

September 2, 2021

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
September 2, 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
Karl Fry
Joe Schmitt
Paul Shea
Robert L. Klucik, Jr.
Christopher T. Vernon
Tom Eastman, Collier County School Board Representative

ALSO PRESENT:

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

PROCEEDINGS

MR. BELLOWS: You have a live mic.

CHAIRMAN FRYER: Thank you, sir. Good morning, all, and welcome to the September 2, 2021, meeting of the Collier County Planning Commission.

I ask that everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Mr. Secretary, would you please call the roll for us, sir.

COMMISSIONER FRY: Thank you, Mr. Chairman.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER FRY: Mr. Shea?

COMMISSIONER SHEA: Here.

COMMISSIONER FRY: Mr. Vernon?

COMMISSIONER VERNON: Here.

COMMISSIONER FRY: I'm here.

Chairman Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER FRY: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRY: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER FRY: Mr. Klucik?

COMMISSIONER KLUCIK: Present.

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

CHAIRMAN FRYER: Thank you very much.

Let's see. Addenda to the agenda, Mr. Bellows, do we have any?

MR. BELLOWS: No changes to today's agenda.

CHAIRMAN FRYER: Okay. Thank you.

Planning Commission absences. Our next meeting is on September 16, 2021. Does anyone know if he or she will not be able to attend that meeting?

(No response.)

CHAIRMAN FRYER: All right. Since we have all seven, at least as of now, we think we're going to have a full house.

Same question for October 7. Now, this was a meeting that we were going to have an evening meeting, but the evening meeting will not take place because we were not able to get a quorum.

So I'm asking about the daytime portion. Anyone know whether he or she will not be in attendance for the daytime portion?

COMMISSIONER VERNON: I will be -- Mr. Vernon will be out.

CHAIRMAN FRYER: Mr. Vernon will be out.

Commissioner Schmitt?

COMMISSIONER SCHMITT: I will not be here either, at least I'd indicate.

COMMISSIONER KLUCIK: What is the schedule?

CHAIRMAN FRYER: This is October 7, and we're going to have a daytime meeting. We're not -- we're not trying to have an evening meeting as we had --

COMMISSIONER KLUCIK: So we haven't set up -- we haven't -- we don't have a time for the evening meeting yet?

CHAIRMAN FRYER: We don't have a date for it. We're going to talk about that soon.

MR. BOSI: That's on your agenda for the last item.

CHAIRMAN FRYER: So it sounds like we may presume or hope that we will have five

commissioners here for the October 7 daytime meeting. That's a good thing.
Let's see. Approval of minutes, we have no minutes before us for action.

BCC report/recaps, Mr. Bellows.

MR. BELLOWS: For the record, Ray Bellows. The Board of County Commissioners did not meet since our last Planning Commission meeting.

CHAIRMAN FRYER: Thank you, sir.

MR. BELLOWS: No recap.

CHAIRMAN FRYER: Thank you very much.

Chairman's report, none today. Consent agenda, nothing on the consent agenda today.

***Public hearings, we have one public hearing coming before us today as an advertised matter, and it is PL20200002233, and it's the Shoppes at Santa Barbara PUDA.

Chair recognizes Mr. Yovanovich.

MR. YOvanovich: I think you have to do your --

CHAIRMAN FRYER: You're right. We sure do.

MR. YOvanovich: -- disclosures first.

CHAIRMAN FRYER: Thank you. All those -- and swear in witnesses, too.

MR. YOvanovich: Yes, sir.

CHAIRMAN FRYER: Thank you. Thank you very much for the reminder. All those wishing to testify in this matter, please rise, raise your hand, and be sworn in by the court reporter.

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

CHAIRMAN FRYER: Thank you.

Ex parte disclosures beginning with Mr. Eastman.

MR. EASTMAN: I have a few. There's an elementary school near this project. So I had conversations with county staff, including Matt McLean, also Rich Yovanovich regarding an amendment to easement; it's a drainage easement associated with this property. And then on another issue for a pedestrian interconnect, county staff including Laura DeJohn. Again, e-mails and extensive phone conversations, Rich Yovanovich, and also representatives from the Legacy Apartments related to the pedestrian interconnect.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Staff material and site visit.

CHAIRMAN FRYER: Commissioner Vernon?

COMMISSIONER VERNON: No disclosures.

COMMISSIONER FRY: Public record, e-mails.

CHAIRMAN FRYER: Thank you. In my case, let's see, staff materials, meeting with staff, meeting with the applicant's counsel by telephone, and a site visit.

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

COMMISSIONER SCHMITT: I spoke to Mr. Yovanovich and Mr. Arnold.

COMMISSIONER KLUCIK: Staff material, and I have a pre-meeting, like I always do with staff, to discuss items on our agenda.

CHAIRMAN FRYER: Thank you. Mr. Yovanovich, I think we're now ready for you, sir.

MR. YOvanovich: All righty. Thank you.

Good morning. For the record, Rich Yovanovich on behalf of the applicant for the property.

With me today is -- are several people. I have Lon Tabatchnick, is with the -- vice president of development with Altman Development. They are the contract purchaser for the property and the applicant. Mr. Arnold is on the phone if you have questions for him, and Mr. Banks is also on the phone if you have questions for him. Mike Delate, who's the civil engineer for the project, is here to address questions you may have regarding the engineering for the project.

The property is a little over 18 acres. It's at the northeast corner of Davis Boulevard and Santa Barbara Boulevard. It's on your screen at this point. To our east is an existing apartment complex that is within the New Hope Ministries PUD, and to our north, as Mr. Eastman pointed

out, is -- is it the Calusa Park? -- Elementary.

MR. EASTMAN: Yeah.

MR. YOVANOVICH: And then the smaller building that fronts on Davis is the county EMS station, and I believe the county is anticipating where those trees are, an affordable housing project is proposed to go through the process or may have already gone through the process on that portion of the property. On the right side of the screen is the little closer-up view of our adjoining property.

And you can see -- let's see if I remember what Troy told me to do. One of the -- right up in this area right here is an existing -- is an existing -- I'm trying to erase and talk at the same time -- is an existing stub-out of a road for the New Hope Ministries PUD and a sidewalk. And Mr. Eastman -- and I'll discuss it a little bit later in our presentation -- requested that we stub out a sidewalk on our property at our northeast quadrant that could -- if we get an easement from the New Hope Ministries property, we could then physically connect that sidewalk to the existing sidewalk so children who would stay in our proposed project could either walk on Santa Barbara to get to Calusa Park Elementary or go the back way to the elementary school. So we have agreed to that condition, and I'll present that condition to you-all a little bit later in the presentation.

The current zoning is a commercial PUD for 150,000 square feet of retail uses. What we're proposing to do is add residential as an option for development. If residential is, in fact -- Troy had me do this and now I can't undo it.

CHAIRMAN FRYER: The yellow dot?

MR. YOVANOVICH: Yeah, the yellow dot. I can't make it go away. Oh, "clear." How easy. So we're adding residential as an option to the development, and we're adding a trip cap to the project that would allow for a maximum amount of trips. That trip cap is based upon the existing commercial entitlements. The reality is if the residential is actually constructed -- and we're very committed to constructing the residential. We're in for a Site Development Plan review -- there'll be less traffic on the roadway system if this is approved.

We're within an activity center and, as you all are aware, in activity centers the maximum density you can request is 16 units per acre. We're asking for 13.7 units per acre. So the density request is consistent with the existing Comprehensive Plan.

We're adding development standards for the residential option. The height we're requesting is the same 60-foot height that's already allowed under the commercial option. Our intention is to build three-story to five-story product within this project consistent with the existing approved height. I'll briefly go over the master plan that's in front of you and show you what's anticipated height-wise.

We're also committing to a minimum unit size of 750 square feet. We're retaining the ability to do the 150,000 square feet of retail. Because we haven't closed on the property yet, we cannot give up that existing development right on the property.

We're adding the peak-hour trips of 550 peak-hour trips to the PUD. This PUD's older and didn't have that standard condition.

This is the existing master plan that shows outparcels as well as, you know, a standard strip shopping center on the project -- on the property.

Our master plan is a mixed-use master plan. In the lower left-hand corner there's an existing -- I think it's a 7-Eleven gas station. I know it was a gas station and convenience store. That is in the lower corner. That, obviously, will remain as part of the project. We're not acquiring that portion of the property.

The conceptual master plan that is in the SDP stage, not -- this detail you don't normally see as part of a PUD, but since we're in, I wanted to go over it.

The five-story buildings are along the eastern boundary where it should be this building, that building, and that building. The remaining are three stories.

COMMISSIONER KLUCIK: The remaining are what?

MR. YOVANOVICH: Three stories. Okay. So, again, we're staying within the 60-foot height

that's already -- already allowed.

So we talked about -- one of the staff conditions was providing the sidewalk connection. You can see on the visualizer -- I keep calling it the visualizer -- on your screen how these apartments right here connect at this point right here. I believe there's a gate that allows students or residents -- kids/children from this apartment complex to walk to Calusa Park Elementary.

We would stub out to right about there and then physically connect if we were to get the easement from New Hope -- the owners of the New Hope property, so our students or children could also walk to the elementary school, and we've committed to doing that as part of this review process. Staff's recommending approval. We're -- they're recommending approval of all of our deviations. We're consistent with the Growth Management Plan. I want to put the language up on the visualizer. This has been reviewed by the County Attorney's Office. Heidi and I spent some time yesterday making sure that the language was clear and enforceable for purposes of both the interconnection for vehicular access as well as addressing the sidewalk. We've had --

MS. ASHTON-CICKO: Rich, that's not the correct text.

MR. YOVANOVICH: It's not the right one?

MS. ASHTON-CICKO: No.

MR. YOVANOVICH: Then I have the wrong slide. Sorry about that. Oh, you know what -- that's weird. I know why that's the wrong text, because Mike brought me the version that was an older version. So I have the -- thanks, Heidi. I slid into my presentation the right language, not on the PowerPoint presentation.

So we have -- we have worked through the language that would apply to the condition for the sidewalk connection. As well as providing the New Hope Ministry PUD the ability, should they want to extend their stubbed out road to further -- all the way to the west, which is Santa Barbara. So with that, we're requesting that the Planning Commission follow staff's recommendation and recommend approval to the Board of County Commissioners. And with that, we're available to answer any questions you may have regarding the project and the proposed change to the existing PUD.

CHAIRMAN FRYER: Thank you. As of this moment, no one has -- correction. Commissioner Fry.

COMMISSIONER FRY: I feel like I just buzzed in like on Jeopardy.

COMMISSIONER VERNON: Under the wire.

COMMISSIONER FRY: Rich, why a 750-square-foot minimum for these apartments? We always talk about young professionals, essential services people. Some of those people are single. Some of those people would live in studios. Some of those people would live in smaller one-bedrooms to save money. Just give us the background, why a 750-foot minimum?

MR. YOVANOVICH: That has been the historic --

MR. KLATZKOW: That has been the Board of County Commissioners' historic cutoff point. You have to have some standard, or you have no standards at all. The standard was 750 feet. It's been that way for many, many years.

COMMISSIONER FRY: Does anybody else find that counterproductive to our affordable housing?

MR. KLATZKOW: I've got to tell you, once upon a time I got a small co-op in White Plains, New York. It was great. Then I had a kid, and the market crashed, and I couldn't get out of it. And it was a nightmare. So I understand the point that, well, these are small places but, you know, sometimes they can become almost a prison with life circumstances. In any event, that's been the Board's policy for as long as I can remember.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: We've had this debate over and over the last several years. The most recent was the development that was proposed over off the East Trail over --

COMMISSIONER FRY: Courthouse Shadows, the apartments?

COMMISSIONER SCHMITT: Yeah -- no, there was another one over there.

COMMISSIONER HOMIAK: Thomasson.

COMMISSIONER SCHMITT: Over off of Thomasson Drive. And we had a debate that went on for hours over that because they came in at, like, 400-and-something square feet or 40 -- yeah, 420 or 450. Same as what you said, a small studio apartment. But the -- we acquiesced, and the Board -- pretty much as Jeff said, that standard has been developed, and I don't think it's ever been deviated from. So I don't know -- is it in the LDC? I can't recall.

MR. BOSI: No, it's not in the LDC. The small size that we allowed per the -- Mike Bosi, zoning director.

The small size that we would allow per the LDC table in the RMF-12 and the RMF-16 zoning district, multifamily zoning districts. Those do allow 450-foot efficiency units to be developed within those two zoning categories. But I do agree that 750 has always been kind of the cutoff point in terms of for every PUD request that we've had, that's been the standard that's almost been accepted, but we do have an exception within the RMF-12 and 16 to allow for 450-foot square [sic] efficiency apartments.

COMMISSIONER FRY: Thank you for the clarification. I appreciate it.

Rich, you have two -- you have three five-story buildings. The two on the -- toward the north side, and they seem to be adjacent to open space. The southernmost is -- appears to be more lined up with that existing apartment complex to the east.

MR. YOVANOVICH: Right.

COMMISSIONER FRY: I'm just curious. Have you gotten pushback from them? Is there additional buffering provided, or is there no change because the already-approved project was 60 feet high and they would be looking at the rear of commercial buildings that were already 60 feet high? So just give me some background on that, please.

MR. YOVANOVICH: We have not received any negative comments from the adjoining apartment complex owner. I think -- I'm pretty sure those are four-story product right there for their product, and the way our site lays out, you could see that it's -- our five-story is set back from what will be the county's drainage easement, our parking, and then our building height. And I don't think -- I don't think there's a compatibility issue with four-story product in the vicinity of five-story product. So that's why I'm assuming -- I'm assuming that they've looked at the master plan and site plan and said, that works and makes sense for us. And, yes, we're keeping with the same -- the same height that's already in the PUD. But we've had no formal comment from them. I'm just surmising based upon experience that that's probably the analysis they went through.

COMMISSIONER FRY: Okay. I guess it sounds like the residential allowance, 242 units, 16 DUA overall, the entire acreage, but 13-point-some based on just what you're acquiring --

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: -- is being added to the existing 150,000 of commercial, although it's clearer that by putting in the residential you are foregoing most of that commercial with the exception, perhaps, of that outparcel --

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: That section that is reserved for outparcels would be a few -- you know, 20- or 30,000 square feet of commercial, maybe. Why keep the 150,000 in the PUD rather than reduce it, since you're clearly pursuing the residential?

MR. YOVANOVICH: The reason I can't is I don't own the property. There is the risk -- there is the risk -- if I'm the seller, there's a risk we don't close. The way we've handled that is in this case and pretty much every other case where we're adding residential, we keep the trip cap that exists for the existing commercial to make it very clear it's not an add-on from a traffic standpoint. So we live with the trip cap. I don't own the property. I cannot take away existing rights because if something happens between now and scheduled closing, my client doesn't buy the property, now the seller is stuck with our apartment complex and less office and retail.

COMMISSIONER FRY: So it is an either/or as long as they don't combine to more than the existing approved trip count?

MR. YOVANOVICH: It's --

COMMISSIONER FRY: It's an "either" and "or."

MR. YOVANOVICH: It's and/or --

COMMISSIONER FRY: And/or.

MR. YOVANOVICH: -- but it can't exceed the existing trip cap. And as you can see, we're pretty far along in this process for it to be the 242 apartments together with some outparcels related to commercial.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Actually, those were my first two questions --

CHAIRMAN FRYER: All right.

COMMISSIONER SHEA: -- but I have other questions.

CHAIRMAN FRYER: Go right ahead.

COMMISSIONER SHEA: If we don't approve this, what can you build there; just the commercial?

MR. YOVANOVICH: We would build a 150,000 square foot shopping center with outparcels.

COMMISSIONER SHEA: And what are the requirements in activity center in terms of residential?

MR. YOVANOVICH: The maximum you can ask for in an activity center is 16 units an acre.

COMMISSIONER SHEA: So you can put that dense of a unit [sic]. And there's no affordable housing package coming along with this, right?

MR. YOVANOVICH: That's correct. And what was intended for activity centers was that they would be mixed use which would include residential and office; however, historically they've been developed as office and retail and commercial uses. They've -- very few of the activity centers have actually developed as mixed use. You're seeing more that, you know, the trend is changing as we've developed further in Collier County. So now you're getting to what was originally intended for these activity centers, which was to be a mixture of office and retail.

COMMISSIONER SHEA: But this is not going to be a -- well, I guess it could be a mixture. You could decide ultimately to, as you were saying, put less residential and some commercial in there if we approve this.

MR. YOVANOVICH: There are going to be -- I'm sorry. I didn't mean to interrupt you, Mr. Shea. But if you look out -- if you look, we have, in this area right here, I don't know -- those are -- those are future outparcels. So there will be some commercial in that quadrant, and you already have the 7-Eleven in this area here that is also able to be expanded with further. So this is going to be a mixed-use project.

COMMISSIONER SHEA: Okay.

MR. YOVANOVICH: It's going to have -- it's going to have commercial as well as residential.

COMMISSIONER SHEA: So that parcel will remain in the commercial. You're only changing --

MR. YOVANOVICH: Well, it's mixed use. Remember -- let me go back, make sure we're on the right way. Under the comp plan -- I'm sorry. Under the master plan, we have a mixed-use tract for everything we're acquiring. But as I just showed you the site plan, there are -- there is a portion in this vicinity right here and in this area right here that will have retail, office, or a combination of those two as part of the project.

COMMISSIONER SHEA: That's all the questions.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Just a couple follow-ups, Rich. Can you estimate the square footage of commercial that might go into that section of outparcel space?

MR. YOVANOVICH: Let me ask Lon if we've guesstimated that yet.

The current plan, obviously, subject to, you know, change, is this area right here is probably going to be a childcare learning center. That's who they're currently talking to putting on that site, and

then there's, under the existing, it could be an expansion of the existing 7-Eleven and related services, that typical gas station convenience stores provide. It could include, you know, a car wash as part of that or more pumps. But that's the current plan along Davis.

COMMISSIONER FRY: Childcare is part of the approved list of uses for the existing commercial?

MR. YOVANOVICH: Yes, yes, yes.

COMMISSIONER FRY: Just -- last question, which I want to -- I'll be asking staff a follow-up question. What led to the decision to pursue residential rather than commercial? Was it a decision -- an analysis that commercial wasn't needed but residential was?

MR. YOVANOVICH: Well, there's -- there is still a tremendous amount of desire for rental apartments in Collier County. So that's -- that is a big market right now. It's underserved. And so the answer is, yes, residential is -- is the driver for this because of demand for residential. Someday this will get -- if it doesn't get approved, you'll -- it's approved for commercial, it will happen. But right now there's still a demand. I mean, how many -- I can't remember how many apartment complexes I've brought forward in the last few years, and we'll bring more because there's the -- there's -- for whatever reason, the market really has taken to rental versus home ownership. And as you know, the rental market prices for these apartments is -- is a mortgage payment or more for -- so it's not cheap rents.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: No one else is signaling at this point. Any other commissioners have questions?

(No response.)

CHAIRMAN FRYER: If not, Mr. Yovanovich, are you resting?

MR. YOVANOVICH: I am resting.

CHAIRMAN FRYER: Okay. Thank you. We'll ask staff for its presentation then, please.

MR. BELLOWS: Yes. For the record, Ray Bellows. I'm presenting this petition working in conjunction with Laura DeJohn, our project manager. This is an amendment to an existing commercial PUD to add residential uses as the applicant has indicated. We're amending Ordinance No. 89-62, and the addition of residential uses will convert this from a commercial PUD to a mixed-use PUD.

The Comprehensive Plan review indicates that the Future Land Use Element and the Transportation Element and the Coastal Construction Element are all satisfied. This project is consistent with those elements of the Comprehensive Plan. Compatibility analysis indicates that this project, as designed and proposed, is compatible with the surrounding development and development standards allowed in other zoning districts nearby.

The staff is recommending two conditions of approval, one of which -- Condition 2 has been satisfied with the revised language that was put on your visualizer earlier today. And I'll be happy to answer any questions.

CHAIRMAN FRYER: Commissioner -- Mr. Eastman.

MR. EASTMAN: My question relates to the revised language, and it just relates to the width of the driveway access easement, the language from the e-mail. Was that 30 feet or 60 feet? And it's just a clarification question to make sure that we've got the width of that correct.

MR. YOVANOVICH: Mr. Eastman, as you know, there is -- as part of the Board approval, there is going to be a revision to -- and you're reviewing it, there's an existing drainage and access easement on the property. The drainage is along the eastern boundary, and the access is along the northern boundary.

The access easement is being reduced to 30 feet. So the 30 feet is the accurate width of the access easement, and we're actually increasing the drainage easement width from 12 feet to 40 feet to accommodate the county's drainage for the property north, which included their fire station, their proposed affordable housing, and accommodate the Calusa Park Elementary School drainage. So that's why the drainage and access easement is being modified to accommodate the county's use of

the drainage easement.

CHAIRMAN FRYER: Anything else, Mr. Eastman?

MR. EASTMAN: No.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Just for staff, I mean, I asked some basic questions of Mr. Yovanovich on what he could put there, activity centers. I'm assuming you agree with his answers.

MR. BOSI: The -- since 1989, the Collier County Growth Management Plan has adopted the concepts of activity centers, and activity centers were designed for the highest intensity of uses within the county at the intersection of major roadways. And the vision for those activity centers has always been mixed use, has always been an arrangement of commercial and residential. For about 25 years, the only thing that we received within our activity centers were commercial because that was the demand. That's where the market action was at.

Over the last five years, you're starting to see a transition to our activity centers being fulfilled of the original design of a mix of residential and commercial and why that is important and why that has value from a planning standpoint and why we promote 16 units per acre in the activity centers, higher than any other areas within the county, is because when you have a higher density, your product is normally going to be smaller of size and, therefore, the prices, even though they're high compared to the other markets, compared to single-family home ownerships, they're normally much more affordable.

So what we want to do is place those opportunities for residential units where there's goods and services that are widely available, where there are economic employment opportunities that are available and, plus, at the distribution of these activity centers at the cross-sections of major roads, they're easily distributed to other portions within the county for employment, goods, and services. So this -- this product is what the -- from a planning standpoint, from the Planning Department, from our Growth Management Plan, is what we want to see, because this is where our intensity is supposed to be allocated. And that 13 units per acre or 16 units per acre, the size of the units are going to bring those prices down somewhat more affordable for a working-class individual.

And the more that we're able to add to our activity centers, the better we're able to positively affect our transportation system without the expenditure of capital of expanding our road systems. So when staff reviews this proposal, we want to make sure that it adheres to the regulations, but we want to also let the Planning Commission and the Board of County Commissioners know these are the type of projects we've been anticipating since 1989, and the market's now starting to find the -- is starting to find that there is value within this addition.

And one final thought: A lot of the individuals on this Planning Commission probably wasn't -- weren't around when the ULI did their affordable housing study. The conclusion -- one of the main conclusions of that study, it not only was increase the density within activity centers -- and you're going to see a Growth Management Plan amendment that's been initiated from the housing plan that's associated with that later on within this year or within next year that increase those units, but the most -- one of the most startling facts of the housing plan was every day this county imports 45,000 people to fill the jobs that are created by the demand within this county.

Think about the impact that has upon your transportation system. And if we're able to chip away at any of those -- those individuals from outside our market coming in, we're able to affect positively the transportation system in ways that not only is positive from a capital standpoint, but think about how the effect is on the individual's life if you're not spending an hour and a half back and forth from your commute but -- and you cut that -- you give them back an hour. That's significant. That affects people's daily lives. And so these are the types of projects that we are happy to promote and we're happy to see that the market's responding to.

So, yes, we agree.

COMMISSIONER FRY: I'm sorry. I just want to jump in. That -- that conclusion only holds true if the price for these units that you're putting in the activity centers is commensurate with what those 45,000 people are paying. It has to be affordable for them to make the move down here.

It's nice to have the supply, but if the rents are sky high and they still have to live in Estero or Fort Myers and travel down here, then that -- it won't hold true.

MR. BOSI: That's where supply and demand's on your side. If you add more supply, then it starts to satisfy that demand and the -- and the prices are correlated to that. Because currently there is an imbalance, and with each one of these projects that we're able to move, we're able to affect that. Will we ever be able to 100 percent satisfy it? No. But if -- each increment of improvement is an improvement, and hopefully the market rents reflect that.

COMMISSIONER FRY: Sorry to interrupt.

COMMISSIONER SHEA: I have one other question. Thank you. That was a very good description. Much needed by somebody like me. So thank you.

CHAIRMAN FRYER: Commissioner, is it related to the last? Because I'd like to add a related question if you're going to change subjects.

COMMISSIONER SHEA: I'm going to change subjects, so go ahead.

CHAIRMAN FRYER: May I? Thank you. With respect to this Mixed-use Activity Center 6, I drove by it, and there's not a heck of a lot going on there at present, and also to the south, then -- I don't know if I'm pronouncing it right -- the Taormina Reserve MPUD was created by an ordinance in 2009, and the land is still lying fallow.

Is there any -- and this doesn't reflect negatively on the current application, but just for my general background and with respect to this activity center, is there anything planned for that MPUD to the south?

MR. BOSI: Well, what's -- the MPUD is currently approved for -- I'm not sure the exact, but over 100,000 square feet of commercial as well as residential use. It is a true mixed-use PUD. But when the market's going to respond to that is -- is out of staff's, you know, purview.

CHAIRMAN FRYER: Understood, and obviously market conditions will dictate. My question was just to give me some more insight as to the activity center. Thank you for letting me jump in, Commissioner Shea. You have the floor.

COMMISSIONER SHEA: This is actually a question for Commissioner [sic] Eastman. We're taking this from no residential to probably 100 percent residential, and I'm gathering that the school system in the area -- immediate area can handle that potential load?

MR. EASTMAN: The school district has a history of trying to be able to meet all the demand. So we don't want to be seen as having to hold anyone back from development. So the answer is, yes, we have a Planning Department, and we build and have capacity that's ready to meet all the demand. And we've never had to stop anyone or have a moratorium or any type of governor on development in the county, because we plan well and we're ready for it.

CHAIRMAN FRYER: Thank you. Commissioner Fry.

COMMISSIONER FRY: So this question -- everything that comes before us, traffic is always a big issue. And so partially for our benefit but also for the folks that might be interested out in the audience in the public watching on TV, explain -- so this is a change from commercial to residential primarily. It should reduce the overall trip cap, but explain how the trips -- how and when the trips from this development and other developments actually factor into the traffic analysis. Obviously, this did not trip any traffic warnings; however, every time we have an issue, neighbors walk in and say the traffic's already terrible, now you're adding to it, you know, you're killing us. So just explain how this all fits together and works into the numbers.

MR. BELLOWS: For the record, Ray Bellows. We do have Mike Sawyer with us. But just a quick response is the proposed amendment will not increase the site-generated trips. It will be less. The residential generates less.

COMMISSIONER FRY: When will these trips actually be used in the calculations for future projects? Only after they have an approved Site Development Plan and begin construction, or is it already part of a trip bank?

MR. BOSI: The way that -- the concurrency management system, at the zoning they would be reserved as background traffic. It's when they go through the Site Development Plan for their

apartment complex, that's when the actual concurrency will be applied, and those trips are added to the overall mix of volume to the road segments in which they will affect. So it's recognized at zoning, and it's put into a background traffic calculation. But once it goes through and has an approved SDP, all those trips become part of the concurrency management system and are distributed on the road system appropriately.

COMMISSIONER FRY: So the background traffic is the sum of approved projects that really have not been fully defined yet or are not under construction?

MR. BOSI: Correct. We recognize that there are numbers of units that have not been developed from various PUDs, from various -- and just traditional zoning, and that traffic is -- is recognized, accounted for, but it's not accounted for that it's there today, but we do know that we have to account for it. So they do recognize it. It's part of the equation. It's just not a one-to-one equation when you deal with background traffic.

COMMISSIONER FRY: But background traffic was part of the traffic analysis performed?

MR. BOSI: Oh, absolutely. It's part of the -- it's always as part of formula that makes up how the calculation is in terms of volume-to-capacity availability.

CHAIRMAN FRYER: The road segments in question, the one on Davis and the one on Santa Barbara, are not stressed at this point. They -- certainly there's going to be an increase in actual traffic on them because we're comparing to what could have been under current zoning. So there will be more traffic. But in each case it appears that the -- if you rely on the AUIR, that there will not -- this is not going to produce a deficiency or even a near deficiency.

Here comes Trinity.

COMMISSIONER FRY: And, in fact, it sounds like this will actually result in real life in a reduction of the total trips that might have been generated from this project.

MR. BOSI: And this will be my last comment as the transportation planner, but as a rule of thumb, your residential in exchange for commercial, you're always going to see a reduction, because residential -- residential generates a certain amount of traffic. Commercial attracts a much higher level and, because of that, that's why it's always in that positive in that regard.

CHAIRMAN FRYER: Ms. Scott?

MS. SCOTT: Good morning.

CHAIRMAN FRYER: Good morning to you.

COMMISSIONER FRY: I didn't hear any music.

MS. SCOTT: I know. Karl didn't know I was coming.

Trinity Scott, Deputy Department Head, Growth Management Department.

Actually, for this specific development, it is a vested development. Many years ago we had several developments that prepaid their impact fees, and they got a vesting determination. That was probably back when Mr. Schmitt was here.

COMMISSIONER SCHMITT: Yep.

MS. SCOTT: So these trips for this development are already accounted for in our trip banking system and have been in there for probably over a decade.

COMMISSIONER SCHMITT: And they already paid a portion of their impact fees.

MS. SCOTT: Correct, to get that vesting.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Thank you. And no one else is signaling at this time. Any other questions for staff?

(No response.)

CHAIRMAN FRYER: All right. Staff, anything further?

MR. BOSI: No further. Thank you, Chair.

CHAIRMAN FRYER: Okay. It's time, then, to ask if there are any registered speakers.

Mr. Youngblood.

MR. YOUNGBLOOD: Mr. Chairman, I only see one registered speaker, James Banks. He is online.

CHAIRMAN FRYER: He's our traffic -- he's the traffic advocate.

MR. YOUNGBLOOD: Okay. That's what I figured. Then I don't have any other registered speakers.

CHAIRMAN FRYER: Okay. Anyone in this room who is not registered but wishes to be heard in this matter, now would be the time. Yes. Sir, have you been sworn in?

MR. ANDERSON: Yes.

CHAIRMAN FRYER: Okay. Come to the podium, state your name, and let us know what's on your mind.

MR. ANDERSON: Yes. I'm Roy Anderson, live in Countryside. We do have some other speakers who weren't -- do they need to be sworn as well?

CHAIRMAN FRYER: They do.

MR. ANDERSON: When they come up or --

CHAIRMAN FRYER: Yeah.

MR. ANDERSON: Okay, sure.

We understand that this project may be consistent with the present legal requirements in terms of -- particularly in terms of building height; however, it's going to have a tremendous visual impact upon Countryside. The Province Way condominiums, which are right across the street from this project, are going to be significantly impacted.

Right now there's a four-story project just to the east of this proposed project, which we can see that's -- that's very evident. And this is going to be -- the five stories, even though they're going to be in the back of the site is -- that's going to be a tremendous visual impact. So we just want to make -- you know, make that known.

We -- it seems like in this part of the county that historically it was always -- it's always seemed to us that three-story was kind of the maximum in the area. You know, we didn't want to, you know, start looking like Miami or, you know, whatever, and it's -- and that clearly has changed. I know the present rules do allow for up to 60 feet, but that's going to have -- again, it's going to have a tremendous visual impact, and we just wanted to make that known in your deliberations.

CHAIRMAN FRYER: Thank you, sir. And I missed your name. Would you please --

MR. ANDERSON: Roy Anderson.

CHAIRMAN FRYER: Anderson. Thank you, sir.

MR. EASTMAN: Mr. Anderson?

MR. ANDERSON: Yes.

MR. EASTMAN: In Countryside, are your building also at the three-story limit?

MR. ANDERSON: Yes, they are.

MR. EASTMAN: Yep. Okay. Thank you.

MR. ANDERSON: Yes. They're two- and three-story.

MR. EASTMAN: And nothing exceeding that?

MR. ANDERSON: Nothing exceeding that, correct.

MR. EASTMAN: Thank you. Thank you.

CHAIRMAN FRYER: Commissioner Schmitt, did you have something for --

COMMISSIONER SHEA: What's the height of those?

COMMISSIONER SCHMITT: Hi, Roy. How you doing, Roy? Roy is a former county employee, so he's --

CHAIRMAN FRYER: Mr. Anderson --

(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: -- well aware of these procedures. Can you stay up there, Roy. I want to ask you a question.

MR. ANDERSON: Sure.

COMMISSIONER SCHMITT: The 60-foot is not any different than what's already approved, correct?

MR. ANDERSON: Correct.

COMMISSIONER SCHMITT: So regardless of whether this is approved or not, if it was commercial, it would still be -- could still be 60 foot, which would still be deemed, in your words, a visual impediment. So I'm confused as to -- your point, I understand, is the 60-foot height, but the current zoning allows for 60-foot height. So regardless of what's built, whether it's commercial or residential, it would have been deemed a visual impediment, but the zoning already exists. So please explain what it is you're trying to seek. You're trying to ask us to reduce the height that -- of a zoning that already exists?

MR. ANDERSON: That's ultimately what we would like to see, that's right.

COMMISSIONER SCHMITT: Okay. That's clear. And isn't that --

MR. ANDERSON: I realize the project is being responsive to what the current law provides, but we're just -- we're just unhappy with the whole situation.

COMMISSIONER SCHMITT: What would you prefer be placed there then?

MR. ANDERSON: Something that does not exceed three stories.

COMMISSIONER SCHMITT: But that would be taking away a development right that already exists.

MR. ANDERSON: That may be the case.

COMMISSIONER SCHMITT: Okay.

MR. ANDERSON: We're just registering our concern.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Hi, Roy. So just -- I understand -- and we're all in that position at times when something is built across from us. So it sounds like you had -- you might have seen the 60-foot-high commercial structures. I think that would have been closer to you than these five-story buildings which would be closer to the back. The commercial might have been farther forward. So it seems like you would have had -- you know, unless we do reduce the height -- I don't even know if this is within our rights. This is an existing approved project, so I'd be asking that. But you would be looking at something 60 feet high. So that impact would have been six of one or half a dozen of another, either residential or commercial might have been 60 feet.

I just wondered how you feel about it being residential versus commercial. The benefit -- the implicit benefit to you and your neighbors is that the residential will generate less traffic and less traffic congestion on the roads than the commercial would have.

So do you perceive that as a benefit, or would have you rather had the commercial?

MR. ANDERSON: I would perceive that as a benefit, you know. The residential element, you know, I think that is a plus. But the bottom line is the 60 feet is what we're really upset about.

COMMISSIONER FRY: I understand. Thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Just -- another question, Roy.

MR. ANDERSON: Oh, yes.

COMMISSIONER SHEA: Just -- you said you have three stories in your units?

MR. ANDERSON: Yes.

COMMISSIONER SHEA: What's the height, the -- what's the height of the building? Because I have a feeling they probably have lower ceiling heights in their units than you might.

MR. ANDERSON: Probably, I don't know, 40 feet, perhaps. I'm just guessing. I don't have the hard number, but it's three stories.

COMMISSIONER SHEA: But there is a big difference in stories depending on the -- you know, the construction.

MR. ANDERSON: True.

COMMISSIONER SHEA: Okay. That's what I was just wondering, because I would bet you have taller than three-story -- a typical three-story -- than their three stories, is all I'm saying.

CHAIRMAN FRYER: Thank you. I want to ask members of the public how many wish to speak on this but have not yet been sworn in, please raise your hand. One. A total of one. All right, sir, come on up, and we'll get sworn -- get you sworn in.

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

MR. QUIETO: I do.

CHAIRMAN FRYER: State your name, please, sir.

MR. QUIETO: I'm Angelo Quietto.

CHAIRMAN FRYER: Can you spell that for me.

MR. QUIETO: Q-u-i-e-t-o.

CHAIRMAN FRYER: Thank you. You have the floor, sir.

MR. QUIETO: Okay. I'm not an attorney, so I may just jump my questions around and, you know, my statement, whatever I say, because I'm not a speaker, I guess you say.

CHAIRMAN FRYER: You're a refreshing change. Thank you.

MR. QUIETO: I am opposed to that many units. And if I'm correct, there's already affordable housing units that I went to another meeting at the church, New Hope, that that's aside from what this guy wants. Okay. And I think that's plenty for that area.

Personally, I think, like Roy said, 60 feet is kind of high, but I would -- it's the dwelling, I guess call it, 300 and something dwellings. I would see commercial -- commercial closes at the night. There's nothing at night.

My other concern is every street corner here in East Naples, they're throwing up, since I've been here -- I've been here since '98 permanently. Every corner, right where I live now, you figure this, there's all kinds of developments, okay.

When I was here before, they were talking about, with Donna Fiala, the water. We -- water is a commodity for here in Florida. We don't have a lot of water. Like they said, you're going to have to dig down deeper, yes, but eventually you're going to keep digging down, and what's going to happen?

The other thing was -- you call it rubbish; I call it trash or whatever. We don't have a lot of recycle places to put our rubbish, okay. That one that's up on, I think it's Collier, I think that one is -- doesn't have many years left in it.

Where is the next one going to go and how big is it going to have to be to accommodate all these people that want to just keep building, building, and building?

I just -- and then you talk about green space, I guess you call it, where you have your trees and all.

Where are your animals? They said, oh, these bears are coming into all your residential areas.

Sure, why are they? Because everybody's pushing them our way because of the building. I mean, I can't say that people shouldn't build, but you've got to build within reason, okay. So that you worry about your water, you worry about your trash, and you worry about your animals, and you worry about your floods, okay.

So I would see that -- if I, you know -- because, again, I'm not a lawyer -- saying that what they're looking for has not really been approved, that they have to go and get an approval from commercial to residential. I don't know if that's what they have to do. And I don't know who makes the decision to say, well, okay, we want to keep it commercial. Yeah, you can build there whatever you want to put in there. You want to put a rec center, you want to put this in there, but you don't need 300 and 200, whatever it is, multifamily units, okay.

So that's it. You want to ask me questions, I'm here.

CHAIRMAN FRYER: Thank you, sir. There are no signals at the present time, so you can step down, sir.

MR. QUIETO: Thank you.

CHAIRMAN FRYER: Thank you very much.

Any further speakers? Anybody wish to be heard on this, members of the public?

(No response.)

CHAIRMAN FRYER: Seeing none, then without objection, we will close the public comment portion of this hearing and ask Mr. Yovanovich if he has any rebuttal.

MR. YOVANOVICH: Just real briefly. Just mainly to put some peoples' minds at ease, hopefully, on the process, because I don't -- Mr. Anderson may be familiar with the review process,

but I think the last gentleman may not be. So if you'll bear with me to just kind of respond to some of those concerns he's raised.

There is a very detailed engineering review that we are going through right now through the Site Development Plan process, and that engineering review will assure that we properly address rainwater and stormwater that results from our project. So just -- you can rest assured that county staff will properly review all of that.

We are also required to provide an environmental study as to our impact on listed species. That has all been reviewed and confirmed that we do not have a negative impact on animals in this area. And we're basically a completely -- I'm trying to go back. You can see there's not a lot of habitat or trees even on this site.

So all of that is part of the review process, and I just wanted to make sure that you understand that. And there's been a lot of discussion about traffic and the impacts. That is a very detailed review as part of this project.

We are 100 percent consistent with the Comprehensive Plan in Collier County, and with that it -- and you heard Mr. Bosi elaborate and say that this is intended to be a higher density residential portion of the property -- of the county, and we're consistent with that. And we are -- we are mindful of our neighbors.

We have a very detailed site plan. And I spoke to my -- I spoke to my client. I cannot take away the five-story buildings. That's -- that's got to stay, but you've seen we have three-story buildings along Santa Barbara. So if it will make them more comfortable, Mr. Anderson, it will make it more comfortable for us to commit to three stories and not to exceed, you know, 45 feet in height, and that would be an actual height, right along -- along Santa Barbara.

CHAIRMAN FRYER: All right. So that will be --

MR. YOVANOVICH: We're happy to do that. We're that far along enough in that process. But I can't commit to an entire three-story project. But we can -- we can commit to the three stories, because the reality is it doesn't work economically and fit.

So I know I don't typically respond to the audience, but I just want them to understand that we've done great detail about this, and this is compatible with the neighborhood, compatible with your Comprehensive Plan. We are willing to commit to three stories along Santa Barbara, actual height of 45 feet.

CHAIRMAN FRYER: Actual of 45, okay.

MR. YOVANOVICH: Yes. So I guess that would be probably -- I think "actual" is the better measurement there than necessarily zoned and actual. So let's commit to 45 feet actual.

CHAIRMAN FRYER: And that's on how many buildings?

MR. YOVANOVICH: That's the buildings along Santa Barbara.

CHAIRMAN FRYER: All the buildings along Santa Barbara?

MR. YOVANOVICH: Well, let's say it a different way. Buildings that are not -- let me go back and make sure I don't say this incorrectly. The buildings that are along -- that are not along our eastern boundary, we could -- am I right, Lon, we could commit to those being three stories?

MR. TABATCHNICK: Correct. The buildings right there on Santa Barbara by our entrance, those four buildings.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: One, two, three, four, is that it? I think this one's also three, right?

MR. TABATCHNICK: Yes.

CHAIRMAN FRYER: So we can describe this as a commitment that applies with respect to all those except those that are fronting on the eastern boundary?

MR. YOVANOVICH: I think that would be -- does that work -- Ray, I just want to make sure that works for staff if we write it that way. Heidi, are you comfortable with that?

MS. ASHTON-CICKO: You're talking about residential only, right?

MR. YOVANOVICH: Yes, for the residential only. We're not changing any of the development standards for commercial. I'm just saying, if we were to develop as residential, I can commit to

only -- the residential buildings that will be greater than 45 feet in actual height will only be those along the eastern boundary.

COMMISSIONER HOMIAK: It's here -- it's in here already. So under residential, the Santa Barbara Boulevard 60 feet, it would be 45.

MR. YOVANOVICH: Correct, on height, actual height.

CHAIRMAN FRYER: We can make that as a condition of our --

COMMISSIONER HOMIAK: It's just right here.

MR. YOVANOVICH: And I'm sure between now and the Board, we can write it appropriately, but the concept -- I want to make sure we're all on the same page on the concept, and for the residential we would agree to do that.

MR. BELLOWS: For the record, staff is understanding of the condition, and we can work with the applicant and the attorney's office to get it placed in the PUD document that way.

CHAIRMAN FRYER: Okay. Commissioner Fry.

COMMISSIONER FRY: To clarify, Rich, there are four buildings that actually are adjacent to the eastern border, and then there's one building -- and I don't know if you have the ability to point. The building I'm talking about just clarifying is the building that is one back from the eastern border, the longest building of all.

MR. YOVANOVICH: Right here?

COMMISSIONER FRY: Yes. Is that -- how many stories would that be?

MR. YOVANOVICH: That's three.

COMMISSIONER FRY: That's three.

MR. YOVANOVICH: Let's do this so when we write this correctly, why don't we -- it's this building. Can you see my finger?

COMMISSIONER VERNON: Yep.

MR. YOVANOVICH: That building, and that building.

COMMISSIONER VERNON: Those are the only ones --

MR. YOVANOVICH: Those are the only ones. Those three would be the ones that would not be 45 feet actual height.

COMMISSIONER VERNON: Not be limited to 45 feet?

MR. YOVANOVICH: Right. They would be the 60 feet.

COMMISSIONER FRY: Thank you.

MR. YOVANOVICH: On the residential.

COMMISSIONER FRY: Am I correct that in the section that would still allow the outparcels, that you still could build 60 feet there as part of the --

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: -- previous approved PUD?

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: So I'm making them aware of that.

One thing I'm wondering: There are no preserves in this property. How does that -- you know, most of the properties -- most of the projects that come through have some preserve requirement, preserve areas. How did we arrive at no preserves in this project? Is that because that's what was approved previously?

MR. YOVANOVICH: Yeah. It's the previous project. And if you look, again -- let me make sure I go the right direction. I can see Jaime coming up to address that as well. We still have open space, as you know, but when you look at the site, there's -- most sites you see, when you look in -- and, again, this is not to point to the county. But most sites you see when we come in look more like the county's site with a lot of trees on it, and that's why we have a native vegetation requirement. This site we don't, and that's the way it is.

And I'm sure Jaime can give it a more eloquent explanation as to the preserve requirement than --

MS. COOK: Jaime Cook, your director of Development Review.

This project was actually approved to be cleared with the 1998 ordinance. So any vegetation that's

there from our site visit from staff is mostly exotics. It's not really anything that's worth being put into a preserve. So that's why for this particular site there is not a preservation requirement.

COMMISSIONER FRY: So the preserve requirement is not a standard. It is basically in recognition of existing plant life that's there and wanting to preserve a certain amount of it?

MS. COOK: Correct. So when a site comes in for development, Environmental staff asks for a vegetation inventory of the site, and then a preserve is -- preserve amount is determined based on the native vegetation that's present on that site.

COMMISSIONER FRY: Thank you.

MS. COOK: You're welcome.

COMMISSIONER SHEA: Can I ask a further question?

MS. COOK: Sure.

COMMISSIONER SHEA: How does that -- I also thought that they had a requirement to contain a certain amount of rainwater on the property, which is why some of these preserves are there. I guess, is that because this is an activity center we don't have that kind of requirement?

MS. COOK: Well, their stormwater is going to be dependent on the site itself. So if they have an upland preserve, we don't want them using that for their stormwater. If they have a wetland preserve, they can design their site to use it that way, but they don't necessarily have to.

COMMISSIONER SHEA: So they don't have to -- anything that runs off just runs off?

MS. COOK: No, no. Their stormwater system could be designed differently, that it has to be retained within their site --

(Simultaneous crosstalk.)

MS. COOK: -- but it doesn't necessarily have to go in the preserve.

(Simultaneous crosstalk.)

MR. KLATZKOW: Everything has to be retained on site whether it's preserve, whether it's a lake. Whatever it is, you can't flood your neighbors.

CHAIRMAN FRYER: Thank you.

Anything else, Commissioner?

MS. COOK: So in this particular instance, they're using their lake as their stormwater.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Well, as soon as you close the public hearing, I'm ready to make a motion, but I don't know if you closed the public hearing yet.

CHAIRMAN FRYER: We did close public comment. I've got three more commissioners who want to speak, but that doesn't mean you can't make a motion now if you wish.

COMMISSIONER SCHMITT: Well, I'm going to make a motion. I understand the concerns of the public, but this is already-zoned property. It is a reduction in intensity. It is reducing the density of commercial to a -- or an intensity of commercial to a density of residential. So I'm going to propose that we recommend approval as proposed with the amendments as discussed by Mr. Yovanovich noting that the buildings that he identified on the easternmost edge of the property are restricted in height -- or are the ones that are not restricted in height, so they can go up to --

MR. YOVANOVICH: Sixty feet.

COMMISSIONER SCHMITT: -- 60 feet. All the other buildings would be at 45, and with a proposal that the amendment as proposed on the visualizer with the changes as approved by the County Attorney regarding the interconnect --

MR. YOVANOVICH: The commitment, yes.

COMMISSIONER SCHMITT: -- the commitment as approved. So I'm going to recommend approval of PL20200002233, the Shoppes at Santa Barbara.

CHAIRMAN FRYER: Thank you. Before we ask for a second, would you take a friendly amendment --

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: -- that the writeup -- the writeup of the three stories and 45 feet would not

need to come back to us on consent?

COMMISSIONER SCHMITT: I would agree. I think staff -- that's a very simple change, and staff can make sure that those amendments are properly recorded in the PUD document.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Now, under further discussion, we have Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I wouldn't say "minor," but since you kind of jumped in the fray of trying to address all their concerns, I sort of checked off the ones you addressed, and they mentioned the two things that the last gentleman mentioned were the trash recycle issue and the closing at night issue, commercial versus residential. If you can just address those two points.

MR. YOVANOVICH: Thank you. I -- you know, the county has a trash collection process, and the county, I'm sure -- I don't know how much additional capacity they still have for the landfill, but --

MR. KLATZKOW: We have no issue with the landfill --

MR. YOVANOVICH: I know.

MR. KLATZKOW: -- we have no issue with recycling, and we have no issue with water, and that's a long-term outlook. We're fine on those basic infrastructure. George Yilmaz does an outstanding job in making sure that the county is in good shape on that.

MR. YOVANOVICH: And regarding the hours of operation, it depends on what retail use would be there. I mean, he -- there's -- you know, if you have a restaurant, it doesn't close at 5:00. If you have other uses, they're open beyond 5:00. So I didn't want to get into not necessarily everything closes right at 5:00 p.m. It depends on what the retail use is. So we don't have hours of limitations in there today, and we're not proposing hours of limitation for the commercial -- the commercial options within the property.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman.

I just would like to ask the attorney, is there any basis that could justify a no vote based on the criteria?

MR. KLATZKOW: I have not heard any substantial competent evidence contrary to what the request is here.

It's compatible. It's within the GMP requirements. It's a step down in the intensity. I just have heard nothing that would support a denial.

COMMISSIONER KLUCIK: And as a -- you know, we're sitting quasi-judicially, and so I will clarify why I'm voting -- I will be voting to approve this, is I just don't see there's a basis to deny the owner the use that they're asking for.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: I think, like, when a speaker such as Mr. Quieto raises concerns -- and it's great that we address them. And, Rich, I appreciate you addressing it. Jeff, I appreciate you addressing it.

I think, just speaking to water, I mean, I, probably, when I joined this board, had similar concerns about water and sewage and recycling and all that. We get to hear presentations here where the county presents their plans to us and it updates on how our aquifers are doing, our water storage. There is an elaborate plan. All I can tell you after hearing that, my confidence in how we're managing this county improved a lot.

There is an elaborate plan of the aquifers, how to manage them. They check the levels. The levels are actually going up in some of the key aquifers. There's an elaborate system for distributing the water. There's also a secondary reclaimed water system that -- a lot of irrigation's done with reclaimed water rather than out of the aquifers.

So -- and the landscape is -- I mean, the -- the landfill, I think, is good for another 30, 40 years. They plan out 30 or 40 years on this stuff. And so I just wanted to -- I think we owe you a little bit

more explanation on that.

That's really all I had to say. I don't see grounds to vote no. I also do think there are additional benefits to the residential. A lot of times when there's a commercial development and the restaurants, there are concerns about late night, there are concerns about music, concerns about people getting rowdy if there's drinking establishments, concerns about dumpsters clanging 6:00 in the morning, 7:00 in the morning. Those things largely are not issues with the residential development, and you do experience a reduction in overall traffic, although maybe it's more spread out. You know, there's more in the evening and maybe early mornings than there would be with commercial. But, overall, most people see a benefit from the residential rather than the commercial, so...

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: I just make -- want to make a point that staff has clearly reviewed this and it's clearly identified within the staff report of the consistency review for all of the infrastructure, including transportation, utilities, and it clearly states that the project is within the -- within the con -- or within the limits of all the Public Utilities to support this project, and it's clearly part of the review process.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. Thank you, Mr. Chairman.

I would just say that, you know, for those who don't know, I've said it before, but I'm out in Ave Maria, and I -- my opinion of our developer out there, just as -- generally speaking, is they're a good developer, but they're a developer. And so they are frustrating sometimes. It's the nature of having land that's near you all of a sudden become used, and it's like, oh, wow, you know, it's going to be different, I'm nervous about it, or I don't like it, and so those are all normal things.

The issue, though, is, you know, there are rights. And in this case I just want to point out -- and so I'm generally at odds with our developer, pushing back very vocally, and that's kind of my general stance that I think that developers should -- and owners should be able to use their property, but I also think it's important to give feedback and push hard against things that people are concerned about, which is exactly what you guys have done, and I just want to point out that here this owner has -- not because they had to, but they -- because they chose to, they heard what you said, and they placed a limitation on themselves that they had no need -- you know, they weren't required to do that, and they did it willingly, voluntarily, you know, because they do have an interest in being good neighbors, and I'm sure they think it's good business sense. And so I just want to point that out and laude that.

CHAIRMAN FRYER: Thank you. And no one else is signaling at this time, so I will infer from that that we're ready for the question. It's been moved and seconded. Is there any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor -- and this is a recommendation of approval. All those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.
Thank you, Mr. Yovanovich.

MR. YOVANOVICH: Thank you.

COMMISSIONER FRY: With the conditions.

CHAIRMAN FRYER: Well, with conditions -- yeah. I just didn't want to restate all that stuff. I think the record's got it.

COMMISSIONER HOMIAK: The motion's already been made.

COMMISSIONER KLUCIK: That's the motion.

COMMISSIONER SCHMITT: Motion's already been made, and that was part of the motion.

COMMISSIONER FRY: I'd like to thank -- I mean, we've had the discussion last time. We had problems with the NIM. And I would just like to thank -- I'm not sure if that's you that's driving that, Rich, but whenever we get a written transcript, I believe -- I believe it's beneficial to the applicant in the sense of transparency in that we know we're able to read every word that was said and who said it. We're able to cite it in here by a page number and what was the exact wording if something was said. I really appreciate the transcript, and I hope, you know, that -- it seems like you provide transcripts all the time, for the most part.

MR. YOVANOVICH: Well, it depends. But I will -- I will pass along your appreciation for that and encourage, at least all the projects that I work on, that we try to do the same.

COMMISSIONER FRY: It gives us confidence that we are not -- and there's not things being withheld from the NIM that we're not aware of.

MR. YOVANOVICH: I understand.

CHAIRMAN FRYER: Thank you. Nothing further on this matter, thank you, Mr. Yovanovich.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: And it's almost 15 minutes past 10:00. We're close enough to a break. This seems like a natural time to have it. Let's stand in recess for 10 minutes until 10:25; 11 minutes, actually.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Mr. Klucik.

COMMISSIONER KLUCIK: Can't we plow through? Because I think our agenda is just so simple.

CHAIRMAN FRYER: Well, the court reporter expects a break, and I think a mid-morning break is in order.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: Thank you.

We're in recess until 10:25.

(A brief recess was had from 10:15 a.m. to 10:25 a.m.)

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

CHAIRMAN FRYER: Ladies and gentlemen, we'll reconvene.

***We have no more rezones, so we go to Item 10A, which is the proposed Collier County Planning Commission continuance policy. We began our discussion of that, and some questions were asked and some discussion was had, but we tabled it -- continued it until this meeting. So it will be appropriate for us to continue our discussions.

I look to the County Attorney. I don't expect he has anything further to present but I know is available to answer any questions. And I'm guessing that that's where staff is as well, no further presentation but available to answer questions. Am I correct on that?

MR. BOSI: Correct.

CHAIRMAN FRYER: Okay. And, Commissioner Vernon, you were on, sir.

COMMISSIONER VERNON: Thank you, Mr. Chairman.

Yes, I said during the last meeting that I had some minor changes and that I'd go over them with -- I guess I said I'd go over them with Jeff. And I looked at it and read it again, and I thought that I couldn't write it any better, other than the change the group discussed. So I had no changes. I just wanted to let the panel know.

CHAIRMAN FRYER: Okay. Any other body wish to be heard?

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes. Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: We used the word "entitled." I'm looking at the exhibit which is Exhibit A, the second paragraph.

THE COURT REPORTER: Can you use your microphone?

COMMISSIONER KLUCIK: I'm looking at Exhibit A, the second paragraph, which is the meat of it. The request shall state all the facts that the requester contends entitles them to a continuance. And I'm just wondering if that's the right word, if entitle it or that would, you know, be the basis.

COMMISSIONER VERNON: Well, it does say "contends."

COMMISSIONER KLUCIK: Right. But then the idea is there can be a -- there can be a circumstance that entitles you, and I don't think that anything entitles you. I think it's always discretionary, and since it's discretionary, there can't be an entitlement.

CHAIRMAN FRYER: Could you suggest another word for us, sir?

COMMISSIONER KLUCIK: Justifies.

CHAIRMAN FRYER: That would be fine with me.

COMMISSIONER KLUCIK: Not "them to a," but justifies a continuance.

CHAIRMAN FRYER: Yeah. Instead of entitles. Anybody object to that?

COMMISSIONER VERNON: No, it sounds good.

CHAIRMAN FRYER: All right. So we'll change "justifies" to "entitles."

And, Commissioner Fry.

COMMISSIONER FRY: I want to lay out one scenario that I think has played out here a few times that has resulted in continuances and just play it through this addendum, this policy, and see how it -- you know, how it fits.

Sometimes we're in a meeting and the public speakers get up and speak, and we realize that there are some major unaddressed issues that they have expressed that have not been worked out with the applicant. And so at those times, we almost strongly suggest -- or the applicant gets up and goes, we'd like a continuance so that we can work these issues out with the neighbors. So how does that play out in this? Is that one of those where they would be charged \$1,000 and have a six-week readvertisement period?

CHAIRMAN FRYER: May I weigh in on that?

COMMISSIONER FRY: Absolutely.

CHAIRMAN FRYER: We've got some good discretionary language in the penultimate paragraph on Page 2 of 2 in the exhibit. So -- and I'm very comfortable with that, that we can always allow for a continuance, and we can also -- if we see no basis for assigning fault of any kind, we can waive the fees as well, and we can also set it for a sooner time if we wish. And I happen to like the way that's positioned, because it gives the discretion which I think we should have.

COMMISSIONER FRY: So notwithstanding that -- and I understand the discretion we have, but you have a situation where could the applicant have done a better job of negotiating with the owner; should they have already known and already been through that process?

So to me it's still a bit of a gray area in that is that really -- are they really entitled to a free or a quick rescheduling under those condition, or should they have --

MR. KLATZKOW: There is no requirement that the applicant negotiate with the neighbors.

Now, Mr. Yovanovich does that as a matter of course because he's learned over the years that's the easiest way to get his projects approved. But there's no requirement on that.

The core here is really my own feeling that the Planning Commission's being abused because a developer will show up, see some angry faces, and all of a sudden say, well, I don't want to do this now, grant me a continuance, which impacts the people who came down here.

This is your policy. At the end of the day, you will use this policy to determine whether or not the continuance is really a good faith or a bad faith and how you want to handle it. The continuance could just be to the next meeting if it's just a question of a couple things they've got to get wrapped up. But it's entirely your discretion.

MR. BELLOWS: And, for the record, Ray Bellows. In response to the question, I've attended neighborhood information meetings where nobody attended. It was properly advertised. All the notices went out. But when we got to the Planning Commission, there was a good turnout. So things happen beyond the applicant's trying to meet with residents, trying to resolve issues. Some things just, you know, show up at the last minute.

COMMISSIONER FRY: So we have the latitude -- I mean, the important point is we have the latitude to decide if good faith has been exhibited and whether or not to grant the continuance and how long and whether a fee applies.

MR. BELLOWS: Correct.

CHAIRMAN FRYER: Thank you. And before I call on the next commissioners to speak, I just want to reserve an opportunity, because I have a suggested language change that I'll bring up after other commissioners have been heard from. Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I just think this strikes a real good balance in addressing Karl's concern, and sort of the default is you're going to -- you're going to have a -- I don't want to call it a punishment, but there's going to be ramifications to a continuance, but if we see there's some kind of good-faith interaction between the public and the applicant that for some reason didn't come up during the NIM, then we can exercise our discretion to not punish the developer if they want to try to work something out. And I think Karl's concern, if I'm reading it right, is we don't want this rule to act as a deterrence of the applicant working with the public, which, again, I think the discretionary part that the Chairman mentioned covers that ground.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes, thank you. I would suggest that in the penultimate paragraph on that same page, Exhibit A, where it says if the request for continuance was at the applicant's request, they'll pay \$1,000, I would suggest if a continuance is granted, the applicant will pay the thousand dollars, and then the Commission -- the planning commissioners may determine -- or may choose to waive that fee based on other circumstances. That way it's not -- again, it's not by right. It gives discretion.

Because right now, you know, we might have a -- it might be like, well, Raymond said, oh, yeah, we would like to go ahead and have a continuance, and it really is because the developer didn't do what they should have done, and he's -- you know, our county staff sees that there's something that needs to be addressed, but it really wasn't the county's fault. And so I don't -- I think we need to have more flexibility, and I don't -- I don't really -- we all know that we'd be willing under, you know, the right circumstances, such as if the staff actually requests it of their own accord, not because of, you know, some other -- I don't want to say bad act but, you know, negligence or, you know, not paying attention by the applicant. And so I think that would be better.

So we say that there's a fee of \$1,000 paid by the applicant if it's granted, if the -- if the continuation is granted, and that the Commission, at their discretion, can waive the fee based on the circumstances.

CHAIRMAN FRYER: Anyone object to that?

(No response.)

CHAIRMAN FRYER: Okay. And we'll add that language. No one else is signaling at this time.

I have a concern -- I'm generally very pleased with this, but I do have a concern with the Example No. 2 where some language was changed, and that's in about the middle of the page -- Page 1 of -- excuse me. Page 2, which is -- which is Page 1 of Exhibit A, and the language had said "where the denial of a continuance creates injustice for the requesting party." And I think, if memory serves, it was Commissioner Vernon who called for, perhaps, a definition of "injustice," which I thought might have been a good idea. But instead of a definition of injustice, we've got a different word, and I think it's a more, if you will, lenient word, particularly with the discretion that we have in applying this.

I do believe that the Planning Commission, once this is approved, can only be as strict as the most lenient of those three examples. And so I think that, in effect, takes some discretion away from us as to determine what is an injustice.

So my proposal would be either go back to the word "injustice," perhaps try to define it, if we feel we need to, or another approach would be to add three words before the word "hardship," and those words would be "material and unavoidable."

So I'd like to hear the Commission's reaction to that.

COMMISSIONER SCHMITT: I'm fine with those words.

COMMISSIONER KLUCIK: What does that mean to you? If you could explain what that --

CHAIRMAN FRYER: Well, for instance, if I'm sitting in front of a television watching a football game and I'm taking notes or something and my pencil breaks and I have to get up and sharpen my pencil, you know, if --

COMMISSIONER KLUCIK: You could say that was a hardship?

CHAIRMAN FRYER: Because that's a term that is really without definition, and so I wanted to add some words to try to give it a little more clarity that it's not in the eyes of the beholder as much as it's something that the Commission would deem to be significant, and that's what I mean by "material." And "unavoidable," what I mean is that the applicant -- this is a problem of his own creation perhaps even to justify the continuance.

COMMISSIONER VERNON: I'm good with "material and unavoidable hardship."

COMMISSIONER SCHMITT: I agree.

CHAIRMAN FRYER: Okay. Any further -- oh, Commissioner Vernon, you've lit up, sir.

COMMISSIONER VERNON: That was it. I just jumped in.

CHAIRMAN FRYER: Thank you very much.

Any other comments, discussion, questions on this? We've got -- we've got three proposed changes, and let me see if I can identify them. In the second -- second paragraph of Exhibit A, it looks like the fourth line we're going to change the word "entitle" to the word "satisfies."

MR. KLATZKOW: Satisfies or it justifies?

COMMISSIONER HOMIAK: Justifies.

CHAIRMAN FRYER: Oh, I can't read my own handwriting.

COMMISSIONER KLUCIK: Justifies a continuance.

CHAIRMAN FRYER: You're right. I can't read my own writing. My bad. It says -- yeah. Wow. Justified, justifies. Thank you.

Then the second one in the second example in the middle where it says where "a denial of a continuance creates a," we're going to add "material and unavoidable hardship for the requesting party." And then in the penultimate, second-to-last paragraph, we're going to -- and I don't have the exact language, but we're going to add an opportunity for the Planning Commission to exercise its discretion in waiving the thousand-dollar fee.

COMMISSIONER KLUCIK: So, yeah, the fee becomes -- if we vote that there's good cause shown and we choose to have the continuance, it would be -- if the request for continuance is granted -- if the request for continuance is granted, the applicant will pay \$1,000, blah, blah; however, the Planning Commission, at their discretion, may waive this fee.

MR. KLATZKOW: So it would read -- if the request for continuance was at the applicant's request --

COMMISSIONER KLUCIK: No, it doesn't even say that. If the request for continuance is granted, the applicant will pay a \$1,000 fee; however, the Planning Commission may waive that fee at their discretion.

COMMISSIONER FRY: Are you replacing the scenarios?

CHAIRMAN FRYER: No, he's not. Just dealing with this second-to-last paragraph; am I correct?

COMMISSIONER KLUCIK: Yes.

COMMISSIONER SHEA: Which line?

COMMISSIONER KLUCIK: It's the -- if the request for continuance was at the applicant's request, that's being replaced with if the request for -- if the applicant's request for continuance is -- or if the request for continuance is granted, the applicant will pay a \$1,000 continuance fee together with any and all costs in readvertising the item if necessary; however, the Planning Commission may waive this fee --

MR. KLATZKOW: At its discretion.

COMMISSIONER KLUCIK: -- at its discretion.

CHAIRMAN FRYER: All right. And I think -- I don't want to put words in your mouth, but I think in that first sentence you want it to be in the case of the applicant's request being granted, not staff's? So we need to add the word "applicant's"?

COMMISSIONER KLUCIK: Right.

CHAIRMAN FRYER: Okay. Is everybody on board with that wording?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: Okay. All right. Any further discussion on this with those three changes?

(No response.)

CHAIRMAN FRYER: I'd entertain a motion at this time.

COMMISSIONER SCHMITT: Make a motion to approve with the amendments as discussed.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER FRY: Second.

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, County Attorney; thank you, staff; and thank you, Planning Commission.

COMMISSIONER SCHMITT: I'd note for the record, though, of course, there were no petitioners of any sort or developers here to object to this, which was pretty interesting that they pretty much acquiesced and is -- will agree to all accommodations. So it appears that we may have solved a potential problem.

CHAIRMAN FRYER: I think --

COMMISSIONER SCHMITT: Or an existing problem, I should say.

CHAIRMAN FRYER: It is an existing problem. And, again, I thank the County Attorney for flagging this because --

COMMISSIONER SCHMITT: Thank you, Jeff, for your work on this.

CHAIRMAN FRYER: -- we really don't want to be in a situation where these last-minute decisions significantly interfere with our management of our own agenda and the public's time and our time. So thanks to all. Anything else on this?

(No response.)

CHAIRMAN FRYER: ***If not, then we have one more item, and that is Item 11A, and it -- it deals with the need to put on an evening meeting for the purpose of considering staff-initiated Land Development Code amendments.

MR. JOHNSON: That's correct. Good morning, Commissioners. Eric Johnson, principal planner in the Zoning Division.

So we're wanting to bring forward at least three ordinances that are related to changes that are going to be made or requested to be made into the Bayshore/Gateway Triangle Community Redevelopment Area, and one of the -- it's going to be two -- two of the ordinances would be Land Development Code amendment. The other -- the third would be a Growth Management Plan. So they're all very much intertwined.

One of the Land Development Code amendments is going to require a nighttime hearing. I reached out to each one of you individually and was struggling to find a quorum for October 7th for a nighttime hearing; nighttime being after 5:00 p.m. So I wanted to thank you again for allowing this discussion to occur. Is there another date, perhaps, that you would be interested in having a nighttime hearing either on the same day as a Planning Commission meeting or an alternate date? And, obviously, I'd have to make sure that we would have access to the room whenever that choice is made.

CHAIRMAN FRYER: I feel very strongly that we should make every effort to schedule it on a day we're already having a meeting, thinking about those who have to drive long distances as well as how it otherwise, I think, would significantly interfere with one's day. And we are volunteers.

COMMISSIONER HOMIAK: What if our meeting is all day long, and then you have a long night meeting?

COMMISSIONER KLUCIK: Well, I think that --

COMMISSIONER HOMIAK: I think it's -- well, there could be a point where you have a long day. Things seem to go on sometimes longer than they need to. And if you can't finish your own petitions -- the petitions that are on a regular meeting day and got to -- you're going to continue them or put the people out that come here, I mean, it could -- I mean, you could need to -- or you could go to 6:00 and actually finish what you're supposed to be doing that day.

CHAIRMAN FRYER: Let me see if I can address that, because I -- as you know, I meet with staff regularly before these hearings, and Mr. Bosi indicated to me that his forward look at our agenda would have it that we're going to have fewer matters as we go into the late fall and winter sessions. So I share your concern about a long day of that sort. But I think that the bulk of the long, complicated controversial hearings for the time being, at least, for 2021 are behind us.

MR. KLATZKOW: And you can start your meeting, like, 1:00.

COMMISSIONER KLUCIK: Well, that's what I was going to suggest is that if we do that, that I would hope we would adjust the start of the regular meeting to be much later, just, you know, for the same reason, to start your day at 7:30 and, you know, get back -- you know, back home at, you know, at 9:00 or 10:00 is asking a lot of volunteers.

CHAIRMAN FRYER: Let's say that we --

COMMISSIONER HOMIAK: That is. What about the staff? I mean, they have families and things. I mean, their day ends at some point.

COMMISSIONER KLUCIK: Yeah. But what I'm saying is is that we start our meeting later. I don't see how that --

MR. KLATZKOW: There's no point.

COMMISSIONER KLUCIK: We're going to have the evening meeting anyways.

MR. KLATZKOW: There's no point bringing you in, having a recess, then bringing you back.

COMMISSIONER KLUCIK: Correct.

MR. KLATZKOW: We'll schedule it so that it will be later in the day, and it will just blend right in.

COMMISSIONER KLUCIK: Right. And my whole point is to not have an extended day where we have a full meeting that starts at 9:00 and goes till 5:00 or that --

COMMISSIONER HOMIAK: Right.

COMMISSIONER KLUCIK: -- ends at 2:00 and --

COMMISSIONER HOMIAK: Well, Terri can't sit there for that long.

COMMISSIONER KLUCIK: Yeah, that's all.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I just wanted to mention, if we get into the scheduling, I'm out first two weeks of October. Pretty much other than that, I should be available, just so we didn't pick one of those days.

CHAIRMAN FRYER: Okay. Mr. Bosi?

MR. BOSI: I have a suggestion. We anticipate that we may have some November or December hearings for the Planning Commission that we only have maybe two -- one or two items. And we will have advanced look. We can advance coordinate it with the Planning Commission about whether they will be able to, say, start the meeting at 1:00, and then we can schedule the night meetings so we're not going to have such a -- we can really reduce whatever time frame there would be between when you're done with your regular business and then when you'd want to take up, you know, the 5:05 items.

CHAIRMAN FRYER: That sounds -- I'm sorry. Go ahead, Commissioner Fry.

COMMISSIONER FRY: Why are we not looking at September 16th? Is that too soon? Is there any reason why we couldn't --

MR. JOHNSON: We wouldn't be able to make advertising.

COMMISSIONER FRY: Oh, I see. Okay.

CHAIRMAN FRYER: Other comments? No one is signaling at this point. It sounds like what I'm hearing is a consensus going toward a November evening hearing on a meeting day where we have just one or two other matters and we start later in the day than 9:00.

MR. JOHNSON: All right. So the two dates that I have for you in November are -- that are already regularly scheduled is November 4th and November 18th. Number -- the 4th is the first Thursday. The 18th is the third Thursday.

COMMISSIONER SHEA: I can't do the first in the evening. I can do the -- I can't do the 4th. I can do the 18th.

CHAIRMAN FRYER: All right. Anyone else have their --

(No response.)

CHAIRMAN FRYER: All right. Well, let's -- if it's all the same to staff, let's do it at the second meeting on the 18th.

MR. BOSI: We will coordinate, and if there is some -- if there's some unusual circumstance or there were more petitions than we expect, then we can delay it appropriately. But we will anticipate that it will be the second meeting in November, that we're going to have a later start, and we'll have the 5:00. And we'll coordinate with the Planning Commission and the court reporter and all involved to specify when that early start date -- you know, our early start time would be.

COMMISSIONER KLUCIK: So we're talking the -- what, the 18th, is that what you said?

CHAIRMAN FRYER: Correct. November.

COMMISSIONER KLUCIK: All right. So that's potentially a later meeting. Okay.

COMMISSIONER VERNON: Yeah. I have a -- I have an annual board meeting that I should attend. I'm sorry to screw things up on November 18th.

CHAIRMAN FRYER: Well, we've got --

COMMISSIONER FRY: We need a quorum. We don't need --

CHAIRMAN FRYER: We've got one commissioner who can't make the first and one commissioner who can't make the second. So let's throw it to staff and ask staff to choose the one that it looks like we can start the latest and have the fewest number of matters in the daytime session, and then we'll just hear the evening following that. Anybody disagree with that approach?

COMMISSIONER VERNON: I think it's perfect.

CHAIRMAN FRYER: All right. That's what we'll do. Thank you very much.

MR. JOHNSON: Thank you.

CHAIRMAN FRYER: All right. Any further new business to come before us?

COMMISSIONER VERNON: I did have one thing.

CHAIRMAN FRYER: I'm sorry. Please go ahead, Commissioner Vernon.

COMMISSIONER VERNON: I thought Karl brought up a point that -- on affordable housing of this 750-foot minimum size, which may be perfect, but when I heard everybody respond, it was sort of we've always done it that way, and I think --

CHAIRMAN FRYER: County Attorney has a -- I think an answer to that.

COMMISSIONER VERNON: Okay.

MR. KLATZKOW: Yeah. You can't -- developers want to come in here and say, you know, we've got this crying need for studio apartments for young single professionals, and I understand that. The problem is you can't limit the space to just one person.

COMMISSIONER KLUCIK: Correct.

MR. KLATZKOW: And so if you're setting up space, 450, 500 square feet, you're going to find families living in there. And, you know, that would be one definition of a slum situation. You can see what happens, for example, in Golden Gate City where you'll have four, five, six pickup trucks in front of a house and, you know, they're just jam filled with people, because that's how they can afford to live here. So it's -- if the thought process is we need a smaller space for the single person, why does it have to be so big, I understand that. The problem is you can't limit it to the single person, and you're going to wind up with families in there crammed into now too small of a space.

COMMISSIONER KLUCIK: Can't you address that by -- you know, for instance, limiting the parking availability so then --

COMMISSIONER HOMIAK: No.

COMMISSIONER SCHMITT: No. We've been down that road.

COMMISSIONER SHEA: That's what they do now.

MR. KLATZKOW: You go through Golden Gate City, you'll see people --

COMMISSIONER SCHMITT: Parked on the lawn.

MR. KLATZKOW: -- parked on the lawn, parked everywhere. It's -- it is what it is. So if you're going to build small spaces, you're going to be just cramming people in them.

COMMISSIONER KLUCIK: Well, I just don't think that's a good basis for policy, that people will use it in ways that you don't approve of.

MR. KLATZKOW: Well, it's not approve of, okay. You can't limit it. What you're saying is we're going to allow small spaces, but you can't limit that to the number of people in them. You will be creating a problem if you have small spaces.

COMMISSIONER VERNON: Let me finish what I was going to say, because I'm fairly persuaded by what our attorney just said. But Mr. Klucik just raised something, and it looks like Karl wants to speak on it. So my original thought before hearing that was it is probably -- I was going to suggest before the end of the year to have the staff just look at best practices of similar communities which takes into account what's going on in the current world rather than a historical perspective and see if we're consistent with best practices, and we probably are. But if we're not, I'd like to know it, and I don't want to just rely on "that's the way it's always been done."

MR. KLATZKOW: We're Collier County, and we have a certain -- we sell ourselves as the Mercedes-Benz of counties, okay? And that's why the real estate is as expensive as it is, all right. You can find places that have much smaller places, all right. New York City's filled with them. Fort Myers is filled with them. Other areas that are not as nice as Collier County is filled with them. If you want a nice county, all right, there are certain things that you need to do. Landscaping's one of them, all right. Larger lot sizes is one of them. Lower density is one of them.

If you want to start getting rid of some of these requirements, that's a policy decision, and that's fine. But I will tell you that you will no longer be the Mercedes-Benz of Florida at that point in time. You will be less. And it's as simple as that.

Now, you've all driven through Lee County, and I think understand what standards mean. Sign

standards, transportation standards, sidewalk standards, everything like that. It depends what you want for the community. And if you're going to be building high-density apartments with the small units, you're going to wind up with a very different county down the road than you have right now. It just is. It doesn't mean it's right. It doesn't mean it's wrong. It's a policy decision.

COMMISSIONER VERNON: Well, I understand what you're saying, and I said, you know, I'm fairly persuaded by what you said but, still, what the definition of a nice county is different things to different people within this county. And I'm just suggesting -- I'm not suggesting we change it. I'm just suggesting we look at communities where it -- where they're doing well looking at affordable housing, seeing what their rules are and whether they're consistent with what we're doing, and we can always choose we like the way we're doing it, but at least we have the benefit of what is going well in other places in terms of dealing with the issue of affordable housing.

And affordable housing is kind of a touchpoint for me, and I think it should be for everybody, because of what you're saying. The housing is so expensive here. We want to be -- in my mind, we want to be proactive. That's what the Planning Commission does. Again, I'm not suggesting a change. I think your argument's compelling. But I think it would benefit us if we took a look at what other communities are doing that are successful in dealing with affordable housing.

MR. KLATZKOW: And not -- I'm just going to say this: Developers come in here and they ask for greater density, and you guys give it to them. We have set up the Comp Plan in the LDC so that the greater density is -- should be limited to affordable housing. If you limit your increase in base density just to affordable housing, you may get what you want. But every time they come in here and they start crying that we've got a need for this and we've got a need for that and you give them 16 units an acre or 20 units an acre or 24 units an acre like you did on Immokalee --

COMMISSIONER KLUCIK: Mr. Chair, I'm going to interject here just because I think now -- we're the commissioners, and now we're getting policy --

MR. KLATZKOW: No, what I'm telling you is that --
(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: No, you're not giving us legal opinions --
(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: No, excuse me. Mr. Klatzkow?
(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: Mr. Klatzkow, you're giving us your opinion about what policy should be, which -- and it's nothing to do with legal. And it's not that I don't think your opinion is -- you know, I mean, your opinion is worthy, but I think you're here to answer our questions and advise us on legal issues, and I think you're swaying the discussion about policy issues, and I just think, in a way, that isn't the attorney's job.

And maybe I'm wrong. Maybe I'm the only one who feels that way. I think that this is not a legal issue. I mean, it's a -- it could be. There are legal aspects of it, but it's an issue of what's the best policy, and I think -- I appreciate what you've said, because there's candor here and -- that we're saying we want affordable housing, and then there's one real way to do that that's totally market driven, which is to offer homes that are smaller that actually could be affordable, and we're saying, but that brings in the riffraff.

And, you know, and that's -- as a policy decision, that's what we want to say is we don't want the riffraff that would come in, you know, if we actually had a market-based solution, which was smaller homes that are -- you know, that could be young professionals that aren't riffraff and could be families that are riffraff -- and I'm not saying that that's what I think they are, but that's -- you know, that's kind of what the discussion is about.

CHAIRMAN FRYER: I'm going to ask Mr. Bosi to weigh in, please, sir.

COMMISSIONER KLUCIK: And so my point is that at least we should be frank about what we're saying, and maybe we do have -- you know, we do want to say, for policy reasons, we don't want to open up that door because we can't do anything about it if the negative aspects come in, and we should just be frank about that.

CHAIRMAN FRYER: Mr. Bosi?

MR. BOSI: In light of the Planning Commission's discussion, I just wanted to let you know that within the next six months you will be presented four Growth Management Plan amendments related to housing, affordable housing, density, density allocations, increasing density allocations within our activity centers along our transit lines within the strategic opportunity sites.

You're going to have Growth Management Plan amendments that are dealing with increasing densities relating to housing affordability. All of these comments, all of these discussions are going to be as part of that. It's going to be advertised. We're going to have -- advocates on both sides of the issue will attend.

I just wanted to let the Planning Commission know that within the next six months you will have GMP amendments which set policy that will dictate, you know, how the Planning Commission feels about these one issues, and we will have an avenue, an advertised avenue where the public will be invited to engage in this conversation.

And I'm not saying any one of the topics that we've talked about was right, wrong, or indifferent. I'm just saying, we will have scheduled items that talk about policy that are within the GMP that are related to density, intensity, affordability, and all of the issues that we're talking about, just to give you guys the understanding that these discussions are -- or they're forthcoming.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: Commissioner Vernon, I appreciate you bringing this up, because I value this conversation. I had just one area of confusion that is left. I guess I think what I'm hearing is that legally an owner of a home or an owner of an apartment complex cannot set a maximum occupancy even though they are the owner of that property. I can't tell -- I can't rent my home and say, no more than a family of five can live here or no more than five individuals can live here. I can't have an apartment complex and say, a one-bedroom can only have two occupants, a two-bedroom can have up to four occupants. That is not legally allowable?

MR. KLATZKOW: No. All right. So I get an apartment. You say only two people. We then have a child. I'm going to be evicted for a child? I have a brother who lost his job. He needs to stay there for a couple of months. I'm going to be evicted?

COMMISSIONER FRY: You're evicted if you get a dog and it has a no dog policy.

MR. KLATZKOW: That's true, or a cat, perhaps, but we have a higher threshold for humans than we do for animals.

COMMISSIONER FRY: Except in movies.

CHAIRMAN FRYER: Anything else?

COMMISSIONER FRY: No.

CHAIRMAN FRYER: Commission Klucik, you were lit up next, sir.

COMMISSIONER KLUCIK: Yes. It's really what Karl was mentioning, same -- I guess a more specific variation of the precise question, which is a legal question for you, Mr. Klatzkow.

Are you saying that, for instance, in my HOA where we have a limitation and we base it on the county -- or whatever the government health standards are, or recommendations are for a limitation on occupancy, that that's actually not enforceable?

COMMISSIONER SCHMITT: That's correct.

MR. KLATZKOW: Good luck enforcing it.

COMMISSIONER SCHMITT: Who's going to enforce it?

COMMISSIONER KLUCIK: Well, I'm just saying, can it be enforced legally? Is it unlawful to have such a requirement, I guess that would be -- or restriction?

MR. KLATZKOW: You can have the restriction, but I don't think it will be enforced.

COMMISSIONER SCHMITT: It can't be enforced.

COMMISSIONER KLUCIK: Because it's -- it would be unlawful to enforce it?

Unconstitutional or unlawful?

MR. KLATZKOW: I think it would be, yes.

COMMISSIONER KLUCIK: Okay.

COMMISSIONER FRY: It would be an eviction action, would it not?

COMMISSIONER KLUCIK: Well, yeah. I mean, I guess it could take place in two ways. You have people that are using it and then they decide to have more people come in, or you have people say, okay, I want to buy it, and there's nine of us.

MR. KLATZKOW: We've had these cases where -- the single-family residential use, and you get four families in there. Well, how do you define the family?

COMMISSIONER SCHMITT: Right.

MR. KLATZKOW: So it's --

COMMISSIONER KLUCIK: I guess that's my -- so you're saying legally -- or do you need -- do you want to, you know, look into it, or does that --

MR. KLATZKOW: No, my full understanding is you can have these clauses, but they're not enforceable.

COMMISSIONER KLUCIK: Right.

MR. KLATZKOW: And again the --

COMMISSIONER KLUCIK: And it comes up in Ave Maria because we have big families, you know. And we have -- we actually had -- someone made a big issue out of it because they thought that they were being, you know, mistreated because they had, you know, a lot of children in a three-bedroom house, and they thought that's why they were being -- you know, they were having their violations, you know, rack up, and it wasn't that, but that was the issue. So I've thought about it, and I actually thought that those were lawful. I never really looked into it. So you're saying they're not lawful?

MR. KLATZKOW: That is my understanding, yes.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I guess, you know, what -- I feel like we're kind of arguing an answer without knowing what I want to know, and that is, whether I'm in business or I'm in government or I'm in anything, I want to know what the best practices are around the country. And so now Mike's telling us we're going to have four amendment -- or four things coming up relating to affordable housing, and if we don't do what I'm suggesting, then I'm going to be relying on what the County Attorney says or what the staff says or the applicant says or the objectors say or the public says. And why would it hurt us -- what's the downside to having the staff do a review of the 750 foot and look at what best practices and worst practices are around the country?

COMMISSIONER HOMIAK: It's been done by the --

COMMISSIONER VERNON: There may be a -- yeah, but -- wait, wait, wait, wait.

MR. KLATZKOW: We had a report.

COMMISSIONER VERNON: But when has it been done?

MR. KLATZKOW: About a year --

COMMISSIONER HOMIAK: Recently.

COMMISSIONER VERNON: Well, wait a minute. Let me finish my thought, okay. So if it's been done recently, do we have a copy of that report?

COMMISSIONER HOMIAK: Yes.

MR. BOSI: Absolutely.

COMMISSIONER VERNON: What's the date of the report?

MR. BOSI: I believe there is a 2018 Collier housing plan, and then there's a subsequent report.

We have a Housing Department. If the Planning Commission would like a presentation upon best practices related to affordable housing --

COMMISSIONER VERNON: Okay. Let me --

MR. BOSI: -- we have staff available.

COMMISSIONER VERNON: -- revise my proposal under new business that at the next meeting,

or whenever you think you'll be ready, that we get a presentation from you of best practices based on this 2018 report and any supplements you want as to what the best housing practices are, and include the 750-foot limitation. And I think -- that would be really helpful to me, and I suggest that it would be help to everybody and doesn't commit any of us to anything.

CHAIRMAN FRYER: Would it make sense to do this in conjunction with what's going to happen within the next six months per Mr. Bosi? That we have the presentation that specifically focuses on this subject but we do it in line with action that we're going to be taking? Would that make sense?

COMMISSIONER VERNON: Well, yeah, I don't mind waiting. Instead of doing it next meeting, do it -- but I would like to do it in advance of us starting to analyze this issue. So I don't want it at the same time. So maybe good idea, do it a month before so that we kind of marinate on that information before we get presented with these four proposed changes.

COMMISSIONER HOMIAK: Let Mike speak, because that would be part of your packet anyway.

CHAIRMAN FRYER: Mr. Bosi, go ahead.

MR. BOSI: I just want to remind the Planning Commission, the 750 feet -- square feet is a customary practice the Board has accepted. The code is 450 feet. It's in our LDC. That's the minimum size of an apartment unit; it's 450 feet. It's what our regulations state. Now, what's customarily approved is 750; what's in our code is 450 square feet. So we have -- and what that means is you're offering a range of housing opportunities from 450 square feet to an unlimited number.

My suggestion would be, as we anticipate when we're going to bring the GMP amendments before the Planning Commission, I will coordinate with the Housing Department, and we can -- we can set a -- you're suggesting a month before those meetings happen to give an overview of affordable housing best practices from the professionals that we have retained that know more about it than we do the specifics of it, and we can coordinate that for the Planning Commission's benefit prior to the meeting where we bring the GMP amendments where we are going to be discussing the proposed housing amendments.

COMMISSIONER VERNON: And that's what I'd like to happen. That's what I'm proposing that we do.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER FRY: I would just point out that it's not an official policy. It's a customary practice. It came up today. It comes up every time we hear an apartment complex, a rental complex, so in my opinion the sooner the better that we have some background on the housing practices and why that 750 limit is -- makes sense.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Don't we have that limit in the Bayshore/Gateway, that 450 in some of the areas? The artists' apartments? Does Bayshore have -- wasn't it approved, the smaller units in that overlay? I can't recall.

MR. BOSI: It could be. I'd have to coordinate --

COMMISSIONER SCHMITT: I mean -- and just for the board members, I mean, this -- as my time on the Planning Commission, we have debated this extensively. I mean, some of the members here who were not -- it probably had to have been two years ago, and I think the latest was that proposal that came in on Thomasson Drive. And, in fact, it was a pretty good proposal, but it was denied based on the size of the units. And I think they ended up building it, but they ended up building a little larger unit.

COMMISSIONER HOMIAK: I think they built them smaller. It's built, and there's studios in it.

COMMISSIONER SCHMITT: There's studios.

COMMISSIONER HOMIAK: Yep.

COMMISSIONER SCHMITT: But it's -- I mean, quite frankly, we could look at it as a Planning Commission, but it is a policy decision of the Board of County Commissioners.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Again, a legal question. I do appreciate your contributions, Jeff. The -- right now if someone came before us with a petition, you know, an applicant, and they wanted to build whatever, housing units, and they met all of the requirements and then they met density requirements, everything -- they didn't ask for any exceptions, and the size of the units, some of them were 450, would we have any basis -- would they have a right to do that, or would we have a basis to say, no, you can't do that because we don't like 450, we like 750?

MR. KLATZKOW: The 450 historically has been denied by the Board.

COMMISSIONER KLUCIK: Right. But has it been denied by the Board legitimately? I mean, has there been any other reasons that -- where we say --
(Simultaneous crosstalk.)

MR. KLATZKOW: Well, you want an answer? It's minimum housing standards, and the Board would feel that, no, we're setting some minimum housing standards here, all right. Now, it's not embedded in the LDC, and maybe it should be, all right. But the Board of County Commissioners has had that discussion on minimum housing standards.

COMMISSIONER KLUCIK: So when a petition comes before us and then goes to the County Commissioners, if they meet all of the requirements, then they don't have a right to do that?

MR. KLATZKOW: No, you do not have an absolute right to a rezone.

COMMISSIONER KLUCIK: No. I'm saying -- okay. And so nothing is zoned at -- nothing is zoned at 450 and so, therefore, everything that comes before us actually is requesting something that has to be approved from scratch?

MR. KLATZKOW: It's not compatible.

MR. BOSI: That's the key. The determination of compatibility is where your own individual biases stand.

COMMISSIONER KLUCIK: Right. So it's --
(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: -- compatibility that's the basis for saying no to something --

MR. KLATZKOW: And the problem is, it's a slippery slope because they come in at 450, you'll grant that, then they come in at 400, then they'll come in at 350. Just like I've seen over the years, it used to be four units per acre and then, well, we really need six, and then we really need eight, and you approve the six and you approve the eight, so now we're asking for 10, so you wind up with a slippery slope on density. You'll have the same thing with sizes of units. And, again, perhaps it should be embedded in the LDC.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Thank you. No one else is signaling at this time. May I take it that this conversation is concluded?

(No response.)

CHAIRMAN FRYER: It seems to be. Thank you. So --

COMMISSIONER VERNON: Well, I mean, what's the -- I don't know -- there seems to be two -- if I'm reading everybody correctly, with some reluctance, I think everybody agrees this presentation should be done. I suggested or you suggested, I agreed, a month before we deal with affordable housing issues or changes. Karl said he'd like it as soon as possible. I'm flexible with either. But I just -- if the panel -- if the commissioners agree with me, I'd like to make sure it gets done, is my point.

CHAIRMAN FRYER: Well, I certainly do.

And, Commissioner Fry, how do you feel about -- well, let me weigh in on this. I would rather see it closer to. In other words, not as soon as possible, but perhaps a month before. In other words, closer to the time when we're actually taking action so that I have it fresh in my elderly mind.

COMMISSIONER VERNON: And I'm good with that, if Karl's good with that.

COMMISSIONER HOMIAK: I don't know why we can't do it at that time. We have all those

changes. That would be the -- that would be the time to do it all together.

COMMISSIONER VERNON: I would prefer not to do it at the same time.

COMMISSIONER HOMIAK: The stuff will be in the backup.

COMMISSIONER VERNON: I understand. But I'd prefer to have a presentation in advance so we can think about it, and I thought the discussion was whether it should be a month before or as soon as possible. If Karl's okay with a month before, then we've got three people saying a month before.

COMMISSIONER FRY: I think we're talking about later this year, correct?

MR. BOSI: The -- within the next six months. So it may -- the GMP amendments may be scheduled from anywhere between December through February, so we would anticipate when we were scheduling those. After this meeting, I'm going to speak with Kristine Sonntag over within our housing and let her know that the Planning Commission is looking for a discussion on best practices related to affordable housing, particular attention to size -- to square footage, square footage limitations, and how that relates to best practices in anticipation of those GMP amendments.

So I can't give you a specific date as to when we think that those GMP amendments are going to be. It's going to be anywhere between December and February. So we will have that a month before, so anywhere from November to January that that pre-discussion with the Planning Commission will be done.

COMMISSIONER FRY: That's fine. And I believe this would fall into the category of a seismic shift if anything like this were to change from 750 down. So I don't presume that even a presentation sooner would have any major impact on developments that come before us in the meantime, so I'm fine with that.

CHAIRMAN FRYER: Vice Chair, you're standing on your point of view?

COMMISSIONER HOMIAK: Yeah.

CHAIRMAN FRYER: Okay. Well, then, since we don't have a consensus, we need to have a motion, a second, and a vote. And I think the issue here -- we all want the presentation. The question is, do we have a motion that we do it a month before, do we have a motion that we do it at the time of -- it seems to me that that's the -- that's the universe of decisions here.

COMMISSIONER VERNON: I move that we have a presentation approximately a month before we address these affordable housing changes.

COMMISSIONER FRY: Second.

CHAIRMAN FRYER: Any further discussion? Vice Chair, did you want to weigh in at this time?

COMMISSIONER HOMIAK: No.

CHAIRMAN FRYER: Okay. All right. There being no further discussion, all those in favor of having it approximately a month before. And may I add a friendly amendment, that the material that is already out there, the 2018 study, if you could get that circulated to the Planning Commission --

MR. BOSI: Sure.

CHAIRMAN FRYER: -- sooner than six days before the presentation, because I think it would save everybody a lot of time if we bring ourselves up to speed on what's already out there.

MR. BOSI: I'll distribute it by e-mail.

CHAIRMAN FRYER: Okay. Would you accept the friendly --

COMMISSIONER VERNON: Oh, absolutely, yes.

CHAIRMAN FRYER: And the seconder does, too?

COMMISSIONER FRY: Second, yes.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.
COMMISSIONER VERNON: Aye.
CHAIRMAN FRYER: Aye.
COMMISSIONER KLUCIK: Aye.
CHAIRMAN FRYER: Opposed?
COMMISSIONER HOMIAK: Aye.
COMMISSIONER SCHMITT: Aye.
CHAIRMAN FRYER: It passes 5-2. Thank you. All right.
COMMISSIONER SCHMITT: I don't want to hear it again.
CHAIRMAN FRYER: Okay. Well -- okay.
COMMISSIONER HOMIAK: I've listened to it before many times, many, many times.
COMMISSIONER SCHMITT: I'm waiting to see the next petition to come in for containerized housing, converting container units to housing, which has been done in other communities.
COMMISSIONER HOMIAK: Tiny houses.
COMMISSIONER SCHMITT: So are we going to go down that road next?
COMMISSIONER HOMIAK: Tiny houses.
COMMISSIONER SCHMITT: I can bring great pictures of containerized houses if you want to see them.
CHAIRMAN FRYER: Thank you.
Anything further under new business, please?
(No response.)
CHAIRMAN FRYER: Anything further from the public, which I think has shrunk to zero?
(No response.)
CHAIRMAN FRYER: Without objection, then, we're adjourned. Thank you very much.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:12 a.m.

COLLIER COUNTY PLANNING COMMISSION

EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on _____, as presented _____ or as corrected _____.

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