

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
March 2, 2023
5:05 P.M.

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 5:05 p.m., in SPECIAL SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

Edwin Fryer, Chairman
Paul Shea
Randy Sparrazza
Chuck Schumacher

ABSENT:

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

ALSO PRESENT:

Mike Bosi, Planning and Zoning Director
Derek Perry, County Attorney's Office

PROCEEDINGS

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

CHAIRMAN FRYER: Thank you, Mr. Bosi.

Good evening, everyone, and welcome to the evening session of the March 2, 2023, meeting of the Collier County Planning Commission.

We will begin by establishing, first of all, for the record that it's five minutes after 5:00 p.m. And I'm going to ask the secretary again to call the roll to establish the existence of a quorum.

Mr. Secretary.

COMMISSIONER SHEA: Commissioner Lockhart is not here. Chuck Schumacher?

COMMISSIONER SCHUMACHER: Here.

COMMISSIONER SHEA: Randy Sparrazza?

COMMISSIONER SPARRAZZA: Here.

Mr. Klucik's not here. Mr. Vernon's not here.

I am here. And Chairman Fryer is here. We have four out of seven, so we have a quorum.

CHAIRMAN FRYER: Thank you, Mr. Secretary.

Ladies and gentlemen, we have but one matter on the agenda for this evening, and it is a companion to one of the matters that we heard this afternoon. This is PL20200002400. It's the Collier Boulevard and I-75 Innovation Zone Land Development Code amendments. And, again, it's legislative in nature. We don't need to swear in witnesses or disclose ex parte communications.

So with that, the Chair recognizes Mr. Johnson.

MR. JOHNSON: Thank you, Mr. Chair. For the record, Eric Johnson, LDC planning manager. I have a brief PowerPoint presentation I'd like to show you, if you'll indulge me.

So this is the Collier Boulevard/Interstate 75 Innovation Zone Overlay. This is a graphic that James showed you earlier in the day. This is the aerial photography or digital imagery. This is what it would look like if it were in the code, or something similar to it.

Tonight, if approved and also if this is ultimately adopted, we would be amending eight zoning atlas maps, and these are the maps.

Also, we would be removing the overlay that's existing there right now, the Activity Center No. 9 overlay. I have on the visualizer -- or on the display the PUD that is not going to be included in this -- in this overlay. So that dark, heavy line would be removed.

There are a number of zoning districts in this overlay -- underlying zoning, that is. You have the rural agricultural, you have the C-4, and then you have nine different Planned Unit Developments, and you can see them on the screen.

So I took a closer look at the parcel data that we have available through the Property Appraiser's website, and there are 409 parcel IDs for this overlay; 288 of them are actually condominiumized. So if my math is correct, that's 121 remaining parcels that aren't condos.

The total taxable value is 414,663,288. Very large number. That's not the taxes that the -- that the Property Appraiser puts out there. That's just the total taxable value. And the total taxable value is the assessed value minus exemptions and is the value the Tax Collector uses to calculate the taxes due.

The largest parcel is over -- a little over 155 acres. It's owned by Collier County. And the Property Appraiser uses the Department of Revenue use codes. If you ever go into their website, you can see that they have a two-digit code, and there's a number of them, from 0 to 99, or maybe 1 to 99. And what I did, though, is I selected the use codes that were government, and I think it's noteworthy to know that 38 percent of these parcel IDs are government parcel IDs, government designated.

I'm going to go to the next slide. So the highlights of the proposed CBIIZO, it omits the Forest Glen of Naples PUD, as we discussed earlier. The CBIIZO is larger in acreage than what

was the Activity Center No. 9 zoning overlay that's currently in the code right now, which would be replaced by this overlay, and the CBIIZO generally follows the Innovation Zone that was there minus the Forest Glen PUD.

And as Heidi had mentioned earlier, we're not proposing anything tonight with respect to the Innovation Zone that's there right now. And as Mr. Sabo mentioned before, there's three innovation zones in the whole county; this is one of them.

The CBIIZO eliminates the Activity Center No. 9 zoning overlay from eight different zoning maps with the exclusion of Forest Glen. If this were to be adopted, it would appear on seven zoning atlas maps. And that's the reason why we're here, again, is because we're proposing to change zoning atlas maps, nighttime hearing, and also propose different uses, various uses.

The CBIIZO would reinstitute most design standards of Activity Center No. 9 into the CBIIZO and including some modifications. The applicability of the overlay would be to all development excluding residential-only uses. The CBIIZO creates new pollution control standards, except for residential-only uses.

There are almost 600 new permitted and conditional and economic development uses that are proposed for this overlay. That's not to say that some of them aren't already in some of the PUDs that are existing on the ground, so to speak, or on the books. But we're proposing nearly 600 permitted and conditional economic development uses.

I would point out that we are also proposing two prohibited uses, and those two prohibited uses are homeless shelters and soup kitchens.

CHAIRMAN FRYER: I would add to that that, per the structure of county ordinances, any uses that are not exclusively permitted are, by inference, prohibited.

MR. JOHNSON: Understood and agreed.

Any permitted uses that are proposed by this overlay, if they have outdoor storage, that would require a CU, a conditional use. And as you know, a conditional use requires a separate public hearing.

The CBIIZO adds minimum design standards for economic development uses. Those are comprised of minimum lot design requirements and building dimension standards, operational standards, environmental architectural, and site design.

The goal here is to attract QTI, the Qualified Targeted Industries. We would say, subjectively, advanced manufacturing could be on that list. There is no defined -- or there is no definition for advanced manufacturing; it's subjective. But these are two pictures of what it could look like. Not saying that they will look like this, but, you know, this is an example of what we're aiming for.

When -- as I mentioned about the QTI, the Qualified Targeted Industries, the State of Florida works in cooperation -- the Department of Economic Opportunity from the State of Florida works in cooperation with Enterprise Florida, and they have developed a whole laundry list of QTI, Qualified Targeted Industries, and they have memorialized it using the North American Industry, NAICS, classification system, the NAICS. Well, we here in Collier County don't use the NAICS. We generally use the SIC, the standard industrial classification, from 1987. And so when we went from that conversion, there were some non-QTI uses that were included, and here's the list. We're proposing tonight that you would exclude 7353, 7359, and 8351. We don't believe that this meets the spirit of the QTI.

COMMISSIONER SHEA: Can you go back to that --

MR. JOHNSON: I'm sorry.

COMMISSIONER SHEA: Can you go back to that last slide?

MR. JOHNSON: Yes.

COMMISSIONER SHEA: I was trying to read some of the ones that you felt were acceptable.

MR. JOHNSON: May I proceed?

COMMISSIONER SHEA: Yes, sir. Thank you.

MR. JOHNSON: So this is our hearing schedule. We're -- this is a companion item; different agenda, though. We're looking to move this to the Board of County Commissioners sometime in the spring.

Our recommendation, I have spelled it out for you, if you would so kindly indulge me, to recommend approval, is to recommend approval of the CBIIZO, and you would exclude the SICs 7353, 7359, and 8351. That's all I have.

CHAIRMAN FRYER: Thank you.

MR. JOHNSON: Oh, sorry. I wanted to show on the visualizer, on the visualizer I'm highlighting E, as in echo. That's on Page 14 of your packet. Really, I didn't -- we didn't need to make this a part of the motion because it's already in the proposed deleted language. Let me show you. I just needed to press return.

So if you were so to make a motion, you would not have to include anything about that stricken-out text.

CHAIRMAN FRYER: Thank you, Mr. Johnson.

Any questions from the dais? No one is signaling at this point.

I think we're pretty much questioned out at this point. Having had a good discussion this afternoon, I believe we all understand what the issues are. Looking at the uses, we appreciate the overall concept of an innovation zone and certainly earnestly hope, as does staff, I know, that this bears the kind of fruit that we hope and expect it will.

So I will turn to Mr. Youngblood and, just for confirmation, do we have any registered speakers, sir?

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

CHAIRMAN FRYER: All right. Are there any people in the chambers today who have not registered but, nonetheless, wish to be heard on this matter, now would be the time to raise your hand.

Seeing no hands raised, we will close the public comment portion of this hearing, and it now falls upon our shoulders to deliberate and entertain a motion and take action.

COMMISSIONER SPARRAZZA: Mr. Chairman, if I may.

CHAIRMAN FRYER: Please.

COMMISSIONER SPARRAZZA: You referred to it earlier, and I just want to understand, if someone wishes to bring a business into this area that is not on the list, what happens? I know you have 583, or whatever that number is.

MR. JOHNSON: If it's not an economic development use as we have called it, it's a term of art, and they don't have it in the underlying zoning district, then they wouldn't be allowed to come forward with that use.

CHAIRMAN FRYER: But that's the key, because the underlying zoning is very broad. We're not taking away any uses.

COMMISSIONER SPARRAZZA: You're actually adding to that.

CHAIRMAN FRYER: That's exactly right.

COMMISSIONER SHEA: It would still be a conditional item, wouldn't it?

COMMISSIONER SPARRAZZA: It would be a conditional-use item.

CHAIRMAN FRYER: Well, if it's a permitted use on the underlying zoning, it's permitted.

Mr. Bosi.

MR. BOSI: Well, I was going to say, if it was a use that was not allotted for within the QTI uses that we are adding now, if it was not within the underlying zoning of the PUD or the underlying zoning category, then that individual would have to seek a rezoning of the property to add that use to -- either to their zoning district or to their PUD.

COMMISSIONER SPARRAZZA: So there is a stopgap, there is a check on the use other than what's stated. It doesn't -- in other words, it doesn't come into a decision that could lead to ambiguity; it's on the list, or it has to come for a rezoning --

MR. BOSI: Yes.

COMMISSIONER SPARRAZZA: -- correct? That's what I wanted.

CHAIRMAN FRYER: There are two layers of permissible uses. Right now there's one, but if this gets passed here and the Board of County Commissioners, there will be the underlying uses which will continue, and then the Innovation Zone uses, and then there's always the opportunity of a landowner to come in and ask for a rezone.

COMMISSIONER SPARRAZZA: Rezone. Great. Thank you. I appreciate it.

CHAIRMAN FRYER: Thank you. Any other questions or comments?

COMMISSIONER SCHUMACHER: I have one.

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHUMACHER: On the residential parcels themselves, are those then now rezoned into this and --

MR. JOHNSON: No, they would retain their residential zoning. They just wouldn't be allowed to have the economic development use in that area.

COMMISSIONER SCHUMACHER: Got it. And then those landowners could, then, ask to be part of this and rezone, or is that --

MR. JOHNSON: If the landowners -- say you had an undeveloped piece of property that was residential, and they wanted to -- well, they could always -- well, I think -- the way it's structured is that the economic development use wouldn't be allowed on that residential parcel. They could ask to rezone or redesignate that -- their parcels to something other than residential, or they can rezone their property to include that use --

COMMISSIONER SCHUMACHER: Got it.

MR. JOHNSON: -- which would require a public hearing. Does that make sense?

COMMISSIONER SCHUMACHER: Perfect sense, actually. That does. Thank you.

CHAIRMAN FRYER: Other questions or comments from the Planning Commission?

(No response.)

CHAIRMAN FRYER: We've closed the public hearing -- public comment portion, and so now the burden is on us to decide what we want to do. Anyone want to make a motion or discuss further?

COMMISSIONER SPARRAZZA: It's my turn?

COMMISSIONER SHEA: Yeah.

COMMISSIONER SPARRAZZA: I so move to motion the proposal that is before us. Okay. Recommend approval of the CBIIZO to the BCC with a caveat to exclude SIC 7353, 7359, and 8351.

CHAIRMAN FRYER: Thank you, Commissioner.

Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SCHUMACHER: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, Mr. Johnson.

Thank you, staff.

MR. JOHNSON: Thank you very much.

CHAIRMAN FRYER: Thank you, Planning Commission.

March 2, 2023

There being no other further matters to come before the Planning Commission at this time, and 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 5:20 p.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on 4/6/23, as presented  or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF FORT MYERS COURT REPORTING BY TERRI L. LEWIS, RPR, FPR-C, COURT REPORTER AND NOTARY PUBLIC.