

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
December 1, 2022

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
Joe Schmitt, Vice Chair
Paul Shea, Secretary
Robert L. Klucik, Jr.
Randy Sparrazza
Christopher T. Vernon
Amy Lockhart, Collier County School Board Representative

ALSO PRESENT:
Raymond V. Bellows, Zoning Manager
Mike Bosi, Planning and Zoning Director
Heidi Ashton-Cicko, Managing Assistant County Attorney
Derek Perry, County Attorney's Office

PROCEEDINGS

MR. BOSI: Chair, you have a live mic.

CHAIRMAN FRYER: Thank you, Mr. Bosi.

Good morning, everyone. Happy holiday season, and welcome to the December 1, 2022, meeting of the Collier County Planning Commission.

Would everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Secretary, please call the roll.

COMMISSIONER SHEA: Commissioner [sic] Lockhart?

MS. LOCKHART: Here.

COMMISSIONER SHEA: Commissioner Vernon?

COMMISSIONER VERNON: Here.

COMMISSIONER SHEA: Commissioner Shea is here.

Commissioner Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER SHEA: Commissioner Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER SHEA: Commissioner Klucik?

COMMISSIONER KLUCIK: Here.

COMMISSIONER SHEA: And, Commissioner Sparrazza?

COMMISSIONER SPARRAZZA: Here.

COMMISSIONER SHEA: We have a quorum, sir.

CHAIRMAN FRYER: Thank you, Secretary.

Addenda to the agenda, Mr. Bellows.

MR. BELLOWS: We have no changes.

CHAIRMAN FRYER: Okay. Planning Commission absences. Our next meeting would have been December 15, 2022, but at this point there's nothing on the agenda for that date, and nothing has been advertised, so it would be extremely impossible for us to hear matters.

So I would entertain a motion at this time that we grant ourselves a Christmas present of canceling our December 15 meeting.

COMMISSIONER KLUCIK: I would move that we have a Christmas event and party at the same time right here.

CHAIRMAN FRYER: At the Kluciks'?

COMMISSIONER KLUCIK: No, no, right here.

CHAIRMAN FRYER: Oh, oh, I thought --

COMMISSIONER KLUCIK: I guess motion withdrawn. There's no support.

CHAIRMAN FRYER: Will somebody please make the motion.

COMMISSIONER SHEA: So moved.

COMMISSIONER SCHMITT: I make a motion to cancel the meeting as recommended.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: All those in favor, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Okay. So that gives us a nice five-week Christmas present in lieu of doubling our salary. So this is a wonderful thing.

Our next --

COMMISSIONER SHEA: We could do both.

CHAIRMAN FRYER: Yeah, both, and come out even.

Next meeting is going to be the first meeting of the year 2023 on January 5. I realize it's a long ways away, but at this point does anyone know whether here or she will be unable to attend that meeting?

(No response.)

CHAIRMAN FRYER: Okay. I hope to see all of you then.

Approval of the minutes. We have only our minutes for the meeting of November 3rd, 2022, in front of us. Any corrections, changes, additions to those minutes?

(No response.)

CHAIRMAN FRYER: If not, I'd entertain a motion to approve.

COMMISSIONER SCHMITT: Make a motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SPARRAZZA: Second it.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you.

BCC report/recaps, Mr. Bellows.

MR. BELLOWS: Yes. The Board of County Commissioners did not meet since the last Planning Commission meeting, but it is my understanding that the commissioner has appointed or has recommended an appointment to fill the vacancy on the Planning Commission, and it should be on the agenda for the next -- I'll double-check that, but I'm thinking it may not be officially on there yet, so I'll have to double-check that.

CHAIRMAN FRYER: So we're hoping it would be on the 13th of December? Hoping?

MR. BELLOWS: Yes, but I'm seeing -- Wanda Rodriguez, who works in the County Attorney's Office, is indicating it isn't on the Board agenda at this time.

CHAIRMAN FRYER: Okay. All right. Well, the Board doesn't meet, then, after the 13th until after our January 5 meeting?

MR. BELLOWS: Yeah.

CHAIRMAN FRYER: Well, I hope we're a group of seven come the 5th of January.

All right. Nothing else from you, Mr. Bellows?

MR. BELLOWS: That's it.

CHAIRMAN FRYER: Chairman's report, nothing today.

Consent agenda, none today.

Advertised, our first public hearing will be on PL20210001860, the Orange Blossom Ranch MPUDA.

All those wishing to testify in this matter, please rise to be sworn by the court reporter.

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

CHAIRMAN FRYER: Thank you.

Ex parte disclosures starting with Ms. Lockhart, please.

MS. LOCKHART: Staff materials, and I spoke with the applicant's representative.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: No disclosures.

COMMISSIONER SHEA: Staff materials and site visit.

CHAIRMAN FRYER: Thank you.

In my case, meetings with staff, conversations with the applicant's agents, and materials of public record.

COMMISSIONER SCHMITT: A conversation with Wayne Arnold and Rich Yovanovich on this matter.

COMMISSIONER KLUCIK: Nothing to disclose except my staff meeting on Monday where they just briefed me on the items that are on the agenda.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SPARRAZZA: I also had a meeting with the applicants, Mr. Yovanovich, and Mr. Arnold, a telephone conversation.

CHAIRMAN FRYER: Thank you. With that, Mr. Arnold, you have the floor, sir.

MR. ARNOLD: Thank you. Good morning. I'm Wayne Arnold with Q. Grady Minor & Associates. I'm a certified planner there.

With me today is our team. We have representatives from Quattera, which was formerly Lennar multifamily. They've since changed the name of their corporate entity, and we have Jason Graham with Quattera here today. We have Rich Yovanovich, who's our land-use counsel. Mike Delate, who's a professional engineer in our office is also here and has been working on the matter. Jim Banks, as you know, transportation engineer is on the case. And we had Marco Espinar do some very preliminary environmental work, but the site's an orange grove today, so there's really no environmental matter to discuss. So that's our team.

And what we're here to talk about is largely what's the commercial tract out at the Orange Blossom Ranch PUD. This is a partially developed project that's east of Immokalee Road and then on the north and south side of Oil Well Road. It's about 616 overall acres, and the commercial tract's about 42 to 44 acres, depending if you include the county's right-of-way through the property or not.

CHAIRMAN FRYER: Excuse me, Mr. Arnold, just for a moment.

Mr. Troy Miller, we're asking you to come in. We've got a technological issue that we need your brilliance to help us solve.

Sorry to interrupt.

MR. ARNOLD: Should I keep going?

CHAIRMAN FRYER: Please.

MR. ARNOLD: Oh, okay. Thanks.

COMMISSIONER SCHMITT: I don't have it on my screen; that's all.

MR. ARNOLD: Maybe you can just check the monitor. I think the same is being displayed.

So, Mr. Schmitt, I think you're familiar with the commercial tract, which we're proposing to relabel as a mixed-use tract in the project.

As I mentioned, we're here to modify the commercial tract to make a mixed-use tract. We're proposing to allow for up to 400 multifamily rental dwelling units on about 17 acres of that commercial tract. The balance of the tract will remain commercial and has been acquired by a commercial developer who is working on site plans right now to bring it up.

COMMISSIONER KLUCIK: Can you just repeat those last couple sentences, because I was dealing with my technical issues.

MR. ARNOLD: Sure. So the -- what we're proposing is to build up to 400 multifamily rental apartments on about 17 acres. The balance of the commercial tract, which we're now renaming a mixed-use tract, would have commercial development on it; about 100,000 square feet of

grocery-anchored shopping center use is what's being proposed there.

COMMISSIONER KLUCIK: And then you mentioned another party that was doing something?

MR. ARNOLD: That commercial parcel is no longer under the Paul family ownership. They sold that parcel a few months ago to WMG Development, a local developer who's developed many properties in the area.

COMMISSIONER KLUCIK: Okay. So I'm just trying to figure out so what we have is the 44 acres is the yellow part?

MR. ARNOLD: That's correct.

COMMISSIONER KLUCIK: And then that's split up into 17 and 27?

MR. ARNOLD: That's correct.

COMMISSIONER KLUCIK: And the -- which part is it that we're talking about today, 17 or the 27?

MR. ARNOLD: Well, we're talking about all of the tract, because we're relabeling it as a mixed-use tract. But the residential will go only on about 17 acres of it. And I've got an exhibit that shows a little bit more detail of that just a couple slides forward.

COMMISSIONER KLUCIK: So the commercial entity doesn't really care, because they can -- they can do right now whatever they want to do, because it's already zoned for that.

MR. ARNOLD: That is correct.

COMMISSIONER KLUCIK: And so you're coming for the whole thing, because it's already one big piece, and so you need to get this different designation.

MR. ARNOLD: Yes.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: While you're at it, if you wouldn't mind, just for consistency, could you report to us to the extent that you're aware how far along that commercial development is.

MR. ARNOLD: I'm not personally involved in it. Mr. Banks actually is representing them doing their transportation analysis. He told me yesterday that they have a target date of December 1st, which was today, to submit. I don't know if they actually made that deadline, but that's how far along they are in their site plan process.

CHAIRMAN FRYER: Okay. Thank you.

MR. ARNOLD: Yes.

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: On the same line, is there -- is there some, you know, deadline by which, you know, these things -- you know, the commercial piece would be in? I mean, obviously you're coming before it, and you're just asking to change, you know, the -- you know, the zoning or whatever, the possibilities for this larger piece of land, the 44 acres, and then it's always a concern of when everything will come online because we're talking about, oh, this is great because there will be this -- you know, these goods and services available. So is there some mechanism where we know when that is likely going to happen or has to happen?

MR. YOVANOVICH: For the record, Rich Yovanovich. Part of this petition adds an additional access point for the grocery-anchored shopping center. There is already in place a Developer Contribution Agreement between the county and the "R" of the commercial parcel with a very stringent date for the county to deliver a traffic signal, because that's the anticipated date of opening the grocery-anchored shopping center. I don't remember the exact date, but it's, I want to say, a year-and-a-half away. So the grocery-anchored shopping center is moving right along.

COMMISSIONER KLUCIK: And I appreciate it. I mean, obviously there's all sorts of things that --

MR. YOVANOVICH: Sure.

COMMISSIONER KLUCIK: -- factor into just our thoughts about what's -- how this is going to impact the community. And, certainly, you know, if things are coming online when they're

coming online, that helps us think about it.

MR. YOVANOVICH: There will be --

COMMISSIONER KLUCIK: So I appreciate that.

MR. YOVANOVICH: Yeah. We may be just slightly behind on the apartments.

MR. ARNOLD: Thank you.

So this is the approved master plan for Orange Blossom. North is to your left, just the scale of the project. It's large. It encompasses areas to the south and to the north of Oil Well Road. It also encompasses what's going to be a portion of the Corkscrew Regional Park that's under construction, and part of this process that we've been going through since we started the PUD process was the county actually has now acquired, by deed, from Mr. Paul the right-of-way necessary to extend a new signalized road that Rich mentioned from Oil Well Road north into the regional park, so it will bifurcate the commercial tract.

COMMISSIONER KLUCIK: Is that in the center there, as it Y -- that road that kind of loops, and then there's a Y at the end of it that goes to the park?

MR. ARNOLD: Yes. This, where I've got the pointer, is the alignment across the commercial tract, and it goes up into the park.

COMMISSIONER KLUCIK: And the branch that goes to the -- down is the one that would go to the park at the end there?

MR. ARNOLD: Yes.

COMMISSIONER KLUCIK: Okay.

MR. ARNOLD: Yes, sir.

COMMISSIONER KLUCIK: Okay. Thank you.

MR. ARNOLD: So the commercial tract -- and you can see -- is depicted there. It's currently designated commercial office. We're changing that to MU. As you can see inset to the upper left that shows you two new access points to the project, and one of those will be a right-out only. It's the one closest to the Palmetto Ridge High School. And we've worked with staff to locate that.

There's a construction access point near that location presently, and it can be used as an exit only for the shopping center that's planned on that portion of the tract.

So we have development standards, obviously, but here's how that relates, if you would, Mr. Klucik. So the colored portion of this in the aerial photograph represents where the apartment complex will be constructed. The balance of that rectangle to the left of the service road to the park will be part of the shopping center, and then there will be outparcels fronting Oil Well Road in front of the residential tract. So this area would be outparcels. This area is going to be the grocery-anchored shopping center.

Here is a blowup of our conceptual layout for the project. This depicts how the project will relate. One of the key factors for this is this frontage road that extends between Hawthorn, which is existing road into the northern tract for the residential development. Their gate, by the way, is back here. So the entrance was stubbed out when the project was originally conceived. And this will be frontage road that goes behind all of the outparcels connecting to the signalized intersection where I have the arrow.

So you can see how this alignment takes it through the project. I think it isolates the residential component very well from the balance of the commercial, and our clients have worked very closely with the commercial developer on this plan, and they obviously need access to the frontage road, because our access to the residential will be at this location going into the clubhouse and leasing office and then, obviously, we have an arrangement of buildings. And that's subject to refinement, but that's sort of the more detailed working plan that we have. These are projected to be three-story buildings. They're within -- oh, okay. Good point. Rich just reminded me that one of the advantages, too, of the frontage road is that the residents can come out of their gate at Hawthorn, come over across the frontage road, and to the lighted intersection.

I know that we heard from not only the neighborhood information meeting but just

others -- we met with some of the POA representatives before we even filed the application that, you know, they'd been trying to get a traffic signal at their entrance. But I'm not sure that that will happen, but the county has made a commitment to build a signal that will serve the park, the commercial tract, and obviously these residential units that are already constructed.

COMMISSIONER SCHMITT: So they'll be able to make a left turn -- on that frontage road, make a left turn?

MR. ARNOLD: That's correct. You would come along, make a left into the divided road, and then you have signalized access to go right or left.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you.

I just want to double-check that the folks living -- that normally gain access to Oil Well through Hawthorn are able to use the frontage road, go through whatever this minor intersection is, and cut through to the supermarket-anchored shopping center without ever having to go on Oil Well; is that correct?

MR. ARNOLD: Yes, sir, that's correct. So they would come out, go to the south, out of their gated access here. They could then make a right turn into the frontage road, trgress [sic] all the way -- serving all the outparcels. They're projecting four outparcels across the frontage, so you could access any of those outparcels. You could access the shopping center, you could access the park not going onto Oil Well Road.

COMMISSIONER SPARRAZZA: Great. Thank you.

MR. ARNOLD: Yes, sir.

So we've proposed a Type B buffer to our north. We'd heard from some of the residences, their villas that have been developed to the north. They have a 10-foot Type A buffer. I'll go back to show you. That aerial's not the best. I've got a better one. But you can see these villas to the north. It's the rear of those yards. Those are twin villa type product. We're required to have a 15-foot-wide Type B. We're planning for a 20-foot-wide Type B buffer.

It will have a hedge at a minimum six feet tall with trees, and then be separated between us and them. There's a 30-foot county utility easement that's in this area. So that's a natural separation we have between our multifamily and their twin villa product. And so between our 20-foot buffer, the 30-foot easement, and their 10-foot buffer, plus rear yard setbacks, we're now, you know, approaching, you know, close to 100-foot separation between the product type with the buffers.

This is a cross-section showing you the buffer relationship. The villas are to the right on the screen. And then our Orange Blossom residences are over here. So we'll have a project perimeter berm, we'll have vegetation on top of the berm, and then we'll have hedging that's also on the berm. So you get a sense that you can see the separation that we start to achieve from the nearest residences.

Here's a conceptual building rendering that we've added some landscaping to. It's very similar to what we've presented at our neighborhood information meeting. Projecting these to be three-story buildings. We've -- the height for the commercial tract right now is a zoned height of 50 feet. Our proposed building heights are 45 feet zoned, 55 feet actual feet building height. So we think we're very comparable to what was going to be with regard to the commercial development anyway with a buffer that was comparable to the commercial that's allowed today.

Here's just a rendering of their clubhouse facility. It's going to be as you would imagine. Most of these rental communities have stepped up their game with regard to what they have to provide for amenities, because it's a very competitive market but, obviously, the rental market is super strong in Collier County, and this area's no different. You have a location here with schools. You have Arthrex that's just down the road at Ave Maria. You have a lot of reasons that people want housing of this type in this part of the world.

So I know that our clients are very excited about it and think that it's a home run market for them.

So this is really concluding, but I did want to say that, you know, we took some time, and we

met with some of the HOA representatives as we have gone through this process, and I think we've brought forward a good project. You know, one of the things that we did as part of this -- when we filed this, you know, affordable housing was and it really still is to the forefront. We made a commitment early on that we would provide 10 percent of these units as income restricted. Even though there's no requirement to do so, our clients felt like that was the right thing to do, and they believed that in the marketplace they can deliver that without impacting their viability for the project. So we have inserted that commitment as part of this project.

We've also -- just because we know traffic is such an issue out here, the frontage road concept will alleviate some of the burden on Oil Well Road, but we've also by -- basically, if you have 100,000 square feet of commercial that's, in fact, displaced because we now have residential in it, it becomes a net neutral project. We don't have an increase in the trip cap that was previously established. So we've added the 400 units, but we haven't increased the trip cap. And that does exclude the regional park. It's never been part of that trip cap equation. So we've made it clear that it's not part of that equation, but we think those are -- between the affordable housing and the traffic commitment to keep it trip neutral, we think those are two significant issues that you should consider.

With that, I'm finished with our case in chief. If you have specific questions, Mr. Banks is here, Mr. Delate's here, and we'll be happy to try to address anything you may have.

CHAIRMAN FRYER: Planning Commission, questions or comments?

(No response.)

CHAIRMAN FRYER: Apparently not.

I will voice my, I guess, one misgiving I have, and it has to do with affordable housing. And I understand that this is not a situation where it's being traded off for more density. But in my personal view, 120 percent of AMI is really not affordable housing, and I would have preferred to see something around 100 percent. Is there -- is there any flexibility on that?

MR. ARNOLD: I think Rich may have had some conversations with our client. I was not a party to those, so I'll let Rich step up and talk about that.

CHAIRMAN FRYER: Okay. Thank you.

MR. YOVANOVICH: Before I respond, I do want to -- I know you don't -- your position is it's really not affordable housing, but let me explain why I think it is. If you look at the county's chart for a family of four, the median income is \$98,600. If you look at the cap in the rent that's allowed for that apartment in those ranges, it's \$2,600. That's a lot of money, but the market today for that same unit is \$3,000. So there is, in fact, a discount to the rent for people to come and live in that community even at the 120. With that being said, my client is willing to cap it at 100 percent. But just -- I think it's -- in fairness, there was -- there is a market rate discount even at the 120 percent based upon today's market.

CHAIRMAN FRYER: Well, I appreciate that, and I -- you're right. It's just that the demand for affordable housing, I think, if you look at a bell curve, it's much greater beneath the 120 percent.

MR. YOVANOVICH: But there's a significant portion of the community where you have two members of the family working that gets you above the 100 percent number, and then they're kind of squeezed without having any assistance as well. So there is that gap, and that gap also needs to be addressed through these types of commitments as well.

CHAIRMAN FRYER: I take your point.

Commissioner Shea.

COMMISSIONER SHEA: Actually, that was my same question.

MR. YOVANOVICH: I don't know how I knew that.

COMMISSIONER SHEA: Huh? How you knew it?

MR. YOVANOVICH: I don't know how I knew that.

COMMISSIONER SHEA: Well, at 120 percent, they're all going to be 120 percent.

MR. YOVANOVICH: Sure.

COMMISSIONER SHEA: I was hoping more for 80, but, obviously, we don't have a lot of leverage. And the fact that you're putting 10 percent in at 100 percent is probably more than we have

the right to ask you to do, so...

CHAIRMAN FRYER: I'd shamelessly ask anyway.

COMMISSIONER SHEA: I would, too.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: No. I think it is good that we shamelessly ask. I think it's a good thing, because I think that's one of our priorities. But, yeah, I think this probably would, based on what I've seen so far, is probably going to pass if it had no affordable housing. So kudos to your applicant for offering any affordable housing.

My question -- and it may come up later -- but what happened, if you can describe for me as objectively as possible, at the NIM meeting?

MR. YOVANOVICH: I think the primary concerns were traffic. I'm trying to remember back, to be honest with you. I think they were traffic and make sure we had adequate buffers between us and the villas to the north. But I would think that primarily traffic was the concerns that were raised at the neighborhood information meeting. To be honest with you, I didn't go back and look at the minutes, but I think those were the major two issues.

Am I wrong?

COMMISSIONER VERNON: And do you know who it was -- not by name, but what type of groups were complaining?

MR. YOVANOVICH: There were residents.

COMMISSIONER VERNON: Residents.

MR. YOVANOVICH: Yeah, they were residents. The hard thing you had is -- and I don't think you were here when we did the amendment on the south side of Oil Well Road. The product that is built on the north side of the road has been very successful, and a lot of families moved in there because it was reasonably priced housing.

There were concerns with parking at the existing north side, because if you meet the county's minimum for some of these homes, it's -- you know, it's two per home, but a lot of people had three and four cars, so there were parking-related issues on the north side.

They wanted to make sure that we were segregated from their community to make sure we would not exacerbate an issue that already occurred as well as we will be providing our own amenities. There was concern about the overall amenities that are for the community as well.

So with -- so we addressed that by providing our own -- own types of amenities, but those were -- it was a concern about would more homes affect their already existing infrastructure, if you will, broadly defined.

COMMISSIONER VERNON: A lot of people there, or do you remember?

MR. YOVANOVICH: Thirty-seven.

CHAIRMAN FRYER: Thirty-seven.

MR. YOVANOVICH: Thirty-seven.

And I will tell you, we met with -- and Wayne said, we met with all of the associations -- the leadership of the associations before we even submitted so we could put together what we thought was an appropriate petition to address -- to address those concerns even before we submitted.

COMMISSIONER VERNON: Thank you.

CHAIRMAN FRYER: The staff summary with respect to the concerns raised, it said, concerns and questions from the audience were related to buffers, traffic, residential access to and from the property, construction access, school capacity, and affordable housing.

MR. YOVANOVICH: Right. So school capacity is -- and Ms. Lockhart can assure you there's adequate school capacity, because that was a concern.

CHAIRMAN FRYER: Thank you.

Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: I'll -- please, first.

MS. ASHTON-CICKO: Thank you.

Mr. Yovanovich, I did not see the 20-foot buffer between the commercial and the villas on

your master plan. Is that commitment in the PUD?

MR. YOVANOVICH: If it's not, we will add it.

MS. ASHTON-CICKO: Okay. Thank you.

MR. YOVANOVICH: Yeah. We'll label it on the master plan. I believe it's in the PUD, but we'll add it to the master plan so there's no confusion.

CHAIRMAN FRYER: Any other questions or comments? Go ahead, Commissioner.

COMMISSIONER SPARRAZZA: Yes, thank you.

Mr. Yovanovich, help me understand this. Sometimes it gets confusing for me. If the median household income for -- is at 98,600, and if we were to request or you were to adjust the affordable housing ratio to go from 80 to 100 percent, those folks that fall under that threshold would gain a discount to the proposed rent amount --

MR. YOVANOVICH: Correct.

COMMISSIONER SPARRAZZA: -- correct? Okay.

If it is capped at 100 percent and that family household income, whether it's a couple or a family of four or whatever, is at \$98,700, they exceed that threshold; therefore, they are no longer eligible for the discount.

MR. YOVANOVICH: That is correct.

COMMISSIONER SPARRAZZA: Okay. Would it be more appropriate to help more people if the threshold is pushed to 120 percent to give a larger group of people that make maybe a hair over the median that allocate a discount amount?

MR. YOVANOVICH: And that -- and, candidly, as you know, when you say 80 to 100, it's going to be 100; that's the market that's going to be targeted. When you said 80 to 120, the target was going to be 120 and below.

I've done a few projects over the last few years where there have been commitments for affordable housing and, frankly, most of them have been 80 and 100. I don't remember if we did any at 120 or not. I just don't remember. We were going for that niche because, as I said, there is a -- there's a group of people out there that make more than 100 percent that need a discount, and that's why we picked 120. But if it's the wisdom of the Planning Commission to bring that down to 100, we'll do that. What it equates -- and these are based on today's numbers.

COMMISSIONER SPARRAZZA: Correct.

MR. YOVANOVICH: You know, right now, if you're lucky, you can find a two-bedroom apartment in one of these Class A -- you can find a two-bedroom for about \$3,000 a month, okay. So at the 100 percent, you're roughly at \$2,200 a month. So it's an 800-a-month, roughly, discount from the market rate.

And as an aside, if you recall Allura, we went through this same thing where we did income restriction. And I went to the grand opening for that, and it was for, you know, all the residents that were living there, and there were school administrators and teachers there that, obviously, were taking advantage of their reduced rate. And, you know, it just felt good to have those people come up and be so excited about where they were living because of that restriction, the rent cap.

COMMISSIONER SPARRAZZA: Right.

MR. YOVANOVICH: So I think this is a good thing. My client was willing to do that up front and is committed to doing it. And I see -- but there's a number. There's always a number, you know. And I don't know what to do about that number other than if you're willing to let us go a little higher, we can serve that number. But if the collective group wants it at 100, we'll stay at 100.

COMMISSIONER SPARRAZZA: I appreciate that. I was just making sure I understood how the numbers reacted to an applicant coming in trying to rent an apartment and where they -- where they may fall.

CHAIRMAN FRYER: It's a bright line, wherever you put it.

Mr. Bosi, and then Commissioner Klucik.

MR. BOSI: Commissioner Sparrazza, just for your benefit, you were not -- you haven't been on the Board long enough to have one of the presentations from our affordable housing sector

describing where the needs are within the -- within the community. And the further you go above 100 percent, the more options and more opportunities that are provided at the market rate.

So when you -- when you -- when you lower it from 120 to 100, you are really providing opportunities for folks who are being displaced and being priced out of this market to find housing choices within close proximity within the county.

So I understand you want to increase the -- increase the opportunity all the way to 120, but that 100 to 120, they have more housing opportunities from a market rate perspective, and it's really that under 100, under 80 that we're trying to target that really do not have true opportunities within this marketplace.

So the applicant's willingness to go from 120 to 100, from staff's perspective, from a planning perspective, from an overall need perspective, benefits the community, I think, in a little bit more of a robust way.

COMMISSIONER SPARRAZZA: Thank you for that explanation. That does shed light from the other angle. I appreciate that. Thank you, sir.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik, and then Commissioner Vernon.

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

So the 120 applies to the price that it's offered at?

MR. YOVANOVICH: Yes.

COMMISSIONER KLUCIK: Does it also -- and it also applies to who's eligible to take advantage of that price?

MR. YOVANOVICH: Yes, yes.

COMMISSIONER KLUCIK: So when you make it 120 versus 100, the price goes up, and you also make the market bigger because you, like -- I think that's what you just said is that you're -- you're likely to find a lot more competition for it, and it's going to be less affordable to the people that, you know, I guess, you know, are in -- have a greater need. So that's fine.

The issue, I guess, is you're willing to go with whatever -- you know, whatever's imposed, you understand. It might be 120; it might be 100. It's whatever the wisdom of the government officials who are making the call.

MR. YOVANOVICH: As long as it doesn't go -- I'm sorry I interrupted you. As long as it doesn't go below 100. We can live with either the 100 threshold or 120 threshold.

COMMISSIONER KLUCIK: Okay. Thank you.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. Just to tie onto what Mike said, but anecdotally, most of the applicants who come in here and offer affordable housing, they offer on the higher side, and we want more to come in -- I'm not suggesting they do this, but I'm suggesting, and big picture, to Mike's point, we want more to come in on the lower side. And I think what Robb said at the beginning of his comments is consistent with what I'm saying. That's the need. And I'm not -- again, I'm not talking about this, but big picture, we really -- that's the unfilled need, because most of the developers are looking to fill that top end of the affordable housing.

CHAIRMAN FRYER: True.

Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman.

Well, based on what I just heard from the fellow commissioners, I think, then, maybe, you know, we're not boxed into, you know, either/or. We could say, you know, 25 percent at 100 and, you know, the rest, 75 percent at 120. Does that work for you, you know, if we came up with something like that?

CHAIRMAN FRYER: Of the 10 percent?

COMMISSIONER KLUCIK: Yeah. No. I'm talking about within the -- yeah, within this section of --

MR. YOVANOVICH: Okay. You almost gave me a heart attack.

COMMISSIONER KLUCIK: The set-aside is 10 percent. Then within that --

MR. YOVANOVICH: Let's just say 40. Of the 40, you would say --

COMMISSIONER KLUCIK: Yeah. We would say 10 would be 100 and, you know, 30 would be 120, or 50/50, whatever.

MR. YOVANOVICH: I understand what you're saying.

COMMISSIONER KLUCIK: Would that -- does that work for you?

MR. YOVANOVICH: Sure. Any split amongst that works because we said we would do the 120.

COMMISSIONER SHEA: Yeah. I would stay with the proposal of 100.

COMMISSIONER VERNON: Yeah. I'm confused, because we're making it -- we're making the -- maybe I'm confused.

COMMISSIONER SHEA: No, you're not.

COMMISSIONER VERNON: And I know Paul's on the affordable housing. He can clear me up. But we've got a good-looking project here in which they volunteered to do, sort of, affordable housing and at the 100 percent, and now we're pushing them to make the project's affordable component less affordable, which I don't think is something we should do.

COMMISSIONER SHEA: We're not.

MR. YOVANOVICH: Well, we asked for the 120. We asked for 120. We asked for the 120 category. You're asking --

COMMISSIONER VERNON: Oh, okay. So he's looking to push it --

COMMISSIONER SHEA: He will accept 100.

COMMISSIONER VERNON: Okay. Then I am confused.

COMMISSIONER SHEA: I wouldn't split it between 100 and 120 because then we're going backwards to what we already talked about.

COMMISSIONER VERNON: Let's push the whole thing down to 100 if they're willing to do it.

COMMISSIONER SHEA: And they are.

COMMISSIONER VERNON: I agree.

COMMISSIONER KLUCIK: I was just talking -- and I'm sorry, Mr. Chairman.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: I was just -- you know, I do think that there are people in both brackets that need help, and that's all I'm -- you know.

COMMISSIONER VERNON: I agree. But just anecdotally -- and you and I have been on the Board about the same amount of time. Everyone is more -- every applicant's more on the top end. So I think the need is there for both, but I think the need is being addressed by developers more on the higher end than the lower end. So if they're willing to accept 100 on the whole thing, I think that's a very good idea, and Paul's agreeing with me.

CHAIRMAN FRYER: I agree.

COMMISSIONER SHEA: Totally agree.

CHAIRMAN FRYER: Vice Chairman?

COMMISSIONER SCHMITT: Yeah. If it's 120, that means they're going to market to 120. Let's make it 100, I agree, let's stay with that, and we'll keep it at that level.

MR. YOVANOVICH: Just so we're all clear.

CHAIRMAN FRYER: Ten percent of the --

MR. YOVANOVICH: Ten percent of the entire project is capped at 100 percent of the median income.

CHAIRMAN FRYER: Correct.

MR. YOVANOVICH: I just want to make sure. There was a whole lot of discussion about something else.

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you. I know you just mentioned some rough

price points for rent, and can you review those, because I'm not sure I understood or they were accurate.

MR. YOVANOVICH: Well, let me -- and I have to extrapolate.

COMMISSIONER SPARRAZZA: Yes, sir.

MR. YOVANOVICH: In Collier County a family of four, which is what the 98,6- is based on, for a two-bedroom at 120 would pay 2,547, and at the 80 percent would be \$1,698. So I took the average of those two to come up with the 100 percent. I just -- which would put it at approximately \$2,200 a month, approximately.

COMMISSIONER SPARRAZZA: And what would somebody that did not participate in this price reduction program be paying for that same apartment?

MR. YOVANOVICH: In today's market, approximately \$3,000.

COMMISSIONER SCHMITT: So it is substantial?

MR. YOVANOVICH: It is substantial, right. And you haven't been on long enough where -- I don't think you were on -- I know you weren't on. I don't know if Mr. Vernon and Mr. Klucik were on when we actually brought you a project to show -- because staff originally wanted -- in another project wanted us to do 30 percent, and we said we couldn't afford it, and staff said, show me, and went through the analysis of what you need to do to get financing as a rate of return. What it actually -- how much revenue you need to generate. So we went through a real detailed -- a detailed presentation to explain what it cost to build, what it cost to maintain, et cetera. So it is a substantial discount from the market.

COMMISSIONER SPARRAZZA: Wonderful. Thank you.

CHAIRMAN FRYER: Thank you.

No one is signaling at this time, so if you have nothing further, applicant, then we'll hear from staff, please.

MR. BOSI: Mike Bosi, Planning and Zoning director.

Staff is recommending approval for the project. We really think this hits a lot of the -- checks a lot of the boxes that are promoted by our Growth Management Plan.

Within the localized area between Orange Blossom, between Orangetree, between the Randall Curve PUD, the BHC -- BCH one, mixed-use project that's also across the street on Immokalee Road, there's a tremendous amount, over 600,000 square feet, of available commercial opportunities. So goods and services are entitled readily within this localized area.

What's not as prevalent is a lot of multifamily rental opportunities. We think adding a concentration, 17 acres of multifamily -- of apartments provides for housing diversity which we know we want to promote within the county. We also think that it's a good example of good transportation planning and land-use planning complementing each other. That frontage road will have a significant benefit to the localized area. All of the individual residents that live within Orange Blossom will now be able to access a grocery store and also other commercial amenities without having to enter onto Oil Well Road.

The residential units that are in close proximity within Orangetree will also have that opportunity in a -- to shorten those trips. And one thing that we have realized is -- Orangetree at the southwest corner has added a Publix and a couple outparcels there. That shopping center, as soon as it opened, was almost overtaxed in terms of the demand that's placed upon it, so we know that there is a marketplace and there is additional demand that will be satisfied by this mixed-use arrangement.

So with all those reasons, staff is offering a recommendation of approval.

CHAIRMAN FRYER: Thank you, Mr. Bosi.

No one is signaling at this time, so I assume no one has questions or comments for staff.

Mr. Youngblood, do we have any registered speakers?

MR. YOUNGBLOOG: Mr. Chairman, I have one registered speaker in the room with us, Michael Stein.

MR. STEIN: Good morning, Mr. Chair. Thank you. I am one of the residents.

CHAIRMAN FRYER: Would you mind stating your full name for the record, please, sir.

MR. STEIN: Oh, Michael Stein.

CHAIRMAN FRYER: Thank you.

MR. STEIN: I am one of the residents on the northbound side of Orange Blossom in the Lennar community on the ranch side.

The traffic that you are looking at, I understand they're doing a traffic study based on the 400 apartments that are there, or they're planning to build. Monday morning the traffic was backed up from Immokalee to four cars short of Everglades Boulevard -- that is almost a mile and a half -- at between 6:30 and a quarter to 8:00. This morning, no school, because it's a virtual day, it was 20 minutes.

These traffic studies I understand they're doing for each individual community. We still have Torrento (phonetic) to come in across the street from this proposed 400 housing. Lennar is still putting in upwards of -- the buildout is at 600 short on Orange Blossom. You still have 1,700 homes coming down two miles west -- east of us, which is SkySail. That's not counting the 400 apartments that are going to go in on the Randall Curve.

The traffic, as they're studying each individual buildout, it's easy to make it look net neutral, but when you add all these other parcels that are coming in, we are looking at almost 4,000 more units, not counting Ave Maria, which is probably half built out, because I know the national [sic] at the Lennar has about 600 homes under construction at this point, and they're not even a third of the way through their construction. So where all these cars are going to go, we have -- we don't have a clue.

It takes our residents over 20 minutes on some mornings just to get out of our community off of Hawthorn Road to make the right. I feel bad for the people on the southbound side, the Groves, because they have to make the left on Oil Well, and they cannot. The cars are backed up that badly because of the school, you know, having the kids being dropped off, the traffic. You cannot make the turn. It takes 20 minutes.

As for this new access road that they're planning that we have a little cutoff on the -- just outside our community, if these residents from the 400 decide to come out that way, we're never getting out, okay. I know they're planning in a few -- within the year to turn that construction road into another exit for us, but I don't see how.

I'm retired, so it doesn't affect me as much. I have two kids that work from home and a daughter who works in Bonita Springs. It took her almost two hours on Monday to get to work right on Old 41 and Bonita Beach Road.

This traffic, once we even get out of our community, Immokalee is backed up from Collier almost the whole way. You cannot -- the amount of homes that are coming in -- I understand we're planning, and we've started the Vanderbilt Beach extension, but that is still years away from trying to help us. Even if we tried to make the left if we left our community to avoid that traffic, go down to Everglades, then go down to either Golden Gate or Randall, it's still the same difference. If we have -- and we'll call it -- I'll call it the traffic Armageddon. We had a very bad accident in this area coming to dinner near here, three hours to get home because there's no way to get there other than --

CHAIRMAN FRYER: You're at five minutes, sir, so I'll ask you to wrap it up, if you don't mind.

MR. STEIN: But I understand the traffic details of these projects are taken as just the individual project, not in the whole parcel of all the building that is going on and the traffic. It's just an untenable situation as all these houses come in.

CHAIRMAN FRYER: Thank you.

MR. STEIN: So we are against it.

CHAIRMAN FRYER: Commissioner Shea, I was going to ask for some staff response, but do you want to ask this gentleman a question?

COMMISSIONER SHEA: Yes.

CHAIRMAN FRYER: Sir, would you come back to the mic, please.

MR. STEIN: I didn't know -- my five minutes, and I was done.

CHAIRMAN FRYER: No, no, no.

COMMISSIONER SHEA: Now we can ask you questions.

MR. STEIN: Please do.

COMMISSIONER SHEA: So the incident you talked about, the mile-and-a-half block-up, was that primarily caused by the school during the school drop-off/pick-up hours?

MR. STEIN: Yes, it is. It's an almost everyday situation when school is in session.

COMMISSIONER SHEA: And when the school is not in session, what's it like?

MR. STEIN: I'll tell you today was a pleasure to get to Immokalee. It took maybe 10 minutes to get all the way out and to Immokalee Road.

COMMISSIONER SHEA: Okay.

MR. STEIN: So, as I said, as a retiree, it doesn't bother me. I'll work around the hours to make sure my doctors are at 10:00 and not at 8:00.

COMMISSIONER SHEA: Thank you. That's --

CHAIRMAN FRYER: Thank you, sir.

Mr. Bosi, could we have Mr. Sawyer or someone give us a briefing on Oil Well and the progress that is being made, is going to be made on the widening of Oil Well?

MR. BOSI: Of course, Chair. I see Mike coming up. And just to let you know that we do not -- we do not just look at a project specific, and Mike will give you some specifics of that. But there is a much more detailed analysis that's provided within the TIS in terms of how we evaluate the traffic.

CHAIRMAN FRYER: Thank you. Mr. Sawyer.

MR. SAWYER: Yes. For the record, Mike Sawyer, Transportation Planning.

We did outline some of the improvements as part of the staff report that are going to be in the area. We do look at the network overall and the improvements that are going to be coming online. The ones that we didn't list on the staff report was the intersection improvements on Immokalee and Randall. Certainly, that is going to help that particular area and certainly help with the flow along both Randall and, more importantly, Immokalee itself.

Vanderbilt Beach extension is in construction right now. It is going to be going in two phases. The first is, sorry, to 16th, and then it's going to be going from 16th eventually to Everglades. So we'll have that parallel -- that parallel facility established when that does, in fact, get completed, which we are looking at a really healthy reduction in the amount of traffic that is on Immokalee resulting from that. The traffic should be going and using Vanderbilt.

There's also Everglades Boulevard that is going to be widened basically from Vanderbilt Beach extension to Oil Well.

So, again, what we're looking at is trying to get the network in that area functioning better. That also includes some of the bridge projects that already have been built and are continuing to be constructed out in that area, again, trying to get that whole network working better.

As far as Oil Well itself, there is existing funding in both the five-year as well as the five- and 10-year work program. Primarily in the five-year, that is more towards design and acquisition -- right-of-way acquisition. Beyond that, then we're going to be looking at actual construction in that five- to 10-year period as far as actually getting the widening of Oil Well itself.

CHAIRMAN FRYER: Is there any way, let's say, the Board of County Commissioners could speed that up if they wanted to?

MR. SAWYER: At any point, all of those improvements can be advanced to a point. When you're in a five-year work program, that's pretty much locked in. The five to 10, not quite as much, but that really is -- what you've got is you've got a need to have right-of-way acquisition as well as design, which is basically a five-year normally -- at least a two-year, depending on the project itself, a two- to five-year effort.

And then you've also -- in that same time period, you're also looking at bidding, getting the contractor decided, and then normally, again, depending on the size of the project, you're looking at a two- to five-year construction process itself.

So every time we look at, you know, the outlying years -- that's why we look so far out in our

work program.

CHAIRMAN FRYER: What has -- what has happened since -- I mean, I first started concentrating on the need to widen Oil Well back when we were hearing Rivergrass, which was, what, two years ago. What progress, if any, has been made with respect to Oil Well in the last two years?

MR. SAWYER: Actually -- I'd actually turn that over to Lorraine, our manager.

CHAIRMAN FRYER: Okay.

MR. SAWYER: I think she probably has a better idea on what's been transpiring in that period.

CHAIRMAN FRYER: All right. Thank you.

MS. LANTZ: Hi. Lorraine Lantz, Transportation Planning interim manager.

And I previously have worked on a lot of different studies in this area to look at our network and to try to make sure that we are preparing for the future. That was my previous job. So as manager -- I think I've seen some of you at meetings, but I haven't said too much -- so this is my first opportunity. So thank you.

We are currently looking at some of the needs and some of the changing demographics. That is why we are starting to scope out the extension of Everglades Boulevard from -- from VBR extension and Golden Gate all the way up to Oil Well. So that will be -- that's part of our transportation planning project to scope it out to see where it needs to be extended. That's moving into our budget for a study, which I have a scope in my hand. I'm just trying to look at it.

Then, obviously, a study takes about a year, year and a half. As Mike said, then it would go into design. Design, depending on the scope, takes about 18 months. And then it would move into construction.

So while these are planning projects, they are moving forward. And we are looking at the needs and looking at the timing.

Your specific question was Oil Well. Very similarly, we have looked -- started to look at some of the occupancies and some of the actual impacts on Oil Well, and that's why we're looking at some of the reliever networks. We've looked at Randall. We've looked at now Everglades. So these are all coming online. What we're having a problem with is Oil Well right at the school is kind of -- is constrained. So that's why we have to look at the entire network and looking at other relievers.

CHAIRMAN FRYER: Well, personally, I hope that that can be moved forward with all deliberate speed, because we've got lots of new development coming in along Oil Well, and we can't get that up soon enough, in my judgment. So thank you.

Vice Chairman.

COMMISSIONER SCHMITT: A question regarding the existing zoning. Mike -- probably for Mike Sawyer.

CHAIRMAN FRYER: Mr. Stein, you're excused with our thanks.

MR. STEIN: Thank you.

COMMISSIONER SCHMITT: Mike, is the existing zoning -- are they currently vested, their transportation impact? This -- as I read the staff report, it indicates that the traffic study indicates there will be less potential traffic impacts with this being residential. It said, plus-or-minus 19 potential fewer trips resulting from the proposed land-use change. Is -- the current zoning as commercial, is it vested? Meaning the impacts are already being calculated and applied? This was reviewed as a reduction and, therefore, it's concluded that it's consistent and acceptable to Transportation?

MR. SAWYER: First off --

COMMISSIONER SCHMITT: That was a complicated question, but yes.

MR. SAWYER: It is. It's a good question, certainly.

To start with, yes, staff supports what is both in the staff report as well as what's in the TIS.

The scenario that is presented in the TIS is that if they wind up doing the 400 residential units, there will be a comparable square footage reduction likely in commercial development.

It's a scenario, okay. It's a scenario development. They want to keep the existing commercial rights that they've got with the existing development, with the existing PUD. They are keeping the existing trip cap that we've got for the project. That's locked in now. It's not changing. So the number of trips that we all agreed to in the previous amendments that have been done for the PUD, that number, that trip cap is not changing. So no matter what they build, they can't exceed that trip cap.

Every time they come in with an SDP or a plat, like we've talked before, just like any other project, when they come in with those individual SDPs and plats, we pull those numbers, those trips off of their trip cap, and we keep control of that number, counting that down, until they get to, you know, the end, theoretically. Again, what they presented was a reasonable scenario of development.

I hope that answers your questions, Commissioner.

COMMISSIONER SCHMITT: It does, but from -- bottom line is, Transportation approves as proposed?

MR. SAWYER: Yes, sir.

COMMISSIONER SCHMITT: And with any -- with -- considering that the planned improvements throughout the network in that area will mitigate any impacts that this may have. So right now it's acceptable by staff?

MR. SAWYER: Correct. What we're planning --

COMMISSIONER SCHMITT: Thank you. That's all I have. Even though I understand. I understand the backup. I understand what was stated. Clearly it's an issue, but from your perspective and staff's perspective, what's being proposed is acceptable?

MR. SAWYER: Yes, Commissioner.

COMMISSIONER SCHMITT: Okay. Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Educational question.

When you come up with these peak hours, coincidentally, is that during a time when school kids are dropped off or picked up, or is that not included in the trip cap calculations, peak hour?

MR. SAWYER: Normally, when you look at the p.m. peak for schools, that's different than the p.m. peak that we look at for residential and commercial. Kids are generally picked up and dropped off earlier in the afternoon. It's not -- it's not -- it's not the same as people coming -- you know, going to their homes and coming, you know, out of their homes in the morning.

I'll also let you know that we've got a much longer period in the morning as far as most of the morning trips that we see. It covers a longer period. Most people make most of their trips in the evening. That's why we concentrate on the p.m. peak as being so much more, because that's when people are generally going to the gym. They're going to the store. Generally, you've got most of the people leaving about 5:00 from their places of employment and then going out. They're going home. That's where we've got the busiest amount, the largest number of trips happening out on the network.

COMMISSIONER SHEA: It seems to me, though, from what I've heard, that we're ignoring the real load on the highway, which is the school.

MR. SAWYER: Which is probably in the morning, yes.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman.

So I just wanted to clarify. So we have widening on Oil Well Road, and I don't know if you addressed it. Between Oil Well Grade Road and Everglades, that area that's just two lanes, what's the schedule and the plan for that?

MR. SAWYER: I'll let Lorraine discuss that.

MS. LANTZ: Sure. The schedule is -- it's a two-lane right now. It will ultimately be a six-lane where our plan would be to design and build into the four-lane footprint with eventual widening to six. But four lanes. It is shown in the county's current five-year work program in the

last year, in Fiscal Year '27, to start construction. So that is under construction then. It's in the long-range plan, the 2045 Long-Range Transportation Plan, to continue construction between the years '26 to '30. So it would be a longer process than that first year.

COMMISSIONER KLUCIK: So construction's starting at the end at the beginning of the fifth year -- five years from now?

MS. LANTZ: Correct.

COMMISSIONER KLUCIK: The beginning of the fifth year?

MS. LANTZ: That's when it's funded, yes.

COMMISSIONER KLUCIK: Thank you. Thank you.

CHAIRMAN FRYER: Thank you.

Mr. Youngblood?

MR. YOUNGBLOOD: That concludes our registered speakers for this item.

CHAIRMAN FRYER: Thank you. Any persons in the room who have not registered but wish to be heard on this matter, would you please raise your hand. Please come forward. Have you been sworn in?

MS. SPEDLING: No.

CHAIRMAN FRYER: Come on up and we'll swear you in, and then you'll have the floor.

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

THE WITNESS: Yes.

CHAIRMAN FRYER: State your name, please.

MS. SPEDLING: Susan Spedling (phonetic).

CHAIRMAN FRYER: Thank you.

MS. SPEDLING: And I just want to agree with Mike, the traffic, I mean, just getting out of our community, like he said, could be 10 to 20 minutes in the morning between 6:00 and 8:00. Once you get onto the road itself, it's stopped. You move, like, two, three cars and you're, you know, five minutes. We've got three schools right there on the right-hand side. And you not only have to watch for traffic, but you have to watch for kids, you have to watch for parents, people just letting kids out on the street or trying to turn into the schools. And it's not just the morning. It's also the afternoon. So between, like, 1:00 and 3:00 it's the same issue.

My opinion, it's just personal, but 400 more people on the roads at that time of day, morning and noon, I just -- I don't see it being realistic. I mean, it's -- I understand the need for it, but maybe the roads should be in progress for widening and for actually being available for people to get onto the road and move through the road before we can actually build.

And that housing community across the street, I mean, that's going to be huge, and they're moving like gangbusters out there. So I can only imagine what this complex -- how quickly it will go up. That's just -- that's all I have to say.

CHAIRMAN FRYER: Thank you very much. Anybody else in the audience who wishes to be heard now?

(No response.)

CHAIRMAN FRYER: Seeing no hands raised, we will close the public comment portion of this hearing, and the matter is now in front of us, Planning Commission, for deliberation and vote.

Vice Chairman.

COMMISSIONER SCHMITT: Comment. I clearly understand the traffic concerns. I don't know, do we have a rebuttal from the applicant on anything or no?

CHAIRMAN FRYER: Oh, I should have asked for that. I'm sorry. Yeah.

My apologies.

MR. YOVANOVICH: We all acknowledge traffic is an issue, but within the guidelines in the long-range plans that are out there, traffic will be relieved. Some of us have been here long enough that Vanderbilt Beach Road should have been done and constructed many, many years ago. What ended up happening is people out east, specifically people in the Estates, fought and fought and fought and delayed that road. So the people who are creating the traffic problems caused the delay in

the fix.

It's unfortunate for people that live along Orange Blossom, but the county's catching up and the county's, you know, going to address those concerns with long-range plans.

The reality is, is the traffic impacts are going to be there with or without this project, because concurrency is going to allow the commercial project to go forward regardless. And as Mr. Bosi pointed out, there's a glut of commercial in this vicinity where housing is absolutely important to be addressed. If you go to Immokalee Road basically at the curve, all around that area -- you know, I forget. Mike, I think he said about 600,000 square feet just in that area.

So this project clearly is -- everybody acknowledges it's needed. It meets concurrency. It's a good project, it's volunteered to give, you know, income-restricted housing, and we hope that the Planning Commission will forward this petition with a recommendation of approval to the Board of County Commissioners.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Question for Mike. Is there something we can do to temporarily relieve that peak burden during schools, put a temporary lane or something to get the cars going into the school out of the delay mode for the rest of the travelers?

MR. BOSI: Mike Bosi, Planning and Zoning director.

Not being a transportation engineer, I would say that if there was a relief that -- a temporary relief that was available, the Transportation Planning Department would have identified it. Without any of those suggestions coming forward, I would say that at this time there are no identified solutions to deal with that morning -- that morning commute time.

And it is one of the -- it's one of the -- I guess, the realities that our focus is on the p.m. peak hours, because that is when most traffic is on. And so that's when the analysis is provided for. But within this localized area, because of the proximity of the number of schools, it's the morning -- it's the morning time that is providing the most, I think, congestion to the localized area. Unfortunately, until our transportation network catches up to the demand, there's going to be -- there's going to be some issues.

CHAIRMAN FRYER: Thank you.

Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yeah. I guess the real issue -- and this is just a statement. Maybe Amy will verify it, but parents choose to take their kids to school in their private car rather than the kids taking the bus, and that's just our society today. There's buses, there's ways to mitigate the traffic, but parents choose to take their kids in the car, whether it's one or a carpool.

But the way to mitigate it certainly would be putting -- to get the kids on the bus and using that as an alternative. So that problem is brought on primarily by, of course, the schools being there but the parents making this the choice to take their kids in a private vehicle.

I'm going to make a statement. I agree, based on the transportation analysis and the staff's analysis of this, yes, there is a traffic impact. The traffic impact has been identified to be mitigated.

I think assuming that 400 people are going to be on the -- 400 additional cars are going to be on the road at any given time because of 400 units is a misnomer. And I know Jim Banks can probably attest to that. That is not the case. It's not 400; it may be some portion thereof, but it certainly isn't an additional 400.

With that and with the staff's recommendation, I support this. I recommend a motion to approve MPUDA20210001860, Orange Blossom Ranch MPUD. I recommend approval.

COMMISSIONER SHEA: With the 100 percent?

CHAIRMAN FRYER: We've got --

COMMISSIONER SCHMITT: With the modification of reducing it -- the affordable housing threshold from 120 percent to 100 percent of the 10 percent.

COMMISSIONER KLUCIK: And with that buffer?

COMMISSIONER SCHMITT: And with the additional buffer that Rich has already stated

on the record. He noted that that would be taken care of, and Heidi certainly will follow up on that.

CHAIRMAN FRYER: Let's see if we can get a second on that, and then we'll have more discussion.

COMMISSIONER VERNON: You said affordable housing at 100 percent?

COMMISSIONER SHEA: Yes.

COMMISSIONER VERNON: Yeah, I'll second that.

CHAIRMAN FRYER: Okay. Further discussion? Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you.

I recognize that many times at these meetings we've often said that we can't go back and correct something that is not here presented by the petitioners. And I'd like to piggyback on what my fellow commissioner, Mr. Shea, brought up about what could we do with the school to assist. Mike, thank you for your answer and for the Transportation Department.

Is it possible to take this one step further and say, okay, this is CCPS, Collier County Public School, and in conjunction, can we -- I hate to say the old term "think outside the box," but we recognize, as we all do, there's a problem here with children/students being dropped off.

I believe I see there's waterfront up front just before the football field or whatever. Could we think about taking a whole new look at this and saying, how can we alleviate 300 cars coming in off of Oil Well, whatever that number might be, dropping off students and say, in conjunction, what can we do on the school's grounds -- school's ground to help double lane, whatever it might be, to get the cars off of Oil Well, which would help alleviate, I'm assuming, much of the congestion we're having in the morning here, but not even look at it, quote, Oil Well. Go after the school property, which we own.

COMMISSIONER SCHMITT: We don't own.

MR. YOVANOVICH: You don't own the school site.

COMMISSIONER SCHMITT: School board owns it. Separate entity.

COMMISSIONER SPARRAZZA: So in conjunction, we have a discussion with the school board or whatever. Maybe I'm way off base, and I apologize about that. But we recognize a problem. Let's not just stop. Let's see if there's something else we can do on the school property to widen it, as you said. Just a comment. Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Did you want to let Amy go ahead since -- if you want to, since you're -- I think you're addressing --

CHAIRMAN FRYER: Ms. Lockhart.

MS. LOCKHART: Yes, to address that, we have worked with the county before in coordinating improvements on our school properties for getting those lines through quicker. You know, serpentine the drop-off and, you know, through parking lot or whatever. We have done those things before, and we can connect with your -- with the county Transportation Department and see if that is something that we -- is feasible or we can look at doing. I can speak with our Transportation Department.

The other thing, too, is that we are working now currently on relieving Palmetto Ridge High School. We are going to be doing an attendance boundary change that will not affect Orange Blossom area or anything like that. That will be remaining in Palm -- in that high school, but we will be taking those longer trips that folks are taking to drop of their children to another high school with this attendance boundary change, if approved.

We are in the planning stages for a couple of other schools that will provide relief over the long term in the location of Ave Maria, maybe another location in town.

So we are -- we are working with the county planning staff and also with our regular evaluation of impacts of residential development to see where and when we should locate new schools or provide remodeling to provide more capacity. So we hope, over time, those capital improvements will also help us reduce traffic in that concentrated area.

CHAIRMAN FRYER: Thank you, ma'am.

COMMISSIONER SPARRAZZA: Thank you for the update.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman.

And I guess I would just say that based on the staff conclusion that this actually doesn't increase, it actually decreases the traffic burden as well as the affordable housing component, I'll be supporting this.

COMMISSIONER SCHMITT: Is that a second?

COMMISSIONER KLUCIK: Oh, we already have a second.

COMMISSIONER VERNON: You already have a second.

CHAIRMAN FRYER: It's already been seconded, yeah.

Let's see. Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I just wanted to follow up since I've got Mr. Banks in the audience, and Mr. Schmitt said the 400 units doesn't mean 400 cars. Could you just -- you don't even have to stand up, if you don't mind. It will help me in the future. Rule of thumb, for 100 units, how many cars? How many traffic?

MR. BANKS: Forty-five for 100, but that's --

COMMISSIONER SCHMITT: You need to come to the microphone, Jim.

COMMISSIONER VERNON: Sorry. I told him he didn't have to. That's my fault.

CHAIRMAN FRYER: We're going to make the burden on Commissioner Vernon to repeat what you say.

MR. YOVANOVICH: Let him explain it.

MR. BANKS: For 100 multifamily, it's about 45 two-way trips.

COMMISSIONER VERNON: Okay. So about 50 percent, just for future, rule of thumb?

MR. BANKS: A hair below 50 percent.

COMMISSIONER VERNON: Okay. Thank you.

CHAIRMAN FRYER: Tell us all, once again, for the record, Mr. Banks, who you are.

MR. BANKS: I'm sorry. For the record, Jim Banks.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: Sorry. I'm a coconspirator in not following the rules. Sorry about that.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER VERNON: I did have one more comment.

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

COMMISSIONER VERNON: Just to follow up on what our newest commissioner said.

And this comes up a lot where we don't want to punish the applicant or, really, it's not specific to the applicant, but we want to fix a problem, and somebody speaks on it, and we all nod. And I think it goes into that transcript or -- and goes nowhere. So why can't we have a simple system that if we all have something we think it should be addressed but it's not within our purview, to have some kind of a, you know, three-sentence memo drawn up and sent to the appropriate people signed off on if we all agree by the entire Planning Commission that this should be looked at.

CHAIRMAN FRYER: We absolutely can do just exactly that.

COMMISSIONER VERNON: It seems like it would be a pretty easy process.

CHAIRMAN FRYER: And we may, for instance -- outside the framework of this particular matter that's before us, we may decide to adopt a resolution urging the Board of County Commissioners to speed up the track on Oil Well Road, just as an example of something we could do. Now, they're free to do with our recommendation what they want, but at least we have taken that additional step, and we're absolutely free to do things like that.

Commissioner Shea.

COMMISSIONER SHEA: Well, that's exactly where I was going, where Chris went. I mean, I don't want to see us sit here and then we all walk out and nothing happens, because two to five years is an awful long time to wait when you have an existing problem. And the problem, if it is the

school system, we should be -- I don't know what we recommend. Can we establish a task force? Can we demand Transportation come back and report to us? But I'm worried the ball's going to get dropped, same as Chris is worried about.

COMMISSIONER VERNON: Yeah, if I can just jump in. I mean, you know, I'm always like, okay, how do we practically do this? It seems to me we could vote, and then if something comes up that we really can't deal with with the applicant but we address, we just -- somebody articulates it, somebody seconds it, it gets approved unanimously or not, and then we ask -- at the next meeting we just read it back, and then Mr. Bosi submits it to wherever he thinks, we think it ought to go, and it's on record.

CHAIRMAN FRYER: That's absolutely within our capability to do.
Any further discussion? It's been moved and seconded.

COMMISSIONER SHEA: Well, Mike has a question.

CHAIRMAN FRYER: Oh, go ahead, Mr. Bosi, and then Vice Chairman.

MR. BOSI: Lorraine had indicated that she needed to get one other thing on the record.

CHAIRMAN FRYER: Okay.

MS. LANTZ: Sorry. I know you've made your motion. I just wanted to clarify.

Previously I said that we were under construction or would be going under construction for Oil Well between Everglades and Oil Well Grade. That is a placeholder, actually. It is in our budget for construction, but it is a placeholder because there is a Developer Contribution Agreement for that area for when all impact fees reach \$20 million, then to move into the phases of design and construction. So that is technically a placeholder.

Right now the level of service in the area of the issue where the school is from Immokalee to Everglades, so it's a little bit farther to the other side, is a Level of Service B, meaning that it does have capacity in the p.m. peak period. So we are looking at it as there is no current problem. The current problem is farther to the other side, which is what we would then be looking at, which is Everglades to Oil Well Grade. So I did want to clarify that, but we are continuing to monitor it.

(Simultaneous crosstalk.)

COMMISSIONER SHEA: But it doesn't include the school in the statement you just made.

MS. LANTZ: Right. The school is at Level of Service B, so it has capacity, the road has capacity. So it is not a failing system.

COMMISSIONER SHEA: With the school load considered?

MS. LANTZ: Yes. I mean, that's our trips. The whole AUIR that we look at for level of service, the LOS is a B, which is acceptable, more than acceptable --

COMMISSIONER SPARRAZZA: But that was p.m. review?

MS. LANTZ: That's the p.m. peak, yes.

COMMISSIONER SPARRAZZA: It sounds as if our difficulties are the a.m., correct?

COMMISSIONER SHEA: Uh-huh.

CHAIRMAN FRYER: Vice Chairman, did you want to say something?

COMMISSIONER SCHMITT: Yeah, I only -- we talked about the schools. I just want to make -- for my colleagues up here, that's one of the reasons why Amy's on our board. She's not a voting member, but many, many years of the school board participating in the Planning Commission, and Amy is really our conduit to take this back to her board and her supervisors. It is a separate constitutional entity. And if -- all I can recommend is the folks who live in that community have an issue, it's -- the forum for that -- raising those issues is at the school board. And Amy will -- is part of the team. She'll take that back to her staff, but it's really a school board issue that needs to be taken to your local constituents or to your representative at the school board.

CHAIRMAN FRYER: Thank you, Commissioner.

COMMISSIONER SCHMITT: I mean, it's a copout, but we -- other than voicing our opinion and making sure our commissioners understand our concerns, it is a separate entity in the county. Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman.

So just to clarify on the point that you made, that developer contribution, is that for the new RLSA communities that are coming online south of Oil Well Road that would be the main contributor at this point?

MS. LANTZ: So it's an existing Developer Contribution Agreement from Ave Maria --

COMMISSIONER KLUCIK: Okay.

MS. LANTZ: -- but all of the villages that are coming in and being permitted are also part of this, and that's what we're monitoring.

COMMISSIONER KLUCIK: Okay. And so what triggers that contribution?

MS. LANTZ: It's the impact -- Ave Maria has a developer contribution for impact fees, and once those are --

COMMISSIONER KLUCIK: Okay. So it's basically once the impact fees are accumulated?

MS. LANTZ: Yes, to \$20 million. That's --

COMMISSIONER KLUCIK: Do you know where they're at now?

MS. LANTZ: I do not have that information.

COMMISSIONER KLUCIK: Okay. Is that something that you can get to me?

MS. LANTZ: Yes.

COMMISSIONER KLUCIK: Yeah, you have my contact information.

MS. LANTZ: Okay. Or through Mike, yes.

COMMISSIONER KLUCIK: Appreciate it. Thank you.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. Commissioner Schmitt, I don't think it's a copout. I agree with what you said. I think that -- and kind of in a big picture, kind of what I'm trying to address, I think -- you know, and you're the one, frankly, who kind of taught me from the beginning, you know, a lot of -- when I was new, I'd listen to you, and you'd say, that's not our job. Our job is this. And I think we see things that have been brought up today that we'd like to address but are really outside of our purview. And I think that having this system of us being able to present something kind of allows us to focus on our job but also try to effect change.

And I heard -- you know, traffic and p.m., and this has come up, and then I heard the AUIR mentioned, and we just went over that. And I would suggest that next year, Mike, if your team can just kind of -- we've already sort of said we're going to look at libraries and how it's viewed. Maybe we can look at traffic and how it's viewed. Could that be something we could really focus on next year on the AUIR?

MR. BOSI: Every year that I come to the Planning Commission I say the Planning Commission has the purview to make recommendations of adjustments to the levels of service. That's what you're talking about, level of service for the transportation system. What you've heard was this road has a level of service of B. It's one of the better-performing roads within the county in terms of its overall grade.

Now, I think what -- the issue here is there's a dichotomy because the focus is on the p.m. hours. By the p.m. peak trip hours, the school's out. There's no problem.

COMMISSIONER VERNON: Right.

MR. BOSI: That's a whole different recommendation. That's a -- that's a whole different recommendation of asking the Board of County Commissioners to not only consider the p.m. peak hours but the a.m. peak hours. And I'm not even sure what kind of cascade of events or consequences that would have, but that could be a recommendation that the Planning Commission would have.

But I will say that we have a very large county, and there's transportation issues on a number of different areas, and the needs that are out there are weighed all the time by the Transportation Planning Department, by the Board of County Commissioners. And where the focus and where the money is allocated, there's only a limitation towards how much revenue that there is for transportation issues. But with all that being said, you can make whatever recommendations that you want, and we

will bring it forward to the Planning Commission -- or to the Board of County Commissioners and make them aware of the additional concerns that the Planning Commission has, you know, regarding any one of these road segments or any one of these projects that we're bringing forward.

COMMISSIONER VERNON: Yeah. All I'm saying is we talked about actually affecting -- we're trying to figure out how to affect change, and the AUIR is one way to do that. We went through it. It's not going to come up for another year. It's too big to address everything. I mentioned next year, let's really drill down on libraries, because that has changed so much how people use libraries.

And traffic keeps coming up. So can we just, if my colleagues agree, just block out extra time to focus on those two issues? And as the year goes on, we may find three or four others we want to address, and that way we're really drilling down on what's something we can possibly make a change to.

MS. LANTZ: Sure.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Yeah. I don't want to belabor the point, but what I worry about is the temporary solution that we -- everything we do is two to five years. This AUIR is not going to help anybody today, and it's going to continually get worse.

How do we ask Amy or Mike or Mike to come back to us and report on possible temporary fixes we can do on the property or something like that to handle this hour that is causing the problem but it's not in our calculations?

CHAIRMAN FRYER: There are a number of things we can do, because planning are us. I mean --

COMMISSIONER SHEA: Yeah.

CHAIRMAN FRYER: -- if it's planning, it's at this dais. And when we come to new business today, we can see if we can adopt a recommendation or a resolution to do whatever it is that we in our wisdom think we want staff to take to the Board of County Commissioners as our recommendation. We don't need to wait for the AUIR. We can do this at any time. We can do it today. We can do it January 5th, any meeting, okay?

Anything further on this? I'm going to call the question, seeing no one is signaling. All those in favor -- and, Vice Chair, why don't you restate it since it's been a while.

COMMISSIONER SCHMITT: Oh. I made a recommendation of approval as proposed to include the enhanced buffer as was stated on the record, and the second would be the reduction of the affordable housing threshold from 120 to 100 percent of the 10 percent that's going to be set aside, 100 percent of the median income of the 10 percent that's being set aside, and that was my motion.

COMMISSIONER VERNON: And I second it.

CHAIRMAN FRYER: Thank you. And it's seconded, and we've had discussion on it, and no one is signaling, so we'll now vote.

All those in favor, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, applicant; thank you, members of the public; and thank you, staff.

MR. ARNOLD: Thank you.

CHAIRMAN FRYER: And it's 10:22. No sense in starting a new matter right now. We'll

take our midmorning break until 10:32. So we're in recess until 10:32.

(A brief recess was had from 10:22 a.m. to 10:32 a.m.)

MR. BOSI: Chair, you have a live mic.

CHAIRMAN FRYER: ***Ladies and gentlemen, let's return to session, please, and take up our next matters, which are two companions, PL20210000045, the Basik Drive storage small-scale Growth Management Plan amendment, and PL20210000046, the Basik Drive storage CPUDZ, to rezone a parcel from C-4 and A to CPUD.

All those wishing to testify in this matter, please rise to be sworn in by the court reporter. (The speakers were duly sworn and indicated in the affirmative.)

CHAIRMAN FRYER: Thank you.

Ex parte disclosures from the Planning Commission, starting with Ms. Lockhart, please.

MS. LOCKHART: Staff materials only.

COMMISSIONER VERNON: I did speak with one of the neighbors, Keith Basik, about this project.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SHEA: Staff materials.

CHAIRMAN FRYER: In my case, meetings with staff, communications with the applicant's agents, and materials that are of public record.

COMMISSIONER SCHMITT: I spoke with Mr. Arnold and Mr. Yovanovich about this project, both petitions, both the Comp Plan amendment and the PUDA, or the PUD.

COMMISSIONER KLUCIK: I had my staff meeting on Monday with the county staff.

That's it.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SPARRAZZA: I also spoke with Mr. Yovanovich and Arnold regarding -- Mr. Arnold, excuse me, regarding both of these petitions.

CHAIRMAN FRYER: Thank you.

The Chair recognizes Mr. Arnold.

MR. ARNOLD: Thank you. For the record, I'm Wayne Arnold, certified planner with Grady Minor & Associates. And with me today is Rich Yovanovich, our counsel for the project. Michael Herrera is a professional engineer from our office who is also assistant on the project, and Jim Banks is the traffic engineer for the project. They will be here to answer any questions that you might have.

So we're here for two applications. We have a small-scale Growth Management Plan amendment to create a new subdistrict for this property. We're also then creating a PUD zoning on property that's currently zoned C-4, which is where the existing indoor self-storage facility is located on the western parcel on Basik Drive, and then the property to the east, which is the subject for the outdoor storage component is currently zoned agriculture, and it is in the Rural Fringe Mixed-Use District under your Comprehensive Plan, and we are bringing that into a subdistrict so we can modify it. Today it's been approved for a parking exemption to allow a parking lot that was associated with the former flea market operation that has been replaced by the indoor self-storage. You-all approved a conditional use for that a handful of years ago.

So this is a little closer image. You can see on the left side of the screen Basik Drive. It's a divided median intersection. It has turn-lane improvements in it; we have the self-storage building, which is the prominent feature; and then we have what is, essentially, vehicle parking to the east. And you can see the parking spaces that have been created. There's an existing agricultural lake that is on site, and it will remain.

So, again, there are two applications. And keep in mind the westernmost parcel is currently zoned C-4 and allows the indoor self-storage so, hence, our proposed PUD allows for all the C-4 uses that are allowed today and the addition of the indoor self-storage. So the conditional use would be abandoned, as would be the parking exemption that was in place for it.

So, essentially, what we're asking to do for the eastern parcel is to permit RV boat/auto storage

in the new subdistrict, and that would permit it to have, you know, covered storage in part, some outdoor storage.

Your code for storage-type facilities requires there to be buffering requirements, which we're proposing to comply with. The subdistrict language talks about there being a cap on the number of vehicles or -- whether it's a boat, RV, et cetera, there would be a maximum of 350 spaces on it. We're going to be providing a 20-foot-wide vegetative buffer with a wall along Trinity Place and U.S. 41, and then any of the roof to cover storage structures not exceeding a height of 20 feet.

There was concern from staff that there might be some visibility issues of things being stored, but the reality is, you know, an RV vehicle has to go under underpasses, so the height of those is under 14 feet, and then if somebody's got a boat with a canopy on it, but these canopies that -- the covered areas are going to be just tall enough that you can, you know, easily access them and then still, I think you'll see with our buffer cross-sections that we've created, don't create an issue.

So here's our conceptual zoning master plan. And to the east is the new subdistrict with the vehicle parking that's identified over in this area.

And you can see that we're proposing an access point out to Trinity Place. That was previously approved with a condition that it had to be a gated entrance and for emergency only. Staff had recommended in this case to add a condition that limited it to the outdoor storage use. We saw Ms. Rodriguez' letter of objection to the project, and we spoke with our client, and we can agree that that would remain an emergency access only. So we would be pleased to modify the condition that staff recommended to limit that to emergency access only.

CHAIRMAN FRYER: Okay.

MR. ARNOLD: We are asking for one deviation. A portion of the building that exists out there today was constructed up to and near the property line. We can't meet the current buffer requirements that would be required for a PUD, so we've asked for a deviation in that one area so that we'll be supplementing plantings in areas where we can to make up the lack of plantings in the one area where the building exists. Staff is supporting that deviation.

The proposed uses, as I mentioned, will be for all C-4 uses on Tract A, which is the existing self-storage building, and then we would be allowing -- on Tract B we have said outdoor storage yards provided that it's enclosed except for necessary ingress and egress with an opaque wall or fence seven feet high along all public rights-of-way and that the landscape buffer had to be installed on the exterior side of that wall. And then we've limited the storage to, we called it mobile and towable. It's a term that is used in ITE standards, and those are things such as automobiles, boats, RVs, trailers, and personal recreational vehicle items.

So we've specified, too, at staff's request, that this couldn't be a junkyard, a wrecking yard, a salvage yard, or any processing or anything like that. This is solely meant for recreational and automobile vehicles to be stored here.

We have development standards that we've proposed. This, essentially, allows for the existing indoor self-storage building to remain. Even though the C-4 district allows 75-foot-tall buildings, we've capped the buildings at 45 feet zoned height, 50 feet actual height. So there's a reduction on at least the C-4 portion that we consider Tract A in the project.

Here's some cross-sections that staff had requested that we prepared, and you can sort of get an idea of the scale. These are 20-foot-high type vehicle covered storage areas, and we've prepared cross-sections from both Trinity Place and two views from U.S. 41. So you can see that with the pedestrians that would be there, we have a perimeter berm, we're going to install the wall, then we have to provide vegetation. The view of these buildings may be a small portion of the top of the canopy, but you're not going to see a view of what's really being stored inside the walled area.

One of the things, I know, Mr. Sparrazza, when we spoke, there was concern about the western portion of the property. There's a C-5 parcel on the west side of Basik Drive. Our clients did look to purchase that property. They were unsuccessful. So what's being proposed in that site -- I looked up on the code; it's zoned C-5. They are going to be putting in a storage yard. They do have some similar requirements with regard to walls and buffering. The buffering, obviously, is

not in place. The wall's been completed, but it's under progress right now. It's under construction. But that's -- according to the schedule of uses they proposed, it looks like it's going to be a storage yard and contractor type storage, which is not what we're proposing.

CHAIRMAN FRYER: Mr. Arnold, I've got three commissioners signaling, so I think, if you don't mind, we'll interrupt and start with the Vice Chairman.

MR. ARNOLD: Okay.

COMMISSIONER SCHMITT: Wayne, just for my colleagues on the Board, can you clarify and I asked on our phone conversation as well, and the answer I got was what I anticipated. But this is the Rural Fringe Mixed-Use District. My question was, why can't we just come in for a PUD amendment? The answer was, because this is in the Rural Fringe Mixed-Use District, it prohibits commercial, so we have to create a special district; is that correct?

MR. ARNOLD: That is correct, it is in the Rural Fringe Mixed-Use District, which does not really make provisions for stand-alone commercial.

COMMISSIONER SCHMITT: That's what I thought.

MR. ARNOLD: It is zoned ag, so we're entitled to all the agricultural uses that are permitted by right or conditional use. It was permitted under your parking exemption process that was a public hearing to allow it to be a parking lot in conjunction with the flea market. So that's how the parking lot became, you know, in being. But -- so right now it's used legally as a parking lot. We're asking to convert that not just for parking purposes but for longer-term RV and recreational vehicle storage.

COMMISSIONER SCHMITT: Well, that was my -- the second question of that is, it is currently a parking lot. For all intents and purposes, this is going to be a long-term parking lot --

MR. ARNOLD: Correct.

COMMISSIONER SCHMITT: -- which necessitated the zoning.

MR. ARNOLD: That is correct. Both the Comp Plan change and the zoning change.

COMMISSIONER SCHMITT: Because originally I thought maybe there was some kind of a code violation and you were being cited. But this is just nothing more than to come in and clean up both the language, the small Comp Plan amendment, get the PUD, the PUD -- then we can define perimeters and buffers and all the other type of things that we believe things are necessary. One you already stated was to remain -- leave the entrance on the Trinity Drive as emergency only.

MR. ARNOLD: Correct.

COMMISSIONER SCHMITT: Okay. So I just wanted to make sure my colleagues understand the Rural Fringe Mixed-Use District created the need to come in for both the Comp Plan amendment and now a PUD.

MR. ARNOLD: And I think the site's very unique with regard to that overall land-use designation because --

COMMISSIONER SCHMITT: Yeah.

MR. ARNOLD: -- it's not agriculturally utilized. I don't think using it for agriculture is its highest and best use. It has access --

COMMISSIONER SCHMITT: Correct.

MR. ARNOLD: -- to the adjoining property that is an indoor self-storage. Now to add an outdoor storage component makes sense. Our clients do indoor and outdoor self-storage, so they have a history of this. They have a similar facility that's under construction in Bonita Springs, and they've identified through their market study that, you know, when you just look at the number of rooftops -- many of you live in communities where you're not allowed to store a recreational vehicle or a boat. I mean, there's just very, very few places that are this, and this would be a newer, modern facility. There are other storage yards out there, but that's what I call them, storage yards. They're not really set up functionally to be this. So you would buy your space here or lease your space long term. You come in through the self-storage access point. You check in. It will have a gated entry. You'll have an office there for, you know, assistance if you need it, and then you park your vehicle. And I'm not an RV user, but I'm guessing that these aren't utilized heavily on a daily or weekly basis. They're probably there maybe moving once a season --

COMMISSIONER SCHMITT: Yeah. Just to follow up, I'm well aware of the history of this project. I don't know if my colleagues are. But it was a pretty intense use at one time when it first opened. It basically failed as an operation, but it was a commercial facility, a market. It was a flea market and indoor market and other. And, of course, that parking next to it was used for patron parking.

The facility went bankrupt. The Basiks no longer own it. It now is in other hands. But I guess the point there is that the parking lot was always a parking lot. Now you're just going to really improve on what existed out there. Is that my understanding?

MR. ARNOLD: That's correct.

COMMISSIONER SCHMITT: And, of course, as you just stated, in this part of the county, but in many areas of the county, you cannot store this type of equipment. And I would believe -- I would assume that your client has already done a needs analysis and pretty much determined that they're going to be able to -- he can provide this service and people are going to use it.

MR. ARNOLD: They believe they'll be very successful here.

COMMISSIONER SCHMITT: I just want to make sure from that standpoint that it is aesthetically pleasing and, if anything, it'd be an improvement over what's out there right now.

MR. ARNOLD: Well, right now it is a mess.

COMMISSIONER SCHMITT: It is a mess.

MR. ARNOLD: I think we can all acknowledge that it's just been overtaken with exotics in the buffer. And our clients -- you know, we were in this process, and we had suggested that they might want to clean up the site but, in reality, to clean it up means taking a bulldozer and taking out almost all of the vegetation that's along the perimeters. So it made more sense to just sort of wait this process out, and they're prepared to start moving immediately to clean up the site, get the exotics out of there, put the landscape buffer in place, upon approval, obviously.

COMMISSIONER SCHMITT: Okay, thanks.

CHAIRMAN FRYER: Thank you.

The other two commissioners must have had their questions answered because they're no longer signaling. So continue, please.

MR. ARNOLD: I really don't have a lot more to say unless you have some specific questions. We think the project makes a lot of sense. It's a very unique situation that we have where we have the parking lot that's on this Rural Fringe Mixed-Use District property. There aren't a lot of other uses that I foresee going on that location. It makes sense now that our clients own both parcels they would proceed with something that compliments the storage that they already have.

CHAIRMAN FRYER: Vice Chair.

COMMISSIONER SCHMITT: And based on the letter of objection we received here recently, all those concerns have been addressed, I'm assuming, or we may hear, again, from --

MR. ARNOLD: Well, Ms. Rodriguez is here.

COMMISSIONER SCHMITT: -- Ms. Rodriguez, yes.

MR. ARNOLD: I don't know whether or not her concerns have been satisfied. But we acknowledge that we don't need that for full access and can limit it to an emergency access point. And then with regard to the other issues of vegetation, we're prepared to remove the exotics. Staff is going to tell you that we have to anyway. But there's so many exotics on that frontage. If you drove out there, you saw it. It's just a mess.

COMMISSIONER SCHMITT: But the area is ag. Just north of this is ag. Even though it's identified in that letter as residential, it really is private homes on ag zoned property. And I think for my colleagues, again, you're fronting 41. And if this were to be developed in something other than what you're proposing -- I mean, it's most likely another site for a pretty dense apartment complex or some other type of complex that would go in. But then we get into transfer of development rights and all the other kind of things associated with the Rural Fringe Mixed-Use District.

Okay, thanks.

MR. ARNOLD: So I put up on the -- I had Mike put on the visualizer, this is from your staff

report. It shows in green the subject site, and then you see the -- this is from the Comp Plan application. So in green is the area that's the parking lot today, and then you see to our north and east our agricultural zoned large lot parcels. There's an RV park that's to the northwest, the C-4 existing commercial to the west, and then another C-5 parcel fronting U.S. 41, and then there's industrial behind that. There's a cement plant and other things.

So, I mean, to me, this -- and even some of the businesses on Trinity Place are home-based businesses. There are some trucking opportunities there and some constructions-related services, as I understand it. So it's not like these are small-lot homes. These are five-acre lots in many cases.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. You're going to access it through Trinity Place, right?

MR. YOVANOVICH: No.

MR. ARNOLD: No. The access will be from Basik Drive. So Basik Drive is to the west.

So you would --

COMMISSIONER VERNON: Yep. I'm looking at it, yep.

MR. ARNOLD: Let me go back to a -- so Basik Drive is here. The storage building is here. So you would come in, go behind the storage building, and then come into that, and then this will become a gated access that would be for emergency vehicles only. And we would modify that plan to say "emergency only" and add a condition if that's as staff recommended. The condition talked about being gated and only for the use of the outdoor storage component. But we'll modify that condition to limit it to the emergency access only.

COMMISSIONER VERNON: And how many units?

MR. ARNOLD: Three hundred and fifty maximum vehicle storage.

COMMISSIONER VERNON: Wow. Was there -- what happened at the NIM, if anything?

MR. ARNOLD: Nothing much. I think there was one person in attendance and --

CHAIRMAN FRYER: Two people there.

MR. ARNOLD: Two.

CHAIRMAN FRYER: Two.

MR. ARNOLD: I don't think it was raised as an issue. I think the person I spoke with personally was happy to see something occur here.

COMMISSIONER VERNON: To make it look better?

MR. ARNOLD: Yes.

COMMISSIONER VERNON: How high is the wall going to be?

MR. ARNOLD: Seven feet.

COMMISSIONER VERNON: And where is the wall going to be?

MR. ARNOLD: The wall will be along the perimeter here. So all the right-of-way frontage for the outdoor storage component gets a wall and landscaping.

COMMISSIONER VERNON: But even with your plan you'll be able to see the top of the covered parking?

MR. ARNOLD: Right. But keep in mind under the agricultural zoning that's in place today, you can put a structure that's far taller than the 20 feet that we've committed to. So I could put up pole barns and other agriculture related things that are taller than the 20 feet we've committed to.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Just a confirmation. All of the outdoor storage will be covered?

MR. ARNOLD: I don't know that 100 percent of it will be. There may be some that remains uncovered. I think that it's probably a premium. And we also add the language to be not only covered but potentially enclosed because somebody may want to opt for truly a garage type situation rather than a covered awning that we've depicted here.

But the storage -- I mean, if you're storing a multi-hundred-thousand-dollar recreational vehicle, you want storage. I know Mr. Banks related to me that one of their friends recently had an RV stolen in the area. You know, somebody probably related to storm damage decided they needed

an RV, and it escaped one of the storage yards.

COMMISSIONER SHEA: So based on your answer, it could be 0 percent covered, too?

MR. ARNOLD: It could be, but I'm pretty sure that it's going to have a significant amount of covered parking.

CHAIRMAN FRYER: Thank you.

No one else is signaling. Do you have anything further, Mr. Arnold?

MR. ARNOLD: No.

CHAIRMAN FRYER: Okay. I've got a question or two.

MR. ARNOLD: Okay.

CHAIRMAN FRYER: And I'm reluctant to argue against the economic viability of an entrepreneur who's willing to put his money up, but I must say the economic analysis that was furnished really is at war in some respects with your proposal and the limitations and the conditions on your proposal. For instance, the consultant who prepared the economic analysis goes on and on and on about the importance of visibility and signage and being sure that every single car that drives by on any of those roads knows what's in there and, on the other hand, your undertakings at the NIM and also in some of the materials are to be really quite discrete about this.

So can you help me reconcile the economic analysis with your plan?

MR. ARNOLD: Yes, sir. Well, visibility means something other than seeing the product behind it, because we will have signage. There will be advertising. It's on a very high-volume road, U.S. 41. So that in itself is the visibility, in my opinion. The signage will indicate the indoor and outdoor storage components for the project. They don't need RVs to be seen to know that they can store their RVs in that location, and they don't need their structures to be seen, obviously, because that's not really the selling point, to see a structure and then to go and try to lease or buy your unit.

So I don't think it's necessarily inconsistent. I think it's just a little bit different interpretation of the visibility reference.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah, now you've got me worried about the signage. Like, how much signage are you going to have, and where is it going to be?

MR. ARNOLD: Well, we haven't asked for any sign deviation. So the signage would be permitted at the entrance, and I think both the signage --

COMMISSIONER VERNON: Basik Drive?

MR. ARNOLD: Basik Drive, that's my understanding. We may qualify for a wall sign on the frontage on U.S. 41, but we haven't asked for any deviations, and I'm not -- you know, I'm not the guru of the sign --

COMMISSIONER SCHMITT: The sign already exists out there.

MR. ARNOLD: There is signage today, yes, sir.

COMMISSIONER SCHMITT: Not for this, but it was the previous operation.

COMMISSIONER VERNON: In other words, are you going to take the existing sign and clean it up and use it?

MR. ARNOLD: It's my understanding that the existing sign will be modified.

COMMISSIONER SCHMITT: It was a monument sign. It was pretty -- probably fairly expensive to build in the first place.

CHAIRMAN FRYER: Thank you. No one is signaling at this time, and so the applicant has completed its presentation, and we'll turn now to staff.

MR. BOSI: Mike Bosi, Planning and Zoning director.

Staff is recommending approval of both the GMP request as well as the PUD request. We do have a more detailed PowerPoint that Parker, our principal -- or our senior planner within our Comprehensive Planning section developed for the GMP. If the Planning Commission would like to hear that PowerPoint, we would provide or we could just simply say -- and we would support the additional restriction of the only emergency access on Trinity Drive. I really think it does localize the

impact of that to the Basik Drive. And with the buffering being proposed, we think it would be a definite improvement for the folks that live along Trinity Drive.

CHAIRMAN FRYER: How exactly is that enforced? Is it with a Knox Box how the emergency vehicles are able to get in but privately owned vehicles are not?

MR. BOSI: I would have to coordinate with either the fire or the Sheriff's Department, but I would imagine that that is probably how it is done.

CHAIRMAN FRYER: Okay. Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I think -- I think you addressed this -- but I want to just chat about it a little bit -- the concern that I think the County Commissioners had about too much self-storage being concentrated out that way rather than some diversity.

MR. BOSI: There was an East Naples Development Study that was completed, and there was concern, and we actually just had the last of the public meetings last night for it. They were concerned along -- from Price Street, which is just east -- or not -- just west of the 41/951 intersection all the way almost to this facility, and there was concern about auto-oriented type of businesses, and they really have suggested design modifications, not prohibitions, but design modifications towards self-storage facilities, car washes, and gas stations. And those are being proposed, and there's going to be an overlay that is being -- that's going to be proposed to the Board of County Commissioners. In the next year we'll evaluate whether they want to incorporate those additional design standards.

It does not include this area. This area is east of it. But still, those concerns have been, I think, addressed by the applicants in terms of their robust buffering that they are proposing. But you're right, there has been concern expressed by community members related and along that East Trail of these auto-oriented type of outdoor storage facilities and car washes, as well as gas stations.

But that's a provision that the Board will evaluate upcoming year. Staff had -- staff had had a conversation with the applicants, and based upon that, the enhanced buffering, we feel, satisfies those individual concerns.

COMMISSIONER VERNON: So the concerns, primarily, are aesthetic as opposed to --

MR. BOSI: Most certainly.

COMMISSIONER VERNON: -- different types of businesses or different types of uses. It's more looks?

MR. BOSI: Yes, yes.

COMMISSIONER VERNON: And you don't have any concerns about the look?

MR. BOSI: We think the applicant has taken the measures for compatibility in the buffering to be able to mitigate those concerns and provide for a design that within one year that the opacity should be sufficient to provide for, you know, an aesthetically pleasing overall environment for the --

COMMISSIONER VERNON: Well, the opacity would be above seven feet, because they're putting a 7-foot wall up, right?

MR. BOSI: Yes.

COMMISSIONER VERNON: Right?

MR. BOSI: They'll have -- yeah, a 7-foot wall --

COMMISSIONER VERNON: So you're talking about the opacity for above the --

MR. BOSI: With the trees to soften, you know --

COMMISSIONER VERNON: Got it.

MR. BOSI: -- along with it to soften it, so -- and if there is an opportunity to see an enclosed -- the roof structure, I mean, we do -- it is -- it is human development. There -- I mean, the expectation that you're going to see no activity or you're going to see no structures, I'm not sure if that's realistic within an urbanized area or an urbanizing area, but we think the buffering that's being provided is adequate to address those aesthetic concerns.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman.

Regarding the traffic impact, I'm assuming, if you -- I don't recall you being specific about it, but I'm almost, you know, guessing it must be negligible because the people park, and then it just sits there for a while and --

MR. BOSI: One of the most ironic things that I find about a lot of the objections to storage facilities, especially from adjoining neighborhoods, it's the aesthetics that that are often objecting to and also displacing neighborhood goods and services in closer proximity to where the residential units are. They'd rather have restaurants than storage facilities. But from an overall impact standpoint, there is no more benign neighbor than a storage facility.

COMMISSIONER KLUCIK: Great. I mean, that was my point is, like, you know, we can't have everything. In this case we have a really tiny, you know, traffic impact. And so to the extent that's a good thing, it's present here. Obviously that's not the only factor, but thank you.

CHAIRMAN FRYER: Thank you. No one else is signaling at this time. Anything further from staff?

MR. BOSI: Nothing from staff unless you wanted to have a more detailed presentation on the GMP. But I think we've -- as we discussed it and I think as Commissioner Schmitt mentioned, because the -- because of the Rural Fringe Mixed-Use District, that is what triggered the need for a Growth Management Plan amendment. But with the consistency of an already existing facility providing these type of uses, I think -- I'm not sure if you wanted us to go into the specifics of that again.

CHAIRMAN FRYER: My sense of things is is that we can defer that, possibly ask for it after we hear from the public but not at this time. Thank you.

All right. Who do we have from the public, Mr. Youngblood?

MR. YOUNGBLOOD: Mr. Chairman, we have two registered speakers in the room with us. Wanda Rodriguez is going to be our first speaker, followed by Alexia Stirp.

CHAIRMAN FRYER: Thank you.

Now we can put a face to a name with Ms. Rodriguez.

MS. RODRIGUEZ: Good morning, Commissioners. My name is Wanda Rodriguez. I am a resident on Trinity Place. I did send a letter of objection a few days ago to each of you by email. I hope that you've had a chance to review it. With your indulgence and permission, I'd like to provide a copy to the court reporter today so that the objections are entered into the record.

CHAIRMAN FRYER: Certainly. Go right ahead.

MS. RODRIGUEZ: I'll do so after speaking.

CHAIRMAN FRYER: Okay.

MS. RODRIGUEZ: I'm assuming you've had a chance to review the letter. I won't repeat everything that is there. I will say I appreciate the applicant's offer to modify their request if it's approved to keep commercial traffic off of Trinity Place. I think that that is most appropriate.

I do have some underlying concerns, though.

COMMISSIONER KLUCIK: Ma'am?

MS. RODRIGUEZ: Yes.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: Could you just explain -- you're a neighbor, right?

MS. RODRIGUEZ: Yes.

COMMISSIONER KLUCIK: Could you just point out where your property is.

MS. RODRIGUEZ: That's me.

COMMISSIONER KLUCIK: That's you, okay. Thank you.

MS. RODRIGUEZ: So my main concern today is what they're calling Tract B in this project. Tract B is -- as has been brought out, is under a parking exemption from the original flea market. And at the time, of course, there was a lot of traffic expected, a lot of cars were going to be coming in, and this was intended as overflow parking and a transition from this commercial enterprise to our neighborhood.

So you have grass parking that was intended as overflow, because the main parking for this facility was to the west of this lot over here. So that's been some years ago, and now times have changed, and they are still at this point wanting to operate a storage facility, which they're currently allowed to do in this building.

And I have no problem with that. I do have a problem with the increases that they're asking for. I believe that they're currently allowed to have 400 units of indoor storage in this building. They're asking for an increase to a thousand. They're asking for up to 50 -- in addition, they're asking for up to 50,000 feet of commercial office space. For context, that's about the size of an average large Publix supermarket.

And if you put -- if you remove the -- if you have the GMP amendment and remove this from the Rural Lands Overlay and you make this a PUD and you say, on this PUD we're going to allow 50,000 square feet of commercial and we're going to have all of these units -- I mean, I've seen it many times over the years a PUD come back through and say, oh, well, we want to move it from that use from this parcel here to this one over here, and because it's already there, it kind of sails right through the process, and it would -- we would be lining something up here for development on this entrance parcel to our neighborhood that could lead to much more intense commercial development here.

It's been brought out that this is a part of the Rural Lands Overlay. Rural Lands Overlay is intended to be a transition between the urban uses and the rural neighborhoods.

This Trinity, this is the rural neighborhood, the rural agriculture neighborhood that the Rural Lands Overlay is intended to protect. I'm not saying there can't be uses on this property. I don't think that outdoor storage is the right unit -- use for this.

I want to draw your attention to where the current building is on Tract A, immediately north where there's a large lake and what looks like a large amount of vehicles here. This is a tract that's being used for outdoor storage. It looks like a mess from the air. It looks like a mess from the ground.

The neighbors who live along that side of the street, when they walk into their backyard, this is when they see. And when you talk about putting more outdoor storage in our neighborhood, this is what comes to mind.

This other tract across the Basik Drive is also now being used for outdoor storage. When I drove in today, there were half a dozen semi-trucks parked on this lot visible from the road. There's some sort of fencing, but it's a mesh transparent something.

You know, they can come in with certain statements saying that this is what their intended use of a property is but, in reality, this is what ends up happening.

Perhaps this is okay next to a concrete plant, like what they have on their other side, but when you put it right at the entrance to our neighborhood, I don't think that's appropriate. I'm not saying there can't be some use there. I don't think that outdoor storage is the right thing.

I also want to mention, as has been brought up here before, the East Trail Overlay that's currently under consideration. I looked at it on the county website yesterday. They did have a meeting last night. I was not able to attend, but the version of the plan that was on the website as of yesterday covered U.S. 41 all the way from Bayshore down to Port of the Islands with a small exception along east 41 that this is a part of that approximately corresponds to the Rural Lands Overlay. Obviously, because that type of use is not allowed in the Rural Lands Overlay, they're not putting it into the East Naples plan.

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you. Pardon the interruption.

So I just want to make sure I understand. So you pointed out where your home is, or where your property is. Is your concern about what's going to be immediately facing you, you know, if this sort of oozes, you know? And I think you're -- you know, you mention -- I'll use the word "ooze," that this type of use then becomes normalized and then it's considered compatible, because right next door this is what we have, so then it moves down closer to you and closer to you. And then

eventually across the street you might have this kind of use.

MS. RODRIGUEZ: Well, it would be at the entrance to our neighborhood on what's called Tract B in this --

COMMISSIONER KLUCIK: Right, but are you concerned that it's also going to ooze northward along, you know, so that eventually it's --

MS. RODRIGUEZ: Well, sir, I mean, it's the way of it, right, as these projects and zoning move parcel by parcel.

COMMISSIONER KLUCIK: Right. So that is one of your concerns?

MS. RODRIGUEZ: It's a protection of our neighborhood and our street that I'm concerned about.

COMMISSIONER KLUCIK: I guess, like, right now -- and maybe staff could help me -- what could be -- you know, that's agriculture. What is that that's across -- I know immediately above this parcel is agriculture. But above -- north of that, immediately opposite our witness' parcel, what is that -- the current --

COMMISSIONER VERNON: Are you talking about -- sorry to interrupt you, but just so I can follow what you're doing, you're talking about across the street from her on Trinity Place?

COMMISSIONER KLUCIK: Yeah, across the street from Trinity.

COMMISSIONER VERNON: Are those residential or agriculture?

COMMISSIONER KLUCIK: Yeah. Is that residential lot or ag?

MR. BOSI: The entire neighborhood is zoned agricultural.

COMMISSIONER KLUCIK: Okay. So am I right that someone could have a barn there and animals, or no?

MS. RODRIGUEZ: They do.

COMMISSIONER KLUCIK: Right. So --

MS. RODRIGUEZ: They do. They have --

COMMISSIONER KLUCIK: I guess, then -- you know, so then, you know, my thought is a barn versus, you know, a fenced off area with commercial vehicles. I think it's going to be very different. And maybe I'm wrong here, but I think what -- their application itself would prevent the -- you know, the messy storage area that -- you know, that currently exists. I'll say -- use the word "messy," you know, undesirable, the thing that seems sloppy. I don't think that they would be allowed to have that, and I guess I'll ask staff; is that correct based on this proposal? She mentioned, you know, the concern right next to the lake there's storage areas.

MR. BOSI: I mean, outdoor storage is not really -- is not a use that's endorsed by the ag. But if you look just immediate north of this parking lot where the arrow is, it does seem like the use of that agricultural property is not the most pristine.

COMMISSIONER KLUCIK: Right. And I guess that's kind of what I'm getting at. I'm trying to balance, you know, the concerns that any property owner would have which, of course, you know, you're bringing to light with what could be done now, what the current uses are, and what -- the likelihood of this being worse. You know, this -- approving this would then make things worse down the line for you. I understand, you know, having it right there, you're objecting to it being -- that use being at the entrance of your neighborhood. I understand that's also one of your concerns. But I'm just trying to figure out that, you know, you realize that the uses right now could be considered undesirable by a lot of people.

MS. RODRIGUEZ: Of course.

COMMISSIONER KLUCIK: And, certainly, this use seems to be a use that cleans up some concerns.

MS. RODRIGUEZ: I understand the underlying zoning is agriculture. On our street we have farm trucking concerns, and we have wholesale nursery operators, and we have landscapers who dump their mulch on the back of their property. You know, someone -- a neighbor could decide to run a pig farm, and that would be allowed. And, you know, they could do it on this property. It's agricultural, and we couldn't say anything about that.

I understand there are certain uses that are allowed under agricultural zoning. But if you take away the agricultural zoning and you take away the Rural Lands Overlay and you put this in a commercial PUD, then it opens up to all the commercial uses. Although there may be some undesirable agricultural uses, I think there's a lot more commercial uses that are incompatible with the neighborhood, and I'm really not interested in, you know, defending a lot of hypotheticals, but I do want to talk about what they're asking for and what it looks like in our neighbor, that type of storage.

COMMISSIONER KLUCIK: Maybe it would be useful for all of us -- you know, maybe only just for me, I don't know. Sometimes that's how things are.

But what are the uses that are being proposed, the ones, you know -- and I understand what they're going to plan to do with it is different than all of the uses that would be included in the application, and which of those do you find objectionable?

MS. RODRIGUEZ: I'm not really sure I understand your question, but --

COMMISSIONER KLUCIK: So this is going to change if we were to approve this, and then certain uses would be allowed if we approve the application.

MS. RODRIGUEZ: Right.

COMMISSIONER KLUCIK: Which of those new uses would you find objectionable?

MS. RODRIGUEZ: Well, I don't have the full list of commercial uses in front of me. Not every commercial use would be objectionable to me and to the neighbors that I've spoken to. You know, when they brought the flea market in, plenty of us used it, utilized it, patronized those businesses. You know, something that would be well thought out and presented and useful to the neighborhood would be less objectionable than something that's just going to end up looking like that.

COMMISSIONER KLUCIK: I guess I would ask my fellow commissioners, would that be helpful to find out which of the uses actually the witness finds objectionable, or is that just too much detail?

COMMISSIONER SCHMITT: I think she told us.

MS. RODRIGUEZ: I mean, truthfully, it has to do with changing that underlying zoning and taking this parcel out of agriculture and out of the Rural Lands Overlay and putting it in something to where, if they do decide to take their 50,000 feet of commercial and put it on that parcel and build whatever they're going to build, as a neighborhood we have no input. There's no public process once it's in there, you know. And we'll hear, well, it's compatible with this commercial PUD. Well, you know, these are the initial steps to set it up so that they can use this property for those types of developments down the road.

I understand that there's plenty of development going on in this area, and that's fine, but to bring it this way, eastward, where it's adjacent to single-family homes, I don't think that's appropriate.

One more thing I wanted to bring up. If you are considering approving this item today, I didn't see lighting addressed. Maybe I missed it. But I would be interested in making sure that lighting on that piece of property is compatible with the neighborhood. I think there are Skies guidelines, and making sure that any nighttime lighting does not impact surrounding neighbors. We do have that issue over here on the golf course. We can see those lights from the golf course at night. It looks like a stadium. So we'd like to avoid additional lighting issues on the other side.

CHAIRMAN FRYER: There are three commissioners who would like to speak. Do any of them want to ask questions of this witness?

COMMISSIONER SCHMITT: Yes, I have questions.

COMMISSIONER VERNON: I do, too.

CHAIRMAN FRYER: Okay. Well, starting with Vice Chair.

COMMISSIONER SCHMITT: Ms. Rodriguez, if I understand correctly, your immediate objection is you believe that this may evolve into what we're seeing just north?

MS. RODRIGUEZ: That's one of the things, yes.

COMMISSIONER SCHMITT: And to the west?

MS. RODRIGUEZ: Yes.

COMMISSIONER SCHMITT: But we can control that. I would have to ask staff. And

that -- that area to the north is TTRV, travel trailer recreational vehicle. It is not a storage area. If it's being used as a storage area, then it's a code violation. I don't understand why nothing has been done about it in the past, and I don't understand -- but you're trying to hold this petitioner responsible for what you see north of it when, in fact, it has nothing to do with this petition. And that's a general statement. But I would have to ask staff.

That is deplorable. And it is TTRV. It is not -- as far as I know, it's not authorized for storage.

Likewise, the property to the west is C9, if I remember. Yes, it's -- or, correction, it's C-5. I said C-9. It is C-5. It's already zoned commercial, but it's being used as a parking lot. Again, I don't know if it's allowed use for long-term parking. If it is, and that's what it's being used for, again, that's a code violation that someone on staff should be taking care of this and making sure that these violations are either abated or adjudicated before the Code Enforcement Board. But I understand also, Mike, if I'm not wrong, I think they're coming in with some kind of a petition for these properties just to the north?

MR. BOSI: Correct.

COMMISSIONER SCHMITT: Which we'll be seeing, so we can deal with that when we deal with -- I think that property is still owned by the Basiks, at least one of those properties.

So just to rephrase, your objection is what you think they're asking for will evolve into what we're seeing. But we can deal with that, and that can be controlled through stipulations, through Code Enforcement or other types of things.

The PUD allows us to put certain parameters to prohibit that type of activity taking place, and we can do that through our stipulations.

The second question is: Somehow you conflated what they're asking for in the commercial is going to evolve into some massive commercial development. I would have to ask the petitioner. I would have to assume this building is greater than 50,000 square feet, the existing building. Yeah, if you would. I'm sorry if I'm going to --

MR. YOVANOVICH: I can go either way.

COMMISSIONER VERNON: Why don't you go the other way, and that way we can talk to her more.

COMMISSIONER SCHMITT: Yeah, because I want to hear. This PUD is only authorizing what is existing on site now. Is there -- are there any plans to increase the commercial square footage?

MR. YOVANOVICH: Let me --

COMMISSIONER SCHMITT: Yes.

MR. YOVANOVICH: -- tell you exactly what's being asked for.

COMMISSIONER SCHMITT: Yes.

MR. YOVANOVICH: The subdistrict -- it was on there as yellow -- is the outdoor storage area. GMP subdistrict. It only allows one use. Outdoor storage.

COMMISSIONER SCHMITT: Correct.

MR. YOVANOVICH: So Tract B under the Growth Management Plan and under the PUD can only be outdoor storage.

COMMISSIONER SCHMITT: Correct.

MR. YOVANOVICH: We cannot take any of the commercial that's already allowed on Tract A and the self-storage that's already permitted at C-4. We can't take any of that and move it to Tract B without amending the Growth Management Plan and without amending the PUD.

COMMISSIONER SCHMITT: Correct.

MR. YOVANOVICH: So there's no opportunity for it to creep from A to B.

COMMISSIONER SCHMITT: Thank you for clarifying, because that was my point. We cannot -- I cannot -- well, there's nothing that would allow you to do that.

MR. YOVANOVICH: I cannot --

COMMISSIONER SCHMITT: This clearly eliminates any type of ability for you to migrate

this commercial over into this tract?

MR. YOVANOVICH: It is absolutely prohibited under both the zoning and the Growth Management Plan.

CHAIRMAN FRYER: It would take another Growth Management Plan amendment.

MR. YOVANOVICH: Correct.

COMMISSIONER KLUCIK: Mr. Chairman?

(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: Can I just ask a question in follow-up?

COMMISSIONER SCHMITT: Go ahead.

COMMISSIONER KLUCIK: So is what -- the point you're making, Commissioner, that the -- you couldn't -- this 50,000 would have to be on the parcel to the left?

COMMISSIONER SCHMITT: It's on C-4 right now, the C-4 parcels.

MR. YOVANOVICH: Essentially, we would have to either put it within the building that exists or knock down a portion of the building.

COMMISSIONER KLUCIK: Right, right, because you couldn't do it on this part where the parcel -- the parcel where the current parking lot is, you can't use that for the commercial?

MR. YOVANOVICH: Correct.

COMMISSIONER KLUCIK: That's what you were talking about, A and B?

MR. YOVANOVICH: Correct.

COMMISSIONER KLUCIK: Okay. Thank you. Sorry.

COMMISSIONER SCHMITT: And, again, I just want to highlight because if, in fact -- in the future if they decide, okay, now they want a self-storage -- and I'm going to point to staff, Mike and Ray -- self-storage, we have very strict architectural requirements for any type of self-storage building. As I recall, we went through pretty significant criteria in the LDC that stipulates it can't be just nothing but four block walls. It's very specific; is that correct?

MR. BOSI: Correct. We have -- architectural standards apply.

COMMISSIONER SCHMITT: So even sometime in the future if they wanted to raze this building and put something else up, which is self-storage, that's what it allows, it would be strictly controlled?

MR. BOSI: Correct. The LDC would demand it.

MR. YOVANOVICH: On Tract A. I just want to make sure.

COMMISSIONER SCHMITT: On Tract A. So I bring those up not to refute what you're saying. I just want you to understand we have pretty tight controls on this, and I don't know if that alleviates your concern. I know you'd rather -- the other piece that I'm really concerned that you understand, if this were to become something other than self-storage -- I don't know. Let's say a Publix wanted to go in there or some other type of -- that's -- that's increasing a pretty intense use.

MS. RODRIGUEZ: Of course.

COMMISSIONER SCHMITT: And it's going to be -- it's going to increase significantly the traffic.

And in my understanding, the golf course to the east, there is eventual plans for that. That probably will disappear here sometime in the future. But as I understand, there's people already eyeing that property for residential development, but --

So I'm trying to understand your concern because what they're asking to put in here is fairly low intense, at low intensity, and is going to be what I believe is somewhat of an improvement over what there is now. But you're asking for us to not approve this and to allow it to remain ag and come in for some other petitioner to use it for some other purpose later on under the Rural Fringe Mixed-Use District criteria.

MS. RODRIGUEZ: Well, I mean, they can currently use their property as self-storage. They can use that --

COMMISSIONER SCHMITT: Yeah.

MS. RODRIGUEZ: -- parcel for parking. That's allowed. If there is another usage desire

down the road, of course we would be back here again talking about what they wanted to do at that time. You know, that's always the question. And I understand there's a lot of development happening along that corridor, as there is in most parts of the county.

COMMISSIONER SCHMITT: Well, I'm going to -- while you're -- just three issues. You said this -- it allows -- it would allow incompatible and unsightly heavy commercial uses at the entrance of our street. It really does not.

MS. RODRIGUEZ: Well, is it not true that a commercial PUD is pretty much equivalent to what's allowed in C-5 zoning?

COMMISSIONER SCHMITT: But they're not allowed to -- this is only allowing parking. There's no other commercial use being allowed. So your first premise, though you believe it's commercial, it's not going to allow for any commercial development other than for long-term parking. It's deemed commercial because it's long-term parking. It's not a parking exemption. It's not any other type of activity. So, I mean, that's your first premise.

The -- and this other one you would -- it would increase traffic on Trinity Place. It -- traffic is de minimus on a storage area. And, I mean, Jim Banks is here and others. The traffic is -- clearly, it's de minimus. I mean, Jim could probably tell you 12 trips a day, if that, or more. Maybe not -- to a storage area. It's pretty small.

And then you said the approval of this petition could eliminate public input to future changes on the property. Again, that is really not factual. Any future changes would require both a Comp Plan amendment and a PUD amendment. And it would be open to the -- subject to the public to review.

So I just -- I read this last night, and I looked at it, and I'm going, thank you for your input. And I appreciate your concern, but it's -- it's not factually accurate. I just wanted to point that out.

MS. RODRIGUEZ: I appreciate, you know, the thoughtful concern and the explanations. Maybe you can clarify or someone can for me, is it not true that there is such a process as a comparable-use determination that's used on PUDs?

CHAIRMAN FRYER: Mr. Yovanovich, go ahead.

MR. YOVANOVICH: The answer to your question is the Tract A is C-4 with indoor self-storage, which is already approved on that site. So that's all we're asking for is to keep on Tract A. Tract B, we would not be able to do anything but outdoor self-storage because of the Comp Plan. I'd have to amend the Comp Plan. There's not a comparable-use determination under the Comp Plan. There is a process for a comparable-use determination under a PUD, but I could be corrected. I've never been able to do a comparable-use determination for a GMP amendment.

So the answer is, no, it doesn't -- it will not apply to Tract B, which I think is the tract that's in question. I am married to outdoor storage. Anything else would require coming to the Planning Commission for a Growth Management Plan amendment and a PUD amendment and, ultimately, to the Board of County Commissioners for approval if we wanted to change it from the outdoor self-storage.

CHAIRMAN FRYER: Commissioner Vernon.

MS. ASHTON-CICKO: May I ask a quick question?

CHAIRMAN FRYER: Yes.

MS. ASHTON-CICKO: Would you be willing to move the comparable-use language, then, under Tract A only?

MR. YOVANOVICH: Oh, of course, of course. If that was confusing -- no, no. (Simultaneous crosstalk.)

COMMISSIONER SCHMITT: Excellent proposal.

MS. ASHTON-CICKO: It does allow for both.

MR. YOVANOVICH: And that was -- I didn't -- you're right. Good correction.

MS. ASHTON-CICKO: Okay.

COMMISSIONER VERNON: I'm good. Joe's covered everything I wanted to cover.

CHAIRMAN FRYER: Okay. Commissioner Shea.

COMMISSIONER SHEA: Yeah, I just -- I wanted to understand a little better for my education. What am I looking at -- everybody's looking at around that pond? Is that just a bunch of random parked vehicles or --

MS. RODRIGUEZ: It's RVs, boats on trailers, random vehicles. They are not in marked lots. They are just jammed into a vacant property.

COMMISSIONER SHEA: It almost looks like a junkyard.

MS. RODRIGUEZ: Yes, it does.

MR. YOVANOVICH: You're talking about the one to the north?

COMMISSIONER SHEA: Yes.

MR. YOVANOVICH: Yeah.

COMMISSIONER SCHMITT: That TTRV means travel trailer recreational vehicle. That means it was zoned for a campground. It is not a storage area. If it's a storage area, it's a zoning -- it's a violation.

MR. BELLOWS: Code violation.

COMMISSIONER SCHMITT: And it's a code violation, and it should be dealt with. And I turn to staff. I think this needs to be turned into Code Enforcement because, obviously, this is not being used as a TTRV right now.

MR. BOSI: Commissioner Schmitt, if you'd like to initiate a Code Enforcement Board action.

COMMISSIONER SCHMITT: I will initiate from the bench a code violation. I would recommend that -- on the record that a code violation and Code Enforcement be notified, Mr. Ossorio and his team go out and evaluate whether this is in violation of the current zoning.

MR. BOSI: Noted.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: I'm sorry. That was it. That's what I was hoping to get is something that Joe did.

CHAIRMAN FRYER: Okay. Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. And I would just like to say I'd like the answer at this -- you know, at a future meeting. I'd like to hear the response and have a follow-up at our meeting so that we know what the result is.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: Did you hear that, Mr. Bosi? We'd like to have the answer presented at this meeting, at one of our meetings.

MR. BOSI: The answer to what?

CHAIRMAN FRYER: An update on the request for Code Enforcement.

MR. BOSI: Okay. Like, a status update of the Code Enforcement?

COMMISSIONER SCHMITT: Just to provide us feedback that Mike had gone out and evaluated and it's being processed.

And, Wanda, you could have done this anytime. You could always process a code violation. And I know you work on staff and you don't want to be perceived as an insider.

MS. RODRIGUEZ: That, and I'm just not the type of person to call Code Enforcement on my neighbors even when they deserve it, but --

COMMISSIONER SCHMITT: Well, this is not your neighbor. This guy is in business, and he's, obviously, violating the code.

MS. RODRIGUEZ: That's just me, you know. But if -- you know, we're here today and we're talking about the neighborhood and issues, so I just kind of pointed it out. You know, when you're talking about outdoor storage, this is what comes to mind.

COMMISSIONER SCHMITT: Yeah.

MS. RODRIGUEZ: The other thing, before I leave, could someone enlighten me regarding lighting standards on this parcel and lighting impacts to the neighbors?

CHAIRMAN FRYER: We'll ask Mr. Yovanovich to do so.

COMMISSIONER SCHMITT: I believe it was already part of the original PUD --

MS. RODRIGUEZ: I may have missed it.

COMMISSIONER SCHMITT: -- or the original submittal for the -- but, Mr. Yovanovich, you can address that.

I would recommend as a stipulation that any lighting be in compliance with the county ordinance in regards to bleeding of light and that type of thing.

Wayne?

MR. ARNOLD: Wayne Arnold, for the record.

So there are no lighting standards, per se, that are there, but we can certainly agree to cutoff fixtures, Dark Sky compliant. Whatever you deem appropriate, we'll make that happen.

MS. RODRIGUEZ: Yeah. I would just like to make sure that it's specified in there along with the other things we've talked about today because, you know, the experience being that if it's not in there in writing it gets forgotten.

CHAIRMAN FRYER: Okay.

MR. ARNOLD: And just to be clear, that would be for the outdoor storage component only?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: I think there's already strict lighting standards on the existing building to begin with.

CHAIRMAN FRYER: Thank you, Ms. Rodriguez.

MS. RODRIGUEZ: Thank you.

COMMISSIONER SCHMITT: Thank you for your input, by the way. Well thought out. Thank you.

MS. RODRIGUEZ: Thank you.

CHAIRMAN FRYER: Mr. Youngblood.

MR. YOUNGBLOOD: Mr. Chairman, we have a change in our next speaker. Alexia Stirp will not be speaking, rather Zach Rodinsky, and he will be our final speaker on the matter.

CHAIRMAN FRYER: Thank you.

I'm going to ask you to spell your last name for me, sir.

MR. RODINSKY: R-o-d-i-n-s-k-y.

CHAIRMAN FRYER: Thank you.

MR. RODINSKY: I want to second Ms. Rodriguez. She is correct on mostly everything she said, absolutely 100 percent.

I just wanted to bring up that front parking area is now actually -- there's RVs parked there and people staying there right now. The blocked-off part that's on our street, there's blocks that block off that entrance from being used right now because it's not supposed to be used at all. The blocks had been moved, and there's people coming, going, and people staying there. I get it, Hurricane Ian just happened. You know, people are displaced, need a place to stay. They've been there before the hurricane, okay, number one.

The second is -- where are we at here? And then you have the storage. So is this a storage facility or a mechanic shop? Because you have boats, you have cars, you have trucks, you have RVs, and you have people working on them all hours of the day, especially later on in the evening when nobody's there. You have people working, turning on boat motors, revving them up, fixing them all hours of the day and night, and I just wanted to make sure that was known as well.

And I'll be back up on the second part of the motion you got.

CHAIRMAN FRYER: Okay. All right.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. I guess I'd like to ask staff, would that be a -- if there's people, you know, in RVs camping there, is that a code violation?

MR. BOSI: I don't believe that would be a permitted use on the property.

COMMISSIONER KLUCIK: It is, or it's not?

MR. BOSI: Not.

COMMISSIONER KLUCIK: Because it's ag or no?

MR. BOSI: Because it's agricultural, and there's no principal structure. I mean --

MR. RODINSKY: That is a parking lot, but there are RVs --

COMMISSIONER KLUCIK: I guess my question is, if you have an ag -- if you own an agriculturally zoned lot, can't you put your own motor home there and sleep there in your own RV?

MR. BOSI: No.

COMMISSIONER KLUCIK: All right. So I guess my concern is, if that's, in fact, the -- you know, our witness is under oath, and he's now testified that that's happening, it's a little frustrating to see an applicant come before us when they are a code violator, if that's the case. And I guess I'd like the applicant to speak to that.

MR. RODINSKY: If it's a storage facility, why are they parking the RVs in the front in that front parking space? You understand what I'm saying? They should be in the RV storage. Why would they be up front in that parking lot if they weren't living there? And there's multiple --

CHAIRMAN FRYER: We'll hear from the applicant now. Mr. Yovanovich.

COMMISSIONER KLUCIK: Yeah. And so my question really is if, in fact, there are people using it as -- you know, as a campground, so to speak, you know, is that something that you're not aware of?

MR. YOVANOVICH: I'm sorry.

COMMISSIONER KLUCIK: Yeah. And then address it. If there is an awareness of it, why you're coming before us if there's a violation?

MR. YOVANOVICH: There's clearly not an awareness of that. If there were an awareness, you know I wouldn't come up here. We will get that fixed. We're not aware of -- and people who may be there squatting, if you will. But we will take care of that with our client immediately after this call, because this is the first I've ever heard of this.

But in answering his question about, if I may --

CHAIRMAN FRYER: Please.

MR. YOVANOVICH: -- whether we could maintain any vehicles there, ref up engines, we will be absolutely prohibited from doing any of that stuff. It's purely storage. There will be no maintenance of anything on that site.

MR. RODINSKY: And it's not like I drove by and I saw an RV there. There's chairs out there. There's cords.

MR. YOVANOVICH: I'm not disagreeing with you. I just didn't know --

(Simultaneous crosstalk.)

MR. RODINSKY: I'm just telling you for the record that it's not just like I drove by one time and I saw an RV and I'm saying this.

CHAIRMAN FRYER: All right. Thank you very much. You're excused, sir.

MR. RODINSKY: Thank you.

CHAIRMAN FRYER: Okay. Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I just wanted to pick up -- the speaker actually said it, and Commissioner Schmitt said it. I definitely -- you know, yeah, if there's folks sleeping there, in RVs and they're not supposed to be, you need to get it cleaned up. But I do want to show some grace on Hurricane Ian. There's a lot of stuff going on, and a lot of people are still hurting resulting of Hurricane Ian.

So let's -- you know, let's figure out a way to do it so that we're not creating more problems for people who already have major problems in their life, and a little more grace than we might normally show in terms of that. Not that I'm condoning it; it needs to be cleaned up. But, you know, we don't need to throw them out in the middle of the night.

COMMISSIONER SCHMITT: That's a good point, because there were people living in the -- I think the Walmart parking lot as well temporarily. But I agree. There were some areas down

there, especially along Henderson Creek and some of that area back there, people were pretty significantly impacted.

CHAIRMAN FRYER: Thank you.
Commissioner Shea.

COMMISSIONER SHEA: Just to follow up on one of the speaker's comments. Is there enough in the regulations that we have now, or do we need to put something in there that says you won't be revving up engines and testing your motor out at midnight, or do the current codes protect them from that?

CHAIRMAN FRYER: It would probably be a nuisance, I would think.

COMMISSIONER SCHMITT: I mean, it's not -- it's not a maintenance facility. I think we can stipulate to that.

COMMISSIONER SHEA: My point is it probably wouldn't hurt for us to add that.

MR. YOVANOVICH: That's fine.

MR. ARNOLD: Mr. Shea, if I might, if it's okay with the Chairman, I'd just point out that on Tract B we have accessory uses. The only activities we allowed were covered structures, a vehicle wash station, because as people either get them they needed to that -- I wouldn't call it even maintenance but, you know, spray the vehicle down. And then we've even prohibited outdoor display of any kind of merchandise on that section so that you couldn't have commercial creep of any kind onto that tract. So we've no provisions for maintenance activities on this parcel whatsoever.

MR. YOVANOVICH: So if you'd like us to add a prohibition on maintenance, we're happy to add that. I think it would be a violation anyway, but if we want to make it doubly clear, we can.

CHAIRMAN FRYER: Let's do that.

COMMISSIONER SHEA: Yes, I would.

MR. YOVANOVICH: That's fine.

MR. ARNOLD: If it's appropriate --

COMMISSIONER VERNON: Are you going to have water -- sorry, I jumped in.
Mr. Chairman?

CHAIRMAN FRYER: Go ahead, sir.

COMMISSIONER VERNON: Are you going to have water on the grounds so people can wash their engines after -- because that's probably a lot of it. I'm not talking about -- I'm talking about flushing the engine.

COMMISSIONER KLUCIK: Oh, for a boat?

COMMISSIONER VERNON: Yeah, because they get done fishing and it's dark, it's 9:00 at night and they're hearing that, and they're probably flushing their engine for 20 minutes, and it sounds -- there's a boat running; that's probably the problem.

(Simultaneous crosstalk.)

COMMISSIONER SHEA: Where's that water going?

COMMISSIONER VERNON: I don't know that they have water. I'm just saying that might be it.

MR. YOVANOVICH: Let the engineer --

COMMISSIONER SCHMITT: That water has to be dealt with.

COMMISSIONER SHEA: Yeah, exactly.

MR. ARNOLD: Not being a boat owner, but Mr. Banks is, and he just mentioned that the newer boat motors don't require them to be running while you flush those engines.

COMMISSIONER VERNON: There's a lot of older boats, so that doesn't really fix the problem.

MR. YOVANOVICH: So why don't we put a timeline that says we can't flush a boat motor past 6:00 p.m. or 7:00 p.m., whatever a reasonable time period would be.

COMMISSIONER SCHMITT: Seven p.m.

MR. YOVANOVICH: Seven p.m. Is that -- I mean, then people will just -- either that or -- I mean, if that's really a concern for the neighborhood, and the Planning Commission thinks we

should put something in there, fine. But we've got to keep in mind we're also trying to serve a needed service throughout Collier County. There's really no place for people to put --

COMMISSIONER VERNON: Well, I was going to suggest 9:00 p.m.

MR. YOVANOVICH: That's fine, 9:00 p.m.

COMMISSIONER VERNON: Because if you come off the water at 8:00 --

MR. YOVANOVICH: All right. I don't boat either. Nine o'clock is fine. Whatever the right -- whatever the right time.

COMMISSIONER SCHMITT: Nine o'clock is fine.

COMMISSIONER SHEA: Who controls the water now? Now you've opened up a whole different operation, and you're into water management if people are flushing things.

MR. YOVANOVICH: Well, that will be through the -- that will be through Mr. Herrera's Site Development Plan.

COMMISSIONER SCHMITT: He has to have a water/oil separator, other types of things that would have to be designed for a wash area. If he puts a wash area in, all that's going to be required and be reviewed as part of the Site Development Plan, and Mr. Herrera knows that. He would have to design a complete wash facility, water separator, water/oil, separate everything associated with it.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah. I also would say as a practical matter, if you have an RV that's actually like a motor home, not a trailer, there has to be some provision that you can -- you know, if it breaks down while it's in storage, you have to be able to work on it. And so I don't -- we can't prohibit that.

COMMISSIONER VERNON: Well, I'm just saying, 9:00 p.m.

COMMISSIONER KLUCIK: So I guess what I'm saying is I don't want us to put in language that says you can't work on a vehicle that's broken there; you have to get it towed, you know, a giant 40-foot long, you know, RV. We need to have something that addresses concerns but also doesn't prohibit what's reasonable.

MR. YOVANOVICH: I understand. I think the concern more was I decide to take one of my cars, park it there, and use it as my own personal, you know, private garage that I just want to tinker with my car. I think that's what I was intending to make sure we didn't do. But if some -- if a car breaks down or an RV breaks down and you need to do something to make it movable, that makes sense.

CHAIRMAN FRYER: Okay. Let's see. We were at public speakers. Do we have any more?

MR. YOUNGBLOOD: (Shakes head.)

CHAIRMAN FRYER: Anybody in the room who hasn't registered nonetheless wish to be heard at this time on this matter, please raise your hand. We do see a hand. Please approach the podium, and if you need to be sworn in, we'll take care of that. Have you been sworn in?

THE WITNESS: Yes.

CHAIRMAN FRYER: State your name, please.

MS. STIRP: My name is Alexia Stirp. I live on Trinity Place.

And I guess my main concern is just the aesthetic of, you know, what this -- how it's going to look from Trinity Place when you go turn onto Trinity Place. They talked about there being a wall there. Is it going to be, like, a cement wall or -- and is there going to be any, like, foliage on the outside to cover the look of the wall, or is it just going to be, like, a plain wall? That's just --

CHAIRMAN FRYER: We'll ask the applicant to repeat that. That's already in the record, but for your benefit, Mr. Yovanovich or Mr. Arnold, can you repeat the aesthetics?

MR. YOVANOVICH: Do you want me to come up now?

CHAIRMAN FRYER: The witness wants to know about, in addition to the wall, how you're going to create opacity and buffering and the like.

MR. YOVANOVICH: And just for the -- just for your benefit, the landscaping is on the

Trinity side of the wall, so the wall will be -- it won't be a big, stark wall. And then the goal is that above the wall, the trees will create additional opacity to -- and Wayne went through this, and I think Mr. Vernon asked those questions. So you'll have a 7-foot wall. It will be some type of concrete wall. And then it will be -- you'll have the landscaping to break it up so it will look attractive, and then you'll have trees further providing a buffer to what you would see on the site.

MS. STIRP: How thick do you intend to make the wall?

Ma'am, if you're going to speak some more, you need to --

MR. YOVANOVICH: She asked how thick. It will probably either be some type of prefabricated concrete wall that they'll slip into -- so I can't tell you how thick, but it will be a concrete wall or -- I doubt it will be block, so it will probably be some type of just prefab concrete wall that you see them all over town.

MS. STIRP: Thank you.

CHAIRMAN FRYER: Does that answer your question, ma'am?

MS. STIRP: (Nods head.)

CHAIRMAN FRYER: Anything further?

MS. STIRP: No.

CHAIRMAN FRYER: Thank you very much, then.

No one else wishes to be heard at this time. Any rebuttal from the applicant?

MR. YOVANOVICH: I just want to make sure we're all clear. We are prohibiting any traffic on Trinity. Only emergency vehicles. So, actually, Commissioner Schmitt said it's minimal; it's actually zero --

COMMISSIONER SCHMITT: Zero.

MR. YOVANOVICH: -- from our project, unless there's an emergency, then there'll be some traffic on Trinity.

So I think what we've tried to do is address any concerns that the neighbors would have through our buffering, through not allowing traffic, and we're hopeful -- and I hope we clarified that there can't be commercial creep through this process.

And with that, we're asking the Planning Commission to transmit this to the Board with a recommendation of approval for both the Small-Scale Growth Management Plan amendment as well as the PUD.

CHAIRMAN FRYER: I'm sorry.

COMMISSIONER VERNON: I was going to jump in and say, do you want to articulate your proposal regarding lighting and regarding noise or engine?

CHAIRMAN FRYER: Let me see if I can tick those off, and then I can be corrected if I don't get them.

MR. YOVANOVICH: I was waiting for a consensus, Mr. Vernon, as to -- I think 9:00 p.m. was the flushing of the motors type thing or whatever --

COMMISSIONER VERNON: Fine with me.

COMMISSIONER SCHMITT: Nine p.m. is fine.

CHAIRMAN FRYER: Okay. So this is not necessarily in the order that they were brought up. Dark Sky compliant lighting for the B parcel.

MR. YOVANOVICH: That's fine.

CHAIRMAN FRYER: Prohibit maintenance and flushing after 9:00 p.m.

MR. YOVANOVICH: Okay.

CHAIRMAN FRYER: Emergency access only on Trinity.

MR. YOVANOVICH: Okay.

CHAIRMAN FRYER: And the "comparable use" language will be removed.

MR. YOVANOVICH: It's going to be moved up to Tract A.

CHAIRMAN FRYER: Moved to Tract A.

And did I miss any?

COMMISSIONER SHEA: That's it.

MR. YOVANOVICH: I think that's everything.

CHAIRMAN FRYER: Okay. So --

COMMISSIONER KLUCIK: I think we're going to reiterate the requirements for a storage facility so that it's only -- the idea that it can't just be a -- you know, there actually are guidelines in the code.

COMMISSIONER SCHMITT: It's already in the --

COMMISSIONER KLUCIK: I thought we said we were going to --

COMMISSIONER SCHMITT: -- zoning language.

COMMISSIONER KLUCIK: Okay.

COMMISSIONER SCHMITT: That's all they're asking for on that tract.

COMMISSIONER KLUCIK: No. I thought we were going to include it just for clarity's sake, but maybe I was wrong.

MR. YOVANOVICH: It's already governed by the Land Development Code. We don't typically -- we don't typically regurgitate that.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: Okay. So I think if there's further discussion, now is the time for that. If not, we can have a -- Mr. Bellows.

MR. BELLOWS: I do have some specific lighting standards that I think the applicant has agreed to. If I could, I could read it into the record --

CHAIRMAN FRYER: Please, go ahead, yeah.

MR. BELLOWS: -- and that will be the standard.

Lights poles shall be limiting to a height of 20 feet and Dark Sky compliant. Flat panel, full cutoff fixtures, back lit, and up light glare rating where U equals zero to avoid light trespass onto adjacent properties.

COMMISSIONER KLUCIK: I will move that we approve -- recommend approval with all of those stipulations including what Mr. Bellows just said.

COMMISSIONER SCHMITT: I second, and that is both for the Comp Plan amendment and the PUD?

COMMISSIONER KLUCIK: Yes.

CHAIRMAN FRYER: Thank you. It's been moved and second. And there's no EAC approval required on this, so we're just voting on two things. Any further discussion from the Planning Commission?

(No response.)

CHAIRMAN FRYER: One observation I might make. I'm not necessarily suggesting it, but I just want us to always be mindful. When we get complicated conditions and stipulations -- this may or may not rise to that level -- we do need to be thinking about maybe bringing these things back on consent to be sure that they've been scrivened properly. I'm not necessarily recommending it at this time, but I just want people to be thinking about it.

And any further comments?

(No response.)

CHAIRMAN FRYER: If not, I think we're ready for the vote. All those in favor of the motion with the stipulated conditions, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: Thank you, applicant. Thank you, members of the public. Thank you, staff.

So it's quarter of 12:00. In any event, I think we want to have a 12 o'clock break, because we try to break every hour and a half, but it may be the will of the Planning Commission that we postpone our lunch until after we hear the third and last matters. What do you all want to do?

COMMISSIONER SCHMITT: I would agree. I do have to depart for an appointment that I have at 2:00. I was hoping to get out of here about 1:30.

CHAIRMAN FRYER: Understood.

COMMISSIONER VERNON: I'm with Joe. I'm with Joe.

COMMISSIONER KLUCIK: You're suggesting we have a short break now, then, and then --

CHAIRMAN FRYER: We need to have a five- or 10-minute break now. Does that -- or do we want to go to lunch?

COMMISSIONER VERNON: No, no.

CHAIRMAN FRYER: All right. So we'll stand in recess until 11:55. That's 10 minutes.

(A brief recess was had from 11:45 a.m. to 11:55 a.m.)

MR. BOSI: Chair, you have a live mic.

CHAIRMAN FRYER: Thank you, Mr. Bosi.

Ladies and gentlemen, please take your seats. Our final matters to be heard today, again, are companions. PL20210002122, the Ivy Medical Center Small-Scale Growth Management Plan amendment, and PL20210002147, the Ivy Medical Center rezone from A to C-1.

All those wishing to testify in this matter, please rise to be sworn in by the court reporter.

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

CHAIRMAN FRYER: Thank you.

Ex parte disclosures starting with Ms. Lockhart, please.

MS. LOCKHART: Staff materials only.

COMMISSIONER VERNON: I'm sorry. I was looking at an email. No disclosures.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SHEA: Staff materials.

CHAIRMAN FRYER: Okay. In my case, a meeting with staff, materials of public record.

COMMISSIONER SCHMITT: Just briefly talked to the petitioner before the meeting and spoke to Mr. Klohn before the meeting, so -- who is going to be one of their speakers.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: Meeting with the staff.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SPARRAZZA: No disclosures.

CHAIRMAN FRYER: Thank you.

Is the applicant present, ready to begin? You may proceed, sir.

MR. DE AZA: Thank you. Thank you, Commissioners and staff members.

My name is Ronny De Aza with RDA Consulting Engineers here on behalf of the applicant with our team. We have Bill Klohn who's representing the applicant; we have Mark McLean with MHK Architecture in case there are any concerns or questions about the building design; and we have Jim Banks, who is our traffic engineer for the project.

COMMISSIONER SCHMITT: Mr. Banks is just here for the whole morning, then.

MR. BANKS: Can't get enough of it.

MR. DE AZA: Like you mentioned, we are trying to get a growth plan management [sic] amendment and a rezone for this parcel. It's called the Ivy Medical Center. And just give me one second. There you go. And here's a small project summary for the project.

This land is about 3.93 acres, one-and-a-half miles west of Collier Boulevard and about one-and-a-half miles east of the intersection of I-75 on Immokalee -- on Immokalee Road.

The land's currently zoned for agriculture, and we're trying to change that into a commercial use to be able to put a medical building.

This parcel is going to be developed by Dr. Daniel Wassermann of Skilled Wellness Physicians. And upon completion, the Ivy Medical Center will provide 20,000 square feet of medical offices on the subject parcel.

The development parcel is situated, like, within Saturnia Lakes and Arrowhead Golf Club. And careful thought was provided to maximize view corridors that include lakes and preserve.

Based on the commercial needs analysis study that was conducted in November 2021 by Real Estate Econometrics, Inc., medical-use office are greatly needed within that eastern Immokalee Road corridor.

CHAIRMAN FRYER: Mr. Youngblood.

MR. YOUNGBLOOD: I just had a hiccup in Zoom.

CHAIRMAN FRYER: Do we need a recess or --

MR. YOUNGBLOOD: No, sir. I just need 20 second.

CHAIRMAN FRYER: All right. Thank you. Nicely done.

MR. DE AZA: We had our NIM meeting on April 25th, and about 20 people showed up, a bunch of neighbors from Saturnia Lakes, and they had some concerns. The neighbors from Saturnia Lakes had a lot of concerns on our western side of the property that abuts them, and we tried to address everything that they mentioned, and we will talk about it in a little bit.

The next slide are just some conceptual architectural renderings that were done by MHK Architecture. So you can see, beautiful building, two story, 20,000 square feet.

These are some concept floor plans. We're going to have first floor with the normal lobby, exam rooms, waiting area, receptions, and some office spaces and some balconies on the second floor as well.

This is the conceptual site plan. Of course, if we get approved, we're going to follow up with full-size development plan submittals following the Land Development Code providing all the landscape buffers required and all the appropriate parking for the building.

We're trying to maintain as much of the existing vegetation as we can, and we're going to have to remove, per the code, all the exotics from the site.

During our NIM meeting, all our neighbors to the west were concerned about the visibility. So we're going to be enhancing that area with additional landscaping to make sure that it blocks the view.

Another big concern in the meeting was illumination. So we went ahead now and did some photometrics study, and you'll see in the next slide that there is zero negative impact to the neighbors because of illuminations.

Then everything normal is what you see in this slide. We're proposing a big lake so we can send all of our runoff over there and have zero negative impact because of drainage to the adjacent properties or the right-of-way.

This slide just shows -- you'll have to zoom in from it shows the photometrics, and we're reading 0.0 on the west side of the property for our neighbors in Saturnia Lakes.

After talking with our -- with the neighbors at the NIM and staff, we came up with some conditions of approvals, and they're all listed in the staff report, but I'm going to go through them real quick.

The hours of operation for the building should be limited to a maximum of 7:00 a.m. to 9:00 a.m. daily.

The project vehicle entrance will be --

COMMISSIONER SCHMITT: You mean 9 p.m., not a.m.?

MR. DE AZA: Nine p.m. yes.

COMMISSIONER SCHMITT: Sorry, correct the record.

MR. DE AZA: Seven a.m. to nine p.m.

Thank you.

The project vehicle entrance will be located on the east side of the property in order to buffer Saturnia Lakes from traffic to the greatest extent possible.

The parking on the western boundary of the subject parcel will be parallel to the property line to minimize headlight concerns. This, again, came from the meeting with the neighbors.

Preservation areas have been designed and lakes created to provide natural buffers to the greatest extent possible.

The dumpster location has been relocated to the eastern edge of the subject development to minimize the concerns of the residents.

CHAIRMAN FRYER: I'm going to interrupt you, sir, for just a moment and ask for a clarification. This is a rezone, not a PUD. And so we don't have the usual places where we would see conditions. Are these attached to the ordinance? And then from there do they get to the LDC? And you might describe the need for an asterisk as well.

MR. BELLOWS: For the record, Ray Bellows.

The ordinance, if approved, will -- does contain conditions of approval, as Exhibit C to that ordinance will also contain this conceptual site plan, so they would be locked into that somewhat. And they are rezoning to C-1. It's not a PUD. But the zoning map if approved will have a designation on the zoning map that will alert anyone wanting to find out the full range of permitted uses and restrictions to pull this ordinance.

CHAIRMAN FRYER: Okay. By way of -- is it an asterisk or a footnote or --

MR. BELLOWS: It's a diamond-shaped note with a petition number reference to it.

CHAIRMAN FRYER: Okay.

MR. BELLOWS: And an ordinance number reference.

CHAIRMAN FRYER: Okay. So it's not -- it's not actually part of that. It's an incorporation by reference. Someone would need to go to that ordinance.

MR. BELLOWS: On the zoning map.

CHAIRMAN FRYER: Okay. That's fine. Thank you.

Sorry to interrupt, sir. Go ahead.

MR. DE AZA: No problem. Thank you.

The next slide is a letter of no objection that we obtained from the Saturnia Lakes Homeowners Association, and then a small summary.

It is the goal of Daniel Wassermann to create a high-quality medical development on Immokalee Road to service the residents and patients of the Eastern Collier County. High-quality project team members have been selected to include MHK Architects and RDA Consulting Engineers. Extensive measures have been taken to create preserves on lakes to enhance the privacy of the neighbors -- neighboring developments, and we believe that the open-door discussions with the neighboring Saturnia Lakes residents has been considerate and mutually beneficial.

The project will be designed and constructed in accordance with all requirements outlined in the Collier County Land Development Code, and all additional development matters will be addressed professionally during the Site Development Plan application process.

And this concludes our small presentation, and we'll be here open for all questions.

CHAIRMAN FRYER: Thank you very much.

MR. DE AZA: Thank you.

CHAIRMAN FRYER: No one is signaling at this time, so I'm going to jump in with a concern that there's just really nothing we can do about it, and thanks to our friends in Tallahassee, primarily, what we've got here is we've got two deficient roadway segments on Immokalee, 43.2 and 44. They're already deficient according to the 2022 AUIR, and this is only going to make matters worse. It's not this applicant's fault. And as I say, there's just not really much we can do about it, but it's very, very unfortunate. So I wanted to let off some steam on that.

No one is signaling yet. Anybody have any questions or comments?

(No response.)

CHAIRMAN FRYER: Okay. Thank you, applicant.

MR. DE AZA: Thank you.

CHAIRMAN FRYER: Then we'll turn to staff report.

MR. BOSI: Thank you, Chair. Mike Bosi, Planning and Zoning director.

As in the last petition, we are recommending approval of both the requested GMP amendment as well as the rezone request and the conditions of approval that were associated and provided for. And we do have a PowerPoint presentation that gets to the GMP issues if the Planning Commission would be interested in it. It's currently zoned urban residential. This is proposing a zoned individual subdistrict to permit this limited medical office facility. But we have a little bit more specificity if you'd like to hear that.

CHAIRMAN FRYER: Planning Commission, should we --

COMMISSIONER SHEA: Are they specifics that should be added to the approval as conditions or --

MR. BOSI: And they have been added as a condition with the --
(Simultaneous crosstalk.)

MR. BOSI: -- limitation of the 20,000 square feet.

COMMISSIONER SHEA: Can you summarize it?

MR. BOSI: A limitation of 20,000 square feet.

COMMISSIONER SHEA: That's the only one?

MR. BOSI: Yes.

COMMISSIONER SHEA: Good summary.

MR. BOSI: Yes, yes.

COMMISSIONER VERNON: Can you shorten it up a little bit?

CHAIRMAN FRYER: Okay.

COMMISSIONER VERNON: A little verbose up here.

CHAIRMAN FRYER: Okay. Anybody else want to be heard up here?

(No response.)

CHAIRMAN FRYER: I've got something else I want to get off my chest, too.

And, again, there's nothing we can do about it other than perhaps by way of bringing something up in new business and sending a recommendation on to the Board of County Commissioners. But when you think of C-1 uses, you think of very low impactful, low-intense uses that -- and surely under those circumstances you would expect nothing controversial to arise there. But listen to a few of these uses that are permitted in C-1. And I'm not suggesting that we try to limit them, because I don't think that would be fair to this applicant, but I am suggesting that at some point I think the Board of County Commissioners needs to revisit what is contained in the SIC codes for these various levels of commercial activity. Here's C-1: Abortion clinics; sperm banks; process servers; psychiatric treatment centers; blood donor and plasma pheresis centers; substance abuse centers; detox centers; repo services; check cashing businesses; private eye businesses; physical exams by persons other than physicians -- now, that's one I like -- scrap steel cutting; solvents recovery services; evictions services.

Now, the problem is is that when we approve a C-1, you know, the applicant, then, has the entitlement of all of those. And, you know, some of them maybe are okay some of the time. But I just think at some point the Board of County Commissioners needs to revisit this whole issue of incorporating by reference SIC codes and all of the variants and variations and permutations and combinations that they think up, because some of them are not necessarily things that we would want to have. So now that's off my chest.

Anything else from the Planning Commission at this time?

(No response.)

CHAIRMAN FRYER: All right. Let's see. We've heard from applicant. We've heard from staff, so now we turn to Mr. Youngblood and ask about public comment.

MR. YOUNGBLOOD: I don't have any registered speakers for this item.

CHAIRMAN FRYER: All right. Thank you.

MR. YOUNGBLOOD: Or the companion item.

CHAIRMAN FRYER: Thank you. So there would be nothing to rebut, I assume. No need for rebuttal?

COMMISSIONER SHEA: Ned?

CHAIRMAN FRYER: Oh, I'm sorry. Please, come forward. And if you haven't been sworn in, now would be the time for that.

MR. LEPP: I have not been.

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

MR. LEPP: I do.

CHAIRMAN FRYER: State your name, please, sir.

MR. LEPP: My name is Jim Lepp. I'm a resident of Saturnia Lakes and the HOA president for the Saturnia Lakes Homeowners Association.

CHAIRMAN FRYER: Okay.

MR. LEPP: The Saturnia Lakes community, in general, has been in support. We've had a lot of communication with the developers.

The one thing that popped up in your presentation I'd like to clarify. Being a medical office, I think we were all under the assumption this would be a 7:00 a.m. till 5:00, 6:00 in the evening, and this going till 9:00 p.m. is a little bit of a surprise. I'd like to -- you know, because of some of the varied uses you just brought up, I'd like to recommend we try to limit this to a 7:00 a.m. to 6:00 or 7:00 p.m. type operation if at all possible.

CHAIRMAN FRYER: I sort of raised my eyebrows at that, too.

Applicant, would you please let us know if you could live with 7:00 to 7:00 instead of 7:00 to 9:00.

MR. KLOHN: Good afternoon. My name is Bill Klohn. I represent the developer.

I don't recall that there was opposition to 9:00 p.m. It would be if there were late patients exiting. It wouldn't be a routine situation.

I really don't have the authority to change that, because we came to the meeting with the presumption that 9:00 p.m. was okay. Again, that will be not a regular routine with few exceptions. So I guess I'm stumped.

MR. LEPP: Okay. Well, I guess, like I said, it caught me a little bit by surprise.

And some of the extraneous uses beyond the medical facility, the metal cutting and, you know, those types of things that could be, you know, ongoing to 9:00 p.m. every day would be a potential concern of the community. I guess I'd like that to be locked into or at least get the assurance that this will be addressed and looked into.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt, Vice Chair.

COMMISSIONER SCHMITT: Two concerns. One, I believe -- or I have to support Bill on this in regards to I would have to assume that most -- most, the majority of the people, any type of an appointment after 6:00 p.m. is probably rare. My only concern is if we say it has to close at 6:00 but there's on site -- what do you want to call it -- outpatient type of care or somebody and somebody's got -- has to be picked up, I don't think 9:00 is that abusive considering we're right off Immokalee Road, and there's numerous businesses that run well past 9:00. So that's my first point.

But my second point is, in regards to the SIC codes, this is going to be identified specifically on the Future Land Use Map as a site for the medical facility, is it not? Even though it's C-1, isn't it stipulated in the C-1 that this is the medical facility, or would it allow for something else if this medical facility bolts?

MR. BOSI: The GMP allows for the property to seek any uses that are within the C-1 --

COMMISSIONER SCHMITT: C-1.

MR. BOSI: -- zoning district.

And one of the suggestions that I think you can have to specifically target the concerns -- even Mr. Bellows was showing me that the 9:00 hour was discussed as part of the NIM. But you could put

a condition that if the facility is developed as anything other than a medical facility that the hours -- the hours of operation be restricted to 7:00 to 7:00.

COMMISSIONER SCHMITT: I would --

MR. BOSI: That could -- that could address the concerns and still allow the developer to move forward if --

COMMISSIONER SCHMITT: And I would support that. My concern with the medical facility, some people have an appointment -- I would suspect very limited, but I know some people may have an appointment after work or something like that, and they -- it's not going to be significant. Mr. Banks would probably tell you what the demand is on traffic. It's got to be de minimus. I mean, it really has to be. So I don't think that's going to be of grave concern. And I would have to believe any other medical facility -- pretty limited. Hopefully that will alleviate your concern. If we --

MR. LEPP: I believe it --

COMMISSIONER SCHMITT: And we could stipulate that if something else goes in there, we will stipulate that no intrusive or other type of operation beyond 7:00 p.m. would be allowed.

MR. LEPP: That's satisfactory as far as I'm concerned.

COMMISSIONER SCHMITT: Okay, good.

CHAIRMAN FRYER: Thank you. And I would propose, then, that as it happens, SIC code use 8011 is, well, medical offices. So why don't we say that with respect to those uses, the hours would be 7:00 to 9:00. All other C-1 uses 7:00 to 7:00.

MR. KLOHN: I could agree to that on behalf of the developer/petitioner.

CHAIRMAN FRYER: Very good. Thank you very much.

All right. Commissioner Vernon.

COMMISSIONER VERNON: Do we want to strip out some of these things from the SIC code while we've got the developer up here? Oh, we can't.

CHAIRMAN FRYER: Well, we can, but I'm not necessarily recommending it because I -- I don't think it's particularly fair to an applicant given that these uses are specified in our Land Development Code by reference to SIC codes. And I -- you know, I find it objectionable that they're in there, but -- and when we do PUDs, we can look at them, but on a straight rezone, at this time I'm not recommending that we do that.

COMMISSIONER SCHMITT: That's why I asked the question, could we limit it, but I guess not. I mean, from my recollection, if it was a PUD, we could certainly go through every SIC code and eliminate uses.

CHAIRMAN FRYER: When I spoke with staff, this is -- it would not be unprecedented for us to limit uses. I'm just not, right now, particularly willing to visit that upon this applicant.

Mr. Bosi, did you want to say anything?

MR. BOSI: No, I had nothing more to add. Thank you.

CHAIRMAN FRYER: Did what I -- did what I say [sic], is that correct?

MR. BOSI: Oh, absolutely.

CHAIRMAN FRYER: Okay. Thank you.

All right. Anybody have other comments?

(No response.)

CHAIRMAN FRYER: Mr. Youngblood, anybody else want to be heard?

MR. YOUNGBLOOD: I don't have any other registered speakers, sir.

CHAIRMAN FRYER: All right. Anybody in the room who wants to be heard on this matter, please raise your hand. Seeing none -- oh, there's a hand up.

Sir, we'll ask you to be sworn in, state your name, and then you'll have the floor.

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

MR. McEWAN: I do.

CHAIRMAN FRYER: Your name?

MR. McEWAN: My name is Robert McEwan. I live on Butterfly Palm, which is right -- my backyard is right adjacent to the project.

You expressed some reluctance to remove some of the SIC code from this particular applicant. Could you at least ask the applicant if he objects to that? Because I don't really want metal cutting behind my house, if that's a possibility, or some of the other named SIC code possibilities. And if the applicant doesn't object, why would the Board object?

CHAIRMAN FRYER: I take your point. And I'll ask the applicant's representative to return to the podium. And you've got -- you've got the 8011 use. Do you really need all of these other uses?

MR. KLOHN: Are we going to go through them one by one? I mean, I don't understand what you want to address.

CHAIRMAN FRYER: I want to know how much flexibility you feel you need.

MR. KLOHN: We have flexibility. Do you want to waive them all other than medical? I don't understand.

COMMISSIONER SHEA: Start there.

CHAIRMAN FRYER: Yeah. Why don't we start -- yeah, I think I sense an interest on the part of the Planning Commission, and I'm not going to go against that, to try to trim this down, even if we're setting sort of a precedent for doing this in the future. Usually we don't deal with rezones only. Usually we deal with PUDs, and it's easier. But I'm certainly amenable to going through this and carving some of these out. And so, without objection, and I don't -- Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you.

Help me understand. If we place a limit as to how this property can be used, in X years there's a need or a desire for this property to be sold and to go into a new business, that property is only allowed to be sold and to be used again for the allocations that we're now going to stipulate?

CHAIRMAN FRYER: The process would be for the new applicant, the new owner, to file for a rezone or a PUD, and it would come before public process like this, and it would be acted upon by us and by the Board of County Commissioners.

COMMISSIONER SPARRAZZA: So we are limiting how this property can be used or can be sold to be used as, unless it's a conditional sale, that would then allow them to come before the Board and request a new use.

CHAIRMAN FRYER: Typically what happens is an applicant will be a contract purchaser. They will have agreed to purchase the property under a contract that says if we don't get the zoning, we can walk away.

COMMISSIONER SPARRAZZA: Correct.

CHAIRMAN FRYER: But what we're contemplating now is a situation where, other than the medical office use, there would have to be another hearing before the public.

COMMISSIONER SPARRAZZA: Okay. Thank you.

CHAIRMAN FRYER: Commissioner Vernon, and then Commissioner Klucik.

COMMISSIONER VERNON: Yeah. My thought on this, to give you some guidance is, I've already had two of our most experienced board members tell us that, really, it might not be appropriate to dictate to you to limit it in this particular case, and now you've got a speaker up here who's your neighbor who you've apparently been super cooperative with thus far who says, well, I don't want metal behind my house. So rather than stripping everything out, you might want to take a look at it and figure out what's going to cause a lot -- or you take a look at it -- what causes a lot of noise, what might cause a lot of lighting, what might cause a lot of traffic and things that you really think you're never going to try to develop that or sell it to somebody who's going to develop that, and take that out without stripping it down to you can only be a medical office. That's sort of my take on what I'm hearing here.

MR. KLOHN: And how do we address that? Do we address that today now?

CHAIRMAN FRYER: Well, I think --

COMMISSIONER VERNON: I would think you could take a minute --

CHAIRMAN FRYER: -- it adds a minute or two, but I can reread this list, and you can agree or not agree on these items.

COMMISSIONER VERNON: It's up on the board.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yeah.

COMMISSIONER KLUCIK: I just think it's unfair to put him on -- you know, the applicant on the spot for something that isn't a condition, wasn't a condition, wasn't brought up at the NIM, and now we're -- you know, now we're imposing, you know, a severe restriction on, you know, the liquidity and the marketability of the property, you know, down the road if whatever they're doing -- you know, I mean, I just don't -- I don't know why we're doing that now when -- I agree with you, I think it's something that would be more appropriate at changing what our code says as far as what included uses are.

I think to now, at the last minute, impose this, I just don't -- I don't think it's good. I think if there's some particular objection for some particular use, I'd certainly think we can look at that, because I think that's more likely to be a no-brainer, but I think if we just say, yeah, all of these things are off limits except medical use, then you really are affecting the market value of the property, and I don't think that's a -- that's something that we should be doing on the fly. And I think that's what we're doing; we're doing it on the fly.

COMMISSIONER SHEA: But you're also giving him an inherent right to all those items, which he doesn't need. He won't have to come back if we -- if we approve it with just C-1.

COMMISSIONER SCHMITT: Just -- we've done this before. And just to clarify, because I want to make sure Vernon's aware. My comment, I didn't think we could restrict it. But I'm sitting thinking we've done this before with Mark. I know we've gone very explicit line by line. But we usually do that as part of a PUD. Can we do that with straight zoning?

MR. BOSI: Straight rezoning has -- we have in the past put conditions of approval. And restricting uses that are contained within the zoning category that they're seeking is something that would be part and parcel of that.

COMMISSIONER SCHMITT: I have no problem going through this list right now and saying let's decide what we restrict, but the difficult part is some of this, when you get into the SIC code, then you look at that entire list and you go, whoa.

CHAIRMAN FRYER: Exactly.

COMMISSIONER SCHMITT: I mean, I think of metal cutting, but typically that's usually associated mainly if there was a collision shop there or something, and you're going to hear them doing body work, cutting metal. But is this the list we want to go through?

COMMISSIONER SHEA: This is different.

COMMISSIONER SCHMITT: His list -- this are the SIC codes. That is the specificity in the SIC code.

CHAIRMAN FRYER: I went back and looked at the 99s and 49s, which is usually where the problems are.

COMMISSIONER SCHMITT: Well, let's just eliminate those. I'm fine with it.

CHAIRMAN FRYER: Well, I am -- I sort of agree with everybody up here. I mean, there's no clear win-win from my perspective.

I like the idea of having to come back if you're going beyond a medical office building or perhaps a smaller universe of similar kinds of uses. But some of the ones that I was able to identify when I read through the SIC codes I think are just so far removed from what you could possibly want that -- as I say, I'm conflicted on this, and I --

COMMISSIONER VERNON: I mean, maybe -- I'm just trying to nuance this; it's all been said. But I don't think we're really imposing on you, but I think there's, like, 20 or 30 uses here, and there's probably five or 10 that you're like -- I mean, you're experienced. I've talked to you many times on properties. You're very experienced around here. There's probably 10 on here you're like, no way in the world. It's not going to affect the marketability, but it gives your neighbors some comfort that there's not going to be a metal shop, you know, operating at 10:00 at night with a welder. So it's more kind of -- rather than strip it down -- it's like -- I don't know how many uses are on here,

but there's probably 10 you're like, there's no way I'm ever going to try to sell the property to do this. Let's take those out, and then we're done, I think.

MR. KLOHN: Yeah, let's do it. Are we going to start at the top?

CHAIRMAN FRYER: Yes.

MR. KLOHN: I think accounting is appropriate.

CHAIRMAN FRYER: No, I don't -- no, not that list, because most of those are appropriate. I've drilled down to the ones that I have looked at and are patently inappropriate in my judgment. And if -- again, I defer to the Planning Commission.

COMMISSIONER VERNON: No. I think what you're doing is perfect. Go.

CHAIRMAN FRYER: But rather -- because I think most of these uses are going to be fine. How about this -- and believe me, Planning Commission, I want to follow your guidance on this but -- and I am somewhat conflicted. But right now, based upon what I'm hearing, I would like to restate these uses, ask this applicant if he needs to retain any of them, and if he doesn't, we'll take them all out, and if there are a couple he does, we talk about it.

COMMISSIONER KLUCIK: Sounds good to me.

CHAIRMAN FRYER: Okay. So I'll restate them, and they've become part of the record, because the court reporter's getting them. All right. Here they go. C-1 uses: Abortion clinics, sperm banks, process servers, psychiatric treatment centers, blood donor and plasma pheresis centers, substance abuse centers, detox centers, repo services, check cashing businesses, private eye businesses, physical exams by persons other than physicians, scrap steel cutting, solvents recovery services, eviction services. Any of those that you need to retain?

MR. KLOHN: The only one that caught my attention was the psychology, psychiatrist.

CHAIRMAN FRYER: Okay. Well, this is psychiatric treatment centers.

MR. KLOHN: Oh, treatment center. Okay. I would agree, we'll eliminate all those.

CHAIRMAN FRYER: Okay. Any objection from the Planning Commission?

COMMISSIONER SCHMITT: No objection.

CHAIRMAN FRYER: All right. Then I think we've resolved it.

MR. McEWAN: I agree.

CHAIRMAN FRYER: Thank you, witness. Thank you, applicant.

MR. KLOHN: Thank you.

MR. McEWAN: I'd like one other thing.

CHAIRMAN FRYER: Go right ahead.

MR. McEWAN: I don't want to take your time. This is something I don't think either the applicant can fix or you can fix. But behind this project, as you go further east, is the high school, and the high school has a loud speaker system that's grown more intense since I first moved into my house. In fact, when they have a sporting event at night, I can hear the game over my television. When these trees come down, when you build your project, it's going to decrease the buffer from this noise. And I don't think there's anything that this developer can do about it, but it is a problem, and it's going to get worse.

CHAIRMAN FRYER: Thank you, sir. And there's really nothing we can do about it either, but I'm glad you spoke up.

MR. McEWAN: Thank you.

CHAIRMAN FRYER: Thank you very much.

COMMISSIONER SHEA: Talk to the school.

CHAIRMAN FRYER: Well, certainly talk to the school.

COMMISSIONER SHEA: Talk to Amy again.

CHAIRMAN FRYER: Yeah.

Mr. Youngblood, any changes?

MR. YOUNGBLOOD: (Shakes head.)

CHAIRMAN FRYER: Okay. So without objection, then, we're going to close the public comment portion of this hearing.

All right, sir, do you want to be heard? All right, please.

COMMISSIONER VERNON: Can we just go back to that --

CHAIRMAN FRYER: Yeah.

COMMISSIONER VERNON: Sir, the one who just sat down.

CHAIRMAN FRYER: Ms. Lockhart's going to comment on that.

MS. LOCKHART: I just wanted to let -- I'm Amy Lockhart representing the school district. And you can give the school or probably the administration a call and just have a complaint. I mean, I don't know if it's solvable, but we certainly would hear your complaint and try to address it.

MR. McEWAN: I find it interesting that there's a noise ordinance, and the noise ordinance requires in many instances a permit. I looked through the county's -- there is no permit for this. It may not be of record or it may -- or they may have an exception by which they don't need a permit. But under the noise ordinance, it says that loudspeakers cannot be operated after 6:00 p.m.

Now, that makes it very difficult to have a football game if they can't have the loudspeaker after 6:00 p.m. And that's not generally my objection anyway. It's that it's louder than it needs to be, and it starts at, like, 3:00 p.m. in the afternoon. And this may come as a shock to you, but the students' taste in music is a little different than mine. Thank you.

CHAIRMAN FRYER: That's a shocker. That's a shocker right there.

All right. Next speaker, sir. Please be sworn in and identify yourself.

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

MR. HIGBIE: I do.

My name is Paris Smith Higbie. I live at 2446 Butterfly Palm. I am the house that is at the top that they have shown on the picture that's closest on the parking lot.

Mr. Klohn and I have had discussions on behalf of his client as far as increasing the buffer area so that we're not -- we're at least impacted as possible by the parking and the lighting and the noise coming from the new building going in there.

And I just wanted to get -- we just had personal conversations about this. I just wanted to make this part of the record that our ask is that you guys and the developer increase the buffer zone as much as possible and not go with the bare minimum, which I believe is eight feet or something, and extend it as thick as possible so that we're not sitting in our pool looking at people parking their cars right there. Because right now we have a preserve that goes through there that continues to thin out as it ages, and we are just requesting that if they go in there and remove all of the non -- or all the invasive species, that we have an agreement that the buffer zone will be as thick as possible.

MR. KLOHN: We have agreed -- thank you, Paris. We have agreed to invite Paris to some of our meetings to include the landscape architect. If the landscape architect can specify some species that might grow wider rather than taller to help the concerns of Paris, we have agreed to not just plant code minimum and to work with the Saturnia folks to enhance the buffer to a greater degree.

CHAIRMAN FRYER: Thank you, sir. That sounds like a reasonable solution.

MR. HIGBIE: Okay, thank you.

CHAIRMAN FRYER: Thank you very much.

All right. I'll ask one more time: Anybody who hasn't registered wish to be heard?

(No response.)

CHAIRMAN FRYER: All right. Seeing no hands up, now we genuinely will close the public comment portion of this hearing, and it will be our opportunity. I assume there's no rebuttal?

MR. DE AZA: (Shakes head.)

CHAIRMAN FRYER: Okay. Our opportunity to deliberate and have a motion. Commissioner Vernon.

COMMISSIONER VERNON: I'll move we approve. And just a quick comment. It's Bill, right? Bill?

MR. KLOHN: Yes.

COMMISSIONER VERNON: You don't need to stand up. I was just -- make sure I had your name right. We've met before, but I just want to commend you on the collaborative way in

which you've worked with the neighbors.

CHAIRMAN FRYER: I agree completely. Thank you, sir.

All right. Is there -- has a motion been made?

COMMISSIONER SCHMITT: Was that a motion?

COMMISSIONER VERNON: I thought I said --

COMMISSIONER SCHMITT: That was for both the GMP amendment and the --

COMMISSIONER VERNON: Thank you, yeah.

COMMISSIONER SCHMITT: -- rezoning.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHMITT: I will second subject to the stipulation of the removal of the items that you cited in the SIC code and subject to -- I want to make sure on the record that Mr. Klohn cited to work with the neighbors for the enhanced buffer. That's a super offer, and I think it's easily solvable with exactly what you said, some different -- maybe some optional plantings and enhanced buffer. Were there any other points?

CHAIRMAN FRYER: I think that's it.

COMMISSIONER VERNON: And I'll accept Commissioner Schmitt's --

CHAIRMAN FRYER: Mover accepts.

COMMISSIONER VERNON: -- amendment.

CHAIRMAN FRYER: Thank you very much. It's now time for a vote unless there's further discussion. If not, all those in favor of the motion with the conditions, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER KLUCIK: This is for both items?

COMMISSIONER SCHMITT: Both items, both the GMP amendment and the rezone.

CHAIRMAN FRYER: All those in favor, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you again for your cooperation, applicant. Thank you, members of the public and staff.

Now --

COMMISSIONER SCHMITT: Bill, good seeing you.

CHAIRMAN FRYER: All right. We're almost out of here but not quite.

Is there any old business to come before the Commission?

(No response.)

CHAIRMAN FRYER: I didn't think so.

Any new business?

COMMISSIONER SCHMITT: Yes, I think we want to discuss what Vernon talked about, the transportation. That very much intrigued me.

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: And do you want to highlight on what you're asking? Do you just want an enhanced review of the transportation piece?

COMMISSIONER VERNON: Oh, on the AUIR. Remember, we went through the AUIR, and the Chairman had mentioned, well, we want to be proactive and thorough in this. And even though we spent, I think, a whole day on it or a long time, we really didn't dig into fixing anything or changing anything or trying to impact how it turns out.

So there's no way we can go through everything, so I was thinking Mike should make a list. We've already identified libraries, because that industry's evolved so much. And now if we add to it traffic and how maybe we can dig down. When we get to the AUIR, we can dig down in those two items and spend a lot of time to the point where we can make recommendations or possible changes.

CHAIRMAN FRYER: The AUIR won't come before us again --

COMMISSIONER SCHMITT: Another year.

CHAIRMAN FRYER: -- until October, but that doesn't mean we can't ask to see those sections again --

COMMISSIONER SCHMITT: Right.

CHAIRMAN FRYER: -- and talk about and make a recommendation.

COMMISSIONER VERNON: And I'm certainly okay with that. I just --

COMMISSIONER SCHMITT: We can ask Trinity to come in and just give us a rundown on the proposals and the schedule going forward.

MR. BOSI: And that's not, I think, what the commissioner is asking for. I think what he's asking for is next year, that one for libraries, we know that level of service is something that we're going to put additional analysis as. And I think what we've heard today is a better description of how our methodology for determining traffic impacts, when the measures are taken and the -- is there a better way to try to account for non-p.m.-peak-hour transportation issues that don't get accounted for within the TISs.

COMMISSIONER SCHMITT: Okay.

MR. BOSI: I mean, it sounds like -- or is it an overall discussion of levels of service?

COMMISSIONER VERNON: Well, I think it's both, because -- I don't know who said it here but, you know, be real careful about fixing something, because you may break seven other things. You know, traffic's a super complex issue.

So, yes, that would be the micro of what we're doing, but we probably, like Joe said, need sort of a big picture. And we need to spend some time with it because, again, I'd be very nervous about changing something, but it relates to measurement. And I know the Chairman before has been frustrated with he thinks -- I forgot what it was now, but you think some measurement we're using is probably obsolete. And this is kind of the same point that came out today that we're measuring p.m. traffic when the problem is the schools in the morning. And after we look at it really hard we may say, you know what, there's not a better way to do it, but let's at least look at it. And I'm not saying it has to be we have to wait a year. We could do it whenever we have a light schedule as far as I'm concerned.

CHAIRMAN FRYER: Thank you. So have you been --

MR. BOSI: Well, what I would say is the area that you're talking about with the Chair was specifically within the economic analyses that are provided for within the SRAs, the persons per household number that was utilized. The Chair took exception to the lower number based upon what the Census Bureau has allocated.

The one thing I will say, staff doesn't have a tremendous -- one, we do not have an overburden of staff, and staff does not have an overburden of just free idle time. I think -- so if Libraries or Transportation were to come before you, I couldn't just say, all right, Libraries and Transportation, Trinity, we've got a light item on February 15th, you know, with a look-ahead, let's have this discussion. It's going to take some time for preparation. We're going to need to either have it specifically during the AUIR, or we will have to have a planned specific meeting towards where we'll target that date so the departments can bring you valuable information so you guys can make evaluations upon the material and what is and what isn't and where there could be some possible modifications.

COMMISSIONER VERNON: Well, I would propose the AUIR -- or with the libraries we just wait for the AUIR. Traffic's the one that comes up all the time. So maybe if we -- if the Chairman wants or if the group wants, we spend a day on traffic, and we discuss the specific measurement issue but also look at everything. It will make us better commissioners.

CHAIRMAN FRYER: I think that's right. Let's ask staff to find a meeting time, regular meeting time, that works with the other planned matters where we can devote significant time, and you can prepare to the extent, obviously, that you need to in order to respond to the questions that are inevitably going to come up from the Planning Commission. Maybe it's March, April, something like that, where we can deal with this and not only will we be focusing only on traffic, which will -- with a narrow focus I think we can be -- see it with more clarity, but it will also relieve our obligations in October because we will have given traffic a very close beforehand. Does that sound right to the Planning Commission?

COMMISSIONER VERNON: Yeah, it sounds good to me. And I know you guys are understaffed, overworked, I know that. But if we have a six-month lead time -- and I would always -- looking at it as the optimist, it's an opportunity for the staff to have tremendous input on changes you think should be made, which I think is a great opportunity for you guys to initiate change. Plus, I think you'll be educating us so that we'll be more competent in this area and maybe not take up so much time with questions that -- you know, that I ask that maybe, you know, I should know. So I'm looking at the bright side of it.

CHAIRMAN FRYER: Thank you.

Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you.

I would like to go back to a conversation we had earlier this morning regarding something that could be as simple as putting a team of educated people together to look at the traffic pattern at the school up on Oil Well. And, Commissioner, I believe you had come up with an idea of let's make a simple motion that is for the record and request the proper parties get together to discuss it and maybe even request by the January 5th meeting that we just get acknowledgment that they've at least gotten together. I'm sure they're not going to solve the problem by then, but that it has been brought before the proper parties and there is going to be movement instead of what we're all fearful of: We talked about it, but it goes nowhere. Is that something we can put on the record --

MR. BOSI: It's policy.

COMMISSIONER SPARRAZZA: -- as you suggested?

CHAIRMAN FRYER: Most definitely.

COMMISSIONER SPARRAZZA: I don't know how to word it. I apologize.

CHAIRMAN FRYER: Mr. Bosi.

MR. BOSI: What I can say -- and I understand what the request is, but you heard Lorraine talk about the planned improvements. And what I hear is you feel that they're not fast enough. That those --

COMMISSIONER SPARRAZZA: No, sir. I'm saying we all recognized what the great transportation team is doing for the planned improvements on Oil Well. I was actually referring back to a side conversation we had of actually is there something at the school property we can do totally independent of what Oil Well Road --

MR. BOSI: I had a conversation with Jim Banks, the transportation engineer who was here for all the petitions, and he was mentioning that North Carolina did a study on public schools and public school impacts to the transportation systems. Because we're not unique. It's schools. And when schools let out, it has placed a tremendous strain because of the characteristics now of how every parent seems to pick up their school-aged children by their car and non-busing.

And they came up with a standard, he said, that for every four students, you needed one stacking lane within your facility, your school facility. The problem that we have is we've got older school sites, and these older school sites were not developed with the stacking that's required to be able to handle it on premise. We had a charter school that came through on Immokalee Road east of

951, and one of the requirements from our Transportation Planning Department was -- and it was a decent-sized parcel -- the stacking for the entrance to that school started out on the easternmost portion of the property, went all the way to the back end, swung around in this wide horseshoe, and came out and dropped off at the beginning. So the stacking capacity that was associated with that school has allowed for the transportation issues to be a nonissue.

The problem is we've got a lot of older schools that do not have that capacity, and that's an issue that is something that's going to be extremely -- it's going to be difficult to address. I think the school district is aware of it. Our Transportation Department is aware of it.

What you're requesting, I think, for us to localize that issue at Palmetto -- and I don't think it's Palmetto Ridge, because Palmetto Ridge -- the high school starts at 7:00. So that's -- for the most part, that's not creating as much problem. It's probably the elementary school, because the high schools, half of those kids probably are driving themselves. It's your elementary and your middle school. And your elementary is an 8:00 start time normally, and then your middle school is a 9:30 [sic]. So that 7:30 till 9:00 is a tremendous burden to the localized area.

I don't think we're -- I don't think we're going to be able -- between now and January 5th to be able to provide you with a solution, and maybe you're just looking for us to start the process.

COMMISSIONER SPARRAZZA: Yes, exactly that. And it didn't actually have to highlight it or be inclusive of the Transportation Department. I was asking something as simple as the school board, and maybe almost as a volunteer somebody from the Transportation or anybody that has a background literally go to the school, look at it at 8:30 in the morning or 7:15 in the morning and visually see, scratch their heads and say, oh, my gosh, if this row of trees wasn't here, we could, you know, make the entrance a little wider. I have no idea what it is.

All I was asking for is for the help, especially of this fine team, to say, how do we write up a little something to make sure it gets to the proper people, the folks on the school board, and maybe some assistance from the Transportation, because obviously they're wizards in that territory. That's all I was looking for.

COMMISSIONER SHEA: Part of that sidebar was really -- we were talking with Amy, and they've done this before, where you get a bunch of smart people together, look at the specific problem, and a lightbulb goes off, and you have a temporary fix.

MS. LOCKHART: And I've already reached out to a colleague in the county's Transportation Department to see if we could get together, have a discussion, identify do they have traffic counts there? What are they, you know, for traffic counting for the morning? Because I think we've identified that's the time frame.

And also what influence does the 20-mile-per-hour speed limit, you know, and what -- what impact does that have on the traffic. Because any amount of stacking, you know, if you're going 20 miles per hour, you're going to get frustrated with that.

So I've already reached out to her. We're going to -- we're going to meet, just kind of identify the problem, you know, and see what we can do. Have her colleagues and ours meet on campus and see how the traffic's flowing.

COMMISSIONER SPARRAZZA: Visually evaluate it.

MS. LOCKHART: Visually evaluate it.

COMMISSIONER SPARRAZZA: And our sidebar conversations have initiated what we need to, just that extra phone call -- and thank you, Amy, for taking the time to do that -- has done it. I would just hate, with all of us sitting here, nothing gets done. And your phone call has probably been the --

MS. LOCKHART: Well, an email.

COMMISSIONER SPARRAZZA: -- initiation on it, so that's great.

CHAIRMAN FRYER: Commissioner Vernon, did you want to be heard?

COMMISSIONER VERNON: Yeah. Amy's already doing what you've suggested, so we probably don't need anything. But what I'm thinking in the future the way it would work is you would -- let's say if Amy wasn't here, we would dictate on the record and turn it into a three-sentence

memo that would go to -- it would say, Dear School Board, it came before us, a project in this area, we notice that the traffic from the schools is troubling, difficult. We just wanted to alert you and see if there's anything you can do, or if we have an idea, you know, we know it's outside our purview, but we discussed this might be a possibility. Throw that idea in there. You send it out, we put it in our file, and that way our ideas/discussions that, as Joe says is, you know, outside our purview, which should be outside our purview, just don't get lost in the ether.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. I would just like to say -- on a different matter, though. So I don't want to interrupt this matter.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER KLUCIK: All right. So I'd like to say, go Army, beat Navy, and Merry Christmas to everybody.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: Beat Navy.

CHAIRMAN FRYER: Thank you.

All right. Anything further on this subject matter?

(No response.)

CHAIRMAN FRYER: If not, any other new business?

(No response.)

CHAIRMAN FRYER: If not, we go to public comment, and I believe we have a member of the public who wishes to be heard on a matter that was not on our agenda today; am I correct?

MR. YOUNGBLOOD: Mr. Chairman, we have one speaker, Garrett Beyrent, and he will be our only speaker on this item.

CHAIRMAN FRYER: Thank you.

MR. BEYRENT: For the record, Garrett F.X. Beyrent. This is my 52nd year in front of this podium right here. When I walked in this building, I was a young man. I was developing in East Naples. Big mistake 52 years ago.

Anyhow, long story short, I didn't spend all of the 52 years here. I spent two of them across the street in the county jail. Now, how I got in the county jail was very interesting. I had a meeting with the school board when they were purchasing what you guys know as the Golden Gate High School.

There was a little problem. I owned all the property on Magnolia Pond Drive, all the property that was preventing the school from ever being built. The problem was the easements that aligned the different sections were skewed by 35 feet, and for me to provide a road, which you know as Magnolia Pond Drive, to what was going to be the Golden Gate High School, I was going to lose \$440,000 in apartments, and that was a lot of money 25 years ago. So I said maybe we can do something with this.

So the purchaser of all these properties that you guys know as Golden Gate High School was a guy whose initials were MLK. That was not Martin Luther King. It was Michael Lucius Kirk. And Mike came to me. He was a really religious guy. He spent his weekends touring Atlanta, Georgia, speaking in black churches generating interest in the movement of the black nations.

In any case, I said, well, what can we do? He said, well, first of all, you're going to have to help us straighten the road out, and I'm going to give you this blueprint. Big mistake. It wasn't the size of this paper. It was three feet wide and nine feet long. It was a blueprint. It was the high school, my property, and Magnolia Pond Drive all the way out to Collier Boulevard. At that time it was called CR951.

In any case, I said, well, what do you want me to do with this? Don't you got a smaller piece of paper?

And he says, no. He says, that's all I got is this giant blueprint because it shows every segment of the road.

So I said, well, what am I going to do with this?

He said, why don't you take it home, put it up on your dining room wall, and study it, and maybe you can figure out a way to change the road a little bit so you don't lose so much money. And me being a trusting soul, I said, okay, I'll do that.

And I went home to my little wooden shack up in Pine Ridge, and I put up on my dining room wall this giant blueprint, and I started studying it every night. I'd look at it and say, now, if I turn the road a little bit, move it this way, I'll only lose, like, \$250,000, and do it this way. And, finally, I said, I don't think I can actually work a design plan that will accommodate this new Golden Gate High School.

So I just hang it on the hall. Mike didn't call me for a while.

And oddly enough, I woke up one morning, my barn was on fire. My barn's an old dilapidated barn.

COMMISSIONER KLUCIK: Mr. Chair?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah, just a point of order. I mean, I don't mind hearing what the witness -- or the -- our friend has to say, but I'd like to hear the point, because it's been four minutes now.

MR. BEYRENT: Okay. Well, that's the problem. That's why I wait till the end of the day because I figured this is a long story. It's hard to make it short.

Making it very short at this point, what happened was, that blueprint that was hanging on the wall while my barn caught on fire -- I was awake, and I went out and I put my barn out -- I put a hose to put the barn fire out. The Fire department shows up, and they put the foam all over the whole barn. It was just like a couple sticks. Homeless people were occupying the barn. Didn't know that. Looked for Twinkie papers and bottles of water.

Anyhow, what happens is, they look at my wall and they say, wow, what are you doing with a blueprint of a high school on your dining room wall?

And I said, well, that's not even going to be built unless I can build a road into it.

And he said, well, you know what, you're under arrest, and he handcuffs me in my dining room, puts handcuffs on me, said, we're going to arrest you for burning your barn.

And I said, burning my -- why would I burn a dilapidated barn on my own property?

He said, we're just arresting you because this whole thing is suspicious. Your house is suspicious. You're suspicious.

And I went to jail, and I spent two years right across here, right in this jail, okay, waiting to be deported to Guantanamo Bay because they were charging me with urban terrorism, and that's how crazy the world was three months after Columbine.

So, naturally, I was very distressed, but I learned a lot over there across the street. I learned about all the bad people that were being -- every other week I got a new murderer to share my cell. Three man to a cell, not good.

In any case, that isn't really why I got up to speak. I got up to speak about the FEMA flyers you guys got out here, because this is the worst of anything I've ever seen.

CHAIRMAN FRYER: I'm going to ask you to wrap it up in about a minute, sir.

MR. BEYRENT: Okay. In one minute, if you look at your FEMA list out here -- it's in the hallway -- because I'm one of the FEMA victims. I had two cars washed away underneath my condominium. FEMA, basically they tell people they're going to do things for you, and they're really not. They're going to give you a \$1,000 voucher you can take and buy a grand new car if you can afford one. And don't read -- this is a two-page document. This is the second page. That's when they tell you your car needs to go to a junkyard; we ain't buying it. Thank you for letting me say that.

CHAIRMAN FRYER: Thank you, sir.

Anything further from the public?

(No response.)

CHAIRMAN FRYER: If not, without objection, we're adjourned.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 12:53 p.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on 1/5/23, as presented or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF FORT MYERS COURT REPORTING BY TERRI L. LEWIS,
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