CHAIRMAN FRYER: Go ahead.

MR. MULHERE: So I went ahead and looked at the fire code provision, which I have here, which we need to also agree to as a condition. I mean, they're required by law -- see, now, you've got to follow the law, but I have no problem both speaking to what those are here briefly and adding those to our condition that we have an operational plan on site, which includes fire protection.

CHAIRMAN FRYER: What we were -- what I was concerned about --

MR. MULHERE: So 25 is what they provide for in the statute.

CHAIRMAN FRYER: When you and I were talking about 20, you gave me a high degree of --

MR. MULHERE: Yes.

CHAIRMAN FRYER: -- comfort and assurance that that that would make it not visible.

MR. MULHERE: And I think it still will be, because if we agree to no resource recovery operations within 200 feet and we do a 6-foot-high landscape buffer on a two-foot berm, you know, anybody over here looking in will not be able to look over that berm and see those.

CHAIRMAN FRYER: Where will the windrows be?

MR. MULHERE: The windrows will be in this area, or wherever they don't have these trees. You can see there's trees in this area right now, but I think --

CHAIRMAN FRYER: You're representing to us that that's not going to be visible, then --

MR. MULHERE: That's correct.

CHAIRMAN FRYER: -- the twenty-five? So with those conditions, is your client willing to accept that? Maybe we can take some public speaking off --

MR. MULHERE: Yeah, I want to talk about -- I just want to talk about -- a little bit about the -- is that -- I have to --

CHAIRMAN FRYER: By all means.

MR. MULHERE: I want to talk about relocating the access, which we don't have a problem with.

So I've been out to the site, but I went out yesterday again, and I understand both your question and other members of the Planning Commission, and I'm sure some members of the public have concerns because, you know, there's a canal -- it's not a canal -- a swale, but it was full of quite a bit of water that runs along the east side of Riggs Road, and I think there may be one on the west side, but there definitely is one on the east side. And as I said, there's a -- there's a pretty significant large stormwater canal along the north side of U.S. 41.

So this is, in fact, somewhat narrow, this entrance. There is a left -- left-turn lane into it, but for the few trips that might be coming from the east -- and there are very few that will be coming that way -- it is a little tight here. So I talked to my client, and what we propose to do is to

move the entrance further to the south, as you suggested, Mr. Chairman, presumably across from the existing entrance into the nursery. But I want to give staff, transportation staff, an opportunity to look at that, because I want to make sure there's enough room here -- that's over 200 feet, so it should be fine.

CHAIRMAN FRYER: You'd widen to that point?

MR. MULHERE: We would widen to the point wherever the entrance is.

Now, I want to tell you that we expected the staff -- those are 10-foot-wide lanes. Typically, this happens at the time of Site Development Plan. You go in, and the staff says, you know, as part of your site-related improvements, you're going to have to make those travel lanes 11-foot, and so -- you know, a foot on either side or a foot on -- two feet on one side, whatever --

CHAIRMAN FRYER: But staff -- staff may have other conditions down the road.

MR. MULHERE: Correct.

CHAIRMAN FRYER: But for purposes of our action on this CU.

MR. MULHERE: Yes.

CHAIRMAN FRYER: Okay.

MR. MULHERE: Now, I wanted to get to the intersection. That is controlled by FDOT. So FDOT, I really would like Jim to talk about this, because there may be limited enhancements that we can make because of the two guardrails, which there may be some, but we need to meet with FDOT on that. So --

CHAIRMAN FRYER: But, please, Mr. Mulhere, I -- I want to get this stuff off the table if we can.

MR. MULHERE: I know, but -- so what I'm suggesting is, here's what I wrote: The entrance shall be relocated south of the point where -- sorry -- south of the point where Riggs Road turns to the -- to the west closer to U.S. 41, because I don't know exactly where that's going to be. And then I suggested -- these are just -- we can tinker with them. They're just draft. And, you know, we're not going to finish this today, so...

At the time of the site improvement or Site Development Plan submittal, the owner shall meet with Collier County transportation staff and FDOT staff to determine necessary structural and dimensional improvements to Riggs Road and any feasible improvement to the intersection of Riggs Road and U.S. 41 to ensure safe access to the site.

CHAIRMAN FRYER: I just -- thank you. And we'll get to Mr. Banks in a moment. I didn't -- in my conditions or my requested conditions, I didn't mention how many feet into Riggs Road. All I said was widening and relocating the entrance to the point of the widening.

MR. MULHERE: I got it. We would do it to the point of the entrance.

CHAIRMAN FRYER: Okay. And if I were to say that I, at least for one vote, could live with the 25-foot-high windrow, is it your client's position that these conditions then can be met, can be added?

MR. MULHERE: Yes, yes.

CHAIRMAN FRYER: Okay. Thank you. Thank you. And with that -- before you go, I want to call on Commissioner Shea who I think wants to ask you a question.

COMMISSIONER SHEA: Just a couple more background type questions.

MR. MULHERE: Sure.

COMMISSIONER SHEA: Probably semantics; however this is written, I don't like. It says horticulture waste facility for the collection, transfer, processing, reduction of solid waste. Well, solid waste to me is --

MR. MULHERE: I know.

COMMISSIONER SHEA: -- is something that's totally different, a whole different world.

CHAIRMAN FRYER: We fixed this.

COMMISSIONER SHEA: We did?

CHAIRMAN FRYER: Yeah. We fixed it because we're going to have an absolute prohibition against bringing anything in other than clean horticultural vegetation.

COMMISSIONER SHEA: You also mentioned a transfer station, which is also a solid waste term. And this is not a transfer station. It's a processing facility.

MR. MULHERE: Yeah. I agree with you 100 percent. I'm just telling you what staff's position was. I agree with you; it's really a processing facility.

COMMISSIONER SHEA: I just want the right words --
(Simultaneous crosstalk.)

COMMISSIONER SHEA: -- because this is pretty open.

CHAIRMAN FRYER: Is the word "transfer" in here? Is it going to be in the ordinance?

COMMISSIONER SHEA: Well, no. He used the word "transfer station." In here he says we're going to collect it, and we may transfer it or we may process it. I mean, that's okay with me. I understand. It's just when he said a transfer station.

MR. MULHERE: I'm just telling you why we were told we had to go through the conditional-use process; that it rose to the level of that.

COMMISSIONER SHEA: The other question -- so just more of an education again. This is part of the Rural Fringe Mixed-Use receiving lands --

MR. MULHERE: Yes, yes.

COMMISSIONER SHEA: -- which means the county has kind of decided we're going to grow -- even though it's agricultural around it, it's going to be residential.

MR. MULHERE: Yes, yes, yes, at some point, yeah.

COMMISSIONER SHEA: Yeah, at some point. So we -- you want to put a -- maybe a challenging facility in the middle of what in the future's going to be a pretty good-sized residential area that we're promoting higher than agricultural level, one acre --

MR. MULHERE: Well, I mean, I've heard that, and I've heard that -- and I'm sure you're going to hear more of that, that this is going to convert to residential. And I don't really know when that's going to occur. There are some landowners of significant acreages out there. One is -- and I spoke to at least one representative or owner, actually, of Lipman Produce or Lipman Farms, and they did express a concern, hey, we're probably going to convert this sometime; we don't want this undesirable use there. And I felt, and I still feel, that the conditions that we are placing on this really minimize any risk. This is a use that has to occur. It's allowed in the agricultural district. We've got 16-and-a-half acres.

So I agree. I agree. I understand what you're saying. At some point that's going to -- which, by the way, may be 15 years, 20 years. We don't know. This property will also likely increase in value along the same period of time, and I doubt anybody's going to hold onto that land for this use if it's valuable enough to be developed for residential purposes.

CHAIRMAN FRYER: Other questions, Commissioner?

COMMISSIONER SHEA: I'll hold off on a couple.

MR. MULHERE: And you can -- by the way, I'm sorry. You can see there are some -- already some residential uses, and folks do live on Riggs Road, I understand that. My objective here on behalf of my clients would be to minimize or eliminate every possible objection that's reasonable.

Now, I know there's issues with -- concerns about fire, because we're talking about mulch. And I -- and I have the -- we're required to adhere to Florida Statute 62.709, which is criteria for organic processing in recycling facilities. And there are any number of conditions in here that we have to -- and it's cited in the staff recommendations that we have to comply with this.

And there are conditions such as an effective barrier to prevent unauthorized entry and dumping, dust and litter control. And, by the way, this doesn't necessarily assume that we're limited by the other ways that we're limited. This is the statutory stuff.

Fire protection and control provisions to deal with accidental burning of -- they used the term "solid waste." I'd rather use the term "organic materials."

COMMISSIONER SHEA: Don't do it.

MR. MULHERE: Let's see. You have to have, you know, access around for fire protection. You have to manage any potential objectionable odors. So you have to get a permit to do this. And my client already has an FDEP permit, so I imagine he's already subject to these requirements. But he's limited by the county. He has an FDEP permit, but he's limited by the county.

And then there is this -- I've got to find it -- the fire -- here it is. This is from the Florida Fire Code. And this is Chapter 31.3.6, outside storage of woodchips and hogged materials. I have no idea what that means, but that's what it says.

And it has a lot of requirements. I just want to read a few. There's a section that says, storage and processing of woodchips, hogging materials, fines [sic], compost, and raw products at yard waste recycling facilities. When not protected by a fixed fire extinguishing system in accordance with Chapter 13, piles shall not exceed 25 feet in height, and that's where that came from.

You have to monitor static piles to test temperatures to make sure that there's not a fire risk. Because you're testing the temperatures, you have to record the testing, keep it on a file in the facility in your operational plan for inspection, and you have to have various types of fire protection. Now, we have this pond here which is to be used for fire protection as well as for irrigation for the wholesale nursery. So we're fortunate that we have water out here, because there's no, you know, county water here, so...

So I just wanted to give some sense that there were a lot of regulations that you apply. If you look at the county's 14 conditions, they're requiring us to have an operational plan on file with them and on the site and allow for inspections as well, so --

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SHEA: I had a couple more.

MR. MULHERE: Go ahead. I'm sorry.

COMMISSIONER SHEA: Let me finish. So this is maybe for us. But when we issue a conditional use, is that for life?

COMMISSIONER SCHMITT: Yes.

COMMISSIONER SHEA: I mean -- so it's not conditional. It's only conditional because we put conditions on it.

CHAIRMAN FRYER: It runs with the land.

COMMISSIONER SHEA: It runs with the land, okay. So once we do this, it's a done deal unless the market determines that there's better value for the lands.

COMMISSIONER SCHMITT: Unless you add an expiration date or a rehearing five years from now or something like that --

COMMISSIONER SHEA: Can we put that in there?

COMMISSIONER SCHMITT: Yes, absolutely.

COMMISSIONER SHEA: Okay. Second question.

MR. MULHERE: Wait a minute. Wait a minute. I don't think we would accept a five-year expiration. You know what, I think we could expect a review at some period of time to see if conditions change, and that has been placed on other conditional uses, but --

COMMISSIONER SHEA: No, I'm just trying to understand the process. It's not a plan in my mind.

MR. MULHERE: But there have been -- I'm just saying there have been conditional uses who said, you know, within 10 years you're going to come back in for another review with the Planning Commission.

COMMISSIONER SHEA: The last question -- and you're probably going to get to it in your presentation somewhere -- it would seem to me that there would be some kind of a demand for this that you can show there's not enough of these services throughout the county. And you don't have to answer it now. I'm assuming it's in your presentation somewhere.

MR. MULHERE: It is, but my client was going to be on the line. I don't know if he is. He would be the better person to talk to that. He's, I think, a very good businessman, successful, does this kind of work, and wouldn't be -- this is going to be expensive. So I guess my only response to you is that I don't think he would be doing it if he didn't believe there was a demand for this.

But I spoke to some of my developer clients, and they said there is a demand for this. And they said that is the alternative that people do, I'm telling you, is burn on site. If they can't -- if they can't find a reasonable location for recycling these materials, they simply burn them, so...

COMMISSIONER HOMIAK: I can attest to that at Isles of Collier, how they --

COMMISSIONER SHEA: Is it legal?

COMMISSIONER HOMIAK: That's how they cleared the land --

MR. MULHERE: Yes.

COMMISSIONER HOMIAK: -- they made big -- cut it all down, made big piles and burned for weeks. It was horrible. I live right here in Lakewood. It was horrible.

CHAIRMAN FRYER: Commissioner Schmitt?

MR. MULHERE: I mean, there's restrictions, but yes.

COMMISSIONER SCHMITT: Bob, on Page 7 of 13 of the --

MR. MULHERE: Staff report?

COMMISSIONER SCHMITT: Staff report. It's Page Packet 743, and I've talked to you about this, the sentence where it says -- this has to do with reduction. It will only be run during hours of operation on an as-needed basis approximately once a month for five to seven days at a time. Well, five to seven days at a time is not once a month.

MR. MULHERE: Right.

COMMISSIONER SCHMITT: So could it be better said; it will operate five to seven days a month?

MR. MULHERE: Yeah. Actually --

COMMISSIONER SCHMITT: I know what the intent of the sentence is, but --

MR. MULHERE: I saw a further restriction. It might have been in the staff report. What we proposed was a maximum of 10 weeks a year and no more than five days, Monday through Friday, in -- no more than one week in any given month. So, actually, that's less. So it's not 12 months. It's 10 months.

COMMISSIONER SCHMITT: And that's during --

MR. MULHERE: And it's only allowed Monday through Friday.

COMMISSIONER SCHMITT: Hours of operation? I looked it up but --

MR. MULHERE: I don't remember.

CHAIRMAN FRYER: Something like 7:00.

COMMISSIONER SCHMITT: 7:00 to 5:00 p.m. They were talking about -- would that be mulching from 7:00 to 5:00 p.m. seven -- five to seven days a week?

MR. MULHERE: I think that's the operational. I think the chipping could be from 9:00 to 5:00, you know. Don't want to have to start noise that early, so -- and I believe there is a condition somewhere.

COMMISSIONER SCHMITT: All right.

MR. MULHERE: Oh, yeah. This is the latest condition. So this reads, hours of operation for the facility will be Monday to Friday. They do have 7:00 a.m. I'm okay with pushing that back to 8:00 or -- you know, we don't have to start that early.

CHAIRMAN FRYER: You'd do 8:00, but then no chipping until 9:00?

MR. MULHERE: Well, no. I think we want the hours of operation to be 7:00 a.m. People get there early. But the chipping is what may generate noise, and that's why we want to limit that to no more than 10 weeks per calendar year, no more than one week in any given month.

Actually, they call it grinding, but -- and we'll be limited to a maximum of 10 weeks per calendar year and will further be limited during those 10 weeks to use Monday through Friday 9:00 a.m. to 5:00 p.m. So in this they're not really restricting the amount of that that could occur in any single month. They're just saying 10 weeks per calendar year so, you know.

COMMISSIONER SCHMITT: I would like, if we could, get the staff report so we can hear the speakers, but I'd really like to get the speakers.

CHAIRMAN FRYER: Yeah. I am -- I'm going to suggest, if staff does not object, that we go directly to the speakers after the applicant.

MR. MULHERE: I think that -- you know, I realize people have been here a long time. These are your conditional-use findings, consistency with the LDC. We have a staff recommendation of approval. Staff feels that, yes, we are consistent with the LDC and the Growth Management Plan. As a professional planner, I've reviewed that; I agree.

Ingress and egress, well, we've talked about some changes to ensure that that is safe. The effect that the conditional use would have on neighboring properties in relation to noise, glare, economic, or odor effects. Well, there's conditions now in place to ensure that, A, we're not going to do concrete crushing. We're not going to do any of those more concerning uses. This is simply horticultural -- horticultural recycling.

We've agreed to move it to a point in that 16.5 acres where it won't be impacting to folks. We're agreeing to a fire plan. We're agreeing to an operational plan. And if it helps, we'll agree to come back in 10 years, and you can have another visit at it, but it's an appropriate use.

CHAIRMAN FRYER: Commissioner Fry has a question for you, sir.

COMMISSIONER FRY: Bob, describe -- you mentioned grinding, chipping, whatever it is. But describe the exact equipment that's used in a facility like this. How loud is it? Do you have -- do you have information, data --

MR. MULHERE: I think we can go to the movie Fargo for my source of information.

COMMISSIONER SCHMITT: Thank you.

COMMISSIONER FRY: Oh, man.

MR. MULHERE: Is --

COMMISSIONER FRY: Powerful reference.

MR. MULHERE: Is Paul on the phone?

COMMISSIONER FRY: Is it a chipper like pulls up and grinds trees?

MR. MULHERE: Yes. No, you --

(Simultaneous crosstalk.)

COMMISSIONER FRY: Is it a giant version of that that is much louder?

MR. MULHERE: It's definitely temporary. You bring it in and you carry it out. But I really have to refer to my client if they can get him on.

(Simultaneous crosstalk.)

MR. FRANTZ: We've unmuted Paul Reddish on our end. Paul, you just need to unmute yourself.

MR. MULHERE: And if we don't have an answer, we're not going to finish. We'll get one for you.

COMMISSIONER FRY: And I'm curious, because I'm anticipating that some of the neighbors might have noise concerns.

MR. REDDISH: Hello?

MR. MULHERE: Yeah, we can hear you.

MR. REDDISH: Great, great. I'm glad you did, because I'll answer this -- be happy to answer this question now, and then I had a question back on the operating chipping I wanted to kind of put in there as well just to make sure we were all on the same page.

First of all, on the equipment, most of the equipment is basically screening more than anything. The chipper -- the chipping equipment be -- you'd have something like a Bobcat or a small loader would be there, but those typically -- they have been there. We've been using them there and before me Dominick, the previous -- or the partner -- our partner there, has been using those and -- you know, on that size of the property. Like on any farm, you have tractors and some backhoes and small loaders as well, and screeners.

And the noise, I can get you the actual decibel levels on anything like that. That's certainly easy for me to obtain and get to Bob. It would only take me a day to get that information to him. But it's certainly not -- it's not noise issues with that. We use them at our other facilities, obviously, with neighbors also as well in Collier County, and we have much closer abutting neighbors that have never had any complaints. We also operate a facility on Yahl Street off of Pine Ridge Road, and we would be using the same type of equipment.

The other thing, if I could, just on the chipping that we talked about. And they said one week per month. I think we can meet -- we'd like to try and meet that amount of time chipping happily, because we don't need to chip very often, but it's really not cost effective to do it once a week. What you want to do is because we're not a very big operation and we're not looking to have a lot of traffic, like I think some people are anticipating, what we envision, it's going to take quite a while to get an amount big enough to bring in a machine to do the actual chipping.

So while we only -- I mention we only need that maybe a couple of times a year. We don't need that on a constant basis. That's something that would be -- when the pile got to be a certain height, we would bring a chipper in, and it would chip for probably two or three weeks.

MR. MULHERE: So that's fine.

(Simultaneous crosstalk.)

MR. REDDISH: Then that would be it. You wouldn't see that chipper back there for several more months.

MR. MULHERE: I just wanted to mention, Paul, the way the staff has limited you, you're limited to 10 weeks per calendar year, but you could do more than a week if that's what it took. It's probably better to get it done while you can when you've accumulated the materials.

MR. REDDISH: Right.

MR. MULHERE: Okay.

MR. REDDISH: Right, right. But, otherwise, it wouldn't be any of that going on at all. It would just be a screening and windrowing pile, because that material needs to age like a wine, if you will, before you can make the good topsoil out of it. I know that sounds crazy, but that's really what it has to do.

CHAIRMAN FRYER: Mr. Mulhere, I'm going to interrupt you for just a moment, sir, and ask Mr. Frantz how many speakers we have.

MR. FRANTZ: You'll have to allow me to count these slips. We did receive a few more.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: May I ask -- just finish up my question?

CHAIRMAN FRYER: Go ahead.

COMMISSIONER FRY: So it sounds like we can look forward to some data in terms of the decibel level of the equipment and what it might be at the range of the neighbors, you know, the property borders?

MR. REDDISH: Sure.

MR. MULHERE: Distance-wise.

COMMISSIONER FRY: And I just need to know, when you say "screening operation,"

what is that exactly?

MR. REDDISH: Well, what you do is, once this material has been windrowed and the screening systems are -- there is really no noise. They're either electric or very small engines, smaller than, like, a Bobcat. And it's just like a little trommel, a little barrel that just turns around. So it's basically just chain driven. It turns around, and the topsoil will fall through those 2-inch, inch-and-a-half screens.

COMMISSIONER FRY: Thank you.

MR. REDDISH: Okay. And that material will come down, and the other hort debris will just fall off the other side. It's kind of just like -- some of the -- basically they're on springs, if you will, and they will shake it a little bit. But there's no -- the only time you'll have a motor issue will be when the grinders are there. And I'll be glad to get that information. But we find it's not invasive, because we have to have this issue with all the facilities that we run. And it's a good question, and I can get that information for you quickly.

CHAIRMAN FRYER: Thank you. Mr. Frantz?

MR. FRANTZ: We have about 25 speakers.

CHAIRMAN FRYER: Twenty-five. All right. How many of them are physically present?

MR. FRANTZ: Less seven of those.

CHAIRMAN FRYER: All right. Okay. We're going to go with them first, and anybody who must speak today because they can't be here on December 3rd will not be heard again on December 3rd. So take your choice, either speak today or on December 3rd, but there won't a second opportunity for any speaker. And if that's -- if that's okay with the Planning Commission.

All right. How much --

MR. MULHERE: May I just ask if Jim --

CHAIRMAN FRYER: Sure, yeah.

MR. MULHERE: Then we'll be done. I know there's a lot of people --

(Interruption by the stenographer for clarification.)

MR. BANKS: I need to be sworn in.

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

MR. BANKS: I do.

For the record, Jim Banks. I prepared the traffic impact study for this project. Bob kind of snookered me here today because he told me he was going to do the presentation, I was going to answer questions, and now he wants me to do a presentation.

But, anyhow, we did determine that the project would generate less than 10 trips during the p.m. peak hour. We went down and physically obtained traffic counts at the intersection at Riggs Road and U.S. 41. It is a fairly low volume of traffic that's entering and exiting off of Riggs Road onto U.S. 41.

The vast majority of the traffic is turning either southbound right from Riggs Road onto U.S. 41 to head west or people that are -- or folks that are coming from the west entering in off the left-turn lane into Riggs Road and head northbound. I think we had two vehicles that turned in from the south coming from the Marco Island area type direction and turning in right into Riggs Road. So the predominant movement is right-out and left-in.

CHAIRMAN FRYER: Mr. Banks, I personally don't have any problems at all with the traffic report. You're asking for seven peak p.m. trips. The concern that was expressed by the residents had to do with the ungainliness of traffic on Riggs Road. I think we're dealing with that with widening. And I'm not going to try to speak for other members of the Planning Commission, but if anybody has any questions or comments, or we can just, without further delay, go to --

MR. BANKS: I think there was just one point I'd like to make --

CHAIRMAN FRYER: Go right ahead. Of course.

MR. BANKS: -- regarding -- I know that the opposition, their legal counsel put together a letter suggesting that we get access off -- directly off U.S. 41. I will tell you we will not meet FDOT's intersection separation standards for a separate access onto 41.

CHAIRMAN FRYER: We understand that.

MR. BANKS: Okay.

COMMISSIONER VERNON: If I could?

CHAIRMAN FRYER: Yes, I'm sorry.

COMMISSIONER VERNON: That would include the property or like a dead-end road between the Lipman Farm and your property, like if you created a road? I mean, there may be a hundred reasons it's a bad idea, but I'm just -- you said -- you understand what I'm asking?

MR. BANKS: We will have no access on U.S. 41.

COMMISSIONER VERNON: You understand what I'm asking? Jim?

MR. MULHERE: You can come up. I just want to get to an exhibit that shows it so we can --

COMMISSIONER VERNON: Yeah, it's the map of the property that you're highlighting. Yep, right there. On the east side.

MR. MULHERE: There's a road here, and there's a road here.

COMMISSIONER VERNON: Right. And right in the middle, could you create a little dead-end road and --

MR. BANKS: No.

COMMISSIONER VERNON: Between the two properties? Like on the east side off your property?

MR. BANKS: To U.S. 41?

COMMISSIONER VERNON: Right, right.

MR. BANKS: No. The full access just to the southeast of our site is for the residential community, and then Riggs Road to the north. That's a thousand feet of separation. FDOT will not allow us to build an access between those two intersections.

COMMISSIONER VERNON: Okay. That was my question. Thank you.

CHAIRMAN FRYER: Thank you. So I want to be sure that we hear from those members of the public who are physically present and cannot come back on December 3rd.

So, Mr. Frantz, would you call speakers in that category, please.

MR. FRANTZ: Your first speaker is Zach Lombardo. He's been ceded time by two people, Richard Solimine and Adele Solimine. I don't know if they're here in the room. If they could raise their hands.

MR. LOMBARDO: I can be here on the 2nd. I can allow someone else to go.

CHAIRMAN FRYER: Okay. Thank you. It's the 3rd, I think.

MR. LOMBARDO: Whatever.

CHAIRMAN FRYER: Good. So you're Mr. Lombardo?

MR. LOMBARDO: Yes, sir.

CHAIRMAN FRYER: You can come back?

MR. LOMBARDO: Yes.

CHAIRMAN FRYER: Okay. Thank you. Appreciate that.

Mr. Frantz?

MR. FRANTZ: Your next speaker is someone -- we have someone who's filled a sheet out to cede time to someone on Zoom.

CHAIRMAN FRYER: I've talked about this with Mr. Klatzkow, and I, frankly, don't think it's a terrific idea to set a precedent like that. I think we need people to be physically present. I realize COVID raises an issue, but there's no way to police that, really.

MR. FRANTZ: This individual appears to be in the building who wants to give their time

to someone who would be on Zoom.

CHAIRMAN FRYER: In the building? Where in the building?

MR. FRANTZ: This person is Sara Krist. If you could raise your hand.

MR. KRIST: She's my daughter. She's out in the lobby.

MS. KRIST: I can't stand for too long.

CHAIRMAN FRYER: You're ceding your time?

MS. KRIST: Yeah, I am.

CHAIRMAN FRYER: Okay. That works.

MR. FRANTZ: I'll call on that individual on Zoom. Steven Morgan.

CHAIRMAN FRYER: Mr. Morgan?

MR. FRANTZ: Can you unmute your mike.

MR. MORGAN: Good afternoon, Mr. Chairman, members of the Board. My name is Steve Morgan. I'm a Florida licensed professional engineer and been a consulting civil engineer for over 25 years.

I am a landowner on Riggs Road, and although I do not currently live in Collier County, I was raised in the county, a 1981 graduate of Lely High School, and have lived there since 1963.

I have reviewed the application, the consultant's supporting documentation, and the county staff report. I have prepared a certified letter of my findings concerning the application, and it is attached to Attorney Lombardo's objection package that was submitted to this board on November 16th, 2020.

In my professional opinion, the application does not address many key issues that are required as part of this requested action. The summary of my findings are as follows: Number one, the applicant is submitting for a CUP to operate a recycling facility when, in fact, the site has been and is currently being used for that exact purpose.

The applicant states that they are a wholesale nursery operation. I've been down that road many years being a landowner. I have never observed anything but a recycling facility at that site. They are, in fact, operating the facility without proper permits and have been for approximately 10 years in a very limited -- in a limited fashion.

Item No. 2, the applicant states, with the approval of the conditional use to use the property as a transfer station, additional entities could bring in yard waste for recycling. In addition, the applicant states, deliveries and pickups will be made by variously sized vehicles from pickup trucks to small tractor trailers or 100-yard tractor trailers, I should say.

I'd like to point out the term "additional entities" is not defined. Additional entities can mean anyone delivering waste from other counties, municipalities, private development out of county.

With landfill costs and space at a premium, the economies of such activity could be a major influence in bringing outside material to the county. In addition, 100-yard tractor trailers delivering to this site present a serious impact to a local roadway with inadequate shoulders, no turnaround, and serious sight-distance issuance. Excuse me.

Item No. 3, the applicant states the clean horticultural waste will not create odors. There is absolutely no research, data, studies or any other information provided by the applicant to provide us assurances that this is the case.

Item No. 4, the applicant states the site has been designed to utilize setbacks and landscape buffers to provide visual screening and reduce noise emanating from site operations. Again, there is no research, data, studies, or any other information provided by the applicant to provide assurances that this is, in fact, the case. There are no stated limits on the type of machinery. I heard the applicant state that he used front-end loaders. I've seen tub grinders at that facility.

Most operations, as this facility has used, use tub grinders. These machines utilize motors in excess of a thousand horsepower and can generate extremely high noise volumes. This does not

belong next to a residence.

Item No. 5, residents have shared instances of large trucks occupying a large portion of or completely blocking Riggs Road. In addition, the residents have shared instances of near collisions with large trucks utilizing this site. Riggs Road is a local substandard 20-foot-wide dead-end paved road with no turnaround. The driveway to serve this facility is located at the beginning of the road which, in the event of any problems, leaves the entire roadway blocked. Riggs Road has inadequate shoulders and deep ditches on either side.

Sight-distance issues at the applicant's driveway exacerbate the problems associated with this use. Riggs Road is a local road, and it is not in any fashion even widened at the entrance suited for a connection to serve this type of facility.

Item No. 6, the application makes note of existing soil contamination at the site discovered in August 2015. Members of the Board, that was over five years ago. No action has been reported in over five years.

Under the applicant's conditions of approval, they state, upon CUP approval, they will begin further investigation and possible remediation. This, quite frankly, is an outrageous statement. Further study and remediation should have been undertaken immediately.

This lack of action does not add any credence to the applicant's other assurances of noise, odor, traffic, et cetera, made in this application. In my professional opinion, the application and supporting documentation is completely lacking in data and proposes a conditional use that will negatively affect the local community; therefore, it should be rejected.

Thank you for your time, and I'd be happy to answer any questions you have.

CHAIRMAN FRYER: Thank you. As you're testifying as an expert, I'm going to ask the applicant if there's cross-examination.

MR. MULHERE: No. No.

CHAIRMAN FRYER: Okay. Thank you. Next speaker.

MR. FRANTZ: Your next speaker is Carlos Portu. Carlos has been ceded time by Carolina Novo.

Carolina, can you identify yourself?

MS. NOVO: (Raises hand.)

CHAIRMAN FRYER: Okay. Thank you. Carlos, you have six minutes.

What's your last name again, sir?

DR. PORTU: Good afternoon, members of the Planning Board. My name is Dr. Carlos Portu. Thank you for the opportunity to speak to you today regarding the conditional-use request by Richdale Recycling.

As a matter of record, again, my name is Dr. Carlos Portu. I'm a neighbor, a local business owner, and an adjoining property owner, having a property within 500 yards of the subject property.

I'm here today out of a measurable concern and fear that the applicant is drastically understating the potential health impact to not only the immediately adjacent properties but all of East Naples and Marco Island that could result from a project like this. First --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes. Go ahead, Commissioner.

COMMISSIONER KLUCIK: You're going to address health, you said.

DR. PORTU: Yes, sir.

COMMISSIONER KLUCIK: All right. So what kind of a doctor are you?

DR. PORTU: I was going to provide my background if you'd like, sir.

COMMISSIONER KLUCIK: Are you a medical doctor?

DR. PORTU: I am.

COMMISSIONER KLUCIK: Okay, great. Thank you.

DR. PORTU: You're welcome.

First, I'd like to share with you my background. I hold a Bachelor of Science degree with majors in biology and environmental science from the University of Miami. I'm board certified in internal medicine, having completed my medical school training at the University of Miami and my residency at Jackson Memorial Hospital almost 15 years ago.

As an internist, I hold a particular expertise in complex medical conditions and geriatrics. I've been a resident of Collier County for more than a decade, and I operate a primary care practice about five miles from the subject site, having previously worked for both Naples Community Hospital and Physicians Regional, including two terms as chief of medicine.

My current practice of more than 4,000 patients reside largely within East Naples, a large cohort of which are a stone's throw from this facility.

When I first learned of the proposed Richdale project, I was taken aback by the fact that such a use would even be considered there. After researching the history of the parcel and prior code compliance issues, an already bad idea appears to me, a professional, to be egregious.

I'd like to advise the Commission that the existing medical literature reveals an extensive evidence of large mulching facilities result in increased health risks due to a variety of factors. These include infectious agents like fungus and bacteria, wood dust, smoke exposure from accidental mulch fires, and volatile organic compounds and endotoxins.

There are numerous studies and scientific papers that have identified infectious pathogens present in mulch and mulch products.

COMMISSIONER KLUCIK: Excuse me.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: I just want to clarify, what's that list of things that you said, the last list of --

DR. PORTU: You would like me to repeat them?

COMMISSIONER KLUCIK: Yes.

DR. PORTU: These include infectious agents like fungus and bacteria, wood dust, smoke exposure from accidental mulch fires, and volatile organic compounds along with endotoxins.

COMMISSIONER KLUCIK: Okay. The volatile organic compounds and endotoxins, please explain what those are and why you think that that -- that this facility is -- for all of us, this facility is going to be producing them.

DR. PORTU: If it would please the Commission, I'd be happy to answer questions, but I would like to try to finish my statement and then go back.

CHAIRMAN FRYER: We'll give you more time.

DR. PORTU: Okay. Would you like me to continue or answer the question, sir?

CHAIRMAN FRYER: Go ahead and answer the question.

DR. PORTU: Okay. Could you repeat your question, sir, so I can answer completely.

COMMISSIONER KLUCIK: Well, you gave a list of things that you're concerned about, and I'm just trying to figure out why you think, you know, that that's what's going to be happening here, I mean, and what's your expertise regarding this particular facility and these types of facilities.

DR. PORTU: Sure. Well, I will skip ahead to the portion of my presentation -- my portion of my statement addressing those items.

So one component, if you're concerned about Item 4 that I mentioned, that must be considered includes endotoxins and volatile organic compounds produced from composting. Why do these matter? VOC exposure is a risk factor for leukemia and nasal carcinoma, and endotoxins are known to be associated with liver cancer.

These processes and the production of these types of byproducts are normal processes of decomposition. By their very nature, the process of composting can lead to an increase in these

substances both in the air, soil, and the groundwater. The larger the scale of this type of process, the larger the quantities of these substances that are produced.

I think that the concern of many of the neighbors, including myself, is that not only has the applicant been doing this type of activity there for a long time under questionable approval, but I think that the concern is, obviously, the scale and scope of this project is to increase from its current; otherwise, they wouldn't be here applying for the conditional use. And --

COMMISSIONER KLUCIK: Right. So what is the exposure, then, that you would expect? I mean, you're talking about this being a danger. In what situations is it dangerous? Is it dangerous if you're working with it every day, or is it dangerous if you live 10 feet away or 100 feet away or half a mile away? Because you're throwing out a lot of, you know, information that could be helpful, but it seems like it's not in context, and I don't really know what I can do with it, what all of us commissioners, you know, can do it with it.

DR. PORTU: I appreciate your concern. I provided this letter in much more extensive format to the county -- to the commissioners prior to the meeting including all the references that I cited. It was two pages full of citations, sir.

COMMISSIONER KLUCIK: Yeah, no. But if you could just answer the question now.

DR. PORTU: Okay. Can you rephrase your question so I can try to answer it as complete as I can? I wasn't quite prepared to go into such great detail.

COMMISSIONER KLUCIK: Well, yeah. You're coming up with a really -- you know, things that anyone would be concerned about.

DR. PORTU: Of course.

COMMISSIONER KLUCIK: You're saying that --

DR. PORTU: If you could just restate your question, sir, I'm happy to try to answer it.

COMMISSIONER KLUCIK: Sure. What's the relative risk? Because that's fine. We know, you know, certain things are dangerous, but it all depends on -- you know, that could mean anything. That could mean you can't lick it or it could mean that you can't get, you know, within two feet of it.

DR. PORTU: Sure.

COMMISSIONER KLUCIK: You know, or 100 yards of it. What are we talking about here?

DR. PORTU: So -- well, when it comes to endotoxins and volatile organic compounds, any type of inhalation of these types of chemicals can cause significant respiratory effects that can affect individuals both healthy and with chronic medical conditions. I think any process that aerosolizes these types of materials, particularly given potential prevailing winds, could very directly impact individuals within not only the neighborhood of Riggs Road but adjoining present and future communities.

COMMISSIONER KLUCIK: All right. So it really is anecdotal. You're an ex -- you're a doctor and you're raising all these issues, but you don't really have a specific way to relate what the specific concern here is other than it's a place where these are going to be --

DR. PORTU: Well, sir, if you'd like me to provide more detail in terms of exact data and literature with that specific concern, I'm more than happy to come back on the 3rd at the next presentation and take another day off of work and provide some of that data to the Commission, including the studies that I referenced with the information I've already provided to you all. I just wasn't prepared to go into such great detail today.

COMMISSIONER KLUCIK: Yeah. No, I appreciate that. My concern is if you're going to raise -- you know, use the word "toxin," and, you know, "volatility" --

DR. PORTU: Of course.

COMMISSIONER KLUCIK: -- all of these words are scary, and I just think that if you're going to raise that, we have to know what we're talking about and the actual relative --

DR. PORTU: I would be more than happy to provide that data, assuming the Chair provides that allowance for me.

CHAIRMAN FRYER: We'll allow you to come back. Let me ask this question of you, though.

DR. PORTU: Yes, sir.

CHAIRMAN FRYER: I repeated this several times. Clean horticultural vegetation.

DR. PORTU: Uh-huh.

CHAIRMAN FRYER: That's all they're going to be able to bring on.

DR. PORTU: Sure.

CHAIRMAN FRYER: But you're saying that some of these things will create noxious and toxic byproducts.

DR. PORTU: Yes, sir. So, you know, there's really several components to the grinding of horticultural material. It's really not just the fact that it's clean, you know, it's -- and, again, I had more formally addressed some of these things as part of my statement.

But when it comes to -- let's talk about just the infectious agents and fungus-like bacteria, et cetera. There have been numerous studies and scientific papers that have identified infectious pathogens present within mulch and mulch product. These pathogens are known to travel upwards of three miles -- and I am happy, again, to provide the data the other commissioner requested -- once they're put in the air during a process like mulching. These pose a significant risk to health of the neighborhood, and the more of that quantity that is expelled into the air, the higher risk to the neighboring communities and individuals.

Fungal respiratory conditions are really very serious. There is actually a condition called fulminate mulch pneumonitis. It also carries with it a mortality risk of greater than 50 percent, you know.

COMMISSIONER KLUCIK: Excuse me.

DR. PORTU: So we're not talking about a benign process here that can go unchecked in such proximity to a residential area where any one specific individual's quantity of exposure is going to be out-sized relative to people that are just transiently moving through the area, and that's why these types of facilities are not designed to go in a residential/ag area.

Aside from infections, wood dust and particulates alone are likely to result -- that are likely to result from this type of an operation also carry a significant health implication.

The CDC considers wood dust -- and this is the CDC considers wood dust to be contributory to allergic respiratory diseases including exacerbations of things like asthma, COPD, and pulmonary fibrosis.

Even in healthy individuals, wood dust can result in a wide range of irritant respiratory effects, and they can lead to sinusitis, bronchitis, and pneumonia.

CHAIRMAN FRYER: Doctor, we're going to ask you to come back on December 3rd.

DR. PORTU: Sure.

CHAIRMAN FRYER: And since that's the case and in order to give other speakers a chance to speak, would you mind --

DR. PORTU: Sure.

CHAIRMAN FRYER: -- suspending your presentation and coming back with the information that Commissioner Klucik asked for?

DR. PORTU: I would be more than happy to, sir. If I could just wrap it up --

CHAIRMAN FRYER: Wrap it up. Go ahead.

DR. PORTU: -- very quickly.

CHAIRMAN FRYER: Go ahead.

DR. PORTU: I think --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner.

COMMISSIONER KLUCIK: If you would, I would certainly -- you know, whether it's appropriate or not, but I'd be certainly -- in the meantime, I'd be happy to -- actually would have questions for you off-line as well.

DR. PORTU: I think that would be great, sir. I don't know the proper protocol to process for that, but I'm certainly -- I'll give my information to the county attorney, and he could certainly pass that along to you so that I don't -- I don't want to violate any of the proceedings and the appropriateness of that.

CHAIRMAN FRYER: You can certainly speak to individual Planning Commissioners off-line, and that would --

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: -- be a good way to do it.

DR. PORTU: Perfect.

CHAIRMAN FRYER: And thank you very much. And you're -- you said that you're a nearby property owner.

DR. PORTU: Yes.

CHAIRMAN FRYER: But, of course, you're also testifying as an expert --

DR. PORTU: Yes, sir.

CHAIRMAN FRYER: -- and you potentially are going to subject yourself to cross-examination.

DR. PORTU: I would be more than acceptable to answer any questions with regards to my testimony.

CHAIRMAN FRYER: Okay. We won't get that -- we won't get that today, because I want other speakers to have a chance to speak.

DR. PORTU: Thank you.

CHAIRMAN FRYER: But thank you for being here.

DR. PORTU: So just to summarize, I would say that I think it's disheartening to consider that the health and well-being of nearby property owners could already be at risk, yet we're here today considering whether or not to expand Richdale's use of this property, not only legitimizing the activity they've been doing so far, but also resulting in the existing contamination that may have already occurred at the property.

I would encourage you-all to consider what the impact of our community could be, and I look forward to coming back and answering any other questions the Commission may have for me.

CHAIRMAN FRYER: Thank you, Doctor.

DR. PORTU: You're very welcome.

CHAIRMAN FRYER: Next speaker.

COMMISSIONER KLUCIK: Mr. Chairman.

COMMISSIONER SCHMITT: Mr. Chairman?

CHAIRMAN FRYER: Yes.

COMMISSIONER SCHMITT: Just make sure for Carlos, this would be one of the first items we would address.

CHAIRMAN FRYER: Yeah, do we have -- Mr. Frantz, do we have --

COMMISSIONER SCHMITT: We don't need him to stay here all day. I know you were here all day.

CHAIRMAN FRYER: No. Will this be the first item on December 3rd?

MR. FRANTZ: Based on your earlier motion, we'll have several continued items. If you'd like this one to be the first one, we can make sure to schedule it.

CHAIRMAN FRYER: Yes, I would. It was the first one on this agenda, so it should be. I just wanted to make sure that you didn't have something else booked for that day.

MR. FRANTZ: No, and your policy has been to take continued items first.

CHAIRMAN FRYER: Yes, indeed.

COMMISSIONER SCHMITT: All right. That, then, would work with your schedule.

DR. PORTU: Yes, thank you. I'll -- I promise I won't blame you-all too much to all of my canceled appointments for --

(Simultaneous crosstalk.)

CHAIRMAN FRYER: We're all going to be very interested to hear what you have to say. Commissioner Klucik, did you have something further?

COMMISSIONER KLUCIK: Yes. Well, first of all, I want to thank both the speaker and you, Mr. Chair, and my fellow commissioners, for indulging me. Obviously, I haven't spoken too much, but I did just -- somehow I woke up on this one and decided to ask some questions. So thank you very much for --

CHAIRMAN FRYER: Thank you.

COMMISSIONER FRYER: Mr. Chairman.

CHAIRMAN FRYER: Yes. Yes, sir. Commissioner Vernon.

COMMISSIONER VERNON: I know we've got a bunch of speakers, so I'll try to be brief, but I just think it fits right here.

Before he spoke I was thinking -- well, my immediate thought process was, Mr. Mulhere said his client's a good businessman. He -- then when the client -- his client spoke, he talked about needing the compost -- the product to build up. So immediately before -- without thinking about the health issues, I was thinking about the smell. I mean, essentially, there's going to be a ton of this product before he's going to kind of come in and run it through his process. And it could sit there, literally, for 10 or 20 weeks. That would -- that may not be right. I'm just letting you guys know it kind of ties into this health issue that I could see that product building up and sitting there for months, intentionally.

COMMISSIONER SHEA: Can I tack onto that? And this is more for Mr. Mulhere when they come back. Maybe they should speak to us on the process. How do they -- are they windrowing with a machine that creates a lot of -- a lot of airborne -- they might want to explain what they're going to be doing with these piles and how they're going to be turning them, because I think it's going to tie into what he's talking about.

CHAIRMAN FRYER: Yeah.

COMMISSIONER VERNON: Yeah. And I could be wrong, but I just wanted to say, that was what was rolling around in my head, and it just ties in perfectly with what the doctor said.

CHAIRMAN FRYER: Vice Chair?

COMMISSIONER HOMIAK: I just -- he was talking about leaving piles that needed to go through a chipper, not that --

(Simultaneous crosstalk.)

COMMISSIONER HOMIAK: -- needed to be screened.

COMMISSIONER VERNON: Well -- and maybe he's screening every day, but he may not be, because it may be more cost effective to let it build up before he does so.

COMMISSIONER SHEA: But he's doing many operations. That's why -- he's chipping, he's screening, and he's going to windrow, and all of those have the potential of creating -- so we need to --

CHAIRMAN FRYER: Real quickly.

COMMISSIONER SHEA: -- be smarter on it.

CHAIRMAN FRYER: Real quickly.

MR. MULHERE: So my client, I believe, is probably still on the line, but rather than piecemeal this, we certainly heard the doctor's presentation. Yes, I will probably exercise an opportunity to cross-examine him.

I think -- we hear the questions, so it's probably better that, you know, I speak to my client between now and December 3rd and that we have a sufficient presentation for you.

COMMISSIONER SHEA: Absolutely.

CHAIRMAN FRYER: Yeah. I think the fact that this is broken up into segments is probably going to be to your advantage.

MR. MULHERE: Okay. I'll take your word for it.

CHAIRMAN FRYER: Well, you know what some of the tough issues are going to be.

MR. MULHERE: I know.

CHAIRMAN FRYER: All right. Let's see. Next speaker, please.

MR. FRANTZ: Your next speaker is Jennifer Drake. Jennifer has been ceded time by Carol Krist.

CHAIRMAN FRYER: Where is Carol Kris, please?

MS. CAROL KRIST: Right here.

CHAIRMAN FRYER: Oh, okay. All right.

And you're Ms. Drake?

MS. DRAKE: Yes.

MR. FRANTZ: Jennifer, you have six minutes.

MS. DRAKE: Thank you. Thank you. Good afternoon -- evening. My name is Jennifer -- let me take this off. My name's Jennifer Drake, and I'm a property owner on Riggs Road. I'm also a full-time licensed realtor, have been for 17 years, with my primary market being Marco Island and East Naples immediately around Fiddler's Creek, Naples Reserve, and Lely resort.

And that's basically where I'm going to focus my comments today, because I, of course, completely share the feelings with Dr. Portu and Steve Morgan that have spoken so far and with some of the additional people that I know that you're going to hear from today and again on the 3rd. Those being, obviously, the safety of the street, the dangerous truck traffic, the health of the environment, as well as the residents all around it. Those things are all very paramount.

But what I'd like to address are property values and your consideration of what is in keeping with the neighborhood when you consider this petition. So just a little bit of background. I purchased our parcel on Riggs Road in 2007 basically looking to -- I was living on Marco at the time and wanted to keep horses; was hoofing it all the way out, no pun intended, to the Estates, and was looking for a more nearby place.

So then in 2014, we actually decided to build a new home on that street. My business was located in Marco, it was near by, and the quiet neighborhood, the availability of five acres, and nice views over the Links Golf Course, and also having central water versus well were all very important.

But another big consideration was that this area seemed to be in the path of future development. East Naples was already starting to grow at the time. The market had just really taken a severe downturn. And all of that, obviously, stopped. But, you know, being in the business, I anticipated that when things -- when the market recovered, that this would be the next logical place for new development to head to in Naples, and it was. Having the surrounding properties currently zoned agricultural and residential was, of course, another big peace of mind for that.

So just as this beautiful new development that we've been waiting for all these years is finally on our doorstep, and just to name a few, as Mr. Shea kind of pointed out earlier, we have Taylor Morrison building their new esplanade a little over a mile to the west of Riggs Road, and D.R. Horton has just opened their new model home in Royal Palm Golf Estates pretty much directly across 41. They've already sold seven new homes in there at least as of a few days ago. It could be more. Their main entrance is nearly right across 41.

These communities bookend Riggs Road on the east and west separated by only about a mile and a half. So to -- to postulate that it could be 15, 20 years or more or that we don't really know if these types of developments are coming into this area, as Mr. Mulhere stated earlier -- I was a little surprised by that, because it's already happening. And a mile and a half isn't a lot of area to make up.

And these tracts in between are owned currently by large developers. Gulf Bay still has a very large portion to the south and east of where Taylor Morton is building. So this -- these properties -- and Lipman Farms, to jump back over there, has the intent as well in the future of that being residential development.

We've personally invested over a million dollars into our property and our home, and I know that many of our neighbors have sizable investments in their properties and their improvements as well.

And I know I can speak for all of us when I say that had we known that the possibility of having an industrial type of use right at the beginning of our street was a possibility, most of us would probably not have done that. In fact, it's very likely that none of us would have done that. The impact that this type of facility will have on our property values will be devastating, regardless of what they ultimately do with it, whether they do confine it to mulch and topsoil as they're saying or whether they go for what we believe is the intent for the most intense use. Because if that wasn't the intent, this wouldn't be the third time that this has come up. This came up in 2011, this came up in, I believe, 2015, 2017, and now again in 2020.

And every time objections are raised, things get pulled back off, but then the next time they come around, they go back on, just like it was this time. Concrete grinders were pulled out because people started to yell. Well, they've been pulled out and put back in several times now. So the intent is shown.

And so regardless of what they ultimately do here and what they term it, it is going to be known as the dump. Heavy trucks are going in and out, 25-, 30-foot-high mulch dirt and brush piles will be clearly visible whether there's a buffer or not. I heard a comment for a 2-foot berm with screened vegetation planted on it. Well, how is that going to hide a 25-foot mulch pile? That is kind of insane to me. Sixteen acres isn't that big.

You know, where -- this -- this area is the first real sign of development as people drive up 41 from the east and south. This is the first real development. Oh, we're in Naples when they see Royal Palm Golf Estates in this area, and the first thing they're going to see are these large hopefully not smoking mounds of horticultural debris. You know, that -- that -- where else do you see mounds with debris poking through them?

MR. FRANTZ: That's six minutes.

MS. DRAKE: At a Landfill. I'm sorry?

CHAIRMAN FRYER: Is that thirty seconds?

MR. FRANTZ: That's your time. That's the time.

MS. DRAKE: The big thing is --

CHAIRMAN FRYER: All right. Ma'am, you have to wrap it up.

MS. DRAKE: Yep. You could be -- you know, my biggest concern is that you could be effectively trapping people into their homes, whether it's Royal Palm, Riggs Road, some of the streets across the way because they cannot sell their properties and recoup their investments, because what buyer is going to come down and look at a property if, when they're given directions, they say, hang a left at the dump? It's not going to happen.

You know, I'm sure the people that just bought the D.R. Horton homes across the street last week and the week before did not expect this kind of thing in their backyard, and I bet they're going to have a bit of a disclosure issue with D.R. Horton when they find out about it.

CHAIRMAN FRYER: Thank you, ma'am.

MS. DRAKE: So, yes, thank you. I appreciate your time, and I just hope that, you know, the county really considers that aside from all of the fire and safety and health issues that, you know, this is a very severe impact on the residents and the ability to -- you know, to transfer our properties when --

CHAIRMAN FRYER: Thank you very much. Thank you.

MS. DRAKE: Thank you.

CHAIRMAN FRYER: Mr. Frantz, how many more registered speakers who are physically present do we have?

MR. FRANTZ: I have nine slips here.

CHAIRMAN FRYER: Nine. My goodness. All right.

MR. FRANTZ: I'm going to read the next three so that we can use both podiums. Your next speaker is --

CHAIRMAN FRYER: Well, before we do this, I want to throw something out and see if we can't -- wouldn't help maybe expedite things. I have -- I was able to spend sufficient time with staff on Tuesday that I don't have any further questions on the LDC amendments proposal. Now, members of the public may, and we've got to ask that question. But do any other Planning Commissioners have questions about the LDC?

COMMISSIONER SCHMITT: No.

CHAIRMAN FRYER: All right. Commissioner Klucik, are you -- do you?

(No response.)

CHAIRMAN FRYER: Okay. All right. So what I'm going to propose -- are you okay, Commissioner, with that?

COMMISSIONER KLUCIK: Yes, I'm fine. No problems here.

CHAIRMAN FRYER: No problem. I'm going to -- I'm going to propose this: That we temporarily recess Richdale; that we give quick hearing to the LDC amendments. I think we can get them done in a matter of just a very few minutes, and then we will return to Richdale, and if there are individuals -- if there are nine individuals who simply can't come back and are physically present, we'll hear each of them for three minutes. We're not going to allow any further ceding of time, though. Does that -- any objection to that?

(No response.)

CHAIRMAN FRYER: Then that's how we'll proceed. I'll call the matter. So Richdale is in temporary recess.

***And we're now, it being 5:21 in the afternoon, we're going to go to PL20190000808 -- no, excuse me. We're going to unnumbered LDC -- LDC amendments. Item number --

COMMISSIONER HOMIAK: It's not unnumbered. Do you want me to read it, the first one?

CHAIRMAN FRYER: I don't see it. Where is the number?

COMMISSIONER HOMIAK: I have the amendment.

CHAIRMAN FRYER: Go right ahead, please, if you would.

COMMISSIONER HOMIAK: PL20200001602.

CHAIRMAN FRYER: Thank you. And this is legislative in nature, so we don't need ex parte or swear in witnesses, and we'll hear from staff. Please proceed.

MR. HENDERLONG: Thank you, Commissioner. Rich Henderlong, Principal Planner with the Land Development Code section.

This is a very simple amendment. It's scrivener's errors and updates cross-references related to the Florida Statutes, Florida Administrative Code, and there is -- anything substantive here, I'm available to ask [sic] any questions if you have any.

CHAIRMAN FRYER: Fair enough.

COMMISSIONER SCHMITT: Recommend approval.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER VERNON: Vernon seconds.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: I'll just make one very quick point that I was initially concerned that there was potentially some corners being cut, but really what it's to do, it's to facilitate affordable housing, and, so for that reason, I'm --

MR. HENDERLONG: No, that's a different item, Commissioner.

COMMISSIONER SCHMITT: No, these were scrivener's error.

CHAIRMAN FRYER: Oh, the scrivener's error.

COMMISSIONER SCHMITT: Just changing -- updating --

CHAIRMAN FRYER: Yeah, okay. Well, my comment, then -- the only comment that I had had and question I had had to do with those points on affordable housing. I have nothing on this and, in fact, I don't know that you need to go through these one at a time.

MR. HENDERLONG: That's fine.

CHAIRMAN FRYER: Do we have any members of the public who wish to speak on it?

MR. FRANTZ: No one in the Zoom meeting and no slips here.

CHAIRMAN FRYER: Okay. All right. Any further discussion or comments by the Planning Commission?

(No response.)

CHAIRMAN FRYER: Thank you. I appreciate that very much. Didn't mean to interrupt you, but sometimes --

MR. HENDERLONG: Then if you would enter into the record the PL number for each of the four items in your motions, I'd appreciate that.

CHAIRMAN FRYER: Yes. Yes, we will do that, and I'll ask the Vice Chair --

COMMISSIONER HOMIAK: We have a motion right now on the floor.

COMMISSIONER SCHMITT: Oh, that was just the first one. You --

(Simultaneous crosstalk.)

CHAIRMAN FRYER: Well, let's -- unless somebody has questions, let's incorporate all of them into one, and we'll read the PL numbers.

COMMISSIONER HOMIAK: Oh, I think you want read -- oh --

COMMISSIONER SCHMITT: I think you have to do each one.

COMMISSIONER HOMIAK: You have to do each one.

COMMISSIONER SCHMITT: Let's do each one.

CHAIRMAN FRYER: All right.

COMMISSIONER HOMIAK: There's a motion and second already on the floor.

CHAIRMAN FRYER: Okay. Any further discussion?

(No response.)

CHAIRMAN FRYER: All in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

***And the next one, what's the PL, Vice Chair?

COMMISSIONER HOMIAK: PL20200001627.

CHAIRMAN FRYER: Any presentation from staff on that?

MR. HENDERLONG: Just to indicate that this is going to give relief to the Public Utilities ancillary system and the Public Utilities Engineering Department. It will circumvent them having to go for variances to update some of the newer equipment. Because of the size and the new technology, they need relief on for fences and walls --

CHAIRMAN FRYER: Thank you.

MR. HENDERLONG: -- and some of the setback requirements.

CHAIRMAN FRYER: Thank you. Any questions or comments from the Planning Commission?

(No response.)

CHAIRMAN FRYER: If not, is there a motion?

COMMISSIONER SCHMITT: Make a motion to approve as proposed.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER VERNON: Vernon seconds.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: All those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

The next one?

COMMISSIONER HOMIAK: ***PL20200001703.

COMMISSIONER FRY: Sir.

MR. HENDRY: This is an LDC amendment pursuant to the Community Housing Plan recommendations. It provides relief for certain designs for the housing that is affordable.

CHAIRMAN FRYER: Any questions or comments from the Planning Commission?

(No response.)

CHAIRMAN FRYER: If not, is there a motion? I'll move approval. Is there a second?

COMMISSIONER VERNON: Vernon seconds.

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 VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

***Next one, sir.

MR. HENDERLONG: This is Petition PL20200001721. It's an amendment to the -- allow communication towers as a conditional use in the Estates zoning district, and it's being -- it implements the Golden Gate Area Master Plan and codifies what the Board had adopted back in September 2019 as a policy and recommendation.

CHAIRMAN FRYER: Thank you.

COMMISSIONER FRY: One question.

CHAIRMAN FRYER: Question from Commissioner Fry.

COMMISSIONER FRY: Did I read it correctly that any residential lot that is along a collector or arterial road can now have potentially a cell tower?

MR. HENDERLONG: No. Any Estates lot.

COMMISSIONER FRY: Any Estates lot, correct. But there are thousands of those.

MR. HENDERLONG: It has to be arterial or collector and minimum 2.25 acres would be -- they'll come in as a conditional use. And we have a petition pending waiting for passage on this LDC amendment. You'll be seeing that later.

COMMISSIONER FRY: Okay. So we do get to review it as a conditional use each time?

MR. HENDERLONG: Yes, you do. Yes, sir.

CHAIRMAN FRYER: Anything further on this?

COMMISSIONER HOMIAK: I just have one --

CHAIRMAN FRYER: Go ahead.

COMMISSIONER HOMIAK: Where it says -- references the tree -- fencing and landscaping, wall or fence is required and tree plantings within the buffer shall be 12 feet high.

MR. HENDERLONG: Yes.

COMMISSIONER HOMIAK: Does that mean 12 feet high at planting or always kept at 12 feet high?

MR. HENDERLONG: That was a recommendation generated by DSAC, and they want 12 feet planting at installation.

COMMISSIONER HOMIAK: At -- okay, that's what I meant, at planting, because it sounds like you're just going to -- they have to be at 12 feet all the time.

MR. HENDERLONG: No, it's not the lower-level plants, and they can mature at a certain time period. It has to be at 12 feet.

COMMISSIONER HOMIAK: Okay. Could we just add "at planting"?

MR. HENDERLONG: Yes.

COMMISSIONER HOMIAK: That sentence.

MR. HENDERLONG: Make that your recommendation.

CHAIRMAN FRYER: Staff's okay with that change?

MR. HENDERLONG: Yes.

CHAIRMAN FRYER: Okay. Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. I have a question and, unfortunately, it goes back to the affordable housing one. And I know we just approved it, but for clarity, we were saying one canopy tree per 3,000-square-foot lot.

MR. HENDERLONG: Correct.

COMMISSIONER SCHMITT: And typically it's two on a normal development.

MR. HENDERLONG: I believe that's correct. It's keeping the costs down.

COMMISSIONER SCHMITT: Okay. The other one was sidewalks, a minimum of

four feet, but typically sidewalks are five to six feet.

MR. HENDERLONG: Correct.

COMMISSIONER SCHMITT: But this is a minimum. Now, the issue here is, in an affordable housing community I'm concerned about dual paths, bicycles on sidewalks and pedestrians. Is that -- that's something that -- it says a minimum, but it doesn't necessarily mean that that's what we're going to approve. I'm not really in favor of 4-foot sidewalks in today's day and age. I mean, that's something they can propose, but it's a minimum. It's not -- it's not absolutely mandated.

MR. HENDERLONG: That's correct.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Thank you. Any further questions or comments on that one?

(No response.)

CHAIRMAN FRYER: Is there a motion?

COMMISSIONER SCHMITT: Well, we already -- we already passed that.

CHAIRMAN FRYER: Oh, that goes back to affordable. Yeah. Okay. Next one, sir, if there is one.

MR. FRANTZ: I just want to clarify on that last point. These would be our minimum standards. If a Site Development Plan came in meeting those minimum four feet, it would be approved.

COMMISSIONER SCHMITT: Yes. Okay. But if it comes in for zoning, and we have an opportunity to comment, we can certainly make that -- that does -- if it --

MR. FRANTZ: These standards are intended that they would -- if it came in for zoning, I mean, you can still go through your public process, but if there's a petition that doesn't need to go through zoning but they meet these standards --

COMMISSIONER SCHMITT: Straight zoning, they can do a four-foot, okay. And this was approved by the DSAC as well. Okay.

MR. HENDERLONG: Yes.

CHAIRMAN FRYER: The Vice Chair raises a question of whether --

(Simultaneous crosstalk.)

COMMISSIONER HOMIAK: -- cell tower.

COMMISSIONER SCHMITT: Cell tower. We have to vote on the cell tower.

COMMISSIONER FRY: Move for approval.

(Simultaneous crosstalk.)

CHAIRMAN FRYER: Is there a second? Any further discussion?

COMMISSIONER HOMIAK: With the change.

CHAIRMAN FRYER: Yeah, with the change.

THE COURT REPORTER: You guys are going so fast I don't know who's talking.

CHAIRMAN FRYER: I am.

THE COURT REPORTER: Who made the motion?

COMMISSIONER FRY: I did, Terri.

THE COURT REPORTER: Who made the second?

CHAIRMAN FRYER: Sorry, Terri?

COMMISSIONER FRY: Who was the seconder?

COMMISSIONER HOMIAK: I'll second it with the change. Make sure the change that I mentioned. Who made the motion?

COMMISSIONER FRY: I did.

(Simultaneous crosstalk.)

CHAIRMAN FRYER: At planting, I think, is what you -- right? Yeah.

COMMISSIONER HOMIAK: Yeah.

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 VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

MR. HENDERLONG: Thank you very much.

CHAIRMAN FRYER: Thank you very much. And I apologize to all for hurrying through this. And, nonetheless, I appreciate the Planning Commission, with the questions that you did have, showed that you took a look at this material, and I thank you for that.

COMMISSIONER FRY: Mr. Chairman, could we point out that a special guest is in the audience? I think Mr. Bosi's here. Came to crawl and beg for your job back? Mike, is that it?

CHAIRMAN FRYER: Mr. Bosi?

COMMISSIONER FRY: Good to see you.

CHAIRMAN FRYER: Where is he?

COMMISSIONER FRY: The man behind the mask.

THE COURT REPORTER: I need five minutes.

CHAIRMAN FRYER: Yes, of course. We'll take a five-minute break.

(A brief recess was had from 5:29 p.m. to 5:34 p.m.)

CHAIRMAN FRYER: Ladies and gentlemen, let's reconvene.

COMMISSIONER SCHMITT: You opened to reconvene. What's our plan for -- if you would --

CHAIRMAN FRYER: We are going to -- there are three people who are here in person. We're going to hear from them, and the people who've been on Zoom we're going to ask to either be here on the 3rd or to dial back in on Zoom on the 3rd. But the people who've been here all day physically, I think, deserve special consideration.

MR. FRANTZ: Sir, I just want to clarify. I read the next three speakers who were here registered here in person, but we do have seven more speaker slips.

CHAIRMAN FRYER: In person?

MR. FRANTZ: In person.

CHAIRMAN FRYER: So we've got a total of seven or a total of 10?

MR. FRANTZ: A total of seven remaining.

CHAIRMAN FRYER: Okay. Well, we're going to hear those. Three minutes each. And we're ready to go.

MR. FRANTZ: Your first speaker is William Douglass. William will be followed by Kevin Krist. And we can use both podiums.

CHAIRMAN FRYER: Three minutes, sir.

MR. DOUGLASS: Evening, Commissioners. Thanks for allowing me three minutes. Great job. Glad you're here. Long day.

I don't live on Riggs Road. I live about 10, 15 minutes up the road. But I've got to know a lot of the residents over the last 16 months over running my campaign for commissioner.

I heard some things talked about.

CHAIRMAN FRYER: Oh, you're that Mr. Douglass.

MR. DOUGLASS: That's -- yes, I am.

CHAIRMAN FRYER: Now I'm with you. Okay. Go ahead.

MR. DOUGLASS: I'm throwing caution flags out to you. I'm against having it out there, and I'm going to tell you why.

I heard some terminology. Inadequate water; we're glad there's a pond on site. I heard pile heights where you have to have fire suppression, and pile heights where you don't have to have fire suppression. I will tell you, fires don't happen during the day when people are there. They happen at night. And if they keep their piles down low or right at the minimum height of 25 feet and don't have a fire suppression or do, most of the time the suppression system isn't kept up, and it doesn't work.

So spontaneous combustion does happen, and fires tend to start at night. And the reason I tell you this, I retired three years ago as a lieutenant from the Greater Naples Fire Department, used to be East Naples. I had the unfortunate time that I spent out there at -- days fighting the last mulch fire that was on that property. Days. Not hours, days.

And during that time and why I'm speaking is obvious. You have smoke. The direction of the wind. And as everybody stated, you have new developments coming in. It's going to be unfair. Particles, dust. We -- even at the Fire Department towards the end, we wouldn't even fight brushfires without having face shields on because of the particulates in the area and damaging to your lungs and air.

You have residents that's going to be sleeping or awake, and fires do happen during the day, but they're usually managed. So you always have to remember -- this is why I'm speaking, I'm against that, of having that in that area. It needs to be put in the appropriate area of industrial business where it needs to be, but not in neighborhoods that are growing and our residents --

MR. FRANTZ: You have 30 seconds.

MR. DOUGLASS: -- that are growing.

So research and understand about the fire suppression and what goes on. Like I said, most fires don't happen during the day with people around. They tend to always happen at night, and they get a big head start before the next -- first person sees or the first firetruck's on scene.

So, thank you. I appreciate it.

CHAIRMAN FRYER: There's going to be a question for you, Lieutenant --

MR. DOUGLASS: Okay.

CHAIRMAN FRYER: -- from Commissioner Fry.

MR. DOUGLASS: Just William Douglass. I'm retired.

COMMISSIONER FRY: Mr. Douglass, what started the mulch fire that you were referencing on that same property?

MR. DOUGLASS: It came in, I'm -- it's 1:00 in the morning; most likely spontaneous combustion. And what happens is there's so much heat that's built inside, it sooner or later finds some air gap. And fire -- and especially mulch piles, they don't burn vertically instantly. They -- horizontal. They go all over. It could burn for hours and you would never know until it finally reaches a pocket of air or reaches far enough out to where it does start sucking air in.

COMMISSIONER FRY: Thank you.

MR. DOUGLASS: All right.

CHAIRMAN FRYER: Is there a way that some kind of an alarm system could be used to deal with -- to get some earlier warning in the event of a night fire?

MR. DOUGLASS: I really couldn't tell you that. I'd be -- that's speaking way out of my terms. Like I said, as long as, you know, a fire suppression system is maintained and checked on a regular basis, that's usually your best shot. But if it's not maintained -- you know, because fires tend to always find the great time when the electric goes out, because if you don't have a pressure

water system on site, you're depending on a pump. Electrical goes out, you know, or -- or something happens to the pump, and you don't know, and the fire starts.

But the only way you can, you know, get a system that works, it's constant maintenance on that system.

CHAIRMAN FRYER: Okay. And I think for the benefit of Mr. Mulhere and his client, that's -- that is something that I am concerned about and I'm going to want to hear more about in terms of mitigating the risk of spontaneous combustion.

Thank you.

COMMISSIONER SHEA: Question.

CHAIRMAN FRYER: Yes. Go ahead, Commissioner.

MR. DOUGLASS: Yes, sir.

COMMISSIONER SHEA: So I guess how important really is -- if these things go on for days -- and they do. And it's not just this one; you read about it all the time. When there's mulch fires, it's easier just to let them burn out.

MR. DOUGLASS: Fort Myers.

COMMISSIONER SHEA: Exactly. And I'm sitting there saying, so the fire suppression system's important, but is it that important?

MR. DOUGLASS: It is, because if you can keep enough water on it, you maintain it. It doesn't spread way from it or, as brushfires, as they get bigger and bigger, what you don't see and what people don't know, as the ashes fall and the wind blows, it starts another fire. It built. And it continues to work its way down the road. And same way with mulch fires. They just build both ways. You can have your piles and separation, right, but if one pile gets away, now you've got radiant heat. Sooner or later the next pile's going to start on fire. And you got woods. You have houses. Everything can catch on fire. It just depends how close, which way the wind's blowing. It happens. Mother Nature's crazy.

COMMISSIONER SHEA: So the sooner you can get to it, the better off --

MR. DOUGLASS: You got it.

COMMISSIONER VERNON: And just so I understand, the fire suppression you're talking about is keep it wet?

MR. DOUGLASS: You try to -- you put water on it to maintain the flames. You'll never put it out. It will burn itself out, but you just want to maintain the fire where it's at in the mulch pile.

CHAIRMAN FRYER: Thank you, sir.

MR. DOUGLASS: All right. Thank you. You guys have a great evening.

CHAIRMAN FRYER: Thank you.

MR. FRANTZ: Your next speaker is Kevin Krist followed by Christopher Campbell.

CHAIRMAN FRYER: Thank you.

MR. KRIST: Hello, Commissioners. Again, my name's Kevin Krist. I want to thank you for the opportunity to speak.

I'm a seasoned resident of Collier County since the '60s. I live out on Riggs Road, for over 40 years, watched it grow.

Some of my major concerns, even with the mulch on the corner, the previous fire, to possibly danger coming up, we have a canal that runs along U.S. 41 as our main drainage. We never ever got the result answers of what happened with that last fire with all the chemicals that were in the mulch that was there that was burnt that was flooded by all sorts of different departments that ran down them canals, and our canal is focused straight at the Seminole State Park. That's where the water goes. That's -- all our rainwater heads that way.

So, environmentally to say I don't have the answer, but it's always been a lot of our concerns, because we're very concerned with that. The state park is within eye vision. The golf

course across the street, the nighttime golf course right behind us, they -- everybody just keeps talking about tree farms. Good luck with that. They're not even open during the day. Gates are closed. That's one question.

The left turning lane coming down 41, that's a joke. You guys are getting ready to four-lane that road. That goes away, and we'll be having a U-turn with those hundred-yard trucks in front of the golf course. So then you'll be looking at the widening of the road the other direction. Good luck with that. That don't work.

I raised my daughter out there by myself. Used to take her to the school bus. I gave up with that because I almost got ran over multiple times. That's not for us no more.

As far as the mulch that you're referring to and the little tree chippings and all of that, that's bogus, too. They look for hardwood, and that is only done in a tub grinder. If you start putting the green mulch with the green leaves, palm tree branches, that doesn't grind so well. It kind of spits out, and it makes more of a mess. That's what they need to make the material that they want, and it takes time to rot. With that being there, it takes at least a year to two, maybe longer, for it to fully decay to get a quality that they're looking for, which is still not a certified anything other than black. The bottom line is, developers keep most of their mulch --

MR. FRANTZ: Thirty seconds.

MR. KRIST: Thank you. Most developments keep their mulch now. They use it themselves. They bring in them same portable tub grinders. They put it on their property, and they bury it to raise the pH in their sand because it's full of salt. And the developers have learned that over the years. Less and less are burning it on site, like ICP, Isles of Collier.

So all that changes. As a homeowner there, I'm asking you to help me vote no, because we don't want it.

CHAIRMAN FRYER: Thank you, sir.

MR. KRIST: Thank you.

MR. FRANTZ: Next speaker is Christopher Campbell, followed by Jose Novo. Jose was ceded time, but you've indicated that there will no longer be any ceding --

CHAIRMAN FRYER: No more of that, yeah, thank you.

MR. CAMPBELL: Good afternoon. My name's Christopher Campbell, an employee with Lipman Family Farms, also a resident on 6Ls Farm Road. Been there for the past 12 years.

As you've heard from the other speakers, I was there when the mulch fire happened last time, so it is something that does take place, and you've seen it in the news.

We're in opposition to the rezoning of the Richdale property, but we're also here to support the homeowners on Riggs Road. So thank you.

COMMISSIONER SHEA: Are you speaking on behalf of Lipman or just yourself?

MR. CAMPBELL: Both.

COMMISSIONER SHEA: Oh.

CHAIRMAN FRYER: Thank you, sir.

MR. CAMPBELL: Yes, sir.

MR. FRANTZ: Next speaker is Jose Novo, followed by Douglas Conte.

MR. NOVO: Okay, Commissioners. My name is Jose Novo. I moved to Riggs Road back in 2017. I came from the East Coast where the commissioners don't really listen to the public much. They just do whatever they want. I hope it's different here.

And I've really met a lot of nice people in the area. I worked in the Everglades National Park for over 20 years. I moved to Riggs Road. Before purchasing there, there was a sign on the corner just like there is now. I saw the sign in 2017 and did not purchase, although there was a couple of properties for sale, until I found out what the sign was about. Once I found out that the sign -- I called, and I figured out that it wasn't going to go through, that's when I purchased the property there. Now, the sign pops up again.

I live on Riggs Road now. I drive by the property all the time. There's trucks coming in and out, coming down the road. The corner there is very, very narrow. There's going to be an accident. You talk about widening the road? Why would you do all that for a dump? There's places in industrial parks for places like this. That's why you don't see mulch places near a neighborhood.

So why would this be any different? I enjoy my life out there with my wife and my dogs, the quiet. That's all going to be gone.

Now, let's get a little bit away from me. We've got all these new neighborhoods, a nice new Publix coming up. All kinds of good things happening, and then we're going to have mulching there, loud machines, possibly fires, and I can't even imagine if a hurricane comes how many trucks are going to be going into this place. I'm going to have a traffic jam like the 836 in Miami, or I-95 to get into my own house.

So I just ask that you guys vote no. This is not the place for this, all right. And, you know, that's all I have to say.

CHAIRMAN FRYER: Thank you very much.

MR. NOVO: Thank you.

CHAIRMAN FRYER: Next speaker?

MR. FRANTZ: Next speaker is Douglas Conte, followed by Robert Ferriby.

MR. CONTE: Actually, there was some confusion here because I was going to give my time to Jose, but, anyhow, now since I'm here, I moved here from Vermont, and I've been living on Riggs Road now for five years. Of course, Vermont is so beautiful, but we were very fortunate to be able to find this five-acre plot of land which -- where we could, you know, have animals. We have chickens and ducks and everything.

And so all I want to say is everything has pretty much been spelled out here, all of those concerns I have, too. And I would hope that the Board would vote against this.

Thank you.

CHAIRMAN FRYER: Thank you, sir.

MR. FRANTZ: Next speaker is Robert Ferriby, and your final speaker will be Judy Appelmeagher.

MR. FERRIBY: Hi. My name is Bob Ferriby. I am a resident of Royal Palm Golf Estates, and I'm a retired attorney, and this will probably be the shortest speech I've ever given.

The bottom line is, there's a suggestion that there will be low impact on the surrounding areas. We're directly across the road from this, and the suggestion that it won't impact our community is outrageous. We already hear the trucks. I live a half mile away, and I'm in the back of the subdivision, let alone the people who are in the front who have to deal with that.

We've had fires before. They burn over there. The smoke comes over to our area. We've been out there before with hoses. Brushfires are a major concern for us there. We're on the news every spring. Fires start to the north and east of us. And everyone knows this, and to add another potential source of fires is completely contrary to the well-being of our people.

We've waited 10 years since 2008 to get our property values to start to come back. We finally got a builder in our community. They just opened the model home the other day. And now after all this time there's a suggestion that they're going to put a dump one-half mile from us. And do you really expect our prices and our houses to go up or people to want to live in our community? There's a real simple way that I would address juries in my closing. All you have to do, if I was going to go to a jury, when I give my closing, would be would you like this in your neighborhood? Would you like your kids to live next to this? It's outrageous. Please deny it.

CHAIRMAN FRYER: Thank you, sir.

MR. FERRIBY: Thank you.

(Applause.)

MR. FRANTZ: Your final speaker is Judy Appelmeagher.

MS. APPELMEAGHER: Hi. My name's Judy Appelmeagher. And I am an owner from Riggs Road -- or I actually have a house on Riggs Road, and I'm a -- can I take this down?

COMMISSIONER VERNON: Sure.

MS. APPELMEAGHER: And I am a realtor for 35 years in Collier County. This is the third hearing I've had with Richdale. They've been other name, but Richdale is their new name.

And I keep -- loud and strong keep trying to deny this. They have been illegally working on the property all this time since 2011, I believe. I don't know how you get a business out of business when they are working illegally, but I'm here for the third time trying to -- you know, trying to do it.

Now, basically they bought this land very inexpensively. It was a foreclosure. And instead of them going out finding some industrial property, they wanted to try to just rezone this or just have an ordinance on it. But, anyway, the thing is that they are still doing business.

When the trucks come in -- the road is 20-foot. I know you want to widen it, but you're going to have to use our road frontage in order to widen the road. There's a 20-foot tarmac road. There was deep drains on each side of the road. So whenever a truck comes down the road, there's no turning. We have got to back up and go into somebody's driveway in order for the truck to pass.

This is a major problem, and I don't want to give up 100 foot of my frontage in order to have an illegal business, you know, doing business in a residential area.

There are some homes on this road that are absolutely beautiful. My home is very old. I wanted to build on the other two-and-a-half acres. I went through the preliminary site and did everything, \$12,000 worth of just the work, preliminary stuff, but rather than getting my permit, they were still in business, so I did not build.

But it's -- it's just ironic that we can't decide in a residential area whether we can build on our own land or not because we have this industrial waste being brought in.

Now, secretly, they have other parcels on this land, on Riggs Road, that they are going to be back in through planning shortly to rezone those to industrial, because there's, like, two or three parcels they are going to buy. So I just want to warn you that we really don't want a mountain out -- now, this dimension on 41 is a thousand foot, and if you have 25-foot mounds of horticulture waste --

MR. FRANTZ: That's three minutes.

MS. APPELMEAGHER: -- then it's not going to be very pretty when you're looking at all new development. Please get in your car, take a drive down to our neck of the woods, and just see the new frontage, the new Publix going in, and see what's going to happen, because we really don't need industrial mountains in our sight.

CHAIRMAN FRYER: Thank you, ma'am.

MS. APPELMEAGHER: Thank you.

CHAIRMAN FRYER: Thank you very much.

With that, we will place this matter in recess, and it will be the first matter heard on the 3rd of December.

Any new business to come before Planning Commission?

(No response.)

CHAIRMAN FRYER: Any old business?

(No response.)

CHAIRMAN FRYER: Any public comment on matters not on the agenda?

(No response.)

CHAIRMAN FRYER: If not, without objection, we stand adjourned.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 5:57 p.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on _____, as presented _____ or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF U.S. LEGAL SUPPORT, INC., BY TERRI LEWIS,
COURT REPORTER AND NOTARY PUBLIC.