

February 18, 2021

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
February 18, 2021

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
Joe Schmitt
Paul Shea
Robert L. Klucik, Jr. (appearing remotely)
Christopher T. Vernon
Tom Eastman, Collier County School Board Representative

ABSENT:

Karl Fry

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager

Jeffrey Klatzkow, County Attorney

Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

CHAIRMAN FRYER: Ladies and gentlemen, please take your seats so that we can begin. Good morning to all, and welcome to the February 18, 2021, 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 we attend to the roll, we have a preliminary matter that we must deal with, and that is that Commissioner Robb Klucik has requested that he be allowed to participate remotely. And you all know the drill by now. We have a physical quorum, which I'll preliminarily observe present so that we can take the action that needs to be taken, which is to vote on approving his participation remotely.

Do I have a motion?

COMMISSIONER HOMIAK: I'll make a motion to allow Mr. Klucik to participate remotely.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: Seconded.

CHAIRMAN FRYER: It's been moved and seconded. Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you very much.

COMMISSIONER KLUCIK: Hello, everybody. I am here.

CHAIRMAN FRYER: Welcome to you, sir. Nice to have you aboard.

COMMISSIONER SCHMITT: You have to push your button to talk, though. Oh, he doesn't have one.

COMMISSIONER HOMIAK: Or not.

CHAIRMAN FRYER: And that will probably be the last laugh of the day.

COMMISSIONER KLUCIK: I bet you're all smiling because I'm out here.

COMMISSIONER HOMIAK: Well..

CHAIRMAN FRYER: Oh, well. Secretary Fry has informed us of a situation that has arisen unexpectedly, and he will not be present. So in his absence, I will call the roll.

Mr. Eastman?

MR. EASTMAN: Here.

CHAIRMAN FRYER: Mr. Shea?

COMMISSIONER SHEA: Here.

CHAIRMAN FRYER: Secretary Fry?

(No response.)

CHAIRMAN FRYER: I'm here.

Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

CHAIRMAN FRYER: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

CHAIRMAN FRYER: Mr. Vernon?

COMMISSION VERNON: Here.

CHAIRMAN FRYER: Mr. Klucik?

COMMISSIONER KLUCIK: Here.

CHAIRMAN FRYER: Thank you. We have a quorum of six; five physically present and one remotely, so that's good.

And Secretary Fry's absence, of course, is excused due to the important but unforeseen situation.

Addenda to the agenda. I have one to offer. I would like to move Item 11A up from new business, which is almost at the end of our agenda, to immediately prior to our beginning a hearing of the Longwater SRA. I've discussed this with staff, and we are in agreement that this would be an appropriate agenda move to make.

Now, as you know, the item in question consists of a memorandum from staff and a proposed town plan. The plan is to basically roll up Collier Enterprises' proposed three villages, Rivergrass, Longwater, and Bellmar, into one town. Now, it's not necessarily a bad idea at all, I want to say that right at the outset, but the devil may very well be in the details.

So the staff memo cautions that it is coming to the Planning Commission for, quote, information purposes only, closed quote, and not for any action required on our part. Well, when I first read those words, I was, frankly, taken aback. Moreover, within the last week, I heard from the Conservancy of Southwest Florida, as some of my colleagues may also have heard, expressing the very same concerns that I initially had about the plan's process, namely to sidestep a public hearing and Planning Commission review at this time and before going directly to the Board of County Commissioners.

And, in addition, we've -- I believe we've all received an email on behalf of the League of Women Voters expressing the almost identical concerns about process.

Those two organizations and counsel for the Conservancy have also communicated to us with serious misgivings they have over the substantive points raised in the proposed roll-up agreement, and most particularly that in their view, at least, it underestimates a substantial cost that would have to be borne by the taxpayers of Collier County.

Now, I'm given to understand that this plan and the proposed roll-up agreement were the product of a joint effort between representatives of Collier Enterprises and the leadership of our staff. I believe that before staff goes any further with this that the Planning Commission needs to have a meaningful conversation about both process and substance and, specifically, what should be our role in this proposed aggregation and when may we and the public first be allowed to weigh in on the proposed substantive deal points.

I think the Planning Commission has a clear responsibility to hear this plan and to have the public hearing before the matter goes on to the Board of County Commissioners, and I think that becomes quite clear as a result of Florida Statutes and county ordinance law. To be specific, it is we and not the staff who are the statutory local planning agency, and this proposed roll-up is, at least in my point of view, quintessentially a planning matter if there ever was one.

Now, our discussion this afternoon will begin with a question of process. Without that initial discussion on our part, I believe we would be starting a very complex journey without knowing where we're going or how we're going to get there. After that process discussion, Mr. Thaddeus Cohen will present a substantive argument supporting the content of that agreement, and we will, of course, always be at liberty to make comments and ask questions.

Regarding the substance, to my way of thinking at least, eventually we should have a public hearing on the proposed deal points for this aggregation before it goes to the BCC. Also, I've exercised my responsibility to you as your chairman to act on requests that needed to be acted upon prior to this meeting, and the League of Women Voters has requested a chance to elaborate

on its recent email to us about our proper role in this aggregation process. And in order to accommodate a busy schedule, I told the League we would be willing to hear from its spokesperson, Dr. Judy Hushon, first thing this morning.

Then further discussion on our part including, of course, for the applicant to weigh in and for members of the public to be heard will take place immediately if we finish with the Immokalee Rural Village.

The chair recognizes Dr. Hushon, spokesperson for the League of Women Voters.

COMMISSIONER SCHMITT: Chairman, before we proceed, I have to ask some questions as well.

CHAIRMAN FRYER: Please go ahead.

COMMISSIONER SCHMITT: I think -- with all due respect to Judy, I think we need to discuss your points before she proceeds. Is that --

CHAIRMAN FRYER: That's in order.

COMMISSIONER SCHMITT: My concern, I received emails last night. I don't know if the rest of the commissioners did: Very lengthy discussion from the League; a very lengthy discussion, again, from the Conservancy.

I question whether staff has reviewed these. Is staff prepared to comment? I question whether the applicant has reviewed these, and is the applicant prepared to comment because, quite frankly, in reading the documents -- I got up at 5:00 this morning and read these. Again, I've got to tell you, I'm pretty annoyed to get these the night before the meeting, and I think it's totally disingenuous for the public and everyone else involved in regards to this, but it also, if you read the underlying premise of both the League of Women Voters and the Conservancy, it is criticizing staff for their poor review, and that was my interpretation.

Now, I'm not here to dispute the facts. I'm just asking, is it proper for us to proceed with a public hearing on these without having the staff done a thorough review and being prepared to comment on the accusations and the points that have been raised in this letter, or are we going to try and do that during today's hearing? I don't think it's right for us to do it during today's hearing. That's not our job.

CHAIRMAN FRYER: Thank you. And I agree --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. I agree because, you know, in talking to the staff, I also was surprised in -- regardless of, you know, why the timing is that it was -- seems last minute, it is last minute, and I don't think giving the floor to someone on a last-minute, you know, elaborate discussion is fair to us or our staff.

I think the staff should have a chance to really consider what's been presented, especially if we're going to, as a panel, hear from the staff member to make their case. I think our staff should have a chance to be ready to respond and answer all of our questions, and from what I could gather from talking to staff yesterday about our agenda today, they felt pressed because this was a rather sudden turn of events.

MR. KLATZKOW: Let me just --

CHAIRMAN FRYER: Go ahead.

MR. KLATZKOW: This is a public hearing, all right. The Conservancy is part of the public. League of Women Voters are part of the public. They're not the whole public. I don't even know what we're talking about because I wasn't copied on that letter, all right, so I'm operating at a bit of a loss here, all right.

The first question the Planning Commission needs to consider, are you going to have a public hearing of that developer agreement? Okay. If that is your decision, all right, then the League of Women Voters and the Conservancy and everybody else in the public will be given

notice when that will be heard.

COMMISSIONER SCHMITT: Agreed; thank you.

COMMISSIONER HOMIAK: I agree.

MR. KLATZKOW: And they can all come, and they can all weigh in at that time, all right. I almost feel like this is an ambush, quite frankly, on the way it's been done.

CHAIRMAN FRYER: May I respectfully interrupt? Because I hadn't completed what -- where I see this going. I'm certainly not calling for a public hearing today. What I'm asking for -- and this is in collaboration with staff on my meeting on Tuesday. It was -- it was actually requested by staff that Mr. Cohen be permitted to speak on this proposed roll-up, and I said, of course, certainly. And if we're not going to hear it at all -- if we're going to hear anything about the proposed aggregation today, I don't know how we can go forward on Longwater.

MR. KLATZKOW: You've got Long -- you've got Longwater, and you've got Bellmar on your agenda, all right. The question for the Planning Commission -- this is your issue -- is do you want to hear the developer agreement as part of that, or do you want to hear it separate? All right. If you want to hear it as part of that, we're going to have to continue Longwater, and we're going to have to continue Bellmar to another day. And then we'll just have the whole kit and caboodle in here with the developer agreement, Mr. Cohen, and everything else explaining how all this ties together.

It's just -- for today's meeting, your first item is separate and apart from this, that's fine, but these other things are now being commingled with each other. There's not proper public notice on this, especially with respect to the developer agreement. And this is an area of critical concern for the county, and, you know, I would think that perhaps the better way of doing it, if you guys want to get into the developer agreement, and it's your choice, you've got to put off the other two.

CHAIRMAN FRYER: I agree.

MR. YOVANOVICH: As the petitioner, may I speak?

CHAIRMAN FRYER: In a moment. I want to just finish my thought, and then you certainly may.

I'm not asking for a hearing on the agreement or the plan today. It's premature. And I agree with Commissioner Schmitt that, you know, lots of things have come in. The only thing I wanted to do was have a discussion about, frankly, whether it was appropriate for the Planning Commission to be circumvented, and that was going to be the extent of the discussion.

I think that as the local planning agency under the statute it is our responsibility to hear this. Today is premature; no doubt about it. I think the thing needs to be briefed out in a clear fashion. Frankly, I think it's very likely that we will not even reach Longwater today as a result of the many issues that are presented in the first -- the first matter. So it may be moot. But my recommendation, I think, follows along the lines of what the County Attorney is suggesting, at least as one of our options, perhaps not our only one.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Please let me finish my sentence, and then I'll call on you, Mr. Klucik. I believe that these are all wrapped together. The two -- the two petitions that are coming forward to us, Longwater and Bellmar, which are about to be or would be presented to us without -- without benefit of the next step, which is a huge step, namely to roll everything together. And I think it is logical and makes complete sense for this Planning Commission to hear the whole thing at once. Not today, but at once. And so that's -- that's what I was asking for. And I'm going to call on Commissioner Klucik, and then I'm going to ask Mr. Yovanovich to speak.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman.

I guess my understanding, as far as procedurally, is I think the petitioner has its petitions for, you know, the two villages. We know villages have been already, you know, approved in this area and, of course, it's all connected to the potential for this town issue to also get resolved. But I

think the petitioner has a right to present its petitions knowing that the town issue, you know, is on our minds and might impact our decisions and, obviously, will impact the overall plan in this area.

But I think if the petitioner wants to go forward with the petitions, I don't -- you know, they're scheduled, they've been noticed, public's on notice, staff has been -- you know, has staffed these, you know, very completely, we've spent time on them, and if it's a waste, that's the -- you know, I guess that's up to the petitioner. If they change everything -- or if they need to change everything later because of the way it mixes in with this town issue, when that comes before us, I just think procedurally it's the right of the petitioner to move forward, and I don't think it's our place to halt that.

CHAIRMAN FRYER: I respectfully disagree, but you're certainly entitled to speak as you have. Thank you.

Mr. Yovanovich, you want to be heard on this?

MR. YOVANOVICH: Yes, please. For the record, Rich Yovanovich.

I just want to note for the record my objection to the discussion we're having regarding a town agreement that is not scheduled to be discussed today and is totally unrelated to the Longwater Village SRA application and the Bellmar Village SRA application. Each of those village applications stand on their own, and you are to review and consider those for consistency with the Growth Management Plan and the Land Development Code and make your recommendation to the Board of County Commissioners.

Likewise, Bellmar stands on its own. You're to review it for consistency with the Land Development Code and the Growth Management Plan and make your recommendation to the Board of County Commissioners.

A potential future town in the future is totally unrelated to these two villages. We're not asking for -- we're not conditioning the approval of these villages on some potential future town. We simply responded to comments from the public, from the Planning Commission, from the Board of County Commissioners, and from staff that is there a potential in the future to have a discussion about a town, and we responded to that potential future discussion about having a town in the future through some preliminary agreement that, frankly, will require a complete town petition for you-all to consider. You are not being bypassed from a town application that may appear in front of you two years from now, because that's how long it's going to take to do the data collection, get the staff review. You are not being bypassed in any public hearing process on the town, and nor are you to consider a potential town in your review of the village applications.

We respectfully request that you move forward with our two petitions as scheduled. I also want to note for the record that there's apparently documents flying around that are going directly to the Planning Commission. I don't know if you're all getting them, but they're not going to staff and they're certainly not coming to me.

And as I know on your agenda it says, any written documentation is to be provided to staff seven days in advance of the Planning Commission hearing presumably so staff will then forward it to the applicant so the applicant has a fair chance.

Now, the agencies that are filing these letters are not newbies and inexperienced with the process. And I find it unfair that they put your staff in that position. I find it unfair that they put me in this position that they can somehow control my hearing schedule because they provide last-minute information that staff's not prepared to answer and maybe there needs to be a continuance. That's inappropriate. They should be instructed to follow your printed agenda materials and comply with those rules because they're for everybody, including me.

CHAIRMAN FRYER: I'm going to interrupt you for a moment, and then you can continue. I just want to set the record straight. This matter is on today's agenda, and it was put -- let me finish now. It was put on the agenda by staff. Not us. Not me. And as the County Attorney has said, you can't unring a bell. They are now before us.

MR. YOVANOVICH: And I'm suggesting to you that what -- the behavior of the League of Women Voters and whoever else wrote you a letter and didn't give it to your staff seven days in advance is in violation of your written rules and regulations on how these proceedings are to go forward.

So I don't have a copy of anything. Any of the letters that were written to you were never forwarded to me until I got wind and had to make a public records request. I say that's fundamentally unfair, and if I were to do this today -- and I've watched Mr. Klatzkow get upset, rightfully, when we've met with you-all in our private meetings and tried to make revisions to a petition to address concerns that you make, and we get -- we get taken a task if we put something in front of you last minute.

They know better. They're tainting the record. It's inappropriate. We don't need to discuss the town agreement. You can say to the Board of County Commissioners, you somehow want input on the town agreement, and if you want to slow that process down, that's certainly your prerogative, and you can get direction.

But we need to go forward with Longwater today, and we need to go forward with Bellmar as currently scheduled. And we object to any continuance and, frankly, I object to anybody being able to speak on that out of turn on the agenda item. If you want to continue that agenda item because you don't want to talk about it, we're fine with that, but I don't think Ms. Hushon -- or Dr. Hushon, sorry, should get any special treatment and get to speak earlier on matters that were not properly put in front of your staff and that they should comply with your rules and your printed agenda requirements.

CHAIRMAN FRYER: Thank you. More discussion from up here?

COMMISSIONER SCHMITT: I have a --

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER SCHMITT: Yeah. I guess I do concur with the comment made by Mr. Yovanovich in regards to what was advertised, and my concern and why I raised it, again, was the timing of the documents and having staff to review it. And I certainly would welcome Dr. Hushon to speak; that's not an issue.

But what was advertised was each one of these would be heard individually on our agendas; the Immokalee Road Rural Village followed by the Longwater Village and then Bellmar. And I think we pretty much have concluded that Bellmar would be deferred to another meeting.

The question I put to you-all, do we proceed and deal with each one of these individually as advertised? If we tend to want to commingle them, then I think this whole thing has to be thrown back to staff and advertised as coming in as a -- as a town instead of a village.

CHAIRMAN FRYER: I think that's a viable option.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead. Commissioner Klucik, you were next, and then Commissioner Vernon.

COMMISSIONER KLUCIK: I would just say that procedurally, you know, a kind of repeat. I mean, I agree with Mr. Yovanovich. I agree with what the applicant's counsel has proposed. I think that if we don't hear it, we're not following our own, you know, process and due process from the perspective of the applicant.

I also believe that if the applicant goes forward and as a panel we feel strongly that, you know, I cannot approve this because I know there's a, you know, thought that some day a town will -- you know, this will be turned into a town and so I don't want to make an approval, then I guess we can vote it -- you know, we can vote how we feel we need to vote because of extra information.

I don't think, procedurally, we're in a position to say you can't go forward with what you've done, because the applicant has done everything procedurally that they should have done.

And I don't -- I would like to know, Mr. Chairman, what is it that you're basing the denial of the hearing on other than the fact that you think it's important to factor in that some day this might become a town. Because I think that's a good thing to think about, but I don't know, procedurally, how that concern can then dictate, you know, how we proceed when our process is already well established.

CHAIRMAN FRYER: Okay. Let me answer, and then I'll go to Commissioner Vernon. I am not suggesting a continuance at this time. I'm prepared to hear Longwater when it comes up. But staff has placed the town plan and the proposed town agreement in front of us as a numbered agenda item, and it was staff at the Tuesday meeting that suggested that we move it up ahead of hearing Longwater. I am just --

COMMISSIONER KLUCIK: Well, what I would say -- Mr. Chairman, I would say that, then, staff has erred in procedure because, as Mr. Yovanovich said, he hasn't even seen -- we haven't presented it to him, and he hasn't -- you know, apparently the applicant hasn't even seen what's on our agenda related to what will be, you know, their -- you know, his applicant's item. And I don't think that's fair to allow the item to now be discussed without the opportunity, you know, for the rebuttal -- for the prepared rebuttal.

And I understand staff -- I'm not saying did something that was, you know, malevolent or malicious or a gross violation of anything. I just think they did something to try to be responsive and now, as the Planning Commission, we can say, well, that really wasn't -- you know, procedurally, that's not what we should be doing. And that's -- I'm very concerned if we would go forward to start hearing this without the applicant being adequately noticed and informed.

CHAIRMAN FRYER: Yeah. Commissioner Vernon.

COMMISSIONER VERNON: I think this is a question for Jeff. Procedurally, can we hear what's on the agenda today and defer a vote?

MR. KLATZKOW: You can hear what's on the agenda today. As far as deferring a vote, if you think you need more information, you can always table the item or continue the item for another meeting. So, yes, you can hear what's on the agenda today.

COMMISSIONER VERNON: Yeah, then -- thank you.

Then I guess my comment is to make the point that Mr. Klucik -- Commissioner Klucik made except from a different angle. You know, I rode up in the elevator with some of the attendees who have some opinion on this, apparently, and they were sent upstairs because of overflow. So out of respect for the public who's here, I hate to see this thing continued, because they'll have to come back. And people have jobs and they're busy. So I think, you know, it's the same point Commissioner Klucik's making except more the component of the public.

CHAIRMAN FRYER: If --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: If we have time to start Longwater and if the applicant wants to start it at whatever hour it might be starting, certainly, we'll hear as much as the applicant wants to present. I'm not -- at least from my perspective, I'm not suggesting that we throw all this off until it comes back as a wrapped-up town package. But I -- the main point, if not the only point, that I've been trying to make is that the way this was structured -- and we have Mr. Cohen at the podium, and I'm going to ask him to speak. Commissioner Schmitt's lit up first, but then Mr. Cohen will speak.

But I personally was surprised when I saw that this was being sent to us sort of for informational purposes only and not for any action when, to me, it was absolutely, clearly an essential element of planning of this community. And it's not some far-off motion that it may turn into a plan. There's a document that's out there, and it has been drafted, and I was told on Tuesday it was a joint effort by Mr. Cohen and Collier Enterprises. So it's not like this is some vague thing that may or may not happen.

Now, Commissioner Schmitt, do you want to speak before Mr. Cohen does?

COMMISSIONER SCHMITT: Just -- I'm looking at the letter from the League of Women Voters, and in the first paragraph it says, we expect the Planning Commission will review Longwater and Bellmar village applications on their own merit for consistency with the RLSA. I agree with that, because that's the way they were advertised. But immediately following in the next sentence, Paragraph 2, Longwater and Bellmar, along with Rivergrass villages, are a town, the villages of Big Cypress Stewardship District. The Longwater and Bellmar applications should be reviewed for consistency with the RLSA overlay as a town. So they're asking two things.

My point is, they were advertised separately. We proceed separately. If at some time we think they should be commingled based on this agreement, I mean, we'll bring that forward. I'll wait to hear what Thaddeus has to say, but I'm ready to proceed as advertised. And if we -- but I'm certainly open if anybody wants to make a discussion before we proceed as to how they think we should proceed. But it's going to come down --

COMMISSIONER KLUCIK: Mr. Chairman?

COMMISSIONER SCHMITT: It's going to come down to whether we consider it a town or each of these as a village. And right now they were advertised as separate villages, and they should be analyzed and -- through the public hearing as separate villages. Thank you.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Mr. Klucik.

COMMISSIONER KLUCIK: I guess I would ask our County Attorney, if we have an advertised item, a noticed item and which we actually procedurally did not give adequate notice to the applicant whose town it's going to be, you know, can we proceed without them being properly noticed and advised of the written material?

CHAIRMAN FRYER: Before the County Attorney answers, I just want to say that this item is 11A on the agenda, and the paperwork has been out there for seven days.

MR. COHEN: Mr. Chair?

CHAIRMAN FRYER: Go ahead, Mr. Cohen.

COMMISSIONER KLUCIK: There's a question -- there's a question for the County Attorney.

MR. KLATZKOW: I'd actually like to hear from Mr. Cohen before I answer that question, if you don't mind, Mr. Klucik.

COMMISSIONER KLUCIK: Well, who is Mr. Cohen?

CHAIRMAN FRYER: He's director of Growth Management.

COMMISSIONER KLUCIK: Yeah. Well, right. Okay. So I asked the attorney a question. It's a procedural matter --

MR. KLATZKOW: Mr. Klucik, if you don't mind, I'd like to hear from Mr. Cohen. Mr. Cohen was the principal negotiator of this agreement and knows far more about it than anyone else in this room, and perhaps with the explanation I can give you a better answer.

COMMISSIONER KLUCIK: Okay. I appreciate that. Thank you.

CHAIRMAN FRYER: Chair recognizes Mr. Cohen.

MR. COHEN: For the record, Thaddeus Cohen, Department Head, Growth Management. And I apologize that I was not here earlier. I'm a little surprised that this conversation has gone the direction that it has.

You have an advertisement that says that you are to look at Longwater and Bellmar. That's what's advertised, as Mr. Schmitt rightly says. What I've attempted to do is bring forward as an information item, not an item for action by the Planning Commission, because it's my understanding that development agreements typically go to the board.

So it's somewhat surprising to see some advocacy organization at this moment in time trying to contemplate the two conversations. What we're doing it being able to apprise you of the

fact that, in conversations with the landowner, there is an opportunity to do a town conversion. That information, as you know, has been out there because it's been asked by the Board of County Commissioners as to what that prospect is. It's been asked by a few members of this commission as to what that prospect is, and this is an opportunity to tell you this is where we are currently in an opportunity to take villages and potentially move them to become a town.

The document, which we would have been able to explain to you today as an information component, talks about the process in which we believe we could go through in order for that to happen. That is not something for you to adjudicate today. There's a process which we believe we can go through in which it will come back before this commission when, in fact, a year from now -- I'm kind of doing my presentation -- a year from now in which it would then be an opportunity for all folks to weigh in on the validity of a town.

But what's before you today is two villages. That's what staff has done. The staff report, and I can be corrected if I'm wrong, does not mention a town because, through the County Attorney's Office and working with them, they said there's no opportunity for us to reference that. So they've been viewed as villages independently. They've been viewed from a traffic standpoint collectively.

But the issue of a town is something that is being said that there is a possibility. It's information. It would then go to the Board of County Commission for them to review to see if they would like to be able to agree to sign onto a framework that would allow us to continue to move forward. So that's where we are currently.

I had an opportunity to take a look at one of the advocacy group's presentation, and it's unfortunate some of the statements that they made. It's inaccurate, some of the details that they have. And whether or not you want to entertain that advocacy in respect to what's before you today is a judgment that you can make. But their reference to a town agreement which has not gone before the Board of County Commission is premature.

I would respectfully say that what we are looking to do is to inform you of the direction that we believe we may ultimately get to. But what's before you today are two villages.

COMMISSIONER KLUCIK: Mr. Chairman, I'd like to elaborate on my question to the County Attorney, then, based on Mr. Cohen.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER KLUCIK: I'd like to respond with that information now, to elaborate on my question, modify it; is that okay?

CHAIRMAN FRYER: Please.

COMMISSIONER KLUCIK: All right. So what I'm hearing from you, Mr. Cohen, is that this really isn't the time to be hearing advocacy. This is a time for the staff to explain to us what the current posture is on this idea of possibly, you know, moving forward at some, you know, future point with a town, and that, in my view, then, I guess it's not -- my question I guess is withdrawn for the County Attorney, because I don't think it's really -- we're not here to decide anything.

But I would say that I think it's for the county staff to present information to us, and it's not time as the -- you know, Mr. Chairman, I understand you seem to want to give the floor and give great credence to -- you know, to the materials of the advocacy groups, and I think we should hear from the county and then give a limited amount of time to -- you know, to anyone who wants to speak like we always would. But I don't think it's -- I think it's also something that we should hear the petitions first. This is a new thing, so I would like to hear the petitions that we have on our agenda as preliminary matters before we get to this, because this is a future matter, and it's -- it doesn't seem that it would have a priority for -- that would go before what's already on our agenda and that we've already been planning to deal with.

CHAIRMAN FRYER: Okay. I am fine with us beginning with Longwater this afternoon

if we have time, but here's what I'm not fine with and where I believe I am in clear disagreement with Mr. Cohen.

Unless I'm misunderstanding, this -- this agreement, if it gets finalized between the staff and Collier Enterprises, is going to go directly to the Board of County Commissioners and not be subjected to a public hearing and the scrutiny of the Planning Commission, and I think that is absolutely wrong.

MR. COHEN: And I appreciate that comment. And, again, my staff can correct me if I'm wrong, but my understanding is that agreements go directly to the Board. And what I've done is provided an opportunity for the Planning Commission to hear what our thought process is.

And let me finish, please.

CHAIRMAN FRYER: Go ahead.

MR. COHEN: Within that framework, there is an opportunity for -- a year from now for it to come back to the Planning Commission to be reviewed if that agreement moves forward. So at that moment in time is where the Planning Commission and any advocacy organization has an opportunity to weigh in on what they believe, quote, the town could be.

CHAIRMAN FRYER: I believe that --

MR. COHEN: So in getting the cart before the horse in which we're trying to create a framework in order to move forward, that's a conversation between staff, the development community, and the board. I'm trying to provide that as background information as you understand how it is that we're trying to move forward.

CHAIRMAN FRYER: Okay. Thank you. Now, you have -- you characterized this as a development agreement and said that it traditionally doesn't go to the Planning Commission, but I'm going to identify about 10 things that this agreement does, and you tell me, after I'm finished, if these aren't planning items and if they are -- also tell me if you believe that they're absolutely consistent with the current Growth Management Plan. I take serious issue with both of those points.

First of all, under this proposed agreement in its present form, there are no timing conditions whatsoever placed on the timing of the development. It might never choose to develop. This may never come to fruition as a town.

Second, the agreement contemplates that the county would have to pay incentives of some kind for economic development and somehow offset the developer's costs of forging these three villages into a cohesive town. The "county" means us taxpayers, and these advocacy groups who are being referred to are advocating for the taxpayers of Collier County.

Impact fees under this proposed development would be reduced. That also means tax increases.

The county taxpayers would have to foot the bill for affordable housing under this plan, and I predicted -- when we were hearing the RLSA amendments, I predicted that the cost of affordable housing would be laid off on the county, and that's exactly what is being proposed by this agreement.

This agreement would have the taxpayers paying the developer \$22,500 per acre in order for the county, then, to establish affordable housing. And when the county does it, that means the taxpayers.

The developer would also be reimbursed by us, the taxpayers, for its permitting costs and mitigation costs.

Now, just for comparison's sake, and primarily also for Mr. Klucik, you look at Ave Maria and who supplied the Town of -- who paid for the supplying of the Town of Ave Maria's water and sewer systems? Well, the answer is Ave Maria itself did. It didn't get subsidies from the county taxpayers. It did it itself. And so why should this developer lay off such costs on the taxpayer at large when Ave Maria had to cover them through a private utility? It's not fair to Ave Maria, and

it's not fair to the other taxpayers of Collier County.

Per this draft agreement, all park improvement costs would be borne by the Collier County taxpayers. Any other towns approved prior to this developer's roll-up would not be deemed background existing traffic, so we'd have to accept that additional traffic as if it didn't exist.

Our evaluation of the proposed town would severely limit our ability to apply what is the current Growth Management Plan because this so-called development agreement would already have been adopted by the Board of County Commissioners, and that would have priority over the Growth Management Plan. At least that, I think, is the intent of what the county's trying to do.

And the developer would have the right to withhold agreement to any estimates of internal capture; in effect, a veto power. And the SRA villages of Rivergrass, Longwater, and Bellmar would be exempt from down-zoning, intensity reduction, or unit density reduction unless the county can demonstrate -- and this is language out of this proposed agreement -- substantial changes in the conditions underlying the approval of the SRA development order unless those have occurred.

And, finally, the proposed agreement also provides that the county will ensure that the county reviews occur expeditiously and that this development is not impeded by unnecessary delays, and I guess that means a rush job through the Planning Commission. I understand that this is going to have to be a formal application in perhaps a year or two that will come to us, but in April it's being proposed that the constraints on our ability to review this a year or two from now, that those constraints will be voted upon in the form of this development agreement.

COMMISSIONER KLUCIK: Mr. Chairman?

MR. COHEN: So in response -- excuse me, sir. Please.

MR. YOVANOVICH: I don't know we're getting into the merits. Why are we getting into the merits?

MR. COHEN: Mr. Yovanovich, please.

Mr. Chair, you've done an excellent job of recounting one of the advocacy group's points, and as you've indicated, those points have been made previously during the RLSA, in which we responded. We think at the due proper time, which is not now, we would then be able also to have them make their case, as well as yourself, and we would be in a position to respond. Again, what's before you today are two villages. So to conflate any conversation about a town, which will go to the Board of County Commission for review and, as you've indicated, would come back to you within a year, does not constrain the Planning Commission's ability to weigh in.

CHAIRMAN FRYER: But will be limited to that agreement.

MR. COHEN: Sir, what you would be limited to is what the Land Development Code says and what the Growth Management Code says. And we can then have a conversation as to whether or not you believe it's consistent and whether the advocacy groups believe it's consistent. At this moment in time it makes sense for you to do what's before you and to do the two villages and not to spend any more time having conversations about something for which we're providing information.

CHAIRMAN FRYER: Your staff put this on the agenda.

MR. COHEN: I asked them to put it on the agenda. I asked them to move what is typically information up so that I would have an opportunity to speak before you on the issue at hand as to how we believe we may be able to go forward, and it was for information only. And so to be able to -- what I'm doing now is to have a conversation and to have a colloquy with you on whether or not it's valid, whether or not the points of an advocacy group are valid. I'm not here to do that today. I'm here to provide you, if you wish, information on what we believe the conversion could look like.

It was my option to do that. I could have just taken this project directly to the Board of County Commission and bypassed the Planning Commission. But I believe that with all that's in

the air, the concerns that folks have, it was important for you to be able to hear that information, but it was not an item to be a public petition, to have the Planning Commission weigh in, and then give advice to the Board of County Commission because that's not --

CHAIRMAN FRYER: That's our job. That's our essential job.

MR. COHEN: On these type of processes, it goes direct to the Board, sir. It will come back to you in due time after that process has been gone through. So I've heard someone talk about process. This is how the process works.

COMMISSIONER SHEA: If this is after the Board signs it, then it's --

MR. COHEN: No. It will still come back. There is -- there are -- information that the applicant will have to go through in order to be able to ask for a town. They will have to provide transportation information to resolve the issues that have just been brought up by the Chair. They would need to be able to demonstrate how they're going to do internal capture. There's a series of things that will still need to be done as far as how it is they're talking about a character of that ultimate community.

COMMISSIONER SHEA: But the agreement will have been signed?

CHAIRMAN FRYER: Exactly.

MR. COHEN: Yes.

COMMISSIONER SHEA: But we're not going to get to review the agreement?

MR. KLATZKOW: If I may.

CHAIRMAN FRYER: County Attorney.

MR. KLATZKOW: You have applications before you for villages separate and apart from that agreement. If you want to have a public hearing on this agreement, that's your prerogative, all right. It's separate and apart from the applications for the villages, though.

CHAIRMAN FRYER: And I think --

MR. KLATZKOW: It's your prerogative, okay. You don't have to -- it's your decision -- you can -- under our ordinance, planning staff is your staff. You can direct that staff to come forward with that proposed developer agreement, then hold a public hearing on it if that's what you want to do. But they are separate and distinct from the applications for the villages, because the town may never happen.

CHAIRMAN FRYER: True. And I accept that, and I actually think that's a good way to proceed.

Commissioner Vernon's been waiting patiently.

COMMISSIONER VERNON: Yeah. My thought on it without agreeing or disagreeing with the concept, a very thorough analysis -- and thank you for that from the Chairman -- it seems like the rules are the rules, and I think that's what the Chairman's -- Jeff's saying.

We're not here to change the rules. We have certain rights to what we can review, and we can collectively decide how extensively we want to enforce those rights. In other words, how deeply can we get into the approval process.

But I think it's almost an ideological argument we're having. And I'm not going to go outside of what our attorney says. If our attorney says what rights we have and what don't we have, those are the equivalent, to me, of the rules of procedure, and we can't change that. Now, we may be able to petition the appropriate party to change the rules if we don't like them. But we either have certain rights that the Chairman thinks we have or we don't, and I'm going to rely on the County Attorney for that unless he tells me I should rely on somebody else.

And it seems to me that the way it's been presented by Mr. Cohen is that he's saying we're trying to loop you in. And so I think that's a good thing.

And so I would propose we move forward with the agenda today. And I certainly understand and respect the argument, but unless Jeff tells me otherwise, it seems like our rights are not really in -- you know, that is not a subjective thing. What we have a right to do or don't have a

right to do is what it is.

CHAIRMAN FRYER: And I think, if I may, what the County Attorney said is that we have a right to have a public hearing before this roll-up process goes to the Board of County Commissioners. And so what I would propose -- and it's along the lines of what you're suggesting -- is that today, if we reach it, we proceed with Longwater, and then after that, at the next hearing, Bellmar, and we consider them separately but that we instruct staff not to take the aggregation plan to the Board of County Commissioners until we've had a public hearing on it.

COMMISSIONER VERNON: Well, I guess my response to that is, I'd certainly rather hear the informational item before I even think about that. I think that would be very helpful to me once I hear the informational item and then probably go back to the county -- let me finish -- and let me go back to the County Attorney after I've heard the informational presentation. I don't want to predispose before I've heard it.

CHAIRMAN FRYER: Mr. Klucik?

COMMISSIONER KLUCIK: Yes. I'm going to move that we proceed with the agenda as published in that order, and that will allow us to then, you know, move forward with Longwater and the other items, and then when we get to the town informational piece, we can hear that in that order, and that will allow us to do what -- you know, what -- it will also allow us some time probably, because it won't be today, to possibly modify what we're going to do. But at this point I would like to hear the items that are first on the agenda, and I will make that motion.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Okay. Now, to clarify so that I'm sure I understand -- you'll be able to speak, Mr. Yovanovich -- that it's been moved and seconded that we will hear Longwater today. In all likelihood, we're not going to -- well, Bellmar's not even on for today; it's already been continued. It's quite possible, maybe probable we won't even get to Longwater, but that we will proceed to hear that.

And now here's where I'm not sure about your motion, Mr. Klucik. It was staff who asked to move Mr. Cohen's presentation up to before Longwater, and I concurred with that and think that's a good idea, and I think that we should then hear Mr. --

COMMISSIONER KLUCIK: Now, my --

CHAIRMAN FRYER: Go ahead.

COMMISSIONER KLUCIK: My motion -- my motion is -- I'm looking at the version that I have of the agenda. My motion is that we hear the Immokalee Road Rural Village application, we hear the Longwater application, and I'm assuming that we won't get to the Bellmar one, but then we take up the town plan issue, and -- you know, and your suggestions at the next meeting.

CHAIRMAN FRYER: May I offer a friendly amendment? That staff be instructed not to forward this matter to the Board of County -- the agreement and the roll-up to the Board of County Commissioners until we've had opportunity to do just that. Would you accept that?

COMMISSIONER KLUCIK: Yes, I would agree that until we have that item before us, the town plan informational item before us, and we actually hear that item, that it would be inappropriate for the county -- or we're instructing the county staff to not move it forward until we do that.

CHAIRMAN FRYER: Thank you. And is that your second as well, madam seconder?

COMMISSIONER HOMIAK: I thought we were following the agenda as it is written.

COMMISSIONER SHEA: Yeah. That was the motion.

COMMISSIONER HOMIAK: As it is before us with no addenda.

COMMISSIONER SHEA: Exactly.

CHAIRMAN FRYER: Okay.

COMMISSIONER VERNON: I'll second the motion as --

COMMISSIONER KLUCIK: Sure. Yes. Yeah, that is my motion.

COMMISSIONER VERNON: I'll second the motion as amended.

CHAIRMAN FRYER: All right. It's been moved and seconded. And let me see if I can summarize it, and you will have an opportunity, Mr. Yovanovich. I believe the motion that was seconded is that we're going to proceed with the agenda, which will put Longwater ahead of our discussion on the plan and, along with that, we will instruct -- we are instructing staff not to forward the plan in any shape or form to the Board of County Commissioners until it's been noticed on our agenda and a public hearing has been held.

COMMISSIONER KLUCIK: Well, no. My motion is not that. It's that -- it's on the agenda as an informational item, the town plan, just as it is now, and until we get to that and hear it, you know, on our -- during the course of our regular meetings, that it actually ends up on our agenda again, probably at the next meeting --

MR. KLATZKOW: Let me just say, planning staff --

COMMISSIONER KLUCIK: So I'm not amending it that we have a public hearing. Whatever it is that we have on our agenda now for this town plan, that's it. That's what I'm suggesting, that we go with the agenda as we see it, and that the staff does not move forward until we have what's already on the agenda, until we actually hear that item.

CHAIRMAN FRYER: Okay.

COMMISSIONER VERNON: I'll second that motion without the friendly amendment and just suggest that the Chairman at the end of whatever meeting you want to, maybe you can reraise that request, and if the group agrees with you, then we can make that request of the -- make that request.

MR. KLATZKOW: Just for clarity, if Mr. Cohen wishes to bring this development agreement to the Board, he will bring the development agreement to the Board. He's not your staff, all right.

Now, the executive summary will have the Planning Commission has requested that they review it before the Board does, and then the Board will do whatever it desires to do. But you cannot dictate to Mr. Cohen not to bring this to the Board without your review. That's just the reality.

CHAIRMAN FRYER: Well, there you have it.

Mr. Eastman.

MR. EASTMAN: Normally it's the Board that's directing items to this Planning Commission as opposed to the reverse of that. We don't, ourselves, say -- or at least the history of this -- this is what we review. It's -- it's the Board has the discretion to direct to the Planning Commission, not the reverse of that.

CHAIRMAN FRYER: I'm not suggesting the reverse of that. I'm only saying fundamentally that if the Board hears the roll-up agreement and the plan before we get a formal application, our hands will be severely tied. We will be stuck with that board action that we have not had an opportunity to weigh in on.

MR. EASTMAN: And that's the discretion of the Board. If they so desire to act without us hearing or participating in that, that is the discretion of the Board.

CHAIRMAN FRYER: But should it be assumed that the Board doesn't want us to hear it --

COMMISSIONER KLUCIK: I agree with that.

CHAIRMAN FRYER: -- unless the Board weighs in or --

MR. KLATZKOW: I think the current motion will at least get us through today.

COMMISSIONER HOMIAK: Yes, please.

CHAIRMAN FRYER: All right. Mr. Yovanovich.

MR. YOVANOVICH: Just as I understand the motion, you're going to in the same order you have it right now. The informational item will be heard after the two village petitions; am I correct?

CHAIRMAN FRYER: I believe that's where we are.

MR. YOVANOVICH: That's all I want to make sure. So we're not going to get to the informational item today, correct? So can we just agree to continue it like you've continued Bellmar so I don't have to worry about having to somehow address that as part of today's -- the Planning Commission hearing?

CHAIRMAN FRYER: Well, my only concern with that is is that that bell's been rung, and we've seen the agreement.

MR. YOVANOVICH: I'm suggesting that --

CHAIRMAN FRYER: It's on the agenda.

MR. YOVANOVICH: I'm not -- I'm just saying the order of the agenda, as I understand the motion, is that the informational item is going to be heard after the public hearings that are on today's agenda, which is Immokalee Road Rural Village and Longwater, correct?

COMMISSIONER KLUCIK: Correct. That's my motion.

MR. YOVANOVICH: So all I'm asking is, based upon what the Chairman has said is that in his opinion we may not get through Longwater today, can we just all agree that the informational item that Mr. Cohen has put on your agenda will not be heard until your next Planning Commission meeting at the earliest; is that -- is that acceptable?

COMMISSIONER KLUCIK: I don't think that's part of my motion, but I would say that that's implicit in -- you know, in the action that's before us as a motion.

MR. YOVANOVICH: That's all I wanted to clarify.

CHAIRMAN FRYER: Well, I'm okay with that, but I don't want someone to tell me that I am constrained this afternoon when it comes to Longwater to talk about these eventual plans and how they may play out, because that is already out in the public. So is anybody going to try to constrain me from saying what I want to say about this agreement which is part of the agenda?

MR. YOVANOVICH: I'm going to object to it on the record when we get to that point.

CHAIRMAN FRYER: Okay.

MR. COHEN: Mr. Chair, I would say that's -- oh, I'm sorry.

And, Mr. Chair, staff will be constrained because they will not be able to opine on a presumed town conversion in the future. They will be limited to speak in terms of their review of the villages separately. So you may raise the issue, but they're not in a position, because it's not in the staff report. Under each of those villages, there's no mention.

CHAIRMAN FRYER: Mr. Cohen, is it your intention to take this to the Board of County Commissioners without a hearing at Planning Commission?

MR. COHEN: I don't have any intentions of anything currently. My today was to provide you with information, and what I'm hearing is is that that will not happen today; that will happen at some point in the future.

CHAIRMAN FRYER: Will we be notified of your decision?

COMMISSIONER VERNON: I think Mr. Cohen's saying he will bring the informational item to us, but it sounds like we agreed not today.

MR. COHEN: It sounds like you decided that it's not going to be today.

COMMISSIONER VERNON: Right.

MR. COHEN: It will be after the Bellmar presentation, whenever that occurs.

CHAIRMAN FRYER: And I'm fine with that. I just want to know if it's staff's intention -- and you're senior staff -- to take this to the Board of County Commissioners without running it through the Planning Commission.

MR. COHEN: Sir, I've explained to you what my understanding of the process is. As the

gentleman has indicated, we're looping you in, which we thought was important, at least I thought it was important to do. I will make my presentation to you after Bellmar, and then we'll decide what happens from there when it's appropriate.

CHAIRMAN FRYER: Anybody else? Joe.

COMMISSIONER SCHMITT: Thaddeus, I'm going to open up the can of worms again. But I'm trying to understand. Is it important for us to have that item first? You're the one that suggested it. And you think that prior to the applicant or staff addressing each one of these villages that we hear your presentation?

MR. COHEN: Well, at this point since we've kind of beat that horse a little bit, I can go last. I don't have a problem going last. So we'll -- so based on the gentleman's motion and Mr. Yovanovich's clarification, my understanding is you'll do Longwater, Bellmar will be deferred to another time, and then I would give a presentation on the information item that we will present.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: That may already have gone to the Board of County Commissioners.

MR. COHEN: What I will say is, is that I've committed to be able to provide you with the information. You already have it. You already have the talking points of advocates who disagree, and we'll respond as we need to.

CHAIRMAN FRYER: The talking points of the advocates; these are people who are trying to advocate for the taxpayers of the county.

MR. COHEN: Well, sir, we work for the taxpayers as well, and every day we try to provide excellent services to the community for all of the groups that I've function and run with, and my colleagues as well. And I think that as we have heard the conversations about the analysis that we've done, I think that you'll see that we believe that the way we're moving forward is for the benefits of all the residents of Collier County as we're trying to think about how growth and development's going to occur in Eastern Collier County.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Mr. Klucik.

COMMISSIONER KLUCIK: I would just say, you know, Mr. Cohen is -- I appreciate that he wanted to inform us. And what I'll say is, if you look at the actual item in our agenda and you look at the first page, it says that the BCC will be asked to approve this on April 27th. So I think we're fine because we have more than two months. We have two months and nine days, you know. So I think your concern that we wouldn't have that informational piece from Mr. Cohen, that we wouldn't actually hear that as a board or as the Planning Commission, I don't think that that's likely to happen. But I do understand that I would be disappointed if it did go before the county commissioners before, you know, we have that hearing, but I think that's unlikely given the actual wording, you know, in our agenda.

CHAIRMAN FRYER: Well, I hope that's the case. Any further -- oh, Commissioner Shea.

COMMISSIONER SHEA: Yeah. Wow. Personally, I would like to hear the informational part of it. I always viewed it as informational. The issue of whether we have the legal right to view anything before the Board, that's beyond me, and it's in with attorneys and people like Mr. Cohen that understand what the rules and procedures are.

I think we should definitely proceed per the agenda. I'd like to hear -- and he's here now. I don't view this as anything more than information.

COMMISSIONER SCHMITT: I agree.

COMMISSIONER SHEA: I'd like to hear what he has to say. And he's standing here right now. And I'm assuming it's 10, 15 minutes. We've already wasted more time than you're

going to spend giving us that information. And I'd like to do that, get you off the agenda, and then proceed with the agenda. That's my recommendation.

CHAIRMAN FRYER: Well, we have a motion that's been seconded, and it's ripe for voting unless you want to make a motion to amend the main motion.

MR. COHEN: Let me do a point of order, if you don't mind. You have a lot on your agenda today and, as you said, we've kicked this around for at least an hour or 45 minutes since I've been here. I've agreed to come back at the end. And I think in fairness to folks who are here to listen to the Immokalee Road Rural Village overlay, that you proceed with the gentleman's amendment with the second, and then I'll make myself available at the end once you go through this entire process.

CHAIRMAN FRYER: Any further discussion?

COMMISSIONER SHEA: No.

CHAIRMAN FRYER: Okay. So right now all we've got is the motion and a second to go with the agenda as it was originally submitted. 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: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

All right. So that takes us to the first substantive matter for the day.

MR. BELLOWS: Mr. Chair, I think you have to do --

CHAIRMAN FRYER: Oh, yeah.

MR. BELLOWS: -- the minutes --

CHAIRMAN FRYER: You're right. You're right.

MR. BELLOWS: -- and absences.

CHAIRMAN FRYER: Thank you. You're quite right. Thank you for catching me on that.

Did someone else want to be heard? No, okay.

We have Planning Commission absences on our agenda to be discussed. Anyone know whether they will not be able to be here at our next meeting which is March 4?

(No response.)

CHAIRMAN FRYER: If not, that's a good thing. It looks like we'll have a quorum.

Our next meeting in March is scheduled for March 18. Does anyone know if he or she won't be able to attend that meeting?

(No response.)

CHAIRMAN FRYER: Okay. It looks like we'll have a quorum for that one, too.

Approval of minutes. We have two sets of minutes in front of us. First the minutes of our January 7, 2012, meeting. Any corrections, changes, or additions to those minutes?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: 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: Opposed?

(No response.)

CHAIRMAN FRYER: It carries unanimously.
Second set of minutes are those of our meeting --
COMMISSIONER HOMIAK: Motion to approve.
COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: -- of January -- let me finish -- January 21, 2021. Been approved and seconded. Any further discuss?

(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: Opposed?

(No response.)

CHAIRMAN FRYER: They pass unanimously.
BCC report. Oh, Mr. Bellows, do you have any other addenda to the agenda?
MR. BELLOWS: No other changes.

CHAIRMAN FRYER: Okay. BCC report/recaps, Mr. Bellows.

MR. BELLOWS: Yes. On February 9th the Board of County Commissioners heard the PUD amendment for Heritage Bay that was to gate Limestone Trail. That was approved -- that petition was approved 5-0 in support of the Planning Commission recommendation.

CHAIRMAN FRYER: Thank you very much.
Chairman's report, none today.

Consent agenda, we don't have any today.

***Now, public hearings. The first advertised one is PL20180002660, the Immokalee Road Rural Village overlay. It's a large-scale Growth Management Plan amendment coming to us today without a companion PUDZ and, thus, it is legislative, so there's no need for us to swear in witnesses or make disclosures.

With that, Mr. Yovanovich, you may proceed.

MR. YOVANOVICH: Thank you. And --
COMMISSIONER SCHMITT: For point of clarification --
CHAIRMAN FRYER: Point of clarification.

COMMISSIONER SCHMITT: -- there's no requirement for a PUD on this because it is already zoned under the rural fringe amendments, and this is nothing more than an amendment -- or a rural village submitted under those rules. So it would never be a PUD. It comes in as an application for RLSA, part of the RLSA.

CHAIRMAN FRYER: I don't think that's correct.
MR. YOVANOVICH: No, no.
COMMISSIONER SCHMITT: Is that correct? Go ahead.
MR. YOVANOVICH: I'll address that.

For the record, Rich Yovanovich on behalf of the petitioner.

I want to briefly introduce the team, and then I'll -- Mr. Schrotenboer's going to come up and give a presentation, but I'll answer your question right now.

We are part of the Rural Fringe Mixed-Use District provisions, not the RLSA. Rural Lands Stewardship District -- and we'll get into that during the presentation. If we were to go forward with a village, we would have to come forward with a PUD. If we were to develop under the existing standards for the Rural Fringe Mixed-Use District, we would come -- we would never come back. We would just get plats, and we would move forward with the development of the property.

So what you have before you is the Growth Management Plan amendment to make changes to the current Rural Fringe Mixed-Use District Rural Village procedure -- criteria in the Growth Management Plan.

We're at transmittal today. Adoption will happen hopefully in a couple months. At that time the PUD will be in front of you so you'll have the whole picture at that time.

CHAIRMAN FRYER: For further supplementation, anyone who wants to see the evolution of this PUD, I mean, it's virtually complete and online at CityView. So all those documents are there if you want to see the PUD proposal.

MR. YOVANOVICH: So if I can, I'm going to bring up Don Schrotenboer, who's the owner's representative. He's going to make some brief comments, and then we'll get into the particulars of our request today.

COMMISSIONER HOMIAK: You need disclosures and swearing in.

CHAIRMAN FRYER: Not necessary.

MR. YOVANOVICH: It's legislative.

COMMISSIONER HOMIAK: Oh, transmittal.

CHAIRMAN FRYER: No, because it's legislative we don't have a PUD in front of us.

MR. SCHROTENBOER: Good morning. For the record, Don Schrotenboer, owner representative and project manager for 27th/Pico Boulevard Limited Partnership, the application.

CHAIRMAN FRYER: Pardon me, sir. Would you mind spelling your last name.

MR. SCHROTENBOER: Yeah. It was up on the board just a second ago. How about that? It's the first one there. So it's S-c-h-r-o-t-e-n-b-o-e-r.

CHAIRMAN FRYER: Thank you.

MR. SCHROTENBOER: You're welcome.

I'd like to introduce, just briefly, the -- part of the project team that is with us today and supporting this application. It's Rich Yovanovich, who you have already heard from, from Coleman, Yovanovich & Koester; we have Bob Mulhere with us today, who is with Hole Montes, and I'm sure you're very familiar with Bob; we also have with us today the civil engineer of record, which is Barry Jones, also from Hole Montes; we have Norm Trebilcock from Trebilcock Planning and Engineering as our traffic engineer; and we also have with us today Andy Woodruff, our ecologist from Passarella & Associates.

The subject property is out in Eastern Collier County and it is 2,787 acres or just a touch over that. It's located approximately two miles north of Oil Well Road and has a little over 2.3 miles of frontage on Immokalee Road which will serve as the main -- off the main entrance into the project eventually.

The property is presently designated as agricultural rural and is located, as you know, within the Rural Fringe Mixed-Use District. And through the adoption of this amendment before you today -- and this is not the adoption, obviously. This is just the transmittal. But through the adoption, the property would contain 579 acres of sending lands, 211 acres of neutral lands, and 1,997 receiving land -- acres of receiving land.

The property is currently zoned agricultural, and the property currently has a very active

tree farm on it, and it's also being mined for aggregate material today.

As you indicated earlier, the application before you today is for a large-scale amendment to the Growth Management Plan and, among several things, would set out the framework, keyword "framework," for the rural village. This would be the first rural village, if it were to take place, within the Rural Fringe Mixed-Use District since its adoption in nearly 25 years or more.

I can personally appreciate the duties and the responsibilities of all of you on this commission. For the past three years I have, myself, been appointed and served on Lee County's local planning agency as well. And I can appreciate the desire from time to time for more details than what is required under a transmittal hearing for a Growth Management Plan, but I've also come to appreciate the reason for the process that's involved in that, and it's because every piece of property is completely unique and different from each other. So the framework is needed for the details to go forward in painting out what the development will ultimately be like.

Thus, as Rich had indicated earlier, at the time of adoption, which we anticipate to be later this year, a companion PUD will be processed simultaneously which will provide all of the detail of the project and demonstrate how it works within the framework that is before you today. This is the first step, as you know, of a very long process in creating this beautiful painting or development.

We look forward to presenting the substantive aspects of the application, responding to your corresponding questions, and we want to thank you in advance for your support for recommendation to the BOCC for transmittal.

With that, I'll call up Rich Yovanovich. Thank you.

MR. YOVANOVICH: As most of you have probably heard the Rural Fringe Mixed-Use District provisions, some of you I think are new and may not have heard how we got to -- we basically have three segments in Collier County. We have the urban area, we have the Rural Fringe Mixed-Use District, and then further east we have the Rural Lands Stewardship program.

Basically, in 1997, the county adopted changes to its Growth Management Plan that were challenged by different entities as not going far enough to address environmental concerns. So, in 1999, the Governor and Cabinet issued an order to Collier County to come up with a collaborative process to amend its Growth Management Plan to address several key aspects: One, discourage urban sprawl; two, to protect wetlands, listed species, and habitat; discourage premature conversion of agricultural lands; and then identify areas that may be appropriate for conversion to other uses.

As a result of that long process, in roughly 2002 the county's Growth Management Plan was amended to establish the Rural Fringe Mixed-Use District provisions and the Rural Lands Stewardship Area provisions.

The Rural Fringe Mixed-Use District provisions -- and Bob will get into this in greater detail -- established receiving lands, sending lands, and neutral lands. Receiving lands is where development is to occur, and sending lands is where we're supposed to acquire TDRs, which is the currency that's utilized to compensate sending landowners for losing their development rights, and those TDRs are used to develop within receiving lands.

There's been a restudy that's been going on for a number of years pertaining to the Rural Fringe Mixed-Use District, and that restudy will be heard by you-all sometime in the relatively near future, I understand. And as part of the approval of the Rural Fringe Mixed-Use District standards, certain property owners lost their rights. They became sending lands and had no development rights; one of those individuals was a Dr. Hussey. So Dr. Hussey sued the county. There was, ultimately, a settlement agreement pertaining to Dr. Hussey's property, and in that settlement agreement certain lands that Dr. Hussey had previously been designated as sending lands -- and those properties are down by I-75 and Collier Boulevard near Collier County's landfill. Dr. Hussey owned about 1,100 acres there.

As part of that process in the settlement, 578 acres of the Hussey land, the 1,100 acres that

are in yellow, became designated receiving and, correspondingly, 578 acres of other lands that Dr. Hussey had an interest in became sending lands.

Part of what you'll have before you is -- those 578 acres that was designated as sending is part of what you're going to be hearing today as part of the Immokalee Road Rural Village amendment.

As I was describing to you the process, the Future Land Use Map is up on your screen. The light blue areas, greenish/blue areas, those are the receiving lands. You can see our property that's before you has both receiving lands and neutral lands under the current designation. We will be including the 578 acres as sending lands as part of this application.

The -- as you can see -- and I know Bob's the master of this, and he'll correct me when I get this wrong. This portion right here where you have that checkerboard crosshatching, those are called neutral lands, and in that process it meant you got to keep what you had when the original Comprehensive Plan was adopted. So, basically, you got to develop at one unit per five acres, and that's all you got. You didn't have the ability to increase your density like receiving lands were allowed to do.

So the light blue area is receiving lands, and you can increase your density. The crosshatched area is neutral lands; you develop those at one unit per five acres. And we're not making any changes to that as part of today's process, but we are establishing the sending land process.

What I wanted to talk about is kind of why we're here. These provisions have basically been in effect since 2002. The original Growth Management Plan provisions contemplated three Rural Fringe Mixed-Use District Rural Villages to occur. And this area right here would be one, this area right here would be the second one, and this area right here would be the third one. To date, no villages have gone forward.

There was an attempt initially to do a rural village right here. That became so expensive through the process of trying to petition for a rural village that that village was abandoned.

We are coming through with certain tweaks to the Rural Village standards because, in order for there to be a village to occur, there need to be those tweaks; otherwise, it makes no economic sense to develop this property as a rural village. We may as well develop it at one unit per acre, buy the TDRs, and do a roughly 2,000-unit project under the currently existing zoning standards.

So what we have in front of you is what we believe to be the necessary tweaks to the program for a rural village to occur and similar, but not the same, as the Rural Lands Stewardship Area. Rural villages were also intended to be mixed use in nature, provide retail, office, and other uses. Affordable housing is required and other aspects are required as part of our rural village. That was seen as a good thing to provide more of those uses out east to change the traffic patterns and have less of a dependency on the urban area to provide services to the properties out east.

So what we're asking today is for -- your staff is recommending approval of our requested tweaks to the Rural Fringe Mixed-Use village rural village standards. We're going to ask that the Planning Commission look at those tweaks, recommend transmittal to the department. I keep calling it the Department of Community Affairs -- the Department of Economic Opportunity for their review and comment, and we'll come back with the specifics of the PUD at that time.

As you can imagine, when you have a 2,500-acre PUD, it's a -- it's a burdensome process. We are still working with staff on certain aspects of that PUD; therefore, I can't give you those details at this time because, candidly, if we don't get transmittal, we'll just need to stop and not spend any more money on trying to come up with the PUD and the consulting fees resultant of that.

We started this process about two years ago, and we're at a point where we need to know if these tweaks are going to be -- these policy tweaks will be supported by the Board of County Commissioners.

So I apologize that we don't have the details that you're used to having when we have a Comp Plan amendment and a PUD at the same time, but this is a much larger project and we're, frankly, not in a position to have those final details in front of you.

Hopefully, we will do a good job of explaining the tweaks, and we will get your support for a recommendation to transmit to the Department of Economic Opportunity.

And, Bob, you're up.

MR. MULHERE: Thank you. Good morning. Bob Mulhere, for the record, with Hole Montes.

I just wanted to just briefly provide you with some additional information regarding my involvement with this program. In a prior life, I was the Director of Planning in Collier County. I left Collier County in 2001. At that time I had about three or four years into this process back and forth to Tallahassee working with stakeholders to develop a process to address the state's concerns.

When I left in 2001, the county -- I agreed to continue to work on behalf of the county as a consultant, at a discounted rate, and I worked for Collier County for the next approximately four years until these two programs, the RLSA and the Rural Fringe Mixed-Use District, were adopted.

As Rich said, they are similar but very different at the same time. So I run -- I realize if you haven't had, you know, 20 years working on this program, you may not fully understand all of the nuances or aspects, so I encourage you to ask any questions that you may have. I'm happy to answer them. So I just wanted to give you that background.

So this overlay that we are proposing -- and the reason that it's an overlay is that's actually what staff directed. There already is one overlay under the Rural Fringe Mixed-Use District, and that's called the North Belle Meade overlay. So when we came in to talk to staff about how to proceed, at that time David Weeks was still with the county, and he instructed us to submit this as an overlay within the Growth Management Plan.

The Rural Fringe Mixed-Use District, as Rich said, has three designations. The land is generally zoned agricultural but also under the Rural Fringe Mixed-Use District overlay, and that overlay contains three designations. Sending lands had the highest degree of environmental value and sensitivity. There's a very narrow list of permitted and conditional uses allowed. When that sending lands was designated over those lands, those property owners went from a density typically allowed in ag in Collier County of one per five to a density of one per 40 acres. So they lost significant value in the narrow uses that they were now allowed and in the significantly reduced density out there on those sending lands.

It's really important, because the TDR program -- this is a straight and very typical TDR program. It's different than the credits in the other land. That TDR program, the county hired some experts in TDR programs that have been tested through the courts I think all the way up to the Supreme Court as a means of addressing loss of value for property owners.

And so a system was developed for those sending landowners to accrue to sever transferable development rights from the property, which then is a currency, as Rich said, which can then be used to entitle on the receiving lands. Neutral is no harm, no value -- no harm, no foul. You retain your one per five. You could develop basically under the agricultural provisions, although a few uses were limited under neutral as well.

So right now you can generate four TDRs per five acres. And I'm not going to spend a lot of time, but just very briefly, there's an early-entry TDR, there's a base TDR, there's an environmental restoration TDR, and a conveyance TDR. That conveyance TDR is granted if you can find a public or private conservation entity that will take that land once you've severed your development rights and then manage that land in perpetuity. So far that has not proved to be a very easy task.

So then those TDRs can be transferred to receiving lands, which are the lands that were

identified as being the most appropriate for development, and we'll show you -- you'll see some maps. They had a lesser degree of environmental significance, and this was evaluated at the landscape scale. They were typically disturbed through development or usually existing agricultural operations.

So the base density in receiving is one dwelling unit per five acres. But you can increase the density in receiving through the use of TDRs to one unit per acre in non-village receiving or two to three acres -- units per acre in a village. The minimum established today is two and the maximum established is three in a village. As Rich said, no villages have been approved to date. I also worked on that previous application for a village that the property owner withdrew, and that's subsequently being developed as residential.

This slide shows you the subject property. It has a 1973 aerial and a June 2019 aerial. And -- let's see. If I can -- I don't like that color. I guess I'm stuck with that color. Oh, here we go. I think the red shows up a little better.

So there is an earth-mining operation in here, and there is a significant amount of disturbed lands from agriculture. And you can see that that had begun back as far as 1973, which is quite a few years ago.

This map shows the overlay designations. This piece right here is neutral; that's 210.78 acres. The receiving lands are the hatched lands here, which is 1,998, and the balance here and here are the sending lands.

Now, I think it's important to note that the location of those sending lands was generally prescribed with a map that Rich showed you as part of the Hussey settlement agreement. So legally this property is entitled and expected, through this process, to locate those sending lands -- and when we come in for a PUD, we'll have to provide an actual legal description of those sending lands. But they are pretty much in this exact same area. They didn't have to be -- they were not required to be exactly as shown on the settlement because it was just a sketch. It didn't have a legal description or anything, but we're going to do that through that process.

This is the actual language from -- that we are proposing, and I'd like to go over the changes we're requesting and identify areas where we're not proposing any changes and also provide a basis for those requests. This is simply an introductory paragraph.

We are not proposing to do any development in sending lands other than what's allowed, and generally that is passive recreational type uses that you would be able to do in any preserve area.

We are providing for a slightly different methodology to calculate TDRs, although the net result is the same in terms of a maximum, with one exception, and I'll go over that. So as I mentioned to you, the base TDR presently is 0.2 units per acre or one per five acres; that's the base, and I am proposing to increase that to 0.4 for this property or two TDRs per five acres from the sending lands. Keep in mind the sending lands are 578 acres. So to figure that out, you divide 578 by five and multiply that times this number. It comes out to be 115 and change for each TDR.

CHAIRMAN FRYER: Pardon me, Mr. Mulhere. Will you be arriving at a point where we could take a break pretty soon?

MR. MULHERE: I'm fine. Any time, Mr. Chairman. Yeah, we could do it now.

CHAIRMAN FRYER: Let's do. Let's take an 11-minute break until 10:41. We're in recess.

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

CHAIRMAN FRYER: Ladies and gentlemen, let's return. And, Mr. Mulhere, my apologies for interrupting. Please continue.

MR. MULHERE: No problem.

CHAIRMAN FRYER: Ladies and gentlemen, can we have order in the room, please.

MR. MULHERE: Thank you, Mr. Chairman.

As I had mentioned just before the break that we had in this -- in the blue on your screen, blue text, the proposal was to increase the base by .2 TDRs per acre versus .1 presently. We also asked for an additional TDR bonus credit of one per acre for restoration of cleared areas utilized for farming activity in the sending areas to -- if we restore that back to functional native habitat, including upland, wetland, and wading bird habitat.

So the other two or, excuse me, the Paragraph C there is not really different from -- it is not at all different from the conveyance bonus as it exists today in the Rural Fringe Mixed-Use District. It's just very difficult to find an entity who would agree to take that obligation, so -- and that's something that I know that the Board has discussed and that maybe will be also discussed in the future as the restudy comes forward. But we didn't make any real changes there.

I did put this last paragraph in there that says, in the event Collier County amends the Rural Fringe Mixed-Use District to allow for the generation of a greater number of base TDR credits or TDR bonus credits, then this applicant also has the opportunity to take advantage of that.

With respect to the bonus credit -- and, again, you can see the sending lands there. There's a piece right here that has gopher tortoise habitat, and this matches what was in the settlement. But these lands up here do have some wetlands, and that's 478 acres there and about 100 acres in the south. So this is about 478 and about 100.

I did want to just spend a minute to talk about that bonus credit which staff is supportive of. We have met with, over the last two years, with Brad Cornell of Audubon of the Western Everglades and Meredith Budd who have been engaged -- with Florida Wildlife Federation. They've kind of been engaged in this process. And also Lisa Korte who is, I think, the director of the Corkscrew Swamp Sanctuary. I'm not sure if that's the right title, but that's Lisa's professional position. And there was a desire to restore these cleared agricultural lands in sending. You can see this fairly large piece right here, which is in sending lands. That's about, I think, 76 or 78 acres.

I asked Andy Woodruff from Passarella -- this is almost two years ago -- to prepare a cost estimate to restore those farm fields, and that estimate was updated subsequently, and it's probably more expensive than even the most recent update, but it's about 1.6 million depending on what habitat you restore these -- this area to. And some restoration will be more expensive, that being wet prairie, where you have move a lot of dirt to accomplish a viable and sustainable restoration.

However, in a recent call Monday with Brad Cornell, with Lisa, and Meredith Budd from the Florida Wildlife Federation, we agreed to continue to work with them to identify a restoration plan in this area. I guess they're probably on the line. They can speak themselves, but I did want you to know that we had been working with them to come up with something that, you know, met their objectives with respect to this restoration and that we can agree to and, in order to offset that cost, we put in an extra TDR bonus, again supported by staff. It's not substantial. It's capped at 100 TDRs.

In neutral lands -- and this is important because there is a very active neighborhood to the north and west. Let me see if I can get an exhibit that shows that, so -- I think this works. There is a neighborhood called the Corkscrew neighborhood, and they are located -- so Immokalee Road comes up like this and swings that way, and on both sides of Immokalee Road and in this area most pertinent to this application is this Corkscrew neighborhood.

And they had asked me to make presentations to them, which I have done on two occasions, most recently night before last. And they've been very active throughout this process in terms of staying attuned to what we are proposing and changes that were made through the process, and they asked me to update them the night before last.

And so the importance of the location of these sending lands, which, you know, is somewhat prescribed already by the settlement, but you can see that it does provide a very significant and substantial buffer to those lands to the north. And the farm field, which is sort of

in this area here, being restored will also assist in enhancing that buffer. So we wanted to provide an incentive for that.

They were also very concerned with what were we going to do in the neutral portion of this project. The neutral portion is right here and, of course, that neighborhood is over here, and they are also designated neutral.

So we are not proposing any changes to the neutral portion of the project, and that's what they wanted. At one point -- there is a -- there is an upland right up in here, about 14 acres within our property. At one point we had proposed a multifamily development on that portion. They said, we don't want that, and we agreed to relocate that closer to the village center, which is down there, and we did that. So I believe they're happy, but they're free to, obviously, speak for themselves.

COMMISSIONER SHEA: What does that mean when you say you're going to leave it as-is? You're not going to put one home per five acres, or you're just going to leave it naked?

MR. MULHERE: No. We're entitled to one per five, 42 units, but we may also move those units in this -- into the receiving. We will not develop more than 42 units in the neutral, if we do anything there. This was a multifamily proposal up here, which they did not want, so we've agreed to limit it to single-family and no more than 42 units under the current provisions.

COMMISSIONER SHEA: But you may develop in the neutral zone based on that requirement?

MR. MULHERE: Yes, we could; yes.

So now we move into the receiving lands design and development standards, and I want to point out the changes that we're requesting. They're in blue on this so that I could highlight them for you.

Presently, the Rural Fringe Mixed-Use District limits the size of a village in most cases to 1,500 acres. There is one location where a larger village is allowed, and that is on 41 east. There's a large -- there's several really large parcels, thousands of acres, owned by Lipman Produce, and I think some are owned by the Church of Latter Day Saints. There's 6- or 7- or 8,000 acres down there. So when this program was developed, it was recognized maybe that could be a larger village. So they have a cap of 2,500 acres down there.

We have requested a village size of 1,998. That's because that's what we have in receiving. It doesn't make any sense to have 400 acres or nearly 500 acres taken out of the village. We'll develop the whole thing as a village. There's already precedent. There is a larger village. Plus, as Rich said, the other areas that were proposed for villages will no longer be developed as villages because they've already been developed in smaller residential developments. There's no opportunity left except for the large one out east, which is allowed to be 2,500 acres.

So these -- this location and that location and there's a -- there is one location in the North Belle Meade, but there's no road access, so that's probably a long time in the future.

So if you look at 1 through 3, those are consistent with the requirements of the Land Development Code. We don't really need to get into the details of them. They are consistent with the provisions of the Land Development Code. There's no change there. You're going to see the details when this comes back for adoption and a PUD.

But suffice it to say that the Comp Plan requires that you have a village center, mixed use. It limits it to a maximum of 10 percent of the village size. We're consistent with that. You have to have a public spine road open to the public, so we're consistent with that. And so you see those requirements we've made; those specific requirements for this overlay are consistent with the provisions in 1, 2, and 3, as are all of the rest of these specific requirements in this overlay to include a minimum of 25,000 square feet and a maximum of 125,000 square feet of civic, institutional, governmental space.

We have provided for a potential research and technology park subject to the overall cap of

the commercial square footage, because over the years there has been a lot of discussion about could we set the stage in a village to create more job opportunities, more employment opportunities. Now, I don't know what the market's going to be like here, but it seemed foolish not to at least provide for an opportunity to create more employment opportunities on this nearly 2,000-acre village or within this nearly 2,000-acre village.

The village center will be mixed use and, in fact, we've agreed to a minimum of 100 multifamily dwellings in that village center, and it requires a timing mechanism in the PUD as to when that will happen. And we're working with staff on all of those issues relative to the PUD. We've only been at it for two years, so give us a little time.

Here's an interesting element. Neighborhood centers. We are generally consistent with this requirement except that presently the Land Development Code says that a village and the Comp Plan that says that a village shall be designed to include neighborhood centers located such that a majority of residential development is located within a quarter mile of a neighborhood center. I've added "or the neighborhood village" which, by the way, is also supported by staff and recommended by staff for a change coming forward in the future. It makes no sense not to include that Rural Village because it's a -- it's a seed of activity.

So we have designed the plan; although we're still tweaking the plan a little bit, we have designed it to have neighborhood centers which, by definition, may be mixed use, they may have residential units in them, they could have commercial, or they can just be a gazebo, a passive park; that's how they're defined. We have located them on the current master plan and will continue to locate them such that they meet this requirement.

You can see the -- I'll read it for you. I think it's, like, the second-to-last paragraph, maybe the third-to-last. Neighborhood centers shall include a neighborhood park, square -- that's "shall include" a neighborhood park, square, green, or other similar passive use and may include restroom facilities, gazebos, arbors, fountains, so on and so forth. To encourage compact development, a minimum of four neighborhood centers shall include attached residential dwelling units, and we're consistent with -- we've designed the PUD to be consistent with that. And we have to show where they are on the master plan, which you'll see when we come back for the PUD.

So here is a change. We have requested a reduction in the minimum density from 2 units per acre to 1.5 units per acre, and the maximum we have established is 2.002, which is, you know, consistent with the minimum that's currently required. We're proposing 4,000 units.

The nature of the subject property -- and I'll get to some other aerial photos in a minute -- is such that there is not the opportunity to just go out there and develop this entire parcel. It's got sending lands, it's got neutral land with a very big lake, and within the receiving lands it also has an over-400-acre lake. So you start with that, and then you look at the marketplace.

Now, we are proposing multifamily, and we are proposing to meet the affordable housing requirements, which I'll go over in just a minute, but we do not know for certain that we can achieve 4,000 units in the marketplace, so we do not want to guarantee that we can meet 4,000 units. It may be 3,700. It may be 3,600. So I established a minimum of 1.5 and a maximum of 4,000 units. So that's 3,000 to 4,000 is the range, units.

By the way, the folks that are our neighbors don't want to see -- you know, they're not necessarily happy that they're seeing this, but the way we've designed it, they understand that we've done the best we could to buffer them and to address their concerns. Density is, of course, a concern, so...

So this goes over methods to achieve density on the receiving lands within this project. That's under Paragraph D in front of you. There's two ways: From our own lands or from other lands that have TDRs, and we have to use both of those methods, which is good because we will be required to acquire a substantial number of TDRs from other sending landowners who will then -- will further the intent of that -- of the policy to make whole those sending landowners who

gave up rights when this program was adopted.

If that process doesn't work, those landowners have not received compensation for the loss of rights. So the base density on ag is 0.2 units per acre. If you look at the math there, basically, 109 -- 1,997.59 divided by five is 400 dwelling units. Under B, we have to provide 400 affordable housing units, and we get a half-a-unit bonus for each affordable housing unit we're proposing. So that's another 200 units that we get. We're up to 600.

From our own sending lands at four TDRs per five acres, we can get 463 plus another maximum of 100 for restoring those farm fields; that's 563.

Now, in the code, if you do a rural village, for every TDR or TDR bonus credit that you have, you acquire or you have, you get a village bonus. That's to encourage villages. This is the first one in 20 -- more than 20 years. So for every TDR we acquire or TDR bonus we acquire or we have, we get a bonus. So if we have 563 TDRs and TDR bonuses, we get a bonus of 563.

The total units that we can generate from our property based on that is 1,726. So if we want to get to 4,000, we have got to acquire -- we have to get another 2,274 units. If you do the math, 2,274 plus 1,726 is 4,000. How do we get those 2,274 units from outside of our project? We have to buy half of them as TDRs and the other half we get as a bonus. So the bottom line is we have to get 1,137 TDRs from other sending land property owners to entitle this village at 4,000 units. 1,726 from within the project; 2,274 from external TDRs.

The county presently has a requirement for a greenbelt which is required to be an average of 300 feet in width. It can be less; it can be 200 feet, but the average needs to be 300. However, there's a lot of unique requests that we have received from the county that we believe require us to adjust this. County staff agrees. They're supporting this. We've gone through several iterations of adjusting this such that it would be supported by the staff.

So we have said that the minimum will be 200 feet. Oh, first of all, we've said you don't need a greenbelt between the sending lands and the receiving lands. You've got 100 acres on the south and 478 on the north. You don't need to buffer them from themselves, so I think that's not in question.

So in a few locations we've asked for a reduction. One is along Immokalee Road where we've asked for a reduction to 100-foot in width, and then along the eastern perimeter of the village we've asked for 120-foot-wide greenbelt on the east side of the 120-foot-wide public road. And we have agreed to do enhanced landscape buffers within those greenbelts.

Now, without spending a lot of time on it, I would like to explain to you, in part, why we have requested that. The county has asked us -- we are required to provide a two-lane public roadway, spine road, but the county has asked us to provide a 120-foot-wide public roadway which they could later come in and widen to four lanes. That road comes in at the southwest corner of our property along Immokalee Road, runs through the southern portion of the property, then runs north back to Immokalee Road. So this would be a public road. I can -- let me -- let me show you generally. I've got to get to an exhibit. Sorry. I'll just show you on this.

So the road would come in here and, of course, there's a big lake in the middle of this. So it swings south, then it runs north back to Immokalee Road. And it's a little more curve linear than that, but that's generally the location.

So the county wanted a 120-foot-wide corridor so that, if they want to, they can widen that roadway. That would potentially forestall indefinitely a widening of Immokalee Road. Immokalee Road is four-laned to about this point here, to Oil Well Road. It's two-laned to the north of this point. So at some point this roadway would have to be widened.

We are going to have to widen it to our entrance but not beyond that. This public road will allow the public to bypass that curve and forestall that widening.

So because we have now 120-foot-wide right-of-way, we felt that there's a sufficient buffer. You know, the greenbelt was adopted to ensure that there would be a defined edge along

the perimeter of the village to discourage or prevent urban sprawl. We don't have any chance for urban sprawl. To our east and to our south is platted Estate lots, and those are the primary locations where we've asked for a bit of a deviation from the greenbelt. You can't change -- those are platted. We can't further exacerbate sprawl. It can't happen.

And to our west is Immokalee Road. And we haven't asked for but a very minor reduction down in the commercial area. The rest of it we meet -- everywhere else we meet the requirements, including adjacent to our neighbors. So that, hopefully, has explained the nature of our request.

Now, in addition, we have made it clear that the greenbelt perimeter buffer may include utility easements, and it may include structures necessary to support utility infrastructure, as long as they're buffered, and that is because we are in the process of negotiating with Collier County Utilities, but they have requested a 45-foot utility easement -- sorry. I've got to go back to the drawing -- along our -- our south and east perimeter. And included within that -- and there is a canal -- there is a stormwater canal that's not on our property but runs adjacent to our property along this portion of the east and south, adjacent properties. There's an easement. There's a canal; existing canals on both of those two locations.

So the purpose of the 45-foot easement that utilities requested is, in part, to include a 20-foot easement for Big Cypress Basin so they can access those canals. And, for utilities, it is to provide for a raw water well to run, basically, within this 45-foot easement, basically a raw water line to run up to Immokalee Road.

And also to include -- and this is under negotiation -- but some number of raw water wells as well; some number. We're still having discussions between -- let's say between a dozen and 17 raw water wells for the county's future raw water needs.

So as a result, they've asked for this easement. You know, we're -- we're working through the number of wells, the location, and the design, but that was another basis for the reduction.

So, anyway, moving on. Let me get back to where I was. I'm almost done,
Mr. Chairman.

CHAIRMAN FRYER: That's fine.

MR. MULHERE: So the -- also under discussion, I just -- you know, briefly, is the possibility of locating some other county facilities on the site, including a fire station and a school bus barn, and a Collier County road and bridge facility. And the LDC -- the Growth Management Plan allows you to reduce the amount of native vegetation -- the percentage of vegetation that you have to retain within the receiving lands if you collocate public facilities, and I've asked to make that clear. Of course, that's only in the event that we do actually locate public facilities on the project.

And, let's see. I think the last change is in the Conservation and Coastal Management Element. When the Rural Fringe Mixed-Use District was approved, the county adopted a requirement to have 30 percent of the wet detention pond area provided in the form of littoral planting shelves which has water quality and habitat benefits. And in most of the rest of the county, that percentage is quite a bit lower, 7 percent, but in the Rural Fringe Mixed-Use District it's 30 percent. I think everyone's in agreement that by aggregating these littoral planting shelves, they perform a higher habitat value, they do better, and the purpose of creating them is achieved as opposed to installing something and having wave action and other things destroy the habitat value, especially on those big mining lakes, which both have a restoration plan attached to them.

So we have asked to reduce the littoral planting shelf area to 15 percent. Staff has concurred with that request. Given the very large 450-acre lake and the 200-acre lake in neutral, it makes no sense to try to establish 30 percent littoral planting shelves. They already have a restoration plan associated with the mining.

And we have worked with -- also with Brad and agreed, Brad Cornell, and Meredith Budd, and Lisa Korte of Corkscrew Swamp Sanctuary. They have done some restoration plans and some

littoral shelf planting. They have a design that works well. We have agreed to work with them moving forward to come up with a cross-section. You would see whatever we agree in a future -- you'd see those details in a future plan, but we're still working with them and will continue to do so.

So that pretty much completes the presentation. I did want to mention that as part of the GMP there was a TIS provided just hitting on the highlights. We have Norm here and Andy Woodruff here to speak to either transportation or environmental issues.

So that concludes my presentation.

CHAIRMAN FRYER: Any questions or comments at this point from the Planning Commission?

COMMISSIONER SCHMITT: Yep, I do.

COMMISSIONER SHEA: Other than I appreciate the detailed discussion of the rural fringe on the credits. I mean, it seemed very detailed what -- for people like me that are trying to figure out that, and the difference between the RLSA. That was a helpful presentation. Thank you.

MR. MULHERE: Thank you.

CHAIRMAN FRYER: I agree with that. Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Bob, the -- we all received a letter. I assumed my other colleagues did as well. Bob?

MR. MULHERE: Yes.

COMMISSIONER SCHMITT: We've all received a letter from the Audubon dated 4 February. Have any -- and Brad raised four issues -- correction, seven issues. Two of them -- you addressed the last one about the littoral shelves, and he's -- he objects to reducing it to 15 percent. Have you and he reached an agreement on that, or is that still his position?

MR. MULHERE: We haven't reached an agreement. He's probably going to be on the line, I imagine. But where we left it was that we would work with Brad to come up with a -- his concern was that for that reduction he wanted to see a design that actually worked. He's got some experience, and we concurred that we would be happy to work with him on the design, cross-section design for those littoral plantings which, again, he can speak to the issue, but I think we agree on moving forward in that fashion.

COMMISSIONER SCHMITT: And the other issue here -- he has a few others. If he's on the line, I'm sure he'll talk about. But the habitat crossing under the roadways, you guys have agreed to that?

MR. MULHERE: No.

COMMISSIONER SCHMITT: You have not?

MR. MULHERE: No. What we agreed to -- thank you for asking. And Andy can really speak to the details. I'll just give you the overview.

We've agreed to pursue a discussion with the agencies along with Audubon of the Western Everglades and the Florida Wildlife Federation to open a discussion with the jurisdictional agencies to see if they would be open to allowing the owner, as part of mitigation for panther impacts, to get credit for at least a portion of the cost of a wildlife underpass on Immokalee Road, which is three million to four million in costs, and you'd probably have to design it to an ultimate width. There'd be no sense in doing it twice.

So we've agreed -- they've agreed to support us, and so we want to work through that process, but we have not agreed -- and there's some -- I'd give you the details, but it would be better for Andy, because I don't know them. There's some discussion as to whether it's even warranted or would even be supported by the agencies. They may not want to encourage cats to move through this process -- through this area.

There is a canal on the eastern side. There will be a two-lane and maybe someday a four-lane roadway right next to that canal. So there's some discussion -- and I'm not the expert, again -- that maybe the agencies won't even support this. So there's no way we could agree to it. We have to work through the agencies. We did agree -- and there is precedent. Apparently, the agencies have agreed to grant mitigation credit for a wildlife underpass at City Gate. So although that hadn't been the case in the past, they've done it recently. We're happy to work over the next, you know, year or so in the permitting process to see if that's feasible. So, yes, we're going to work with them. And, again, Brad can confirm that.

COMMISSIONER SCHMITT: The only other comment I'll add then, he talks in here about a required robust human/wildlife conflict reduction program, but that really belongs in the PUD amendment.

MR. MULHERE: Yes, and we don't have a problem with that.

COMMISSIONER SCHMITT: Okay.

MR. MULHERE: And, you know, bear-proof containers and those kinds of things.

COMMISSIONER SCHMITT: Yeah, bear-proof containers and other such; it would be in the PUD.

MR. MULHERE: Yeah. And, actually, Don Schrotenboer has worked on a project where one was recently -- a very robust wildlife/human interface plan was developed, and we've shared that with everybody, Brad, Meredith, our team, and we are working with them to come up with something that would be in the PUD but would be detailed enough to satisfy their concerns.

COMMISSIONER SCHMITT: Okay. That's all I have. Thanks.

CHAIRMAN FRYER: Thank you. Any other questions, comments from the Planning Commission at this time?

(No response.)

CHAIRMAN FRYER: I have -- I have a number of questions and comments, but I want to, I think, defer the asking of them or the raising of them until after hearing staff and possibly the public. But I want to know from the applicant, will all of your people be here after lunch to answer the questions?

MR. YOVANOVICH: God willing.

CHAIRMAN FRYER: Thank you. Well, I'll join in your prayer. Thanks.

Okay. Now we'll hear from staff, and I see Ms. Jenkins is rising, so she will be recognized.

MS. JENKINS: Good to talk; take the mask off.

Good morning. Anita Jenkins, the Zoning Director on behalf of Corby Schmitt, who is not here today, so I'm going to cover for him. And I'll be brief for you.

This is a transmittal hearing of a Growth Management Plan amendment. And in our review we're looking at the land uses here, and so as the applicant mentioned, what you see on the screen here is the Rural Fringe Mixed-Use District map. The areas in blue are the receiving areas, and those areas that you see in green and yellow and pink are the sending areas.

This map demonstrates some of the areas in pink that have had the TDRs severed, so you can see how the implementation of this program is supporting development and also, at the same time, supporting the conservation of critical habitat.

So, again, this is the first village in the Rural Lands Fringe Mixed-Use District, and we have a mix of uses, including affordable housing, meeting the objective of the Board to increase affordable housing in Collier County. We have a good mix of uses to support the residents in the area and surrounding.

And then, in comparison, when we talk about TDRs and how this process works, there are several layers of TDRs on any given five acres. So the amount of preservation that the applicant will achieve will depend on the availability of credits and how many credits are available per five

acres.

So a resident may be able to just take down one credit, which would protect more acreage, but then if they're able to achieve, you know, three credits off of their five acres, then that would achieve about 1,895. But in total, this proposal anticipates protection of over 2,000 acres of important sending lands.

So staff is recommending approval to transmit the Immokalee Road Rural Village overlay to the Department of Economic Opportunity, and we are recommending that subject to a Developer Contribution Agreement prior to the Growth Management Plan adoption and, also, we did have some revised language in the staff report that we would suggest goes forward, and it was basically taking out some of the details that do not belong in a Growth Management Plan but belong in the Planned Unit Development.

So you will recognize some strikethroughs and underlines in the staff report. And those are basically details, a lot in the greenway where we were talking about landscape buffers and those things which, again, belong in the PUD. So we struck that from the Growth Management Plan amendment.

Also, the rural fringe requires a wildlife prevention and mitigation plan that will come along with the PUD, so we'll expect to see that. And then you've heard about the distribution of living and a guide to living in bear country.

So, again, staff is recommending approval to transmit to DEO. And other staff members are here to answer any questions you may have about transportation, utilities, environmental questions.

CHAIRMAN FRYER: Thank you. Planning Commission?

(No response.)

COMMISSIONER SHEA: I think there's a ton of questions on transportation.

CHAIRMAN FRYER: I agree. Anyone have questions of staff at this point?

(No response.)

CHAIRMAN FRYER: I have just a few here, if I may.

First of all, I look back at Corby's memo of consistency to James Sabo of July 8, 2020, and in it he said, the proposed density is provided for by the companion GMPA; however, staff presents concerns about density derivation in the companion GMPA review. Could you comment on that; has there been a change of position?

MS. JENKINS: I haven't spoken to Corby about early reviews, but certainly the early reviews will continue to change as we work with the applicant. So I think that the plan that is before you now is what the staff was able to work through with the applicant to bring forward to you now.

CHAIRMAN FRYER: Okay. So at this point staff is comfortable with the density?

MS. JENKINS: Yes.

CHAIRMAN FRYER: Okay. Thank you. And -- what else do I have? Oh, the -- and I realize that we don't have the PUD in front of us, and details are to be consigned to that level, and I support that. But there are some concerns that I have that I think should at least be talked about before we take action on the senior document, if you will, the GMPA. And that first concern I have has to do with affordable housing.

And we know that the Board of County Commissioners has identified that as an important priority to be achieved along the way, and particularly when more density is being asked for. And here there is a proposal for a 10 percent allocation, and I think it's, what, gap and -- well, higher -- higher of the income levels to fit into that category. And my question is, with respect to affordable housing, has a study been done that identifies that the most appropriate segment of people in need of affordable housing are being served or would be served by choosing these percentages of median income, these high percentages.

MS. JENKINS: Right. I'll defer that question to Cormac, who is in the building and will need to get down here, so maybe we'll hold that one --

CHAIRMAN FRYER: That's fine.

MS. JENKINS: -- while he comes down.

CHAIRMAN FRYER: Very good. Let me see if I have anything else right now. I've got some things that I'll want to get back to, but I know you'll be around all day.

COMMISSIONER SHEA: Is the location of the affordable housing also something that will be decided later? Because it says "dispersed throughout the development."

MS. JENKINS: Yes. That will be shown at the time of the Planned Unit Development that comes forward, yeah. So the Growth Management Plan is really just establishing the uses and the density and intensity, and then those details you'll see at the Planned Unit Development.

CHAIRMAN FRYER: Can we -- that occurred to me as well, Commissioner. And we may want to ask for some general parameters to be revealed before we vote on the GMP without specifying exactly where it would be but just certain parameters and maybe general conditions that would make it suitable for its intended purposes.

Mr. Giblin.

MR. GIBLIN: Good morning. For the record, Cormac Giblin, Planning Manager of Development Review. Sorry I'm out of breath. I ran from the remote viewing location.

CHAIRMAN FRYER: Don't do it to us now. Stay healthy.

MR. GIBLIN: Your question, from what I heard before I took off, was what income levels are targeted in the proposal?

CHAIRMAN FRYER: Yes, yes.

MR. GIBLIN: That's a good question.

CHAIRMAN FRYER: Well, thank you.

MR. GIBLIN: When this section was written, the county had a set of affordable housing definitions that we no longer have today. There was affordable housing, workforce housing. I believe this was before there was such a thing as gap housing in Collier County. And when it was passed, as Bob mentioned earlier, several decades ago the intent was that the housing would be affordable meant 50 percent of median; workforce meant 80 percent of median. Things have changed since then.

The Board adopted a new wholesale community housing plan. They totally revised the definition of affordable housing. They did away with the definition of workforce housing. And the intent of the interpretation for this review is that the .1 percent be at affordable housing, which would be the 80 percent of median income, and an additional .1 percent at workforce housing which now is viewed at 140 percent of median.

CHAIRMAN FRYER: Does that seem high to you?

MR. GIBLIN: That is -- those are the median -- percentages of median income that the Board has adopted as its affordable housing program. This -- this proposal does aim at the low end and the high end of the affordable housing spectrum.

CHAIRMAN FRYER: So in other words, staff is comfortable with this?

MR. GIBLIN: Yes.

CHAIRMAN FRYER: Okay. Thank you.

Does anyone else have questions for Mr. Giblin?

(No response.)

CHAIRMAN FRYER: Will you be available for -- this afternoon?

MR. GIBLIN: I am. I will be all day.

CHAIRMAN FRYER: Okay. Thank you very much.

Ms. Jenkins, when we talked about this a couple weeks ago, you made a point that I think is worth repeating having to do with the different calculations of TDRs; one TDR per house, for

instance. Would you mind elaborating on that for the benefit of everyone?

MS. JENKINS: Right. So this program is a little bit different in that it was established to take the development rights from one home that could be developed and transfer it to a location that is appropriate for development, a receiving area. So that was the basis of it. It's a very standard TDR program. One home leaves here and goes there.

What we found throughout the development of this program is the TDRs and the development was not balanced. There were not enough TDRs in the program to support the development opportunities that have been approved by the Board of County Commissioners. So additional credits were added on to each five acres so you had the bonus credits, and then we encourage restoration, so credit for that. And then if you can convey the land -- we do have a problem conveying the land right now, so the landowners, to achieve that fourth TDR is difficult for them, because we don't have a state agency that's interested in taking land at this time.

CHAIRMAN FRYER: Okay. And then it differs somewhat -- really, more than somewhat from the RLSA-type calculation.

MS. JENKINS: Yes, it is not based on -- the RLSA is based on the quality of the habitat which generate -- the higher the quality of the habitat or the flowway generates more credits. This one is a straight program. It does not matter. If it's a sending land, it generates the equal amount of credits up to four credits right now.

CHAIRMAN FRYER: Okay. Also, with respect to density -- and it's kind of a two-edged sword, and I imagine it could be mixed points of view within the public among neighboring property owners.

But at present, the adopted RFMUD calls for two dwelling units minimum and three dwelling units per acre maximum. And the white paper, which came out not too long ago, would actually increase that density to four acres -- four dwelling units per acre minimum and seven dwelling units per acre maximum. So that was the direction that -- the people who were studying it in the form of the white paper, that's the direction they were going.

Now, this proposal is coming in at lower than the current RFMUD at 1.5 to 2 dwelling units per acre. And could you say a word that would support us recommending going in a direction away from the white paper.

MS. JENKINS: Sure. And the white paper has -- was published, and that was based on the Board's direction to address housing affordability, economic vitality, mobility, and environmental protection.

And so those recommendations were recommendations of how the Board could look at policy to support all of those recommendations. So that's where that came from.

We have been studying those recommendations and that white paper and actually testing them in different receiving areas. And let me just go back to the map.

So you can see, again, the four blue receiving areas. So the Immokalee Road Rural Village is the one to the north. The one to the west here along Immokalee Road is completely gated communities. We were not able to achieve any villages in that area.

So what we have found, though, now that you have opportunities for the southern area to develop -- that's about 8,000 acres on 41 down there. And then North Belle Meade where you see in the center, we have constraints with infrastructure in that area. And so what we say -- and at four to seven units per acre can achieve your objectives of more housing affordability and mobility, that's an -- that's an objective, but if you don't have the infrastructure to support it, you have to relook at that, and that's what we've been doing from the time of the white paper to now publishing what was the draft of the proposed amendments. We're looking at that infrastructure constraints there. And I think that that's what you're seeing here is we have infrastructure constraints, so we have to balance the number of units and the commercial with infrastructure that's available.

CHAIRMAN FRYER: Okay. Thank you.

Another thing that I've been thinking about a little bit, and this has to do with the nature or the character of neighborhood commercial uses. And, particularly, in a situation like here where you've got the Segment 71 of Immokalee Road that is constrained or not constrained but it's already -- what's the word I'm looking for -- deficient -- that is it seems especially important for us, if we're going to mitigate the additional negative impacts in a deficient road, that it would be appropriate for us to look particularly at the specific nature and character of the neighborhood commercial offerings to be sure that they will be sufficient as to really eliminate a large volume of traffic that would have to leave the rural village in order to get basic services. And generally I know we don't. We just say neighborhood commercial and let it go at that, but I'm not sure that we're serving our people sufficiently if we don't also maybe consider specifying the kinds of neighborhood commercial that we would expect to be there, particularly what we're so close to deficient roads.

Your thoughts?

MS. JENKINS: My thoughts is that list of uses will be available in your Planned Unit Development. So if there's some direction that you would like to provide for what we're looking at, when we look at the list of uses specifically for commercial uses that will be outlined in the PUD, well, that's where those listed uses will be better defined.

CHAIRMAN FRYER: And that's a fair answer. I just -- I wanted to go on record with my desire at the proper time, which is when the PUD comes before us, to look specifically at what is being offered and minimums that are being offered. Do we want to insist that there be some type of a grocery outlet there? Maybe, perhaps, a smallish one, but something there so that people can get those kinds of essentials. And, again, I relate that back to deficient roadways and the strong interest that we all have in reducing additional negative impacts.

So I hope that when that is discussed with the applicant that an emphasis will be placed upon identifying the quality of those and making sure that they match the anticipated needs of the residents.

MS. JENKINS: Uh-huh.

CHAIRMAN FRYER: Anybody else have questions or comments for staff at this time?
(No response.)

CHAIRMAN FRYER: I will probably have more, but I wanted to get these preliminary ones out of the way now before we hear from the public. And does staff have anything further to present?

MS. JENKINS: Not at this time.

CHAIRMAN FRYER: Okay. Thank you very much.
Planning Commission, any comments, questions, discussions that we need to have at this point?

(No response.)

CHAIRMAN FRYER: All right. Let's see. Mr. Frantz, how are we doing with registered speakers?

MR. FRANTZ: We have about six registered speakers; two here in the room and the rest online.

CHAIRMAN FRYER: All right. Would you please call the ones here in the room.

MR. FRANTZ: Here in the room, our first speaker is Rae Ann Burton. Rae Ann will be followed by Ruth Vargas.

CHAIRMAN FRYER: Okay. Thank you. What was the lady's last name again, please. Was it Burton?

MR. FRANTZ: Rae Ann Burton and Ruth Vargas.

CHAIRMAN FRYER: Burton. Thank you.

Ms. Burton, you're welcome to use either microphone now that the other one's been

cleaned.

MS. BURTON: Thank you. I also have handouts for you folks.

CHAIRMAN FRYER: Okay.

MS. BURTON: Hand them out now or --

CHAIRMAN FRYER: That would be a good time, probably.

While this is taking place, I want to ask the Planning Commission about the lunch break and how long we want to go -- thank you -- today. Anybody -- I know Commissioner Schmitt has something that he needs to do at noon.

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: And so from my perspective, I think, you know, noon to either 12:45 or 1:00 depending upon what the Planning Commission wants to do would be the proper time for lunch.

Would anybody object to having the 45-minute lunch rather than the full hour?

(No response.)

CHAIRMAN FRYER: Okay. And then what about quitting time today? How long do we --

COMMISSIONER SHEA: Whatever you want.

CHAIRMAN FRYER: Okay. Does anybody have a hard break time they need?

COMMISSIONER HOMIAK: No.

CHAIRMAN FRYER: Okay. Well, we usually -- we usually honor, you know, the latest as around a 4:30 or 5:00 break. I would expect to do that if that meets with everyone's approval.

(No response.)

CHAIRMAN FRYER: Okay. All right. Ms. Burton, you have the floor.

MS. BURTON: Okay. My name is Rae Ann Burton. I live at 2530 31st Avenue Northeast, Rural Golden Gate Estates.

The item of concern is the 9A1, resolution to amend the CC Growth Management Plan, increasing number of acres from 1,500 to 1,998 with plans to develop 3,000 to 4,000 units, a maximum of 4,042, Immokalee Road Rural -- note -- Rural Village.

One, destruction of over 244 wetland surface water acres by 15 percent. Sensitive area between Bird Rookery Swamp, Poggie Strand, Hogan Island, Horsepen Strand, Big Corkscrew Island, and Winchester Head, Exhibit A.

Two, it lies directly between 7,000-plus acres are Bird Rookery Swamp and Collier County Panther Walk Preserve, Exhibit A.

Three, endangered species in the area: Panther, eastern indigo snake, wood stork, Everglades snail kites, and limpkins.

Four, borders north by residents in agriculture, south and east drainage canals, and residential developments.

Five, this project incorporated [sic] with waterfowl wetlands create functional loss to aquatic environment.

Six, 49 native fish species feed and spawn in wetlands. This project will destroy 15 percent. Threat to freshwater fish and habitat modification, fragmentation, and destruction. 20 percent of fish are found in north/southwest wetlands, now considered threatened. Native fish estimated only 10 percent. Twenty-six species are considered rare or threatened.

Seven, impacting endangered panther. Panther/vehicle collision hot spots, please see Exhibit B and D.

Eight, eight panther/vehicle collisions within projects, the SR846, Exhibit C.

Nine, Exhibit E is black bear deaths shown in red.

Ten, there's also two historic sites in the area.

Eleven, staff states no impact on wildlife and infrastructure and traffic sufficient but are

failing when more roads, bridge over canals are wanted to be built, but sufficient for a village to be built. Explain "sufficient." Waiting in line of cars on Randall Road from Everglades to Immokalee for 10 minutes sufficient? Takes five minutes to get from my 31st Avenue on Everglades to Randall at 7:45 a.m. some mornings. That's not sufficient.

Twelve, already projects planned in the area that will impact Oil Well and Immokalee will total with -- totals 1,372 less acres [sic] and 1,350 less acres -- less units than Ave Maria and increase traffic by 9,300 [sic] cars if only two cars per unit.

Thirteen, the villages will create commercial sprawl. More traffic congestion, pollution, loss of wildlife, vehicle accidents, and death.

Fourteen, this was a quiet area to live. Reason many moved to the Estate, because it was rural to enjoy nature. Children ride bikes without fear of being hit, but now it's constant construction noise, destruction of wildlife habitat, creating more human contacts and more time commuting. If there's no traffic, I can get to the government building in 45 minutes. Traffic, a good hour, and it's only 26 miles.

Please do not approve.

Also, there are four parcels of this project that were gotten through foreclosure that could be a conflict of interest for a County Commissioner and his appointment to this board. It will increase human/wildlife conflicts, loss of farm animals and pets because of habitat loss. The wetlands destruction will endanger migrating and endanger waterfowl and increase stormwater issues due to loss of water retention wetlands.

Thank you.

CHAIRMAN FRYER: Ms. Burton, thank you. I want to be sure I understand. You mentioned a conflict of interest. Is that on the part on someone on this Planning Commission or the Board of County Commissioners, in your opinion?

MS. BURTON: The Board.

CHAIRMAN FRYER: Okay. All right. Thank you.

All right. And did you supply a copy of your papers to the applicant and also Growth Management Plan staff?

MS. BURTON: I supplied everybody that wanted, yeah.

CHAIRMAN FRYER: Okay. Because we'll --

MS. BURTON: I have more copies if you need.

CHAIRMAN FRYER: Yeah. Why don't you be sure Mr. Yovanovich has it and Ms. Jenkins has it so that -- because we'll be asking them to address these. Thank you.

COMMISSIONER SCHMITT: I just have a question.

CHAIRMAN FRYER: Commissioner, go ahead.

COMMISSIONER SCHMITT: Ms. Burton -- up here. You went through great detail about the habitat and about the impacts on various listed -- or species. I wouldn't say listed species, but some species. You do understand this was receiving land for almost 20-something years? Are you saying that you disagree with any type of development at all in this land?

MS. BURTON: Well, as you can look at the exhibits, and if you look at Exhibit A, the IRRV general area is right next to panther walk general area, which is on the right.

COMMISSIONER SCHMITT: Okay.

MS. BURTON: Also, if you look at Exhibit B, all the blue dots on there are panther territory. C shows all of the panthers that have been killed on the road, which is Immokalee Road, which is adjacent right to the project itself, and Exhibit E, there's also, on Immokalee Road, right next to the project where black bear deaths have occurred.

COMMISSIONER SCHMITT: I understand. But back to my question. It's been designated receiving land for almost 20, 25 years. That was designated to be a site for some type of development. Is it your position that no development should take place?

MS. BURTON: Oh, my position, sir, is there are enough developments/projects out in that area, we don't need any more housing out there right now. Our roads are failing, and the only reason you're increasing the roads are because of the villages. We have to incur water lines, power lines being built out there not for our benefits, but for the developers, sir.

COMMISSIONER SCHMITT: I understand. So, then, how do we compensate the landowner for denying them the right to develop on land that was originally designed to be a rural village? They have development rights. You do understand --

MS. BURTON: Sure. They have developing rights, but no developer has the right to destroy existing residents out there and our way of life that -- we moved out there for that. We moved to get away from the cities. We moved to get away from pollution. And when we moved out there, it was very quiet. I have seven brand-new houses on my street, which is only a mile, and that's been done in the last year.

We have neighbors who never put up fencing are chain linking their fences and putting up gates because of this development that's coming around us. Growth is fine, but it has to benefit everyone, not just the developers. It has to benefit the wildlife and the people that have lived out there for years.

COMMISSIONER SCHMITT: Okay. Thank you.

CHAIRMAN FRYER: Thank you. Thank you, Ms. Burton.

Next speaker.

MR. FRANTZ: Your next speaker is Ruth Vargas.

CHAIRMAN FRYER: Vargas with a V?

MR. FRANTZ: With a V. I don't see anyone approaching, so we'll go over to Zoom.

CHAIRMAN FRYER: Okay.

MR. FRANTZ: Your first Zoom speaker is Sally Woliver.

COMMISSIONER SCHMITT: I think somebody wants to speak, but I don't know if he's registered.

MS. WOLIVER: Good morning.

MR. DARIUS: I put my petition in to speak. They never mentioned me.

CHAIRMAN FRYER: I'm sorry, sir. You've registered to speak?

MR. DARIUS: Yes.

CHAIRMAN FRYER: Please come forward. Identify yourself and begin speaking.

MR. DARIUS: Fritz Darius. I live on 2580 DeSoto.

The concern I have is like this, okay. I don't mind the new creation of whatever that you guys want to plan, but the problem that I have is like this, okay. When you look at a couple years ago back in Irma, there was a problem where we couldn't get out on time. It was very, very crowded.

So imagine that you're adding another 5,000 people into the mix. So how are we going to get around to get out into -- to anywhere in case there's a problem? Like an egress. We need some sort of egress system so you could get out. Now, how we going to do that?

The more houses that you put, it's like -- it's going to be a lot of people. Some people assume that families consist of four people alone nowadays. No, it's not. Some people have more children than the others.

So if you're trying to get out from the Estates -- because it took me half hour to get from my house into, like, Collier County -- Collier Boulevard, let's put it. So you add all that, and then you have those commercial trucks that constantly going in and out of a neighborhood, which is, like -- the road is not made for it, let's put it this way, and you can see the damages on the roadway that -- how the road is constantly, you know, messing up, okay.

One thing I'm wondering, on Everglades we have the overpass that goes over the 75. Why don't we just open that? Why is it that you can't put a roadway where you could get through 75,

which is -- on the 75 side, it's Mile Marker 92-and-a-half. So you could have just put an entrance or exit to come in and out. It would make a little bit of -- a little -- like, make it easy for some of us to get around in and out of the Estates.

But I understand that they're saying, like, something about, like, crimes. There's crimes everywhere. At the same time, there's security stuff you could put to assist with that, which is -- if you go somewhere, you want to do crime, fine. Go ahead. Somebody's watching, because people's always watching. There's cameras -- everybody has cameras of some sort either -- whether it's their houses or cars or whatever, you could catch anybody that's doing any sorts of crime. It's not like back in the days, back in the '70s.

Well, people saying that -- okay, couple of month ago I went to the county trying to get -- because they told me that I couldn't split my lot. Okay. No problem. They said, since 1970, Collier had adopted you must have minimum of 150 feet wide to build. So I got no problem with that, but if you're saying, like, okay, on the corner of 6th and DeSoto there's a sign that says Bellmar that's going to be building. I don't know exactly on the corner. To me, it's only five acres there. Okay. When you move further up --

MR. BELLOWS: Excuse me, sir. Are you -- I'm over here. I think you're referring to the Longwater petition that follows this one.

MR. DARIUS: No, no, no, that's Bellmar. The Bellmar is on 6th Southeast.

CHAIRMAN FRYER: We have the Immokalee Road Rural Village in front of us. I mean, I understand your points about traffic, but you probably should confine your points to what's before us right now, which is the IRRV.

MR. DARIUS: Yes. What I'm saying is like this, so the Bellmar is right there on the corner of 6th Southeast, and also on the corner of Golden Gate Boulevard, Bellmar is there. Longwater is on the 24th North -- on the 20th Northeast. That's where the Longwater start. You can see all the stuff.

And also, they have one entryway on Oil Well, like on the Oil Well Road, which is the one that they talking about earlier all about that. But I'm saying, like, all I want to know is like this: How we going to make it to everybody to be all equally -- whatever -- like, able to get out in case of an emergency? It's all about emergency. Everybody wants to be build. Everybody -- I understand everybody wants to make something better. You could make everything better, but the thing is, how are we going to get out?

First, we have animals on the way, like the lady just said, that you're going to take their habitat away. Yes, we are, because it's -- it's all relying on greeds that everybody has. Everybody must have, must have, must have. But give the people a little bit of leeway so that way they could say, okay, I see what you're doing. I understand what you're doing. It's just like just let me do what I want, fatten my pocket. Meanwhile, don't care about what other people does. It does matter for everyone to understand that if you're trying to take away from some, you've got to create a way to make it better. You cannot take away not giving a leeway for everybody to participate in the whole thing.

CHAIRMAN FRYER: Thank you, sir. We're at five minutes now, but I appreciate your comments.

Anyone else in the room who either is registered or has been waiting around to speak?

(No response.)

MR. FRANTZ: Just for the record, Fritz Darius was registered for Longwater and Bellmar Village.

CHAIRMAN FRYER: Okay. All right. Understood.

MR. FRANTZ: We were going over to Sally Woliver on Zoom. We'll try Sally again.

CHAIRMAN FRYER: Ms. Woliver, are you there?

MS. WOLIVER: Yes.

MR. FRANTZ: Ms. Woliver, we can hear you but just barely. You may need to speak very close to your microphone.

MS. WOLIVER: Okay.

CHAIRMAN FRYER: We're not able to hear her.

MR. FRANTZ: We cannot make out what you're saying, Ms. Woliver. We're going to move on to the next speaker, and we will try to come back to you at the end.

Our next speaker is Jaferleen Perez Arias. I apologize if I've mispronounced your name. Jaferleen, you'll need to unmute.

MS. ARIAS: I am here. Thank you.

CHAIRMAN FRYER: And you'll have five minutes, ma'am.

MS. ARIAS: Thank you very much. And thank you for the opportunity to speak with all of you. The people that spoke before me have a very good idea of how I feel.

Give me just a moment.

CHAIRMAN FRYER: That's all right.

MS. ARIAS: Okay. I'm actually a resident of the Estates since 2013.

CHAIRMAN FRYER: Deep breaths are good, ma'am, and we're very patient up here. We're your friends.

MS. ARIAS: Thank you. Thank you.

I wrote everything down, so bear with me for a moment.

I moved out here. I reside on Everglades Boulevard north. And I would like to express my concerns about these villages.

When I moved out here, I used to work at Seagate Elementary, and I would leave my home about 6:50 in the morning, and I was at work before 7:30 all the way across town without any problems. If I tried the same trek right now, it will take me over an hour. The reason is, the large amount of new homes that are being built out here and, basically, no additional infrastructure for this growth.

Yes, there's plenty of impact fees that have been paid for all these new homes. Like Rae said, there's new homes everywhere but, really, we're not getting much done. There's one light on Immokalee Road. You added another left-turn lane. When we go into town to get Collier, there's another light coming on Randall. You repaved a portion of Randall Boulevard, and the curb to go into the Corkscrew Sanctuary on Immokalee Road and, of course, the expansion of a portion of Golden Gate Boulevard.

So the reason why most of the things are delayed is because there's not enough taxpayers' money or we -- there's no grants that we can apply for. Since I moved here, the bridge on 47th is supposedly being built. Yes, I know it is on the list, but it's not being worked on at the moment.

The park has been in the plans for over two decades. Yes, it is being built, but we still don't have a park out here.

Collier Enterprises presents all these things, and they sound perfect. The problem with this is we don't have the infrastructure or the services.

So an example -- I'm going to give you a few examples of why I'm so frustrated. My neighbor needed an ambulance. It took 40 minutes to get an ambulance out on Everglades Boulevard. This is a paved road. No problems to get here. It's not a mud road that, you know, somebody can get stuck on. We had a deputy sitting here for 40 minutes. We had the firefighters sitting here for 30 minutes blocking a lane on Everglades Boulevard waiting 40 minutes for an ambulance. How -- what is going to happen when this community up on Immokalee is going to be built?

We have no plans right now to widen Immokalee Road. Everglades Boulevard is on the plan for 2040. Just to give you a heads-up, two school buses, if you measure them, do not fit on Everglades Boulevard. Where is our safety?

The kids have to walk to the corner but they can't. You have to go drop them off. We have no sidewalks; nothing planned for them out here because, again, the park is not even built yet. How are they going to get there? We still have to drive. We can't bike. We can't go for a run. We can't do anything out here. It's not safe at all.

To give you an example of what the gentleman that was just speaking, there was a fire last year off of Everglades Boulevard and 18 South and 20 South. Thank God the wind was blowing from east to west and went into the city. If it would have gone the other way, everybody south on Everglades Boulevard and off of the DeSoto, they would have been trapped. There is no way out.

I think before all these villages get approved, we need to work on the infrastructure and our services before all this is approved. So please don't approve them. We have plenty of land still available that can be developed --

MR. FRANTZ: You have thirty seconds.

MS. ARIAS: -- before we make all these big changes with absolutely no infrastructure. Thank you so much for being patient with me.

CHAIRMAN FRYER: Thank you, ma'am. Thank you very much. Next speaker, please.

MR. FRANTZ: Your next speaker is Brad Cornell.

CHAIRMAN FRYER: Mr. Cornell, are you on?

MR. CORNELL: I am. Is this audible? Can you hear me?

CHAIRMAN FRYER: Very. Thank you.

MR. CORNELL: Oh, good.

Thanks for the opportunity to address you. I'm Brad Cornell, and I am here on behalf of Audubon Florida and its Corkscrew Swamp Sanctuary and also Audubon Western Everglades.

I did share with you a while ago a letter that Commissioner Schmitt had referenced, and I just wanted to summarize a couple of points that I believe need some emphasis, and -- but first I want to compliment the developer for meeting with me and Corkscrew Swamp Sanctuary staff as well as Florida Wildlife Federation staff recently, as had been referred to, and they have been very good about committing to continuing to work with us, so we're very appreciative of that.

Some issues I want to flag. First off, the crossings. Wildlife crossings are needed today on 846 going north and south. We've got bear and panther kills on that road. It's a hot spot. It's recognized by many agencies. And it's not only an issue for, of course, the wildlife bears and panthers, but also for motorists. Hitting a 400-pound black bear is dangerous all around. So this is a need today.

And as we look at expanding the transportation infrastructure, we should be also looking at traffic-calming strategies. Slower speeds, some other strategies for that internal road network that's going to possibly conflict with some wildlife movement through the preserve areas.

Second thing is, in restoring the farm field, I want to emphasize the need to look at restoring the farm field to wet prairie habitat. Wet prairies have been -- that was a predominant type of wetland for wading birds and wood storks that had been converted largely to agriculture. So it's very appropriate and necessary to move farm fields back to wet prairies. That's not easy, but it is necessary, and it's something that is possible, and we're very willing to work on that strategy.

And to that end, I'd like to add text as I have noted in the letter to the appropriate portions in the Growth Management Plan amendment to call out wet prairie as a target restoration for that.

The human/wildlife conflict reduction program has already been addressed. We're happy that the developers are willing to include commitments on that. It's definitely something that's required, not only here, but other places in rural developments, including the Golden Gate Estates. Bear-proof trash cans are essential.

The issue of the TDR credits is something to me that -- as I read the Growth Management

Plan amendments and look at the staff report, to me it looks confusing. We're very supportive, by the way, of the bonus credits, one per acre, for restoration. As I said, we know and recognize that wet prairies are going to be difficult, so we want to encourage and reward and incentivize that with the additional bonus credits per acre; however, if you look at -- in the density achievement section, these rural village bonus TDR credits, there's two. And one of those, just to us, seems excessive, but frankly, the whole strategy here for the extra TDR credits a little confusing.

Now, to back up and point out the problem that has already been pointed out a couple times, the conveyance credit is difficult to achieve. I think the county really should be addressing that for the whole Rural Fringe Mixed-Use District. That's been a target for years. It's in the white paper. We need to figure out a way to better achieve that conveyance function and the credit. You know, whether it's having a sufficient --

MR. FRANTZ: You have 30 seconds.

CHAIRMAN FRYER: We'll give Mr. Cornell additional time because he's a representative of an organization. Continue, sir.

MR. CORNELL: I'll be done in just a -- I'll be done in 30 seconds.

So, anyway, I think that -- I want to flag this conveyance problem that everybody has recognized for years. So the county needs to really target that as something that needs to be solved. And I suspect that the bonus rural village TDR credits are partly a compensation for the lack of achieving that conveyance credit.

And the final thing I'll say is just that in looking at management entities, which is related to this conveyance, a community development district or a homeowners association, CDDs and HOAs, are really, in our experience, poor land managers. They're not good. They don't really know how to manage preserves. And, again, that points to the need for some agency like Conservation Collier or the South Florida Water Management District to be the ultimate manager for preserves, especially preserves that have, you know, intricate habitats like panther habitat or wet prairies.

So with those comments, I appreciate your attention and consideration of them. I understand some of those are going to be in the PUD, but some of these need to be flagged and noted for the Growth Management Plan amendment today.

So thank you for your consideration.

CHAIRMAN FRYER: Thank you. Thank you, Mr. Cornell.

We will stand in recess for lunch. It's 11:59 now. We'll come back at --

COMMISSION VERNON: There's no more speakers?

CHAIRMAN FRYER: No, there are more speakers, but there are no more speakers in the room, correct? Yeah. So we will stand in recess until 12:45 for lunch. Thank you.

(A luncheon recess was had from 11:58 p.m. to 12:45 p.m.)

CHAIRMAN FRYER: Ladies and gentlemen, it is 12:45. We will reconvene, please, and continue with registered speakers. According to Mr. Frantz, we have two more registered speakers, both telephonically on Zoom. Mr. Frantz, who will they be?

MR. FRANTZ: We had two, and one of them may have dropped off over lunch, so we'll go back to that person. We're going to try Sally Woliver again.

Sally, if you could unmute on your end, and we'll see if we can hear you better this time.

MS. WOLIVER: Okay. Can you hear me now?

CHAIRMAN FRYER: Much better.

MS. WOLIVER: Oh, great. It works. Okay. Well, thank you very much.

I'm a Collier County, Golden Gate rate -- Golden Gate resident. I've lived here for 30 years. I'm also a Leadership Collier graduate, and I am a member of the League of Women Voters and, in that capacity, for the past five years I volunteered my time with Collier County's NOAA sea-level-rise grants.

So my comments are going to come to you from a future that we are already experiencing. And I'm looking at the development of these villages or towns or whatever they may be called, and my comments are focused on whether the planning for these villages have taken into account the economic risks and the impacts from climate change.

We simply can't afford to build communities that do not account for climate change. We've only to look at our friends in Texas and what they're going through on the extreme end of the weather spectrum right now.

So I'm going to keep my comments short, and I'm going to keep them focused on three areas. I'm going to be bringing your attention primarily to an article that came out of the insurance journal in February of 2020, just about a year ago, that looked at the physical and economic impacts of climate from now through 2040.

So the three areas they focused on are areas we already know well, number one being hurricanes. The Colorado State University team that accurately predicted last year's record-breaking 30 tropical storms have noted that storms are going to continue to increase in number and severity. And for anybody that's keeping track, they're already looking at the 2021 season, and they're giving it, even though it's early, a 25 percent probability that it will be a repeat of 2020.

CoreLogic issued their year-end report in December for climate-driven economic catastrophes, and Naples continues to be in the top 10 for at-risk properties.

So my remarks are saying, are we looking at risk factors when we're building these villages and/or towns? Who ultimately will be paying for making sure the roads are built high enough? And in a disaster, as you just heard from one of your previous speakers there in the room, will these roads be able to safely move residents out of harm's way?

Okay. Secondly, I want to talk to you about increased flooding. I mean, most people think about flooding as associated with sea-level rise, but they tend to forget about increased rainfall. And we forget climate change not only increases hurricanes but heavy rainfall. And, again, looking at Texas, we only have to look back four years ago to Hurricane Harvey in 2017 that dumped 60 inches of rainfall over one week. Will the sewage systems and wastewater facilities be able to handle these conditions? Remember, too, that as sea levels rise, so do our water tables, and salty water can mix with our community water supply. Right next door in Broward County, much of the water supply for 31 different municipalities are already experiencing underground saltwater intrusion.

Lastly, I want to talk to you about heat. I don't need to talk to you much about heat today because it's a -- temperature and humidity combined today are 89 degrees. I remember Februaries used to be much nicer.

Our average temperature has increased by 2.6 degrees. And just 15 years from now, by 2036, South Florida is on track to experience 123 days with the heat index above hundred degrees Fahrenheit. The communities that are on the drawing board now need to be looking at investments and keep smart infrastructure.

MR. FRANTZ: You have 30 seconds.

CHAIRMAN FRYER: Ma'am, are you speaking on behalf of the organization League of Women Voters, or are you speaking as an individual?

MS. WOLIVER: I'm speaking to you as an individual. They're happy to claim me if they want. So they're aware of my --

(Simultaneous crosstalk.)

CHAIRMAN FRYER: Fine. I'm going to ask you to wrap it up in 30 seconds, please.

MS. WOLIVER: Okay. So, basically, I'm saying Collier County's NOAA grants are coming together. The computer model will be done by this spring, and I would say delay any decisions until you have those computer models, and look at them as to how they're going to

impact the proposed villages.

And that's all, and thank you for your time.

CHAIRMAN FRYER: Thank you so much.

Who's our next speaker?

MR. FRANTZ: We have one last speaker who was registered this morning, although we did get another speaker who registered at 11:58 today. So your next speaker is Matthew Schwartz.

Matthew, you'll have to unmute on your end.

CHAIRMAN FRYER: Mr. Schwartz, can you hear us, sir?

MR. SCHWARTZ: Yeah. I unmuted. Can you hear me?

CHAIRMAN FRYER: Yes, we can. Please proceed.

MR. SCHWARTZ: All right. Great. All right. Let me see if I can minimize this so I can actually look at my notes. I got the two things on the same screen at the same time, and my mouse is being temperamental. Can you still hear me?

CHAIRMAN FRYER: Yes, sir.

MR. SCHWARTZ: Okay, great.

My name is Matthew Schwartz. I'm actually the executive director of a small organization here in South Florida called the South Florida Wildlands Association, and I've been talking to the Collier County Commission and sometimes the Planning Commission about development issues in this part of the world for a very long time, everything from oil wells to roads to new developments, and this is, obviously, a major new development.

I'm going to talk -- you know, my organization, we're focused on the protection of wildlife and habitat in the greater Everglades, and this is a key area for that wildlife. So I'm going to repeat some of the things that Rae Ann said at the beginning to start us off, because what I find ironic is that this entire discussion is taking place. There are no independent scientists here. There's no representative from the FWC, from the U.S. Fish and Wildlife Service, none of the university professors, Tom Hctor, Reed Noss, all of these folks who have studied these issues for years. You're not getting any of that input at all. So I'm going to give you what I can in that -- in the few minutes I have here on that issue.

This Immokalee Road village is located in a key corridor for the Florida panther. On one side, if you go to the northwest of the project, four major public lands: Audubon's Corkscrew Swamp Sanctuary; Bird Rookery Swamp; the CREW, Corkscrew Regional Ecosystem Watershed; Flint Pen Strand; and the CREW Wildlife Management Area. North of that is the Caracara Preserve, Prairie Preserve, more CREW lands, the Pepper Ranch Preserve, Lake Trafford empowerment [sic]. To the southeast lies the big swath of public lands that we know, the Florida Panther National Wildlife Refuge but also the Picayune, the Fakahatchee, and the Big Cypress.

So this project is going into a known panther corridor. As somebody also said, eight panthers have died on Immokalee Road by road collision on the east -- west side of the property on that stretch of Immokalee Road running north/south. More will die. Much more habitat's going to be lost. I mean, there's panther telemetry all over the place, especially in those key -- in the key corridors northwest and southeast of this project.

So you guys are making, ironically, the most important decision that could be made for a Florida state animal, an animal that has the attention of everybody in Florida, everybody in the United States. Actually, people around the world are fascinated by the one big cat that's left in the northeast [sic] United States living in your backyard.

And we're hearing, as you said to one other speaker, well, do you not no development here? Yes, I want no development in this project. I want nothing. This project is not in the public interest. It's going to disrupt the life of the area residents, both human and not human, and it produces nothing but wealth for the developer.

Let me tell you about a PRR I did, because the last time I spoke -- I missed the Hyde Park

meeting; I did speak on Rivergrass Village. During that discussion, we were talking about how many projects have actually gone on, because the rationale behind this that you hear from Brad Cornell and Ms. Budd from Florida Wildlife Federation is that if we don't build these dense communities, people will be developing all over -- all over Collier County. We'll get these five-acre ranchettes going everywhere. That is not true.

When I did a public records request and got the actual developments that have gone in -- let me see if I can pull up some of the information I got from that. From the PRR, between January of 2015 and January of 2020, 5,440 total permits were issued; 1,500 to 2,000 of them were in the PUDs along 951 and Immokalee Road. All the rest, everything else, was inside the Golden Gate and inside Ave Maria which both have plenty, plenty of vacant lots available. So there is no demand for this project whatsoever. Zero demand. And all that's going to happen is the developer's going to do this project, they're going to try to push it, as I remember -- you know, that happens. I mean, it's a commodity.

COMMISSIONER KLUCIK: Mr. Chairman?

MR. SCHWARTZ: Well, I'm speaking for --
(Simultaneous crosstalk.)

CHAIRMAN FRYER: Commissioner Klucik, go ahead, sir.

COMMISSIONER KLUCIK: Yeah. No, I was just wondering how much time the speakers have.

MR. SCHWARTZ: I was wrapping --

CHAIRMAN FRYER: He's five minutes. He has five minutes. And give him another 30 seconds on top of that.

MR. SCHWARTZ: I am representing an organization. I'm wrapping up. I'm just saying there's no demand for this project. It's not in the public interest. And the developer talked about walking away if he can't get it built. I would highly recommend the developer stop putting money into this, walk away, do the community a favor. Thank you very much.

CHAIRMAN FRYER: Thank you, sir.

COMMISSIONER SCHMITT: I have a comment.

CHAIRMAN FRYER: Go ahead, Commissioner Schmitt.

COMMISSIONER SCHMITT: Mr. Schwartz he said his name is?

CHAIRMAN FRYER: Yeah, Mr. Schwartz.

COMMISSIONER SCHMITT: Mr. Schwartz, you certainly -- this is Commissioner Schmitt. You certainly sound well versed on this, but how long have you been in Collier County?

CHAIRMAN FRYER: We may have lost him.

COMMISSIONER SCHMITT: Did we lose him? Did we lose him?

CHAIRMAN FRYER: It appears we have.

MR. SCHWARTZ: Yeah. I'm unmuted now.

CHAIRMAN FRYER: Good, good.

MR. SCHWARTZ: The button came back.

COMMISSIONER SCHMITT: I'm just asking how long you've been in Collier County, and just -- the only reason I ask that, because as -- if you saw the presentation from Mr. Mulhere, this is the rural fringe amendments. These amendments were passed and codified about 23, 24 years ago --

MR. SCHWARTZ: Right.

COMMISSIONER SCHMITT: -- included extensive analysis of sending and receiving lands, and many of the agencies you cited certainly were involved and had time to review the impact of any type of proposed development in the rural fringe area. I'm just puzzled. Of course, your position now is that no development should take place out there; is that correct?

MR. SCHWARTZ: Well, it's not just my position. I mean, I get that you're saying I'm

well versed. It's not -- I'm not a panther scientist. I get my information from the scientists that actually do the research. So the two main papers, "How much is enough?" by Kautz (phonetic), et al, and "Land Analysis of the Florida Panther" by Frakes (phonetic), et al, both say there is not enough habitat for the panther as it is. Nothing should be developed. The inferior stuff should actually be restored. That's the scientific recommendation. That's best available science. And their papers -- the peer-reviewed papers are out there to back that up.

But it's -- I'm going to say one thing about the agencies, because now I'm going to talk a little bit about the politics of the Fish and Wildlife Service. They never deny anything.

So even sponsoring that science and knowing that that's the science, they still give the okay to everything that gets built in Collier County. That's another irony. So that's why there's a need for a nongovernmental organization like mine to put forward the science that they seem not to be willing to do.

I spoke to David Shindle today by email. I said, are you going to be at this meeting? Are you going to be speaking? David Shindle is the lead panther person for the Fish and Wildlife Service in Vero Beach. Is he speaking today and giving you his recommendations? No, you're getting it from me.

So all I can say is that this is best-available science. The panthers have been boxed out. You've got a small population living in a very enclosed area. It's becoming a zoo. Panther roadkill is what it is. We're losing 1 percent of the habitat a year. Extrapolate that out 50 years, and you've got 50 percent left. That's not enough to support the species.

COMMISSIONER KLUCIK: Mr. Chairman?

COMMISSIONER SCHMITT: I understand your position. Thank you for your comment.

MR. SCHWARTZ: Okay. Thank you.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: Yeah. I would just say that the North American cougar, a/k/a the Florida panther, certainly seems to have gotten a lot of attention over the decades, and I agree that this has been factored in. And just, you know, the suggestion that somehow the county or the applicant is just moving forward and disregarding environmental concerns is just not acceptable, and it's not fair.

And what I -- what I would caution people like Mr. Schwartz is that when you -- when advocates come in and make their case and we put systems in place and then we accommodate that and we try to put the best practices into practice and include them in our Land Development Code and all the schemes that we have to encourage environmental planning, it's very, very frustrating to see all that done and you win progress, and then as soon as you win progress, then you come and you demand more. And I'm sick of hearing that kind of thing from advocates.

We are factoring in the environment, and I don't think it's helpful to constantly move the goal post. And I think -- I'm glad that Mr. Schmitt asks the question. You've admitted you just don't want any more, and that -- that's not going to really be helpful in these kind of proceedings.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Simple technical question for him. We've seen this exhibit that the first speaker gave us, and it was in the Conservancy's package. It's called "Florida Fish and Wildlife Conservation Florida Panther Telemetry." When you look at it, there are tons of, I'm assuming, spotted where they've -- if you look at where the development is, there's almost nothing there. So I don't know how this exhibit -- maybe I'm misinterpreting it -- champions the cause that they're destroying panther habitat. From that exhibit it looks like they actually picked a spot

where the panther doesn't spend a lot of time. So I'd like to see better data, because the data doesn't reinforce that.

CHAIRMAN FRYER: Thank you.

Other comments, Commissioner Schmitt?

COMMISSIONER SCHMITT: Just to clarify, and I'm sure Passarella or their environmental specialists will comment or could, and I think by now they probably already know, they're going to have to compensate for impact regardless in what they call PMUs, panther habitat units, and they will pay a mitigation for panther habitat units. That money does go to the U.S. Fish and Wildlife, and it pays for all the other type of things that are going on out going East 41, the warning lights, the fencing, all the other type of things that are associated with it. I would suspect this is going to be a fairly significant hit in PHUs.

COMMISSIONER SHEA: And that happens in the PUD process?

COMMISSIONER SCHMITT: That happens in the permitting process, when they go through the permitting process, when it continues to go through the DEP or it reverts back to the U.S. Army Corps of Engineers. Under the Endangered Species Act, through the -- either the 404 process, or Section 7, consultation, U.S. Fish and Wildlife does comment, and they will provide input as to what impacts going to -- what impacts will be taking place. And so, I mean, we can ask those questions when we talk about the environmental impacts.

MR. EASTMAN: In addition, the panther credits will also expand panther habitat as well, to add on to what Commissioner Schmitt is saying.

COMMISSIONER SCHMITT: Yeah. They would take that money and purchase lands elsewhere that are more -- deemed more suitable than open farmland.

CHAIRMAN FRYER: Thank you. Any other comments of this speaker? If not, who's next, if anyone?

MR. FRANTZ: Our last speaker is Mike Petscher.

Mike, you'll have to unmute on your end.

MR. PETSCHER: Thank you. My name is Mike Petscher, and I was actually born and raised in Naples. More specifically, the Golden Gate Estates, in this area specifically.

I've always stated I'd rather -- I would rather see nothing built than the wrong thing built in the wrong area, and that's exactly what this is. Four thousand homes is not the correct development for this area.

As others have mentioned, the impacts of -- the impacts to the environmental impacts will be detrimental, but it will also have enormous impact on the residents, specifically their quality of life. We currently don't have the infrastructure to support the amount of residents in this area. You know, I remember 20 years ago *Naples Daily News* published on their front page an aerial shot of Immokalee Road and said "one bad road." Twenty years later, even at six lanes, it's still one bad road.

For a long time, the residents of the Estates have been put on a back burner and treated like second-class citizens with the lack of infrastructure in our area, and whenever the subject was raised, we only hear, oh, it's coming, or it's planned, and now we have a 4,000-unit community being presented to the planning committee, and we still don't have any infrastructure to support this.

You know, the Estates is -- the Estates, I refer to them as the lifeblood of Naples. We're your contractors. We're your plumbers. We're your -- all your working-class citizens that feed Naples and provide any kind of labor that you possibly need, and for the lack of infrastructure that we have and the way we're being treated, this development is just not the right development for this area.

Now, I'm not against [sic] taking away property rights. I'm just simply asking you to look at this as 4,000 homes in an area that doesn't need to be 4,000 homes. Maybe we could work with

the developer to create a much less scale. Maybe we could work with the developer to have them actually pay for some of the infrastructure that we need out here. And that's my position on this. And thank you for your time.

CHAIRMAN FRYER: Thank you very much.

Any questions or comments seeming -- I don't see any lights on, so I guess not.

All right. We have heard from staff. We've heard from the applicant. We've heard from the public. And I'll ask the question, any other members of the public who haven't registered but are here wish to be heard on this, please let me know. I don't see anybody raising their hands. So I don't want to close public comment yet, because I want to reserve that opportunity in the event we need to ask the developer and staff further questions. And, in fact, I've got a large number of them, and I can build them into the framework of your rebuttal, Mr. Yovanovich, or we can just go through my list of concerns, whichever you prefer.

MR. YOVANOVICH: Mr. Chairman, what I thought would happen is, obviously, we'll answer any questions you may have, and if we need to do a rebuttal, we will. But I do think it would be appropriate to close the public comment, not my team's comment. I mean, I don't know that people should be allowed to register to speak and get on Zoom and say, we now want to make comments on this matter. So I think it would be appropriate to close that portion of the hearing process, and then we'll answer any questions you may have, or I can do a brief close; whatever you prefer.

CHAIRMAN FRYER: Without objection, including from the County Attorney, I think that makes sense. And we will, therefore, close the public comment, but I want to be sure that we reserve the opportunity to ask more questions of staff and of the applicant.

COMMISSIONER SCHMITT: I have a question.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER SCHMITT: Mr. Yovanovich, concerning the comments we've heard from the public, could you clarify what right you have today to build out there.

MR. YOVANOVICH: That was my very first rebuttal point.

COMMISSIONER SCHMITT: And without even coming in for this amendment, without even coming before the Planning Commission, you could submit an application for what to the county for review?

MR. YOVANOVICH: Well, right now we have 1,998 acres -- I was going to pull up the property -- of receiving lands property. And under the 19 -- under the current Rural Fringe Mixed-Use District provisions in your Growth Management Plan, we can come in, and we would not come to the Planning Commission.

COMMISSIONER SCHMITT: Right.

MR. YOVANOVICH: We would just go through Site Development Plan and plat approval process for 1,998 units on those receiving lands.

COMMISSIONER SCHMITT: 1,998 units.

MR. YOVANOVICH: 1,998 units. One per acre we can get up to in the receiving lands. Now, we would buy TDRs, obviously, to get to that number. But we can do that as a matter of right under the existing Growth Management Plan provisions.

We also could develop on the neutral at one per five. I think that's 42 units, although neutral -- 42. I'm going to trust Bob on the math; 42 units. He's right. So we could do 42 units on the neutral. And that would be -- I can't remember if we can cluster in neutral yet or if that's something that we're talking about doing in the future.

COMMISSIONER SCHMITT: But that's something you could come in today as long as you meet the requirements for --

MR. YOVANOVICH: So basically --

COMMISSIONER SCHMITT: -- preservation of -- you know, impact on wetlands and

other type of things.

MR. YOVANOVICH: So we could come in at whatever 1,998 plus 42 is as a matter of right today. Now, remember we do that and we provide no commercial, we provide no office, we don't provide a spine road to direct traffic around the loop on Immokalee Road. None of that comes into play as part of a regular Rural Fringe Mixed-Use District development today.

COMMISSIONER SCHMITT: So these agencies that want to put this in preserve for perpetuity, I guess they have the option, they could offer you --

MR. YOVANOVICH: I'm sure there's a price --

COMMISSIONER SCHMITT: -- a price.

MR. YOVANOVICH: -- that we'd be willing to sell that for. I mean, if someone wants to make an offer, we'll take it to the client.

COMMISSIONER SCHMITT: Otherwise, like I said, you have every right just to go right to Growth Management and submit a site plan.

MR. YOVANOVICH: Yeah. If you'll recall -- I forget -- GL Homes is doing a project south of Twin Eagles.

COMMISSIONER SCHMITT: Yes.

MR. YOVANOVICH: That is under Rural Fringe Mixed-Use District provisions. Never came to the Board of County Commissioners. La Morada that --

COMMISSIONER SCHMITT: La Morada is another one, yes.

MR. YOVANOVICH: -- WCI did never come to the Planning Commission, never went to the Board. There's probably a handful of others --

COMMISSIONER SCHMITT: Okay.

MR. YOVANOVICH: -- that have done that as a matter of right under the existing code. And I want to point out under the -- we're making some tweaks, obviously, to the Rural Village requirements, but if we -- if those requirements actually would work, you're talking about 4,500 units that could be asked for under the existing Rural Fringe Mixed-Use District rural village provisions, because you can go between two to three units per acre in a rural village. So we'd have 1,500 acres times three is 4,500 units under the current regulations, and we're trying to actually bring in -- do a slightly larger village at a slightly lower density.

COMMISSIONER SCHMITT: Okay. Thanks.

CHAIRMAN FRYER: Other comments or questions from the Planning Commission?
(No response.)

CHAIRMAN FRYER: All right. Let me -- let me begin here and just see how far we get. And if anyone comes up with an idea of something they want to ask that I'm talking about, please don't hesitate to interrupt me.

First of all, when is buildout?

MR. YOVANOVICH: When is buildout?

CHAIRMAN FRYER: Yeah.

MR. YOVANOVICH: Well, now you're getting into the PUD details that I thought were going to happen at the adoption hearing, because right now we're just simply talking about tweaking the language in the Comprehensive Plan. So I'd have to go back and look at the traffic study for what we have as buildout.

Does anybody know that?

MR. SCHROTENBOER: 2030.

MR. YOVANOVICH: 2030.

CHAIRMAN FRYER: 2030 is buildout. I had seen that in Mr. Trebilcock's material, but I hadn't seen it anywhere else. Okay. So buildout is 2030.

Okay. You heard my question of staff having to do with the nature of the neighborhood commercial, again, that will be coming before us when we talk about permitted uses. Will your

client be amenable to talking about and giving consideration to specific forms of neighborhood commercial that would mitigate the need, reduce the need for residents to leave the village in order to take care of necessities?

MR. YOVANOVICH: Well, I'm certainly going to talk to my client between now and the zoning hearing. I'm sure what we're going to be concerned about is we're not going to want to get locked into certain specific commitments because, by way of example, if another project comes along that's, you know, a mile or so away and they get -- they get a Publix, I don't want to commit that I'm going to have to build a Publix as well.

So there are things -- those are the types of things that I -- we'll talk about it. Who know who we would like to attract, but there's only so many Publixes that can happen in a market and so many gas stations and so many other things. We'll talk about it, but I don't know that we'll be able to commit to a specific list as part of the project.

CHAIRMAN FRYER: All right. Are you -- you had asked for leave to have Ms. Gallo present remotely. Will that be happening?

MR. YOVANOVICH: Actually, I misspoke. Ms. Gallo, the fiscal neutrality analysis for Immokalee Road Rural Village is part of the PUD process. She will be speaking remotely for Longwater Village.

CHAIRMAN FRYER: Okay. I have -- oh, on affordable housing, were you in general agreement with the way Mr. Giblin characterized the state of play at this point?

MR. YOVANOVICH: Mr. Giblin and I had a very brief -- I don't know if he's still here. Oh, there he is -- a very brief conversation about what the Land Development Code requires, and he and I will have a more detailed conversation about what it requires as part of the PUD. So I'm not going to say I agree with him, but I will talk to him and try to better understand what his position was and, obviously, do my own independent research to confirm if I agree with him or I don't.

CHAIRMAN FRYER: Okay. And the decrease in the greenbelt from 300 to 200, would you just elaborate on why the framers of the current rules didn't get it right with respect to your proposal.

MR. YOVANOVICH: Well, I think that this is a unique piece of property, and as Bob started to talk about, there are a lot of moving parts from what staff is asking for as part of the PUD, and with some of the requests from staff regarding the PUD, has obviously skinned up what is left for the developer. And we've talked to staff about accommodating that through some reductions to the green space or the greenbelt requirement, basically, on the eastern area as well as along the south and then again along Immokalee Road. There -- as you can imagine the discussions, that's why we don't have the final PUD in front of you today. It keeps moving. It's a moving target. Not disrespectfully to staff. It's -- so that's the reason for the request to reduce the greenbelt as part of this project. Bob alluded to the road, utility easements, well sites. All of that affects.

CHAIRMAN FRYER: Okay. A number of speakers raised questions about the environment, traffic, potential for urban sprawl, habitat, infrastructure, wildlife crossings, and the like. Did you want to say anything further about any of those subjects?

MR. YOVANOVICH: No, not really. I mean, I think at the end of the day those will all be addressed as part of the PUD. We'll do -- you'll have the detailed traffic analysis. That will be in front of you. And if mitigation is required to address any deficiencies, that will be in front of you at that time, which will be concurrently at the adoption hearing and the PUD -- at the PUD hearing. So I think it's premature to address that. You know, Mr. Schmitt adequately described we've still got to get environmental permits, and the zoning is just one of the different entitlements we're going to need to get and we'll address in greater detail, if necessary, at the PUD regarding environmental impacts.

COMMISSIONER VERNON: Mr. Chairman, if I could just make a comment on that front.

CHAIRMAN FRYER: Go ahead, Commissioner Vernon.

COMMISSIONER VERNON: You don't need to respond to this. It's just a comment/thought that -- I usually try to save them till the end, but I think it's apropos here.

You know, I and I think everybody here, cares about what the public thinks. And usually after hearing the collection of the public, whether they're organized or disorganized, kind of one theme pops up, and here I see two themes. One is we need more infrastructure because traffic's bad. What if I have an emergency? I need to get out. So that is, we need more roads, better roads, we need this. The other is, don't do the development. We need more panther habitat.

And I'm always pushing for developers to be good neighbors, and so that's two -- to me those are two slightly inconsistent -- not slightly. Those are two inconsistent things. And so I'm not asking you to even respond. I'm just telling you what's on my mind. And under the context of being a good neighbor, you're going to have to, I think, try to work -- continue to work with the community in order to try to figure out how do you address those two inconsistent objections.

MR. YOYANOVICH: Well -- and, Mr. Vernon, I will -- I do want to respond, because we have been very involved with the community in both the Growth Management Plan amendment process and drafting the PUD, and the PUD has evolved over time, the master plan has evolved, the number of units has evolved, location of units. Bob got into a little bit of that in the presentation about where the neutral lands are in this project, et cetera.

But I want to talk about the overall -- the overall environmental protection concept was addressed when the Rural Fringe Mixed-Use District was adopted as part of the Growth Management Plan, and that overall concept happened when you identified receiving areas, you identified sending areas, and you identified the neutral areas.

So from the big picture, the environmental issues were resolved when the county identified this property, which is back on the map, as the blue area because you want it -- and I'm sorry that right in the middle of this big thing where it says IRRVO there's a whole lot of red -- you're right. Thank you, Bob.

There were significant areas that were put in sending lands to protect the highest environmentally valued lands, recognizing that there needs to be that balance. So that -- we still have to get permits, as Mr. Schmitt pointed out, and there may be additional mitigation that needs to occur regarding environmental impact. So that's going to be addressed. So I think we're going to clearly address that.

And we will be addressing transportation. One of the good things about a village is there's the -- there is the requirement for the public road. And as Bob pointed out, basically the road that's going to avoid your having to go through the loop or the curve on Immokalee Road, that's a tremendous community benefit that you'll hear more about when the PUD comes forward. So there will be infrastructure associated with that when the PUD comes forward, and you'll see that. But there's a whole lot of things that we've got to get through to whether or not the PUD makes economic sense.

COMMISSIONER VERNON: Yeah. And I'm just saying --

MR. YOYANOVICH: But we'll address those.

COMMISSIONER VERNON: -- that being a good neighbor, keep that in mind. Make sure the spine is -- I know you can't satisfy, but is helpful to respect their concerns. And also I understand that this was addressed on the environmental issue, but you still have people objecting. Now, you may disagree with them, but I'm saying, let's, in my mind, show them some respect and see if there's anything additional you can do on the environmental side. And I'm recognizing those are two, in my mind, a bit inconsistent issues. So I'm throwing out that request to you.

MR. YOYANOVICH: I can assure you we always are respectful when we discuss with

our neighbors. We may not make every objection go away, but we do try to address all reasonable concerns that we can address.

CHAIRMAN FRYER: Thank you.

The next point that I want to ask about -- and this -- I don't think we need to call Mr. Trebilcock up here, but I am going to be referring to the TIS that he did in July of 2019 just to reference some numbers that he used; not for traffic, but for commercial. And in it he says -- he said, the community commercial center would allow for up to 225,000 square feet retail and up to 150,000 square feet of office space. Then as this project evolved and REEI, the economic analysis people, came along in May of 2020, those numbers were ratcheted down to 150,000 and 100,000 respectively. And so my concern when I see that happening is that there is a plan underway or there is a move underway to reduce the commercial offerings; is that correct? And if so, why?

MR. YOVANOVICH: Well, we'll -- at the end of the day, we are going to meet the growth management requirements for providing commercial and office. We're going to meet those requirements. The question about, you know, initial thoughts about what would make sense on the property, it's a process that evolves, and there have been changes through the process, and that affected the TIS, and we'll be prepared to present all of that hopefully to your satisfaction when the PUD comes forward to explain all the details.

CHAIRMAN FRYER: Okay. In the testimony today, then, we've been presented with a plan that is going to have a minimum of 3,000 and a maximum of approximately 4,000 dwelling units; is that correct?

MR. YOVANOVICH: I'm sorry. I was --

CHAIRMAN FRYER: That's all right.

MR. YOVANOVICH: Would you ask that again.

CHAIRMAN FRYER: I'm trying to get the parameters of what the number of dwelling units are, and I believe I heard a minimum of 3,000 and a maximum of a little over 4,000.

MR. YOVANOVICH: I think -- yeah, approximately 3,000 to 4,000, yes.

CHAIRMAN FRYER: Okay. There are numerous places in -- yeah, there are numerous places in the material where -- including material that -- well, Mr. Trebilcock and staff also picked up on this language -- where you say "up to," you know, "up to" this much commercial or "up to" that, suggesting that there's really no minimum at all.

I'm not sure why we really even need a maximum, because I think the market conditions will dictate the maximum, but I think it's important that we have a minimum.

MR. YOVANOVICH: In the Comp Plan?

CHAIRMAN FRYER: Yeah.

MR. YOVANOVICH: I think it's more appropriate to deal with that at the PUD.

CHAIRMAN FRYER: Yeah. But the documents that are in front of us use the expressions "up to."

MR. MULHERE: You have to have a maximum by statute.

MR. YOVANOVICH: My co-counsel reminded me that --

CHAIRMAN FRYER: I know, statutory maximum. I know. But -- so the "up to" -- and I'm not saying that you put this in here, but I just saw it referenced several places, including in Mr. Trebilcock's report where they say "up to this" and "up to that." And I'm troubled by that language, and if it implies, which I think it does, that you could do no commercial.

MR. YOVANOVICH: The Comp Plan language under the village center section, 3B, it says, a minimum of 50,000 and a maximum of 250,000.

CHAIRMAN FRYER: Okay. All right.

MR. YOVANOVICH: And they're C-1 through C-4 uses.

CHAIRMAN FRYER: Understood.

MR. YOVANOVICH: And then we have a minimum of 25,000 square feet of civic and a

maximum of 125,000 square feet of civic.

CHAIRMAN FRYER: I will, if you don't mind, ask Mr. Trebilcock to come up so that he can answer a question or two.

And I'll start my question while you're approaching. It's rather usual, but there were actually three iterations of your TIS. And it evolved. Among other things, more roads got added for your consideration, which I consider to be a beneficial addition. But why would you say, you know -- again, I like to imagine that some of this is really scientific rather than just alchemy -- was it necessary to revise your TIS twice after the first iteration?

MR. TREBILCOCK: For the record, Norman Trebilcock, professional engineer, certified planner, professional transportation operations engineer.

So normally when we have a project, especially a project of this size, there's review by county staff for what we submit. And so this would be a normal review process. But this project has -- as you've mentioned, has gone over a period of time. You know, I started this with the 2018 AUIR, you know, and it's been updated to the 2019, and now we're in 2021.

So over a period of time and with staff reviews, those are the reviews we received. They have professionals reviewing it, so I just respond to those comments, and that's really what we've done.

By the way, the latest TIS is September. It would be 9/10/2020. You had mentioned July. So I just want to make sure we're --

CHAIRMAN FRYER: That was the date of your TIS.

MR. TREBILCOCK: No. Right, okay.

CHAIRMAN FRYER: 13 July -- excuse me -- 13 September.

MR. TREBILCOCK: Right. Yep. September 10th is the cover sheet. Okay.

CHAIRMAN FRYER: Right. Well, here's -- you know --

MR. TREBILCOCK: Yes, sir.

CHAIRMAN FRYER: You're good at what you do, and no one would -- no one that I know of would attempt to be critical of you for your credentials or your judgment. But let's face it, I mean, you are a compensated advocate for the developer. This is Mr. --

MR. YOVANOVICH: I'm going to probably respond to that statement.

CHAIRMAN FRYER: Okay. But you're not Mr. Trebilcock.

MR. TREBILCOCK: I can respond, too. I'm a professional engineer with -- the health, safety, and welfare of the public is my priority.

CHAIRMAN FRYER: Oh, I understand.

MR. TREBILCOCK: That is my priority.

CHAIRMAN FRYER: And I appreciate that, and I don't doubt it for a minute, but --

MR. TREBILCOCK: It sounds like it.

CHAIRMAN FRYER: When you come -- excuse me?

MR. TREBILCOCK: It sounds like you are. I mean, it seems like it, that you're doubting it, but that's okay.

CHAIRMAN FRYER: No, I'm actually not.

MR. TREBILCOCK: Okay.

CHAIRMAN FRYER: I was very careful to acknowledge your expertise and your judgment.

MR. TREBILCOCK: Thank you.

CHAIRMAN FRYER: Thank you. But when you come in with a relatively few number of impacted roads, that seems to be an advocacy effort to reduce the focus or narrow the focus with respect to what roads are actually affected. And now we've got a long, long list which has added at least five segments. Is it -- was it your opinion beforehand that those weren't relevant or didn't need to be considered?

MR. TREBILCOCK: So also we had a revised AUIR that will change what we review as well. So, again, we do meet with staff. We do a methodology. Look at what we believe will be the significantly impacted roadways, and we present that. And then as we look at the information with staff, they say also we need to look at some additional ones based on the information we've provided. It's all objective analysis.

And to your point, so what we saw were there were additional road segments we need to look at. And so we say, of course, let's look at those.

CHAIRMAN FRYER: So Road Segments 42.2, 43.1, 46.0, and 50.0 were added. Are you saying that they were added because of the new AUIR?

MR. TREBILCOCK: At this point, to the best of my knowledge, that would probably be the case or, again, when we initially looked at it with staff, we determined that we didn't believe those would be significant. But when we did the numbers analysis, we realized that we needed to go further to get below a level of significance. So, yes.

CHAIRMAN FRYER: And you deleted Segment 120.0, which was part of Oil Well. Why was that?

MR. TREBILCOCK: I don't recall. I'd have to look at that.

CHAIRMAN FRYER: The same answer with respect to 136.0, which you deleted? It's Everglades.

MR. TREBILCOCK: 136? I'm showing 136.

CHAIRMAN FRYER: Point 0.

MR. TREBILCOCK: Yes, I'm showing 136.0, and I'm also showing 120.0 in --

CHAIRMAN FRYER: 136.0 doesn't show up on Table 3A.

MR. TREBILCOCK: It's on Table 3B.

CHAIRMAN FRYER: Well, that was -- yeah, okay.

MR. TREBILCOCK: Those are roads we still look at, because it's a long list. We go 3A, 3B.

CHAIRMAN FRYER: So it was a later TIS iteration?

MR. TREBILCOCK: Well, I'm --

CHAIRMAN FRYER: Because there was no 3B in your -- in your September 2020.

MR. TREBILCOCK: I'm looking at the September 2020, and there's a Table 3B in this.

CHAIRMAN FRYER: Okay. I stand corrected.

MR. TREBILCOCK: That's no problem.

CHAIRMAN FRYER: I think that's all I have for you, Mr. Trebilcock.

MR. TREBILCOCK: Thank you. Anything else?

(No response.)

MR. TREBILCOCK: Thank you.

CHAIRMAN FRYER: And I believe that's all I have, although I want to finish by saying this: I'm very, very concerned about certain aspects of this. It doesn't mean my concerns can't be allayed, but to me economic analysis is fundamental when you're talking about changing density, which is what we're doing here with the Growth Management Plan. Now, I understand there's language in the governing laws that seems to imply that it doesn't have to come forward until the LDC, but that's just -- if anything, that impairs my ability to raise these questions at this early time, but the questions are actually absolutely going to come out. And when DPFG is here, they can expect to have some very penetrating questions asked at that time.

MR. YOVANOVICH: We look forward to it.

CHAIRMAN FRYER: Thank you.

Anything else from Planning Commission?

COMMISSIONER SCHMITT: Yeah, I have a question.

CHAIRMAN FRYER: Go ahead, Commissioner Schmitt.

COMMISSIONER SCHMITT: I would like to ask Andy some questions about environmental, if Andy could come up, Andy Woodruff, if he's available. Oh, there he is. I thought you may have gone out for a walk.

MR. WOODRUFF: For the record, Andy Woodruff with Passarella & Associates.

COMMISSIONER SCHMITT: Andy, could you, for the record, state your qualifications, because I'm going to ask you some questions in regards to panthers.

MR. WOODRUFF: Oh, boy. So I've been a professional environmental consultant here since 1992. I've been on this piece of property since the late '90s working on this piece of property. I walked into the county with the then -- one of the, then, landowners when they were talking about putting it in the rural fringe and talking about the receiving/sending designations.

Professional wetland scientist, certified wetland delineator. I have walked thousands and thousands of acres over the years. Done my fair share of species surveys, consultations with the agencies over wildlife concerns, and working out compensatory mitigation for those.

COMMISSIONER SCHMITT: Okay. My question -- I'm going to go back. And, you know, I certainly have great respect for the opinions of -- coming from Brad Cornell and Ms. Budd from the -- what are they -- I just looked at it -- from Audubon.

And here's my question from a professional standpoint. One of the things they asked for is a crossing under 846 which, of course, is Immokalee Road, and they want it on the west of Immokalee Road. I understand because of the number of hits along that portion of Immokalee, but if this were to be developed, my concern is with a crossing on the west of the property under Immokalee, aren't you -- to the east then are Estate lots, correct, of this development? So wouldn't you be -- wouldn't it somehow be inviting panthers to come in from Corkscrew, come down, cross under the crossing possibly, and then through the community and then, basically, now you're heading east, and you hit Estate lots again. I'm just puzzled. Had you and Brad talked about the rationale for promoting the crossings along -- along Immokalee Road on that western edge of the property?

MR. WOODRUFF: Yeah, we've had those discussions. So the exhibit that I've put up for you is looking at that section of the property on the northeast corner where we abut Golden Gate Estates.

COMMISSIONER SCHMITT: Correct.

MR. WOODRUFF: So we have -- at the northern end of our property where we're proposing over 400 acres of sending land designation as a large preserve area, on the west side of that, on Immokalee, we've got about eight incidences of fatalities related to panther. There's also been -- up and along Immokalee Road there, there have been bears as well over the years. That's over a 30-year span. That's a record. So you're talking cumulative. Some of those happened decades ago. Some of those happened several years ago. So both current and recent.

That piece of property -- so as you come onto the land, you have ag and mining underneath you. You have the Golden Gate Estates canal that runs north/south on our eastern boundary. Beyond that you have the platted lots for Golden Gate, which has been subdivided and chopped up with roads and canals. And, ultimately, you're looking at buildout for the Golden Gate. Although in its current state, you have, you know, a hodgepodge of a house here and an empty lot next to it, you have to start thinking the future. This isn't a Picayune situation where you have the ability to go back in and try to restore this land, purchase all of these lots, and have habitat restoration as a corridor for wildlife.

The corridor that used to exist here doesn't exist here anymore. It's been subdivided. It's been chopped. If you were to direct cats into this land and try to direct them, you're directing them into Golden Gate Estates, you're directing them into Everglades Boulevard, and you're directing them back into Immokalee Road.

COMMISSIONER SCHMITT: That's what I thought. That's the way I look at this, that

I'm almost --

MR. WOODRUFF: You're crossing Immokalee twice to try to get them through a corridor that's been chopped. So you have to make decisions about where you're going to put people and where you're going to put wildlife and how you're going to do that. In this particular piece of property, the proposal is that we designate large area of sending land. This sending lands that we're putting together, the preserves that are on this piece of property, they contain a significant amount of upland habitat, which is fairly unique. When we talk about doing preserves and mitigation on land, we're mostly talking about preserving wetland habitat for the agencies.

We have combined a significant portion of uplands that are being provided here as well, and it's being provided in one contiguous block.

Now, as far as large mammals are concerned, we're sort of a dead-end, okay, because of the development activity that's occurred to our east and the roadways that wrap around us. So they may come into the property, and then they're exiting the property at that slough location where we end up having the fatalities that we've had over the decades, so...

COMMISSIONER SCHMITT: Can you click to the other view that shows the western boundary. That's along Immokalee. That's -- I mean, that's where Brad appears to be asking for a crossing. And I'm just, again, curious as to -- we're almost leading -- inviting the panthers to cross in, and then they have no way out other than to go out the way they came in underneath Immokalee Road if you put a crossing there.

MR. WOODRUFF: Yeah. So as you come -- can I draw on this? So Immokalee Road runs down --

COMMISSIONER SCHMITT: Yeah, exactly.

MR. WOODRUFF: Okay. We're proposing a sending land preservation area that wraps down, up, and along Immokalee Road there.

COMMISSIONER SCHMITT: But is that where Brad is looking for a wildlife crossing?

MR. WOODRUFF: Well -- so he's looking for a wildlife crossing where we have the fatalities --

COMMISSIONER SCHMITT: Yeah.

MR. WOODRUFF: -- on the slough there, where they're coming into those -- where we still have native habitat. We have forested land adjacent to Immokalee Road as a part of a larger slough that exists on the west side of Immokalee.

So -- but they're also looking and requesting that we provide crossings into Golden Gate. And I don't know if that's a proposal that they've reviewed with the wildlife agencies. And there's real concern about trying to direct large mammals into the Golden Gate Estates, but the Golden Gate Estates has, you know, their own unique issues and problems when you do get bears and panthers mixing with the residential development there.

COMMISSIONER SCHMITT: I had a little encounter with a young mother bear here over the holidays. It was an exciting time.

MR. WOODRUFF: Yeah. I mean, this is not the way you want to do development. This is -- this is -- the way that you do not want to subdivide your land and do development. This is like another Cape Coral, Golden Gate. It's a sad story for Florida -- for South Florida particularly.

COMMISSIONER SCHMITT: Well, yeah. It goes back 40 years; it was a sad story.

MR. WOODRUFF: Right. So it's responsible growth management where you're clustering your development activity into villages like we're proposing here and setting aside sufficient preserve and habitat for wildlife where you can accommodate them.

COMMISSIONER SCHMITT: Okay. Well, you answered my question.

For my colleagues, I'm still concerned about, certainly as others expressed, assure then we have -- accommodate for the Florida panther. And I know Brad has pointed out some concerns. I

would just ask that you and he maybe address that further before that comes -- this comes back for adoption. But other listed species, bonneted bat, I mean, those kind of things the U.S. Fish and Wildlife will comment on during the review process.

MR. WOODRUFF: All of that is yet to be commented on by the U.S. Fish and Wildlife Service. So we provide those studies and service for their review.

COMMISSIONER SCHMITT: This is not part of the HCP conservation plan. This will go in under separate request?

MR. WOODRUFF: Separate, yeah.

COMMISSIONER SCHMITT: Okay. And tell me -- now is it -- everything now going to Florida instead of Army Corps of Engineers?

MR. WOODRUFF: As of today.

COMMISSIONER SCHMITT: As of today.

MR. WOODRUFF: Yes. If you are an assumed wetland, then it goes to the FDEP.

COMMISSIONER SCHMITT: FDEP, then it will go back out to the federal agencies for comment.

MR. WOODRUFF: They still communicate --

COMMISSIONER SCHMITT: Unless things change, through the pending court lawsuit which --

MR. WOODRUFF: U.S. Fish and Wildlife Service still comments, yep.

COMMISSIONER SCHMITT: Okay, good. Thanks.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Could you stay up there, please.

COMMISSIONER SCHMITT: Sorry, Andy. I got you in trouble.

COMMISSIONER SHEA: No, you've got an expert up here. I want to learn -- that will help me on other -- other applications. But it seems to me, as a new guy up here, there's not a standard delineation of primary and secondary panther habitat. It seems like we locate something, it has the right NRI, and it's a good place to put it, and somebody says, you put it right in the middle of prime mating habitat. It just seems like in the technical world there isn't one map you go to and everybody says, yes, that's primary and that's secondary. Am I missing something?

MR. WOODRUFF: Well, the terms "primary" and "secondary," these came out of a study, a model, basically, that looked at large landscape scale. This model is landscape scale size. It's not looking at individual properties. So when you look at an overlay of primary/secondary habitat on this particular piece of property, part of it overlaps into your row crops, part of it overlaps into your -- you know, your native forested habitats. So there's some nuisances that you have to look at from the large-scale model back to the individual property size as to where the significant -- the significance is for the panthers and other wildlife.

So, yeah, the model is what it is. The lines are what they are. The intent is that for the entire program that the U.S. Fish and Wildlife Service has put together for mitigation, that in the end you're providing for panther habitat units if you end up impacting those panther habitat units where they've designated these primary, secondary, and other lands.

So at the end of the day, some people lose out a little bit; some people gained a little bit based on the model line. But as a whole, as a community, and the landscape scale setting of things, we're still trying to provide for habitat overall for panthers, and that's what we're -- we'll end up mitigating for on this piece of property, because we have those overlays, even if it overlays a piece of row crop or whatnot.

COMMISSIONER SCHMITT: Paul, the answer to that is farmers in Florida 40 years ago farmed on the uplands, and the cats like uplands. They don't like walking in the wetlands. So the uplands are where they farmed. Unfortunately, now those areas were disturbed. Those are the lands that are now mostly identified as receiving. So they were -- it's the uplands versus the

wetlands, and the cats typically don't like sticking their foot in wet water or wet areas. So that's -- that's the conflict. That's why a lot of this was identified as great panther habitat, but it also was farmland because it was upland.

Have you got an estimate of what do you think the PHUs are going to be on this?

MR. WOODRUFF: Millions, if I have to go buy them on the --

COMMISSIONER SCHMITT: I was going to say probably a million up for the PHUs.

MR. WOODRUFF: More.

COMMISSIONER SCHMITT: More.

COMMISSIONER SHEA: Explain that PHU a little more.

COMMISSIONER SCHMITT: The panther habitat unit, through the permitting process, U.S. Fish and Wildlife will comment on the impact, they'll assess the loss, and then you mitigate and you pay what is called a PHU, which is an increment of measurement, and there's a price for that. I don't know what one PHU is going today, but I would suspect this property, you're going to be in excess of a million or more.

MR. WOODRUFF: A panther habitat unit is the metric that the U.S. Fish and Wildlife Service uses, so that's based in part on, you know, where you are in their model and the type and quality of habitat that you have, and they have a scoring mechanism based on their data that they believe is appropriate to value what a PHU is.

COMMISSIONER SHEA: Is theirs the only model?

MR. WOODRUFF: It's the model we currently use.

COMMISSIONER SHEA: It's --

MR. WOODRUFF: Yeah, that's what we go by.

COMMISSIONER VERNON: And then you write a check to Fish and Wildlife?

MR. WOODRUFF: No, you do not write a check to the Fish and Wildlife Service, but you do provide for habitat compensation either on the open market -- there are people who have set aside lands, preserved those lands, restored those lands strictly for the benefit of panthers and to be able to sell those PHUs on the open market. You can go and find your own land if you want to and, as indicated previously, and I think Brad Cornell had discussed with us, there may be options also to work with the service on some other compensatory measures, like crossing and things.

CHAIRMAN FRYER: Other questions or comments?

COMMISSIONER SCHMITT: That's it. Thank you.

CHAIRMAN FRYER: Thank you.

MR. EASTMAN: Andy, can you buy them from a mitigation bank?

MR. WOODRUFF: Yes. That's -- you get them either through a panther banker, which is most common. If you need a lot of PHUs, you go straight to a panther banker.

MR. EASTMAN: Can you flush out what that actually means and how the panther bank expands their land? It's what Commissioner Schmitt was getting at earlier. You're actually growing panther habitat in a different area and maybe even a more appropriate area.

MR. WOODRUFF: Yeah. So it -- most of this land is further east in more remote areas where we're trying to accumulate appropriate habitat for panthers in areas that they're most likely to use and the corridors that they're using is where we're trying to focus that effort.

And so the panther bankers, they help to restore that land, and they get credits for doing that, that they can then sell on the open market. But it's just providing habitat for panthers in perpetuity.

MR. EASTMAN: In perpetuity?

MR. WOODRUFF: Uh-huh.

CHAIRMAN FRYER: Other questions or comments?

(No response.)

CHAIRMAN FRYER: Thank you.

Mr. Yovanovich, you have more?

MR. YOVANOVICH: No, sir. I think we've responded to what we think we need to respond to, and whatever other questions you may have, we're hopeful you'll have a motion to recommend transmittal.

CHAIRMAN FRYER: Anyone have further questions or comments? Vice Chair.

COMMISSIONER HOMIAK: The language in the staff report for the transmittal language was a little different with strikethroughs.

MR. YOVANOVICH: They're revisions. The cleanup language that Anita mentioned to you is fine.

COMMISSIONER HOMIAK: That's what you're agreeing to?

MR. YOVANOVICH: We're fine with that, yes.

COMMISSIONER HOMIAK: Okay. Thank you.

CHAIRMAN FRYER: All right. It seems appropriate now to have a motion, if someone would be inclined to make it.

COMMISSIONER SCHMITT: I'm going to make a motion that we forward this transmittal based on the comments that we've addressed. The only -- my only comment is that, as I stated to Andy, that you look -- and prior to coming back for adoption, to look at mitigating some of the concerns that both the Conservancy and the Wildlife Federation. But I'm more concerned about mitigating some of the concerns that the wildlife -- concerning the panther crossings.

MR. YOVANOVICH: I'm assuming that's part of the PUD.

COMMISSIONER SCHMITT: It will be part of the PUD, yeah. And the other part of the PUD that will be addressed are the -- as I discussed earlier, the wildlife plan that we addressed. What was that called?

MR. MULHERE: Human/wildlife --

COMMISSIONER SCHMITT: Yeah, wildlife --

MR. MULHERE: Conflict plan.

COMMISSIONER SCHMITT: Wildlife Conflict Plan, thank you.

So I would make a recommendation that we forward to the Board of County Commissioners this growth management transmittal.

MR. YOVANOVICH: Mr. Schmitt, just --

COMMISSIONER SCHMITT: Yes.

MR. YOVANOVICH: -- to be clear on the record, there are two resolutions in your packet. One deals with the Future Land Use Element and one deals with the Coastal Conservation Management Element. I just want to make sure your motion was for all of the -- all of the Comprehensive Plan changes.

COMMISSIONER SCHMITT: Yes.

COMMISSIONER HOMIAK: With the staff's language.

COMMISSIONER SCHMITT: With staff's language --

MR. YOVANOVICH: Revisions, yes.

COMMISSIONER SCHMITT: -- as proposed.

MR. YOVANOVICH: Okay.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: I'll second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: Okay. The only thing that I will say is I'm going to vote in favor of this because there's been sufficient public speaking against certain aspects of it, so it will have to be considered by the Board of County Commissioners, not on the consent agenda, but there will have to be a hearing. So with that understanding and also with the caveats that I've put forth about

my own concerns that I will be coming back with them in sufficient detail to expose, I think, all issues and drill down as deeply as needs be in order for the public to understand completely what is going on.

So with that, 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: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously. Thank you.

Does the Planning Commission want to take a 10-minute break now before we go into Longwater, or is it your wish that we --

MR. YOVANOVICH: If there's any chance that the petitioner can request a 10-minute break before we start and we transition in, that would be great.

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: That's fine. We'll take a 10-minute break and be back here at 2:05.

(A brief recess was had from 1:55 p.m. to 2:05 p.m.)

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

I've had a conversation with the petitioner's counsel who has requested that we continue Longwater, rather than start it at this point, and hear it on the 4th, begin hearing it on the 4th and then to be followed by Bellmar, and I certainly have no objections to that. What about other members of the Planning Commission?

COMMISSIONER SCHMITT: I would only ask if there's anybody that's here for that meeting and they want to make a public statement, we ought to let them and -- unless they want to come back during the hearing. But I'm just -- not those on Skype, but just anybody that sat here and if they want to make a public comment.

COMMISSIONER VERNON: Give them the choice.

CHAIRMAN FRYER: Very good point. Would you object to that?

MR. YOVANOVICH: The only objection I have is if they want to go today, I'm fine with that, but they can't go today and then come back and go again.

CHAIRMAN FRYER: And that's fair.

MR. YOVANOVICH: And that's my only request. I appreciate that. Mr. Mulhere scored the lottery for getting his second vaccination, and I hate for him to -- I hate for him to miss that as part of this presentation, and I'm not qualified to give planning testimony.

COMMISSIONER SCHMITT: I did explain during the break that I had my second vaccination, Rich. I had my second vaccination. That's why I understood you better today.

MR. YOVANOVICH: Yeah. I wish you'd have gotten it a lot sooner.

CHAIRMAN FRYER: Okay. Ladies and gentlemen, let's just return briefly to the remainder of our agenda. There's not much of it. But first --

COMMISSIONER HOMIAK: Are you going to ask --

CHAIRMAN FRYER: I'm going to do that right now. Thank you.

I want to know if there's anyone who has been sitting here today waiting for an opportunity to speak, recognizing that if they do speak today that they would not be allowed to return again on the same subject. Is there anyone who falls into that category?

(No response.)

CHAIRMAN FRYER: Apparently not. Okay. All right. So this matter, by consensus, is continued -- not continued. I guess it is rescheduled for the --

MR. BELLOWS: It's an advertised item, so you are continuing it.

CHAIRMAN FRYER: We're continuing it. Okay. Continued to March 4th, and it will be the first item on the agenda --

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: -- at that time. Thank you.

Is there any old business to come before the Planning Commission at this time?

(No response.)

CHAIRMAN FRYER: If not, any new business?

COMMISSIONER SCHMITT: I do have one question. We did receive an email from Michele Mosca in regards to the amendments to -- I don't know. Was it the rural fringe amendments? Pending amendments? And what is the schedule for that? Those are LDC amendments, I assume. Will that be a special meeting?

CHAIRMAN FRYER: Ms. Jenkins is approaching to answer that question.

MS. JENKINS: I'm not sure if Michele's still out here. If she is, she could come in. Anita Jenkins, for the record.

The Rural Fringe Mixed-Use District amendments are based on the restudy --

COMMISSIONER SCHMITT: Yes.

MS. JENKINS: -- one of the four restudies, and it would be for the Growth Management Plan amendments.

COMMISSIONER SCHMITT: It's the GMP amendments?

MS. JENKINS: Yes, sir.

COMMISSIONER SCHMITT: Will that be scheduled as part of a meeting then?

MS. JENKINS: Yes. It will be on your agenda as soon as we can get through some of these other items that are -- we're going through now.

COMMISSIONER SCHMITT: She says -- okay. The comments will be posted no later than February 26th, but that's not the schedule.

MS. JENKINS: No --

COMMISSIONER SCHMITT: Here comes Michele.

MS. JENKINS: Great.

COMMISSIONER SCHMITT: My only concern is we're starting to push things down the road, and this is -- probably will be another lengthy review.

Michele's right behind you there.

MS. MOSCA: For the record, Michele Mosca.

You were asking about the schedule, Commissioner?

COMMISSIONER SCHMITT: Yes.

MS. MOSCA: So we're scheduled for Planning Commission April 1st; Board of County Commissioners on the 25th. I heard you say something about the amendments and the distribution to the stakeholders. Those are due on the 26th of February.

COMMISSIONER SCHMITT: Okay.

MS. MOSCA: Did you have any other --

COMMISSIONER SCHMITT: It is on the schedule, then, for the first of May, did you say?

MS. MOSCA: First of April.

COMMISSIONER SCHMITT: First of April.

MS. MOSCA: Okay.

COMMISSIONER SCHMITT: Okay. I think we'll be all right. Ray, I don't know. What do you have in the batter's circle there for the upcoming events?

MR. BELLOWS: For what day?

COMMISSIONER SCHMITT: I mean, we now -- we have two villages we still have to get through.

MR. BELLOWS: They're scheduled for the 4th.

COMMISSIONER SCHMITT: I don't think we're going to get through both of them on the 4th. We may.

MR. BELLOWS: Then on the -- March 18th, we have about five items: NC Square and its companion amendment, the BCHD rezone, Benton Road communication tower, and Immokalee Road Estates Growth Management Plan amendment.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: So not much.

COMMISSIONER SCHMITT: Will this be -- for these rural fringe amendments, will that be just one item for the meeting?

MR. BELLOWS: I believe so.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Good. One final thing before we go. That has to do with -- this relates back to the conversation we had regarding the aggregation of villages into a town. And one of the comments that the petitioner made that I heard and haven't forgotten about is there have been a number of documents that have been put out, either sent directly to planning commissioners or sent to others or somehow part of the public domain.

And we've got the time now to do it. So I strongly suggest that those materials, that staff circulate those in the agenda packet that's going to be coming up on March 4th so that we all are kept abreast of all of those.

Any objections to that?

COMMISSIONER SCHMITT: None. But in a follow-up to that, my greatest concern as we look at each of these villages -- and I know we're going to look at each one individually, especially the two in the eastern lands. My concern is, of course, the impact cumulatively on the traffic.

CHAIRMAN FRYER: Understood.

COMMISSIONER SCHMITT: And that's the part I'm struggling with. I can look at it individually based on the rules and regulations within the -- within the -- that staff presents. But, overall, there's still a cumulative effect that I think we need to address, and it has to be a public debate, I'll call it, or public presentation as to the entire cumulative effect on transportation to include what mitigating -- mitigation and what plans the county is going to have to deal with some of the growth in Eastern Collier County, because it -- if we look at it individually, which I -- we agreed to, it's still hard to separate the cumulative effect of the transportation.

CHAIRMAN FRYER: I couldn't agree more. You're absolutely right about that, and that very point is addressed in some of the letters that we've received. The Conservancy, the Conservancy's counsel, and I think the League of Women Voters are presenting information that at least aggregate Longwater and Bellmar so that we see those. And I just -- I want to be sure that those are part of the public record. They're important materials. They've been put in front of us, and the applicant legitimately made the point that it hasn't seen these things. So I want to be sure they see it. I want to be sure the public sees it.

COMMISSIONER SCHMITT: Well, the other piece besides transportation and the documents we received, I would ask between now and the next meeting that staff have somebody from utilities here to discuss the points that were raised in those -- the various documents that we received involving the costs, because they -- those documents clearly, to me, were refuting the findings of the staff.

CHAIRMAN FRYER: Well, you're absolutely right, and I think that's a good idea.

COMMISSIONER SCHMITT: And I think that between now and then I would ask that staff have the appropriate personnel or folks in utilities look at their -- I guess I'll call them their assertions and validate whether what they were trying to present to us had merit and whether there was argument to either address that they're valid or not valid, because we're going to -- that's going to come up in the meeting.

CHAIRMAN FRYER: It's going to come up big time.

Ms. Jenkins.

MS. JENKINS: Thank you. Anita Jenkins.

We'll be happy to add the information to the record for your next meeting and would appreciate your support in reminding the public the process that's on the front of every agenda that you have to provide information, written or graphic, for your consideration comes to staff at least seven days before the hearing, and then we're all on the same page in the future. Going forward, that would be very helpful to staff and to this board in managing the hearing processes.

CHAIRMAN FRYER: Well, what you say is absolutely correct, and it's certainly, I think, the feeling of this commission --

COMMISSIONER HOMIAK: Yes.

CHAIRMAN FRYER: -- that that be adhered to.

COMMISSIONER SCHMITT: Yeah. And Amy's right behind you I didn't know if she came up to talk about transportation or no? I mean, I'm concerned also with the whole piece of what they raised concerning the cost of construction, and I know -- transportation, but also from impact fees and some of the other statements they made in the documents we received. I know, Amy, you don't do impact fees anymore, or do you? Is that still yours?

MS. PATTERSON: Amy Patterson --

COMMISSIONER SCHMITT: Aren't you lucky.

MS. PATTERSON: I am super lucky. Amy Patterson, for the record. I'm the Director of Capital Project Planning, Impact Fees, and Program Management.

We will be prepared next meeting to address the entirety of those comments, questions, and issues raised by way of that information.

COMMISSIONER SHEA: But you're going to -- you're going to address it in terms of fiscal neutrality, because we all say they are, and they all say they aren't. And I'd like to see the backup for why we say they are fiscally neutral. But also, I want to -- I think we do need to hear a little bit on the transportation side.

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER SHEA: Because everything we're seeing now, it's almost the same sections of highways over again, and I think the public would like to hear, well, what is the long-range plan, that there is a plan in place that's going to happen in the reasonable future. I think that would be helpful for us and the public.

CHAIRMAN FRYER: Let me -- let me suggest this and see how this floats across the dais. I would like to see an aggregated analysis of traffic and the other important issues that have a fiscal impact on the county such as wastewater and potable water. Is it appropriate for us to ask staff, Mr. County Attorney, to do that, and may we -- may we do so?

MR. KLATZKOW: Of course, you may do so. The water and the wastewater is a moot issue. The Board of County Commissioners specifically made a policy decision to supply that area with county water and take care of the wastewater. That was a board decision to expand the utility into that area and to service that area for very good reasons, and the analysis was done there. I mean, if the Conservancy and League of Women Voters want to second-guess that, that's fine, but that decision was made, and I don't remember them being before the Board then arguing those points. This is sort of like after the fact.

But if you want to have somebody from Public Utilities here, sure, we can ask. That's not

Amy's group. That's a different group. Transportation's a different issue. Knowing that it's well and good to talk about fiscal neutrality, but we do have pay-and-go in this state, and my understanding is our impact fees are greater than pay-and-go, and we are charging impact fees. So I'm not entirely sure where the discussion's going to wind up going, but by all means we can have it.

COMMISSIONER SCHMITT: Yeah. Well, that document that was given to us by the League of Women Voters was clearly critical of the staff's position in saying that it was going to be far more costly to the taxpayer. I'm not ready to discuss it or argue the point. I just want somebody to look at those numbers --

MR. KLATZKOW: It's fair.

COMMISSIONER SCHMITT: -- and say --

MR. KLATZKOW: It's a fair question.

COMMISSIONER SCHMITT: Yeah. And that doesn't -- if it's Amy's team, whomever, that somebody looks at that and says, okay, yes, but the Board of County Commissioners agreed to expand the water/sewer district, end of story.

MS. PATTERSON: My team and the appropriate staff members from the various departments are looking at the document as we speak, and we'll be prepared to provide comment.

COMMISSIONER SCHMITT: Have you seen it before today or --

MS. PATTERSON: I saw it --

COMMISSIONER SCHMITT: You got it last night with the rest of us?

MS. PATTERSON: I saw it yesterday the middle of the day.

COMMISSIONER SCHMITT: Good. Yeah.

CHAIRMAN FRYER: So the decision has been made that the county is going to do it, and I infer, from what the County Attorney said, is that it's going to be done at the expense of the county at large.

MR. KLATZKOW: No, no.

COMMISSIONER SHEA: I don't think you can say that.

MR. KLATZKOW: We have impact fees for a reason, and those -- and those studies are -- give us a fair representation of what the actual costs are. If people want to argue that those studies are flawed and that the costs are higher, I suppose you can do that, and I suppose you can then argue, you know, pay as you go, because it's the higher of the two.

But, you know, as far as the data and analysis the county staff has done and the data and analysis that our impact fee guy has done, those are the costs. They just are. Now, if you want to come in and say that we're all wrong, okay, I can get an expert that will tell them -- you know, I can pay for an expert that will come in and say, well, your expert is wrong. It happens all the time. But, you know, from a fairness standpoint, we really do try our best to come up with what is the right number here. And Amy's spent a lot of time on this and our experts spent a lot of time on this. And if you want to hire somebody else to say that we're wrong, okay, but, you know, it's --

CHAIRMAN FRYER: That's not where I'm headed, but where I am headed is that we ask staff to come back with aggregated numbers that we can see for the three villages, traffic and water.

COMMISSIONER VERNON: Yeah.

MR. KLATZKOW: You can ask, yes.

COMMISSIONER VERNON: I think that's what every -- I think that's what Joe's saying. So we typically get it for each project. We're asking for one additional thing, and that is the aggregate on the three projects.

CHAIRMAN FRYER: Okay.

COMMISSIONER VERNON: So I certainly support that.

CHAIRMAN FRYER: Good. Does anyone not support it?

(No response.)

CHAIRMAN FRYER: Okay. I think, Ms. Jenkins, that is the unanimous consensus.

MR. KLATZKOW: I'm just saying that it's a red-herring issue. I know it gets headlines in newspapers, and I know it's a very emotional issue. But from my standpoint, it is a red-herring issue.

CHAIRMAN FRYER: Anybody wish to be heard from staff on this?

(No response.)

CHAIRMAN FRYER: No, okay. Thank you.

Anything else on anything?

MR. FRANTZ: Sir, you do have one registered speaker under Item 12, public comments.

CHAIRMAN FRYER: All right. Is that person present, or is that --

MR. FRANTZ: Rae Ann Burton.

CHAIRMAN FRYER: Ms. Burton. Okay. We are prepared to hear from Ms. Burton at this time.

MS. BURTON: Well, you've changed the agenda, so I have changed my speech.

CHAIRMAN FRYER: Okay.

MS. BURTON: Well, I guess I could say good evening, good afternoon. My name is Rae Ann Burton, 2530 31st Avenue Northeast.

The item of concern is this Item 12, public comments. I came and made comments, I was going to, on four items, but only got to talk on one. Not -- I come not because I like to talk and definitely not because I enjoy getting up at 6:00 a.m. and drive an hour to get here before 9:00.

The reason I come was to express my concerns and fears about the destruction of where I and others have chosen to live, Rural Golden Gate Estates. Not in Golden Gate City, nor even Naples, and definitely not Miami.

The Estates was chosen for its rural environment for the slightest chance of seeing a deer, enjoying the antics of squirrels, and watch birds and butterflies come to your backyard.

The choice was made because city environment was noisy, polluted, houses so close together you could see into your neighbor's home, to have space for children to play, or have a garden, some chickens, and even enough acreage you have, you can have farm animals. Things you're not allowed in cities.

It's because of the concerns of my neighbors and me that I get up and drive the distance to voice theirs and my concerns and fears, to hope to be listened to, to be heard to what we need and what -- and want in our unique rural estates.

We understand there is a need for growth; at least that's what we're told. The more houses that need to be built, have you checked the developing and already developments on Immokalee Road to Collier Boulevard? Many are still empty. They're not priced for the working folk, which is the backbone of the county, but for part-time residents that fill the coffers of the developers.

I come here hoping, no, praying that this commission will hear the pleas, the concerns, and the wants of the people. We live in the Estates, not the developers. So I come hoping to hear that we, the homeowners, the year-round residents, have a voice in our environment.

Thank you for your time.

CHAIRMAN FRYER: Thank you, ma'am.

Mr. Frantz, anybody else wish to speak?

(No response.)

CHAIRMAN FRYER: Okay. Anything else from the Planning Commission?

(No response.)

CHAIRMAN FRYER: I think we exhausted our agenda so, without objection, we're adjourned.

There being no further business for the good of the County, the meeting was adjourned by order of the
Chair at 2:23 p.m.

COLLIER COUNTY PLANNING COMMISSION

EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on _____, as presented _____ or as corrected _____.

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