

May 18, 2023

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
May 18, 2023

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 Chairman
Robert L. Klucik, Jr. (attending remotely)
Paul Shea
Randy Sparrazza
Chuck Schumacher
Amy Lockhart, Collier County School Board Representative

ABSENT:
Christopher T. Vernon

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, and welcome to this, which is the May 18, 2023, meeting of the Collier County Planning Commission. If you're here for something else, apologies, you're in the wrong room.

Having said that, everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: I have been informed that one of our commissioners wishes to participate remotely.

Commissioner Klucik, are you on the line, sir?

COMMISSIONER KLUCIK: Yes, I am.

CHAIRMAN FRYER: All right. May I have a motion to permit Commissioner Klucik to participate remotely?

COMMISSIONER SCHMITT: I make a motion for --

CHAIRMAN FRYER: For that.

COMMISSIONER SCHMITT: -- remote participation.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHUMACHER: Second.

CHAIRMAN FRYER: Further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: (No response.)

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Welcome to the meeting, Commissioner Klucik.

Mr. Secretary, please call the role.

COMMISSIONER SHEA: Ms. Lockhart?

MS. LOCKHART: Here.

COMMISSIONER SHEA: Mr. Schumacher -- Commissioner Schumacher?

COMMISSIONER SCHUMACHER: Here.

COMMISSIONER SHEA: Commissioner Sparrazza?

COMMISSIONER SPARRAZZA: Here.

COMMISSIONER SHEA: Commissioner Klucik?

COMMISSIONER KLUCIK: Present.

COMMISSIONER SHEA: Commissioner Vernon is not present.

I am present.

Commissioner Schmitt?

COMMISSIONER SCHMITT: Present.

COMMISSIONER SHEA: Chairman Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER SHEA: We have a quorum, six out of seven.

CHAIRMAN FRYER: Thank you.

And the record will show that the absences, or absence, has been explained and is excused.

Let's see. Addenda to the agenda. We have a continuance item, do we not, Mr. Bellows?

MR. BELLOW: Yes. The last item on the agenda has been continued to the next

meeting in -- June 1st.

MS. ASHTON-CICKO: Is it being readvertised?

MR. BOSI: It has been advertised for the June 1st.

MS. ASHTON-CICKO: Oh, perfect. Thank you.

CHAIRMAN FRYER: Thank you.

Anything further? Any other changes to the agenda?

(No response.)

CHAIRMAN FRYER: If not, thank you.

Planning Commission absences; as mentioned, our next meeting is on June 1 of 2024 [sic].

Anyone know if he or she will not be able to attend that meeting?

(No response.)

CHAIRMAN FRYER: It looks like we will have at least six. And then our -- there will be no meeting on June 15. The Board of County Commissioners will be using this room.

So our next meeting is July 6th, 2023. Same question, anyone know if he or she will not be able to attend that one?

(No response.)

CHAIRMAN FRYER: Good. Hoping, then, that we'll have at least a quorum of six for that as well.

Approval of minutes; none before us today.

BCC report/recaps, Mr. Bellows.

MR. BELLOWES: Yes. On May 9th, the Board of County Commissioners heard on the summary agenda a rezone from RSF-3 to RMF-6. This was to allow for two residential -- additional residential multifamily lots. That was approved on the summary.

CHAIRMAN FRYER: Thank you very much.

Chairman's report; none today.

Consent agenda; none today.

***Public hearings; the first advertised matter is in the form of two companions. They are PL20220000289, which is the Shamrock Self-Storage, 4050 13th Avenue Southwest small-scale Growth Management Plan amendment, and PL20210003321, the 4050 13th Avenue CPUDZ.

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

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

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

CHAIRMAN FRYER: Thank you.

Ex parte disclosures -- ex parte disclosures, please, starting with Ms. Lockhart.

MS. LOCKHART: Yes. I spoke with a resident along 13th, I've received an email from a resident, and I've reviewed staff materials and spoken to staff.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SHEA: Staff materials and emails from residents.

CHAIRMAN FRYER: Thank you.

Meetings with staff, communications with developer's agent, matters of public record, and a site visit.

COMMISSIONER SCHMITT: The only thing I had was the information forwarded by staff only and, of course, the emails I received as well concerning this petition.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SPARRAZZA: Staff materials only.

COMMISSIONER SCHUMACHER: Site visit, staff materials, meeting with staff, conversations and emails with residents on 13th.

CHAIRMAN FRYER: Thank you very much.

And Mr. -- Commissioner Klucik? Commissioner Klucik, do you have ex partes for us?

COMMISSIONER KLUCIK: Staff meeting.

CHAIRMAN FRYER: Thank you very much.

Okay. With that, the Chair recognizes Mr. Davies.

MR. DAVIES: Thank you, Mr. Chairman. Good morning, Commissioners. For the record, Noel Davies with the law firm of Davies Duke. Our firm represents the applicant for these two companion applications for self-storage, which include the standard small-scale Growth Management Plan amendment and corresponding PUD rezoning.

With me this morning is Greg O'Herren, my client representative; Patrick Vanasse is our land-use planner. You'll hear from Patrick shortly; James Banks with JMB Transportation Engineering is our transportation engineer; Mike Pappas with RWA is our civil engineer; and Russ Weyer is our economist.

The subject property is approximately five-and-a-half acres located at 4050 13th Avenue Southwest here in yellow at the corner of Collier Boulevard and 13th Avenue Southwest.

The property is, effectively, surrounded by two large Florida Power & Light power stations. These are outlined in red, as you can see, and they immediately abut the property to the south and to the west, and Collier Boulevard, which is a six-lane arterial, immediately abuts the property to the east.

This is what sits immediately adjacent to the property. These FPL facilities have rendered the property unusable for any residential use. There is an old model home that's been sitting vacant on the property for many years. It will continue to sit vacant because no one wants to live right next to these two power plants. That's why we're seeking to rezone the property to allow for the self-storage use only which, as you know, is one of lowest impact commercial uses. Very low trips, very low intensity, and a much more appropriate use for the site.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Could you just explain the genesis -- so there was, you know, this parcel, and, you know, a model home was built and, obviously, now there's these industrial or, you know, other uses, whatever we want to call them. When was the model home built before?

CHAIRMAN FRYER: Mr. Davies, if you know.

MR. DAVIES: Approximately 15 years ago, I think, it's been sitting there.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: It's probably longer than that. It's got to be at least 20 years that that house has been there.

MR. DAVIES: A long time. There's -- go ahead, Commissioner Klucik. I'm sorry.

COMMISSIONER KLUCIK: And was the -- were the adjacent properties occupied with their current use at that time?

CHAIRMAN FRYER: The FPL?

COMMISSIONER KLUCIK: Yes.

MR. DAVIES: I think, when was it, '87?

CHAIRMAN FRYER: We're working on an answer for that one, Commissioner.

MR. VANASSE: For the record, Patrick Vanasse.

COMMISSIONER KLUCIK: And let me just clarify. The reason for asking is if the county approved these uses, you know, afterwards, then we sort of made them, you know -- kind of inappropriate for residential. And I'm just trying to figure out, you know, how this unfolded.

MR. VANASSE: Yep. The substation to the south existed in the '80s, and that went through a PUD approval, and it's a substation and service center for FPL with maintenance facilities on the site. Then, in 2017, the substation to the west came in by right. So substations are essential services and can go in any zoning district. So the large substation to the west came in without the need for any public hearing.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik, did that answer your question, sir? I take that as a yes.

Continue, Mr. Davies.

MR. DAVIES: Thank you, Mr. Chairman.

Your staff has reviewed the applications. Staff is in agreement and supports the proposed use. Staff finds the request compatible with the surrounding area, especially given the power plants next door, and also in light of the low intensity and corresponding low-traffic generation of the self-storage use.

We had two neighborhood information meetings, one virtual and one in person. Attendance was primarily from those who live on 13th. We have kept in close contact with them throughout the process, have provided a --

CHAIRMAN FRYER: Mr. Davies, pause for a moment, please.

Ladies and gentlemen, we have a large group of people here today. You're all, obviously, more than welcome to be here, but we're going to ask you to remain silent until and unless you have the floor, and that includes clapping, laughing, yelling, speaking. Turn off your cell phones, and please be respectful of the process and the person who's speaking. Thank you very much.

Mr. Davies.

MR. DAVIES: Thank you, Mr. Chairman.

We have provided a number of revisions to our plans to specifically accommodate the request from the residents, including the feedback that we received at the two neighborhood information meetings.

We're providing enhanced buffering, enhanced setbacks, both beyond what code requires, and also revised access. The primary theme at the NIMs was the location of our access point. There was a request by the residents to move access from 13th Avenue Southwest to Collier Boulevard/951 to take the ingress/egress away from their street and to give relief to the bus stop that's located at the corner.

We did originally propose access on 13th, but in response to that feedback from the residents, we submitted a detailed alternative access plan that provides for access on Collier. We pursued that with staff, submitted all of the pertinent documentation, redesigned our site plan, and our client consented to incur the significant additional cost of putting the access on Collier instead of 13th.

I'm not going to step on staff's presentation because I know they have important information to share with you about their opinion as to the access point and their recommendation for access back on 13th instead of Collier.

And with that, Mr. Chairman, unless there are questions for me, I'd like to finish our presentation and introduce Patrick Vanasse, our land-use planner.

CHAIRMAN FRYER: The Vice Chairman has a question or comment.

COMMISSIONER SCHMITT: Yeah. I had a question concerning the access to Collier. And I probably would need staff to confirm this, but I recall that Collier is deemed a limited access road. It was designed to be a through thoroughfare and have limited, as best as possible, any type of traffic coming in and off of Collier. So had that been approved, or is that still pending? I don't recall reading that in the petition.

And I understand the concerns of the community, but the county at large made a decision over 20 years ago regarding Collier Boulevard, and to now say we would like to have an entrance, I think it goes against what was the intent of Collier Boulevard. So I'll need staff to clarify that.

And where's your petition now in regards to entrance? Is it still off of 13th, or is it --

MR. DAVIES: Thank you, Commissioner. We originally submitted for access on 13th.

COMMISSIONER SCHMITT: Yes.

MR. DAVIES: We had the NIMs. Neighbors wanted it on Collier.

COMMISSIONER SCHMITT: Yes.

MR. DAVIES: So we submitted an alternative access plan for Collier, site plan redesign showing the access point on Collier.

COMMISSIONER SCHMITT: Yes.

MR. DAVIES: And I'm not going to speak for staff, so I'll let staff answer questions as to what their opinion is. They're recommending access onto 13th primarily, I think, because of what you just stated, sir.

COMMISSIONER SCHMITT: Yeah. The issue here is, of course, the concerns of the residents versus the concerns of the entire county as to the intent of what Collier Boulevard was.

And, again, it was designed and intended to be, back when it was widened 18 -- 17, 18 years ago, that it was going to be restricted entry onto Collier Boulevard to prevent exactly the type of things that happen when you have an entrance or an exit off of Collier Boulevard. So I'll reserve and hold until staff presents, and you can clarify that issue.

MR. DAVIES: Understood. Thank you, Commissioner Schmitt.

CHAIRMAN FRYER: Thank you.

Mr. Vanasse.

MR. VANASSE: Good morning. My name is Patrick Vanasse. I'm a certified planner with The Neighborhood Company. It's a pleasure to be here today to discuss this proposed self-storage facility at 4050 13th Avenue Southwest.

My part of the presentation will be to address land-use issues, talk about consistency in compliance with the Land Development Code and the Comp Plan as amended. I'll walk you through some of the site design issues and details about the property in our application.

We understand that you have a very busy agenda today. You also have very detailed staff reports in your packet. We've reviewed those. And other than access to the property, we actually fully concur with all their findings, conclusions, and recommendations for approval. So I'll try to keep this brief and touch upon the salient points of the application.

Okay, slide. As Noel mentioned, the property is roughly 5.5 acres, corner of 13th Avenue and Collier Boulevard, about 1,300 linear feet from Green Boulevard in Golden Gate City. Future land-use category for the property is Estates and, more specifically, Golden Gate Area Master Plan urban residential subdistrict. The zoning is Estates, and currently the use of the property is an abandoned model home, and the rest of the property is vacant.

Next two slides will be aerials of the property. Gives you a general location. And as you can see, the subject property abuts other nonresidential uses to the south, and on our next slide, we can see that some of those uses are urban-level intensity types of uses, a variety of -- and a mix of uses including commercial, C-4, C-5 zoning district medical, medical office, civic, and utilities. So I would characterize that area as urban-level uses and relatively intense uses at that corner.

We believe that the proposed use on this site, due to the immediately adjacent uses, is an appropriate use and, for the general area, it creates a transition from more intense commercial uses at the intersection of Green. And as we move forward, you get a transition to less impactful commercial uses closer to the residential uses.

So looking at the abutting uses, the next slide shows a view from the intersection of 951 and 13th Avenue. You can see the two very tall power poles right there leading to the power stations. Behind that, we see the abandoned model home and the rest of the property beyond that.

On the north side of 13th Avenue, we have single-family Estates properties. Immediately adjacent to the west is the substation. What I'd like to point out on here is, if you follow my cursor to the left, those power poles are about 60 to 80 feet in height. They are imposing structures, so is the substation, and we show the full width here at the bottom. The width is over 400 feet, and the tallest components within the substation are over 50 feet in height.

Both sides of that property towards the residential, you do have vegetative buffers, and we will have a vegetative buffer between this property and our subject property.

A little more closeup detail of the substation.

This slide shows the substation to the south. Where you've got the arrow in red is the subject property and, as you can see, you've got taller existing vegetation there that will be kept as our preserve to provide some buffering to the proposed structures.

Again, older substation, not quite as tall but still imposing from a visual standpoint and also

imposing from the fact that these substations create this constant electric hum on the subject property.

CHAIRMAN FRYER: I'm going to interrupt you, if I may, Mr. Vanasse.

Ma'am, before you step back, you just handed in your speaker certificate. I'm going to ask you and everyone else who wishes to submit a speaker's request to register to please take your slips to the back of the room where Mr. Youngblood and Ms. Pedron are sitting, really, near the center aisle. We do it a little different here than the Board of County Commissioners. That's where our speaker slips are processed.

COMMISSIONER SHEA: The sign says here.

CHAIRMAN FRYER: Yeah. Disregard the sign. Disregard -- don't look what's behind the curtain. Otherwise, we have our Assistant County Attorney running around like a messenger.

Sorry to interrupt, sir.

MR. VANASSE: Thank you.

Just to reiterate a very important point made by Mr. Davies. If not for these two power substations to the west and to the south of us, we wouldn't be here today. Not only do we have substations on two sides of the property surrounding the property, we have a major arterial to the east with a right-of-way of over 280 feet, and we have a roadway to the north. And I think that unique set of circumstances that only applies to this property is what makes this property unsuitable for residential use, and that is my professional planning opinion. I don't think this is an appropriate lot for residential use.

The existing home has been vacant for over 15 years and, again, it points to the desirability of the property.

The property owners, in looking for a viable economic use of their property, were obviously looking for a nonresidential use, and the idea was that a self-storage facility is very low impact. And what we mean by "low impact" is it generates very few trips. It generates very little human activity. It doesn't create noise or noxious smells from that use. So it's considered a very low-impact use.

What -- the impact that these facilities have is that they tend to be relatively large, so they have to be in appropriate locations, and you have to provide appropriate separation, buffering, and landscaping to address that issue. And we believe we've done so with this application.

We think it's an appropriate location. It is substantially separated from any residential use, and we have significant buffering. So I'll touch upon that on this slide.

As you can see, to the west, the nearest residential use is over 500 feet from the subject property. As mentioned, the FPL substation provides that separation buffering, and there a vegetative buffer on their side and between the substation and our property.

To the south, the substation there creates, again, separation buffering. The closest home is over 650 feet away from the subject property. On the eastern side, we've got Collier Boulevard. We have a drainage swale canal, and the closest home to the east is about 400 feet away.

To the north is one residential property. We have about 150 feet of separation from our facility to that property but, as I will address, that is the closest residence, and we've designed our site accordingly, and we've provided enhanced buffering, enhanced landscaping. And we did -- we minimized the scale of our project on that northern side closest to that residence.

Next slide shows you the amended Future Land Use Map where the proposed subdistrict is identified. Without going into a ton of detail about the proposed language for this subdistrict. What we want to highlight is it does provide restrictions and conditions as to what can go on that property.

So the project must be approved as a Planned Unit Development. There are advantages to a Planned Unit Development in that it can include conditions, restrictions, and assurances for what's going to be built on the property.

The total square footage is limited to 174,000 square feet, and the use is limited solely to self-storage. The height cannot exceed three stories, and a maximum of 38 zoned -- a zoned height,

38 feet. Access will be restricted to Collier Boulevard. A minimum setback of 65 feet is provided along 13th Avenue.

And F and G identify the enhanced landscaping that is required with enhanced plantings, and last, but not least, we have a requirement for Dark Skies compliant lighting on the facility.

I'll talk about the site plan and our master plan. Some things I want to highlight is the enhanced buffering, setbacks, landscaping. I want to talk about the overall design in the type of facility, which is a fortress style self-storage facility where all the uses are internalized and facing inwards. There are no doors facing the outside. And we use liner buildings on the outside of the property, so someone driving or walking by from the outside, what they see is what looks like a masonry wall that you see for many residential communities, and a buffer on the outside of that wall.

I'll talk about the height limits, and our site is also gated and will have on-site security during operational hours.

So as Mr. Davies pointed out, originally we had our pre-app meeting with staff. We talked about putting access along 13th Avenue. Just to orient ourselves here, Collier Boulevard is where my cursor is, and 13th Avenue is right here. Our original access was near the corner on 13th.

We had two NIMs. I think the resounding comments from the residents was we want to limit any traffic on our roadway and, also, we are concerned from a safety standpoint because our school children have a bus stop on the corner, and the parents use the shoulder right near the bus stop to park and pick up and drop off their children.

So they asked us to accommodate their request. And we had a client that did so at a significant cost, as mentioned by Mr. Davies. As you can see here, we have to include a significant turn lane and, in doing so we have to address drainage along the roadway and reconfigure utilities to make this happen.

But, again, we believe this is a good design aspect. It addresses the concerns from the residents and helps us ensure compatibility with those residential uses by turning the facility where we face it towards 951 and access is along 951, and we can create more buffering and shielding from 13th Avenue.

Other things I'd like to point out is we are going to have one multistory storage building. It will be --

CHAIRMAN FRYER: May I interrupt, sir, with a question?

MR. VANASSE: Yes.

CHAIRMAN FRYER: And then I'm going to ask the Vice Chair if he has a question or comment.

Am I to understand from what you just said that you're willing to incur the expense to create the entrance on Immokalee?

MR. VANASSE: That is correct.

CHAIRMAN FRYER: On Collier, I mean.

MR. VANASSE: That is correct.

CHAIRMAN FRYER: Okay. And I've been informed that the ballpark cost is around a half a million dollars.

MR. VANASSE: I do not know what that would be. We do have our project engineer and -- we had Mike Pappas on our slide, but it is Laurie Swanson, and she can provide more detail, possibly, if needed.

CHAIRMAN FRYER: Okay. Vice Chairman.

COMMISSIONER SCHMITT: A couple different issues. One is who owns the model home now?

MR. VANASSE: The model home is owned by the seller of the property. Our client is the contract purchaser.

COMMISSIONER SCHMITT: Okay. So -- but has that model home -- was it marketed, and did they try to sell it as a home, or they just deemed it where the lot was probably undesirable and not really something somebody would spend -- take a guess. What's the value of the home

right now? What's the market value of the home? Half a million, three-quarters of a million?

MR. VANASSE: My understanding is that property -- I don't know if it was marketed for sale, but it has been vacant.

COMMISSIONER SCHMITT: Yeah.

MR. VANASSE: It has not been rented, and it's been abandoned for many, many years.

COMMISSIONER SCHMITT: Yeah. I recall -- of course, my days on the staff, I recall the whole issue with models in the Estates and whether it was deemed a business or not. There's a lot on the record about that, because the model homes that appeared in the Estates were, essentially, a business. They had people coming in and walking through floor plans and, of course, deciding to build elsewhere.

So this was, in reality, predominantly a business facility. It was a model home. But I'm curious now, is my question, it was not -- did they try and sell it, and it just wasn't marketable? And, of course, now we have this -- your client who's purchased this property as -- to be a future storage facility.

MR. VANASSE: I don't know all the details. My understanding from the buyer and his discussions with the seller is, yes, there wasn't much feasibility to sell this as a residential use. Obviously, that's why they started looking for a nonresidential use in a commercial --

COMMISSIONER SCHMITT: Either Patrick or Noel. You know, storage facilities have been a pretty significant issue in this county. I can debate either pros or cons, but it always seemed to be a touchstone that nobody -- that certainly burns in everybody's craw about the fact that they're going to put up a storage facility.

And staff -- and, Mike and Ray, what, maybe 15 years ago, pretty strict architectural standards in regards to, if you put up an office -- or a storage facility, it has to have the appearance of -- it can't just be four walls and, you know, a square box. It has to have very unique architectural standards so it blends in with the community.

Have you proposed to the residents any type of renderings that you -- it's not part of the zoning but, of course, it helps quell any of the concerns of the residents. Have you proposed any type of design that you're looking at?

MR. VANASSE: We have not finalized all the details of the buildings themselves, but we do have the massing and the structures, and we do have renderings showing what you would see from the roadway. Again, we've designed it in such a way where we're trying to reduce the scale. We are trying to locate the larger building far back where it won't be visible, or it will be visible at a very far distance.

And we've also designed it where everything close to the streets is going to be one story, no more, and it's going to look like a masonry wall surrounding the property.

COMMISSIONER SCHMITT: And who did your traffic study?

MR. VANASSE: Mr. Banks.

COMMISSIONER SCHMITT: Is Jim here?

MR. VANASSE: Jim.

COMMISSIONER SHEA: Yes.

COMMISSIONER SCHMITT: I saw him back there somewhere hiding.

MR. VANASSE: Yeah. He was back there a second ago.

COMMISSIONER SCHMITT: And I'm going back to the entrance off of Collier, because, again, I -- I've got to tell you, I'm not really in favor of the entrance off of Collier. I know what the rules were. I'll have to have staff clarify that, but they were -- they were very restrictive on how and who would enter onto Collier.

And so I hear you, and you stated the concerns of the community about the bus stop. But of anything that is built on that site, the least obtrusive is a storage facility. I'd have to hear what Jim says about -- as far as projections, but it can't be, what, how many trips a day? Ten? Fifteen, if that?

MR. VANASSE: If you look at your staff report --

COMMISSIONER SCHMITT: Yeah.

MR. VANASSE: -- the peak-hour peak-day trips --

COMMISSIONER SCHMITT: Yes.

MR. VANASSE: -- is 26 trips.

COMMISSIONER SCHMITT: And that's high. I would -- maybe during a couple weeks of the year when people are coming in --

MR. VANASSE: Peak-hour, peak-day.

COMMISSIONER SCHMITT: Other than that, they're just pretty -- they're just a building sitting there with very few people entering and exiting.

I tell you, I cannot justify moving the entrance onto Collier unless I hear from staff saying that this is something that is absolutely desired and mandatory, because I go back to, again, why Collier was designed and what it was designed to be, and that there would be very few allowances for entrance and exits onto Collier Boulevard. So I'll need staff to clarify that again.

So thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Just for the record, I'm pretty sure I know the answer, but all the storage is going to be interior; there will be no outside storage at all?

MR. VANASSE: Internal to the project.

COMMISSIONER SHEA: To the structure. Not -- well, in other words, you're not going to park an RV in the parking lot?

MR. VANASSE: No.

COMMISSIONER SHEA: And store -- everything storage-wise will be internal --

MR. VANASSE: Internal.

COMMISSIONER SHEA: -- to the structure on the property?

MR. VANASSE: Internal, yes.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHUMACHER: We look at this size facility; what type of vehicles are you going to have accessing this storage unit? Because it's also an interior storage unit that you're going to pull through. So what type of delivery size vehicles and trucks are going to be coming into this site?

MR. VANASSE: Primarily, these are, you know, households, individuals that use their own vehicles. You do have some people using cube vans that they rent.

We are aware of some of the assertions that people have made about having semis go to this facility. We've discussed this with our client, and I think what our client says is typically for facilities like this, people that use semis move directly to their property. They hire a company that goes directly to the new home, and maybe two or three times a year they get a semi that goes to a storage facility.

COMMISSIONER SCHUMACHER: So there's no -- there's no local company with a national --

CHAIRMAN FRYER: Commissioner, I don't think you're on mic. Could you get a little closer to your mic.

COMMISSIONER SCHUMACHER: Is it on? There we go.

So there's no -- there's no relation in between a local moving company and a national partnership, correct?

MR. DAVIES: There's not.

COMMISSIONER SCHUMACHER: Okay. And going back to this buffer, so this buffer along 13th, you said there's enhanced buffering. I see a 25-foot. What does that buffer include?

MR. DAVIES: Do you want to handle that, the buffering on 13th?

MR. VANASSE: Yeah. We'll -- I've got some slides, but just the buffering along 13th. So we have a right-of-way easement right up against the property boundary. It's followed by an

FPL easement. We have a water management that we put on that northern side to create more separation. And then we will have buffering in front of the water management area and in back up against those buildings.

And I'll move on to the renderings to kind of give you an idea of what it's going to look like once it's built. This is a few from 951 looking south. The proposed access point, if I can get my cursor here, is in this general location. The taller building, the three-story building is over here at the back surrounded by FPL stations on two sides. And at the front here along 951 is where we've kept our preserve. There's a lot of existing vegetation, taller, mature trees, and it's going to create a lot of buffering for that taller facility. Everything else is going to be one story.

And then on the corner, the architect has designed the facility to look like a single-family home as an architectural embellishment and also to ensure compatibility with the residential in the area. But mostly what you'll see is buffering and what looks like a masonry wall all along here.

Next exhibit, this is from 951 also but from the south looking north. This is the existing substation to the south. This is where we have the preserve. Behind there you can see some of the building.

This is a view that we provided at the neighborhood information meeting. This is when we had the access point along 13th Avenue.

And the next slide shows you the change that we did and that we removed that access point. And what can be seen here, again, is enhance landscaping, buffering, some green area for dry detention/water management and, again, the liner buildings that look like masonry walls further out. And in the background you might see a little bit of a peak of the taller building that is three stories.

Line-of-sight exhibits, without going into any detail of those, just kind of show you that those are to scale, and it shows the significant separation from our facilities and shows you that from any line of sight you have either a vegetation, you have substations, and you have other elements obstructing your view, and that the proposed facility is going to be separated, shielded, and buffered from adjacent uses.

Any questions, or should I proceed with my presentation?

CHAIRMAN FRYER: No one is signaling at this time, so unless there are no questions or comments, please proceed.

MR. VANASSE: Again, the benefits of the GMPA and the PUD is restrictions can be put on this property versus straight zoning. As mentioned, this property is not suitable for residential. So what are you going to have there? You're going to have nonresidential uses, and any other commercial, if it was a general commercial category, could allow for multiple uses.

With these proposed petitions, you have a guarantee as to what the use is going to be. You have a guarantee as to what the maximum height is going to be, what the buffering, what the setbacks will be, and what the total square footage and trip cap will be with this application.

Just generally speaking about traffic -- and Jim is here, but Jim put together a traffic study. The methodology was discussed and accepted by staff. Staff concurs with his findings that there is sufficient roadway capacity and that the proposed project will have no negative impact on the adjacent roadway system.

Again, going back to access, we certainly understand the concerns when it comes to limiting access points onto 951. As a land-use planner, my job is to try to balance multiple issues including, you know, needs of the neighbors or desires, roadway issues, traffic, and trying to ensure compatibility. In balancing that, we believe that the access on 951 -- which we believe staff can approve if they'd like to, and that it meets separation requirements and technical requirements. We believe, from the standpoint of compatibility in addressing the needs and the neighbors and their concerns is a better option, but we are certainly open to listening to what staff has to say and what the public has to say.

So in conclusion, the proposed petitions are consistent with the GMPA as amended and the LDC. I think we've demonstrated that, due to the unique conditions, there is ample separation and buffering and that we've designed the site to be compatible with the surrounding uses.

The proposed use is a low-impact use that provides a reasonable economic use of the property. Otherwise, the Estates zoning just doesn't allow anything else to go there.

Other than access, we fully support and concur with staff's findings, conclusions, and recommendations for approval. And last, but not least, we respectfully ask for a recommendation of approval for both petitions. And we will be happy to answer any questions and reserve the right to rebuttal after public comment.

CHAIRMAN FRYER: Thank you very much. No one is signaling.

Does anyone wish to be heard from this side of the dais?

(No response.)

CHAIRMAN FRYER: If not, we'll ask for staff to give its presentation.

MR. ORTMAN: Good morning, Commissioners. For the record, Eric Ortman, Planner III. I was the zoning planner for this petition.

I really have nothing to add that hasn't already been said except that I think there is -- on 13th Avenue, there is a 65-foot setback from the right-of-way line and 80 feet from the road line.

Staff does recommend approval of this petition contingent upon Transportation Planning Services agreeing to a point of access to the project. And I'm here to answer any questions.

CHAIRMAN FRYER: Thank you. No one yet is signaling.

Vice Chairman.

COMMISSIONER SCHMITT: Yeah, I'd still like to hear from county transportation as to their recommendation if they concur with the entrance onto Collier Boulevard. So who's got the pleasure?

CHAIRMAN FRYER: Ms. Hansen.

MS. LANTZ: Lorraine Lantz, Transportation Planning. I am here with Mike Sawyer as well as Tony Khawaja, our traffic engineer, and also our consultants from the Jacobs team are available on the phone if they have to provide input.

I do have a PowerPoint, if you will indulge.

COMMISSIONER SCHMITT: While you're getting that up, am I incorrect, I thought it was a Board of County Commissioners policy decision in regards to entrance into and off of Collier Boulevard. So that would have to be clearly stated to the Board of County Commissioners --

MS. LANTZ: That is correct. Correct.

COMMISSIONER SCHMITT: -- as a policy decision for the Board to make.

MS. LANTZ: Correct. So the long and short of it is there is an access management resolution.

COMMISSIONER SCHMITT: Yes.

MS. LANTZ: It was from 2013 in which it says -- basically, it's based on capacity safety, and general welfare of the traveling public regarding access management.

Collier Boulevard is considered a Class 2, which is very -- which is limited, and the access would be off of local roads. So that is our policy. That is what we are making all of our recommendations based off, access off of 13th, because that is the -- that is the local road.

COMMISSIONER SCHMITT: So your recommendation is to keep the access on 13 rather than off of Collier Boulevard?

MS. LANTZ: Correct.

COMMISSIONER SCHMITT: That's the staff position?

MS. LANTZ: The staff position is 13th.

COMMISSIONER SCHMITT: Of course, you've heard what the residents -- Patrick stated what the residents want, and I guess, from that standpoint, it becomes a Board of County Commissioner decision.

MS. LANTZ: The access management policy stands, right, so that is our position. That is -- we've had everyone look at it. We understand the citizens have asked for that. We have looked at the safety of what -- how that maneuver could be made. We did a bulb-out rendering to show what that could be.

COMMISSIONER SCHMITT: Do you have that?

MS. LANTZ: Yes, we do. This was just some existing conditions to the show that the Publix to the north has access off the northern street, which is 11th, so they have access off 11th and, to the south, the hospital facility -- the medical facility has access off of 15th. So that -- this is very similar to how we've done that in the past.

This is the current location. This is where we would say that they would have access off of 13th. This is a facility -- Collier County [sic] is a Level of Service D, and we are looking at the concerns of traffic and capacity.

COMMISSIONER SCHMITT: Is there a left-turn lane there, or is it just a --

MS. LANTZ: It's a turn into -- onto 13th. It is not a U-turn.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: So the staff position is that it would be a change in policy, which we could recommend and the Board of County Commissioners could implement, but it would involve a change to create the bulb-out on Collier, correct?

MS. LANTZ: Correct.

CHAIRMAN FRYER: Okay.

MS. LANTZ: So we were -- we did hear the citizens, and we were looking at -- it's what we call SU delivery, which is a single-unit delivery truck, which would make typical deliveries, a U-Haul truck, as well as deliveries to this facility as if it was commercial in general.

The request was to look at a 30 -- SU30 vehicle and an SU40 vehicle. That's not the length of the truck. That's the length of the wheelbase. That type of maneuver would require, in order to be safe and not requiring three-point turns, a bulb-out, which is a very considerable expense based off of the FPL towers or facilities and the drainage. That's one thing that we haven't really spoken about, but the drainage for that swale takes all of drainage for Collier Boulevard as well as, it's anticipating, for the Collier Boulevard, the next phase.

And so any changes to that drainage would be at an incredible expense; however, it is feasible. Recommended and safe, we cannot stand by that. We are standing by 13th.

CHAIRMAN FRYER: Vice Chair, you still have the floor.

COMMISSIONER SCHMITT: Yeah. So what you're showing here is the vehicle would actually, for all intents and purposes, have to execute a U-turn and then come in off of Collier Boulevard. There would be no full opening at Collier Boulevard --

MS. LANTZ: No.

COMMISSIONER SCHMITT: -- into the facility?

MS. LOCKHART: Correct. It would not be a full median opening. It would be a U-turn.

COMMISSIONER SCHMITT: Right. I would have to concur.

MS. LANTZ: That's for the 30, and then this would be for the 40.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: I always get confused when we get these things. Is staff -- your position, Mike, is that we approve it as submitted, and it sounds like the staff's position is we approve it but with the 13th Street [sic] as the access point, not Collier Boulevard. What is the -- is there one official staff position, or do we have to go pick and choose?

MR. BOSI: No. That is -- that is the official staff position. 13th Avenue provides the safest --

COMMISSIONER SHEA: So that's your official position, too?

MR. BOSI: I'm represent staff, and we represent the staff as a whole. We're not segmented in that regard.

COMMISSIONER SHEA: Okay.

MR. BOSI: We stand behind the safety concerns that are expressed by Transportation Department.

COMMISSIONER SHEA: Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Schumacher.

MS. ASHTON-CICKO: Can I ask her a quick question that might of help?

Based on the diagram that you have here, how likely is it that that left turn to 13th would be closed in the future, if there's safety or capacity issues, and a separate U-turn would be provided somewhere else that's not at a street?

MS. LANTZ: If the U-turn -- I'm sorry.

MS. ASHTON-CICKO: It looks to me, just on common sense, that this could be a point of conflict that could remove the left-in at this location because of the point of conflict with 13th Street [sic], just looking at it, meaning if there are a lot of accidents at this location, the county may close that left-in and provide a safer U-turn further up the road that's not at a street.

MS. LANTZ: And only -- you're saying only have access off of Collier?

MS. ASHTON-CICKO: So the people who live on 13th Street would only have the ability to do a right-in, right-out on 13th Street if there's a point of conflict with this U-turn, and the median would be fully raise along 13th --

MS. LANTZ: Oh, I see.

MS. ASHTON-CICKO: -- and there would be a separate U-turn provided further up the road at a safer location. I'm just saying, it looks to me like there's a point of conflict, and I'm --

MS. LANTZ: That would be a concern. I would defer to Tony Khawaja for -- if there would be a change in that access point there at that point.

MS. ASHTON-CICKO: I mean, it's speculative, but it does look to be a point of conflict.

CHAIRMAN FRYER: Thank you.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: I just wanted clarity. You said that Publix, the access, there's a right-in into that Publix off of 951, correct?

MS. LANTZ: Correct. There's a right-in off of Collier.

COMMISSIONER SCHUMACHER: And there's an access off of the residential street to the south?

MS. LANTZ: Correct. There's a right-in and a left-in.

COMMISSIONER SCHUMACHER: There's no right-in to the medical complex that's just north of Green?

MS. LANTZ: Off of Collier Boulevard, correct, there's no access.

CHAIRMAN FRYER: Thank you.

No one else is signaling at this point.

COMMISSIONER SHEA: He's going to answer a question; Tony.

MR. KHAWAJA: Good morning. For the record, Anthony Khawaja, chief traffic operations engineer. I wanted to answer Heidi's questions.

Currently, we have turn lanes at every roadway, and chances are we would like to keep them.

Absolutely, you are correct, if we end up with a location that have significant number of crashes, we would be looking for solutions or alternatives. One of those alternatives could be eliminating a left turn in at that location and providing the U-turn at the next block. I don't see that being a major concern, but it is definitely one of the items we would look at.

CHAIRMAN FRYER: Thank you, sir.

MR. KHAWAJA: Thank you.

CHAIRMAN FRYER: Anything further from staff at this time?

MR. BOSI: Nothing from staff and would -- any other questions you may have.

CHAIRMAN FRYER: All right. No one is signaling at this point, so that would take us to registered speakers. Who do we have, Ms. Pedron?

MS. PEDRON: Good morning. Our first speaker is Pat Lertch. She's being ceded time by Joe Lertch.

Joe, could you please raise your hand.

(Raises hand.)

CHAIRMAN FRYER: Okay. We see him. Thank you. Thank you.
Go ahead, ma'am.

MS. LERTCH: Good evening. Good morning, I should say.

CHAIRMAN FRYER: State your name again for us.

MS. LERTCH: My name is Patricia Lertch. They call me Pat Lertch.

I have heard our opponents, let's put it that way, come up here and stand and say, we have been involved with it. We have not been involved with it. The first meeting we had was supposed to be Zoom, and I was -- I made three phone calls, and I was waiting in my living room all ready to go on my Apple phone, and I never got let in from the waiting room.

When I went down the next day to the meeting there in Lely library, we saw all these pictures and models of CubeSmart. I got up and spoke about how many CubaSmarts we have already in Collier County.

And I'm not supposed to mention names, they say, but I'm going to. O'Herren got up and said, oh, we're not going to build a CubeSmart. We're going to build a Shamrock. Well, now, today, is the first time we've seen it. He's saying, oh, we're not building a Shamrock. By these pictures, we're building a CubeSmart. So it's been this flip-flop all the time.

We have no idea what any floor plans look like. We have no idea what anything looks like. All we're getting is bits and pieces, which we're seeing here tonight. So I think there's a little misinterpretation and a little deceit going on here. So I would -- I want to mention that, because I'd like to answer all these questions.

The house, yes, when O'Malley -- or O'Herren bought it, then they moved out. That house is livable. And I'll tell you what, we could sustain it. And I want to end that with my speech this morning about, yes, we can. It's viable. It's there.

And they want to take out all the woods. There goes our noise buffer. I mean, they're coming in. We are happy. We love it where it is. It's peace and quiet, and we haven't even touched upon if it's on 13th Avenue. The tractor trailers and everything would be coming in off of 13th Avenue out of the -- out of the lot and right across the street, lights, noise into the house that's our neighbor down there.

She has four children from teen to four. They go to bed at 8:00 every night. And you think with the shifting of the gears with these trucks and all coming in on 13th Avenue and driving out of 13th with the lights all in the bedroom and everything, that is going to be terrible.

We live there. We're happy. And I'll tell you what, there's something better we could put on that property, which is the two houses.

I was going to do a summation, and I'm doing my summation first. But please hear me out for what I've got to say, because there's more here that is involved.

This is atrocious. The biggest warehouse in all of Collier County on 5.5 acres? That's ludicrous.

All right. I wanted to say to you -- and I'm going to be me now. I want to say to you -- and, listen, I love everybody, I do, but I don't love them. And God forgive me. But anyway.

I'm going to say -- I want to say good morning to everyone, and I said, we hope this morning that the truth will prevail; that the neighbors' concerns will be heard with an open mind and a heart and that you, the planners and all who will be involved in this hearing will listen to our plea and realize to see the difficulty this project presents to us and all of Collier County.

I ask you to consider what is being presented to you, then ask yourself this: How would I feel if this warehouse were to be built in my neighborhood? How would it affect me and my family, and how would it affect my neighbors?

And we need to love our neighbors, because we have great neighbors. And I have to say this: Thanks to them, you have brought our neighborhood together. We have never been so wonderful in my life. And I'm sorry.

CHAIRMAN FRYER: We need to have you address the dais.

MS. LERTCH: I know. I've got to look at you.

All right. So this is what I'm going to say: I am here this morning to sell you a hole in your roof. Would anybody love to have a hole in their roof? I sure know I wouldn't. Maybe there's some advantages to it, maybe there are some disadvantages to it, because a whole lot easier [sic] to selling other things, and especially a hole in the roof, and I wouldn't want that -- to do it to anybody. And this warehouse presents a hole in the roof in our neighborhood.

And the first question I want to ask you, dear gentlemen and lady, is have you visited the land on which this warehouse is supposed to be located? You need to just go there and see what it's like. The electricity and this whole 20 acres of electric plant, Florida Power & Light, how it's taken over 20 acres. And then on top of that, we're supposed to have of this huge warehouse that's bigger than any warehouse in Collier County? That's crazy.

And then, when I was down with Rachael Hansen -- I have to thank her. She was most helpful. She gave me an hour, showed me plans and everything. And when she showed me where that warehouse was going to be located, I looked and said, does that mean all the woods and our noise buffer is going to be taken down? She said yes. And I thought, we've had that for all these years.

I moved down in 1980, and I'll tell you what, it's been heaven sent. We're lucky. We are lucky, because I've got woods on my side and woods on this side, and it's beautiful because it's so quiet. But if this warehouse and this zone gets zoned from residential estate to commercial, that is going to open up every -- every other piece of property that is zoned residential estate and be commercial. We do not want that to happen.

This is a testing block. This is a way they're going to go forward. You heard on the mixed cities, well, these mixed cities and mixed towns and all this formula, it's mixed. That is the beginning of the end.

I'll mention this -- I'm off my script now. I'll mention this. And I got my husband's time. Anyway -- I'll mention this. Have you ever heard of the din? Do you know what a din is? We're going to be Orlando. We're going to be out there with the din. And here's what the din is. When the noise gets to a certain point and we get so much traffic and so many buildings, you're going to have a noise -- not tinnitus with a ringing. You're going to have the -- not major chord, but a minor chord (indicating), and that's going to be in our ears.

And I was talking about that to a dear friend and a neighbor the other night, and she said, Pat, we already have it. I said, don't tell me the din is here in Naples. And she said, yes. Go out at nighttime, at 9:00, and you'll hear the din.

Up in Orlando, you go there, you have a din, the noise, and the din is in your ears, in your outside, and in your house.

And I'll tell you what, I have a friend that is a pastor of the church, and he said -- and his wife said, if we could just get rid of the din. And we're going to have the din. It's coming. You can hear it at 9:00 at night in Naples. And if the building keeps continuing with this mixed building, it's going to be a mess, and it's not going to be nice to live.

But let me -- let me continue with what I have to do.

CHAIRMAN FRYER: You have about two-and-a-half minutes, ma'am, on your time --

MS. LERTCH: I had five.

CHAIRMAN FRYER: You had 10.

MS. LERTCH: Oh, I did. All right.

CHAIRMAN FRYER: You started at 53, and it's now 01.

MS. LERTCH: Okay. How many more minutes?

CHAIRMAN FRYER: About two-and-a-half.

MS. LERTCH: Two-and-a-half. Okay. I can get it done.

CHAIRMAN FRYER: And you've got some questions coming up as well, so you'll be at the mic for a little while.

MS. LERTCH: Oh, okay. Okay.

I went ahead -- and the more important thing is this: I've got the square footage; I've got that. But I did a traffic report. And I know Mr. Manny, or whatever his name is, he's here. And the traffic report on -- by JMB Transportation Engineering, it said the survey was done daily from 7:00 to 9:00 a.m. peak hours and 4:00 to 6:00 peak hours. And they found in this minimum amount of vehicles, 2,400 vehicles, and the peak time was 3,000 vehicles.

And I said to myself, this is not right. So I went down there on Wednesday, April the 12th, and I went down at 6:00. I have my counting. I have my figures. I have my plans. And God help me, I counted 6,319 cars between 6:00 in the morning to 9:00.

Now, they're coming back at supertime from 4:00 to 7:00. So look at the count between 9:00 and 4:00. That is seven hours of more traffic.

This land is so small. And I was going to go through all the hospital is bigger but more land, Waterside shopping centers are with less square footage but more land. This warehouse, as big as it is, on 5.5 acres, it's absolutely crazy. It's spilling out. And then it's going to be noisy. Even Sunday it's open 7:00 to 9:00.

Our neighbors asleep at night and the lights are coming on. Sunday morning they can't sleep in. Saturday they can't sleep in. There's all figures here. I'll tell you what, and I've got -- I'll tell you what -- let me tell you what the solution is.

CHAIRMAN FRYER: Let me do something, if I may, with respect. We're at 10 minutes. I've got two commissioners who want to ask -- either ask questions or make comments. So you're going to remain at the mic for a little while, and we'll start with Commissioner Shea.

COMMISSIONER SHEA: Thank you. I was just wondering, what would you like to see there?

MS. LERTCH: Ah, I've got the solution. I don't come without anything. Right here. Right here. Now, I have the solution, I know I do. Right here.

Okay. Here's the solution. And I have to tell you this: I'm an honest person, and I just let my heart flow. This isn't my solution. This is the Lord's solution. He gave it to me, and almost his words are here.

And I'm here. I'm 91 years old for the Lord and for these people, and my husband is going to be 96. I mean, if this thing wasn't important, I don't think I'd be in it, and I'm in it for the people that -- for our street.

So here's the solution. No rezone to the land at 450 [sic] 13th Avenue. The builder -- the builder will sell the land in the amount he has bought it, and that is \$715,000. He bought it from O'Herren. And he bought it from the -- someone who owned it before at the same amount that other person bought it, from Brooks Agency over in Miami. So it's \$750,000.

He bought it from him for \$750,000. Isn't that weird? Somebody selling you all this land, and you're paying the same price. I'll sell my house for what I paid for it? No way. But that's what he bought it for. So, anyway, let's get back to the solution.

The model home to be remodeled. There is beautiful remodeling done today in these old homes. And the lot next to the model home will get another home and will be built. The driveway into these new homes will be on the west side of the houses, and a driveway that's big enough for two cars to get in and out, because we have a tractor trailer that makes a turn -- I don't know how he does it -- going down 13th Avenue Southwest. He gets to the end. He makes his deliveries -- and they're massive -- then he backs up that truck one mile all the way up, and he turns around on the property where there's a shed. Right in the back, there's a little piece of land that goes straight. He backs up there. I don't know how he does it. He manages to turn that truck around, and then out he goes on Collier.

And I'm telling you, that piece of property for the biggest warehouse and as small as the property, you can't get a moving truck in. You can't get bigger vehicles in. And when a fire truck was there the other day trying to make a U-turn on the turn -- and it wasn't a hook and ladder or, you know, a big one -- it was like -- something like an ambulance -- he had to make three or four turns

just to get the bend around.

CHAIRMAN FRYER: Mrs. Lertch, thank you so much. You've answered the commissioner's question. The Vice Chairman has a question or comment now for you.

COMMISSIONER SCHMITT: Just a question, you stated early in your presentation you've seen no renderings or architectural designs. Just for the record --

MS. LERTCH: No.

COMMISSIONER SCHMITT: -- and for the folks in the audience, there are no requirements for architectural standards or -- correction -- architectural designs. We do not have an Architectural Review Committee, and it's not part of the rezoning process.

We do, typically, in many instances see renderings just because they've been presented to the public, but it's not a requirement. And for your understanding, as I stated on the record earlier, there are very restrictive Land Development Code rules and regulations in regards to the design standards for storage facilities, and that's up to the staff to enforce once and -- or after -- if the petition is approved and they go through the site development process and the building permit process. So you'll certainly have an opportunity once those plans are submitted to look at them and comment, but it is a staff responsibility.

So I just want you to understand, there was no requirement -- though it's typically desired, but there's no requirement. And if this is the company -- you stated the name -- CubeSmart, you've seen other -- the buildings in the county that have been built. They resemble office buildings or other type of facilities to break away -- break that -- what I would call that box look and make it more fitting for the community. So I just want the folks to understand that that is not a requirement as part of the zoning process.

MS. LERTCH: No, I understand that. I understand. But if you're going to rezone it -- we need to see what's going to go there if you're going to rezone it for something.

COMMISSIONER SCHMITT: Ma'am, it's not required. I stated that.

MS. LERTCH: I know, but --

COMMISSIONER SCHMITT: I want you to understand, it's not required.

MS. LERTCH: But we need to know something before --

COMMISSIONER SCHMITT: Well, you may need to know it, but it's not required.

MS. LERTCH: Then we have to -- if it's not required, then we have to down it.

CHAIRMAN FRYER: With that, I'm going to ask Commissioner Shea to ask a question or make a comment.

COMMISSIONER SHEA: I wanted to actually ask Mike a question related to the previous question I asked the speaker, is just what does the Growth Management Plan envision in that location? I know zoning isn't always what's envisioned in the Growth Management Plan, but what does the Growth Management Plan envision, which is what we're planning for in the county?

MR. BOSI: This area is covered by the Golden Gate Area Master Plan, and it's designated Estates. It's designated Urban Estates.

COMMISSIONER SHEA: Okay.

MR. BOSI: The land-use arrangement around this parcel of land has changed drastically since that designation, and with two FP&L substations that are encompassing this property, the suggestion that two residential units are the most appropriate land use is not a perspective that -- that my planning staff shares.

COMMISSIONER SHEA: Okay. Thank you.

MS. LERTCH: We need land. We need houses. We don't need a warehouse.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: I just have one follow-on question, and it's for the petitioner. Ma'am, I'm done with you because I'm not -- this is not a matter of a debate. This is -- I'm just trying to get information.

MS. LERTCH: Thank you.

CHAIRMAN FRYER: Ms. Lertch, you're excused. Thank you. God bless you, God

bless your husband, and I wish I --

(Applause.)

CHAIRMAN FRYER: Ladies and gentlemen, please, and I wish I knew where the Fountain of Youth was because, obviously, you've found it. But thank you so much.

COMMISSIONER SCHMITT: I'm going to come over for dinner tonight. Obviously, you feed your husband well, too, because -- I hope to make it that long.

Patrick, have you done -- has your client done any type of analysis whether -- on the marketability, if this -- for this home? And I understand what was stated, sell it for 750-. It was bought 20 years ago. I mean, the rule of seven, if you understand investments -- of course, that's just not going to happen. I mean, that property is worth far more than that.

But have you -- the question I originally asked -- I don't see anybody moving to that piece of property and paying probably a million dollars for their lovely Estate home and backed up by a power -- a substation on one side and commercial on the south. I mean, is it -- I have to believe that if it were marketable and it could be sold, it would be sold as-is.

MR. VANASSE: Yes. I would agree with that statement. Our client is the contract purchaser. Obviously, the seller, and his motivation, was that he needed to find an economic use for that property. Residential was not viable; put it for sale.

Our client sees real demand in that area. We do have quite a few storage facilities throughout Collier County, but if you look at that specific area of the county, you don't have facilities within the three-mile radius. So they see great demand, and they think it's a great location, and it is a viable use for the property, whereas residential isn't.

COMMISSIONER SCHMITT: Thanks.

CHAIRMAN FRYER: Thank you.

Ms. Pedron, who's the next speaker?

MS. PEDRON: Mr. Chairman, our next speaker is Gloria Marquez, followed by Harry Roth.

CHAIRMAN FRYER: Thank you. The speaker is providing us with some visuals.

COMMISSIONER SCHMITT: Please, ma'am, your comments have to be made on the record.

CHAIRMAN FRYER: Yeah. And before you start, I know we're at the beginning of the registered speakers, but as we get toward the end of the registered speakers, we're probably going to encounter some people who have not yet been sworn in. So if you fall into that category when we reach you and you haven't been sworn in please, let us know so the court reporter can get you sworn in.

With that, ma'am, please, once again, tell me your last name.

MS. MARQUEZ: My name, Gloria Marquez.

And I want to check what is the Goal No. 1 in the Golden Gate Master Plan. And they are talking about the land -- the land use and the compatible land use. And we think this lot that they are proposing for a storage facility is not compatibility with the power station that we have surrounding the lot. Why? Because we don't know what is going to happen in -- in storage facilities.

And we know that now there are a lot of things that happen inside of those, an attendant [sic] facilities. So they are not going to be compatible with the electrical power station.

They can process flammable liquids or things that we don't know. We have to count that everything is changed now, so we think the land use of, or storage facility is not compatible with the -- with the land use for the electrical power station.

So the master plan, it says that to take a balance [sic] to the need to provide a basic services, and we think that a storage facility is not basic services for Golden Gate Estates because Golden Gate Estates has enough lots to take storage for everyone, so we don't need it in Golden Gate Estates.

The master plan say that we need to take -- they are going to -- concerns about natural

resources. That is not going to happen. Any development is going to cause some demolitions. It's going to cause that. They have to leave some trees and just the wildlife that we have there. And in this moment, these natural resources that we have there is camouflaged, all the impact that we have with the electrical power station, so we need it.

And the master plan say that they ensure the health. And we know that the high voltage can create electromagnetic field, that we are exposed to those electromagnetic fields at our street.

We couldn't say anything with this extension of the power -- of the power electric station that we have over there. We couldn't say anything.

And now they want to put in a big block of concrete, and it's not compatible because, for healthy, we need this area with green, and it's going to get worse.

So if he's say that it's not compatible with the residential, why they actually put in a big electrical power in our street that it was not before? We bought the houses without the power electrical station. Now we have to live with that, and now we have to talk about the storage that we don't want.

The master plan, they want to talk about safety. And for anybody that see what is happening now in the storage, they can commit a lot of crimes inside the storage. They have people living there. They have people processing illegal substance inside, and they commit crimes. We can see on the news every time. Those are facilities that they, most of the time, are unattended, only with one camera some times of day -- of the night, and we don't know who is going, who is coming, and we live families there.

And they plan -- the master plan say that they are going to take care about the welfare and quality of life of the local residents, and our quality of life is going to change. They say that they need 170,000 square feet to build it. This means we take out the circulation, something -- 20 percent of circumstantial interior, they can build 1,035 square feet -- so they can build inside, one -- they can build 1,300 10-by-10 feet units.

This means if they can do that -- I don't know their plans, I don't see that, but just calculating. If they can build 1,350 units 10-by-10, it means in the worst scenario, that we are going to have 1,350 more cars. They are not going to go every day, maybe three times per month, but this means that every day we are going to have 112 more cars. Actually, in 13th Avenue, we have 63 families living there. Suppose that we only have two cars for family. Some families has more than two cars but, anyway, we are going to have 126 cars for our families there.

CHAIRMAN FRYER: Ma'am, you're at five minutes.

MS. MARQUEZ: Okay. Yes, and now we are going to increase 90 percent of the cars entrance to the 13th Avenue.

CHAIRMAN FRYER: Thank you.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: I had a -- thank you for that. I just had a question for the petitioner.

CHAIRMAN FRYER: You need to get on mic. Do you want to ask the --

COMMISSIONER SCHUMACHER: I said -- no, I just had a question for the petitioner on this.

CHAIRMAN FRYER: Do you want to ask it now?

COMMISSIONER SCHUMACHER: I'll ask it now, yeah. If I can ask the petitioner, actually. Thank you.

MS. MARQUEZ: Okay. I'm going to --

CHAIRMAN FRYER: Yeah. You're excused, ma'am. Thank you very much. Oh, before you're excused, please give a copy of that to the court reporter so it becomes part of the official record. Thank you.

COMMISSIONER SCHUMACHER: Why 178,000 [sic] square feet? I know that's a tough question. I'm just -- this keeps coming up, and I just want to hear from the petitioner why this structure itself is almost four acres on a five-acre parcel. So why 178,000 square feet? Was it

a calculation that this is the breakpoint? Like, that's -- I'm just trying to get a grasp on this.

MR. DAVIES: Yeah. So it's, you know, based on the market economics of the project, right?

So a company looks at each parcel, right, looks at what -- you know, what the available space is, what the site planning standards are, what the buffering requirements are, et cetera. You know, those have been enhanced, as we've mentioned. And then also looking at the trip generation, right? So the trip generation comes from that square footage.

The Transportation Impact Statement has to be submitted and reviewed by transportation staff, as it was in this case. And at that square footage, I think it said the 26 p.m. peak-hour trips, and that's been reviewed by your staff and --

COMMISSIONER SCHUMACHER: But this is more of -- I'm asking more because that's your breakpoint financially, correct, on the investment side of it, that if we're going to -- if you're going to build it to make profitability, it's going to have to be 178,000 square feet?

MR. DAVIES: 174,000, but, yes, I believe that's -- I mean, that's, you know, subject to the -- you know, a number of different factors, including looking at the economics of a project, absolutely.

COMMISSIONER SCHUMACHER: Okay. Thank you.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SHEA: Can I follow up on that question, though?

CHAIRMAN FRYER: In a moment. Yes, one second. Just to let everyone know, we're going to take our midmorning break in 11 minutes at 10:30.

Commissioner Shea.

COMMISSIONER SHEA: I just wanted to make sure -- because Commissioner Schumacher said something that I'm not sure. The 174,000 is the multiple floors, right? That's not the footprint. Because I think he was alluding to the fact that most of the acreage was the 174-, but the actual footprint of the building is probably a third of that, right?

MR. DAVIES: The 174,000 is the total square footage for the improvements on the project.

COMMISSIONER SHEA: Yes. So what's the footprint of the building?

COMMISSIONER SCHUMACHER: It's got an acre of preserve is what I was trying to get at. So you do four acres of space and then one acres in preserve area.

CHAIRMAN FRYER: For some reason you're just not on mic this morning.

COMMISSIONER SCHUMACHER: There we go. Is that better?

CHAIRMAN FRYER: Yeah, much better.

COMMISSIONER SCHUMACHER: No. What I was saying is they've got -- on the site plan, from what I can see, what was submitted, there's an -- there's an acre of preserve, and then the rest of it is, basically, on the site, which is 174,000, so...

MR. VANASSE: Just to clarify, an acre, plus or minus, of open space buffering and preserve. Preserve is a smaller amount of the total.

COMMISSIONER SCHUMACHER: Okay.

MR. VANASSE: And, Commissioner Shea, correct, this is total square footage. We're going to have one larger building that's going to be three stories. The other buildings will be one story. That's total square footage. And, again, we've got a market analysis that was done, demonstrates the demand for these facilities. And we do have some slides at the end of the public comment for rebuttal where we show other facilities that are a comparable size in Collier County, and the difference between ours and theirs is that they do it as one large building which really increases the massing and the visual impact, and we've tried to soften that with the design.

CHAIRMAN FRYER: Thank you.

Ms. Pedron, who's next?

MS. PEDRON: Our next speaker is John Dryden, followed by Andrew Blitch.

CHAIRMAN FRYER: Thank you.

And after Mr. Dryden, we'll take our midmorning break.

MR. DRYDEN: Good morning, Commissioners, staff, everyone, everyone who showed up as well.

My name is John Dryden. I live on 4410 13th Avenue Southwest, and I've lived there since 2010, and I'm a retired public schoolteacher, English teacher.

And I'm here to address the -- or speak about the master plan points that I have read through and find quite interesting. As a matter of fact, I find them provocative and influential in terms of maybe how you make your decisions.

For example, Objective 1.4 of the master plan adopted on February 14th, 2023, speaks about providing a living environment within Urban Golden Gate Estates, which is aesthetically acceptable and protects the quality of life. Note the words "a living environment." It seems incongruous to the words "commercial zoning."

Policy 1.4.1 uses those same words and adds, "Through the enforcement of applicable codes and laws." Note again the word "enforcement." Changing codes that have been in effect for decades doesn't seem to me to be enforcement.

Goal 2, to provide for limited commercial services and conditional uses for purposes of serving the rural needs of Golden Gate Estates residents, shortening vehicular trips, and preserving rural character.

Many today that will follow me will be speaking about the rural character of Rural Golden Gate Estates. But I would like to take note of three words, "limited commercial services," particularly related to storage facilities. It doesn't seem to go together.

I did a look on Google Maps, I think it was, yesterday, and on the maps, I typed in "storage facilities," and this is what I came up with. I hope my numbers are correct. In Collier County, there are eight storage facilities north of Pine Ridge, four south of Pine Ridge to Golden Gate Parkway, nine south of Golden Gate Parkway to Davis Boulevard, six south of Davis on or near Route 41, there's one on Collier Boulevard south of Route 41, and five on Marco Island, another one on the end of a residential street. Preserving rural character?

Goal 3, to preserve the area's rural character as defined by large wooded lots, the keeping of livestock, the ability to grow crops, wildlife activity, environmental stewardship, low-residential development, and limitations on commercial and conditional uses.

Note the word "preserve." Here's where a little grammar lesson will come in, if you don't mind. I am a public schoolteacher, an English teacher, and reading the area master plan, this particular one, I was struck by a verb tense. For example, Policy 3.2.3 says, rural character shall be further protected by resisting site specific master plan changes that are out of scale or character with a rural quality of Rural Golden Gate Estates.

The word "shall" is an interesting helping verb. In conjugations, first person, the "I" and "we" subjects use "shall," but when we are trying to be emphatic or forcible about something, we use the word "will." For second- and third-person usage, the "you" and the "he," "she," and "it" uses "shall" in order to emphasize something I believe I've got that correct.

Normal, I shall, you will, he, she, and it, and rural character will, for stress, emphasis. I will, you shall, he, she, and it shall.

CHAIRMAN FRYER: You have one minute, sir.

MR. DRYDEN: I'm just about done here.

Policy 3.2.3 uses "shall." 3.3.1 uses "shall." 3.3.3 uses the word "shall," the verb. There are 9,214 words in this, and I did a word search. "Preserve" appears nine times; "preservation," four; "protect," 12; "rural," 18; "nature," two; "natural," 10 times; "vegetation," 17; "green," 10; "consistent with," 13; "storage," two, for storage of machinery and storage of water; "storage facility," zero. By the way, the word "shall" is used 199 times for emphasis.

I want to thank you all for your public service, I really do. It's probably a thankless job a lot of the time, and you probably don't get thanks a lot. But thank you so much, and I hope you make a decision in keeping zoning the same as it is.

CHAIRMAN FRYER: Thank you, sir. It's 10:28. We'll stand in recess until 10:40.

(A brief recess was had from 10:28 a.m. to 10:40 a.m.)

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

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

Before we continue with public speakers, I've been informed by staff that we have fully 26 people yet to be heard from the public. And, of course, we want everyone to have an opportunity to be heard but under the circumstances, since we do have a very full agenda today, and without objection from the Planning Commission, I'm going to rule that, henceforth, speakers will have -- each speaker will have a total of three minutes, and that way we will give everyone a chance to be heard.

And I also strongly suggest that, particularly Ms. Lertch, who spoke so well and had extra time, made a lot of points. If you have something new to say that hasn't already been said by her or the other speakers, please, by all means, we want to hear that, but, otherwise, if you just want to say that you agree with the previous speaker, that -- we take that very seriously, and that will count as if you had gone over all the material again.

Having said that, who's our next speaker?

MS. PEDRON: Mr. Chairman, our next speaker is Harry Roth. He was called earlier but did not come up.

CHAIRMAN FRYER: Okay. And was your last name Ross?

MR. ROTH: Roth, R-o-t-h.

CHAIRMAN FRYER: R-o-t-h. Thank you, sir. You have three minutes.

MR. ROTH: Hello, everybody. My name is Harry Roth. My friends and neighbors all know me as Skip. I live in 4180 13th Avenue Southwest. I'm actually the third house in on the same side as this proposed building.

I moved out here a few -- well, six years ago now to have a dream of having a big piece of property and a little farm. I have a couple goats. And I've really grown to love the property. But in the last six years, the traffic has gotten bad.

My concern is the significant increase in traffic at the end of our street and on 951 that this building will add.

Additionally, you know, the renderings they showed -- facing south and facing north showed a very nice property with lots of green space and very little building to be seen. A building of this size, there's not enough lipstick you can put on it and trees to be able to hide that. Aesthetically, it's not going to be good. This neighborhood is rural. It was always meant to be rural and not commercial, and I feel like we're watching all of this beautiful property be removed and replaced with concrete.

To Pat's point about selling the property and keeping it residential, you know, there was a house on 1st Avenue on the same side of the street facing 951. That recently sold for \$1.6 million, which was a single, one-family home and two-and-a-half acres. So it is entirely possible that that property could be refurbished, and either that house rebuilt or a new house put on there and have it be profitable for the person that's doing that.

That's all I have to say. I agree with what everyone else had to say as well.

CHAIRMAN FRYER: Thank you very much, sir.

Next speaker, please.

MS. PEDRON: Our next speaker is Tom Moss and Lisa Moss. Also, we encourage our speakers to use both podiums.

CHAIRMAN FRYER: Good point. Both mics are working.

MS. MOSS: Hi. I'm Lisa Moss. Tom Moss, my husband, so go ahead.

MR. MOSS: Okay. Yeah. We bought the property and built the house --

CHAIRMAN FRYER: Are you going to do a --

MR. MOSS: A duo?

MS. MOSS: I guess. I didn't realize --

CHAIRMAN FRYER: All right. Well, we'll give you -- we'll give you five minutes for your duo. Go ahead.

MR. MOSS: Okay. Yeah, we bought the property in '98 and built a house in 2002. We first verified the zoning prior to doing both to make sure that it was going to be kept a residential area. FPL wasn't visible at the time.

Since then, two events have occurred due to growth. The FPL substation was one, and now we can see it from 13th Avenue. We have solar panels, but we need FPL more than they need us. So this is an essential need.

Then 951 was widened. It's actually harder now to get onto 951 than it was before. Both these events, though, fall into the essential need category. This storage unit does not.

The smallest lot size within a three-mile radius is an acre and a quarter, enough room for a storage shed. And then, of course, we're concerned about the family at the end of the -- across the street with the kids. And the bus stop. And, basically, you know, we don't want this project.

Thank you.

CHAIRMAN FRYER: Thank you.

MS. ROSS: I wholeheartedly agree with everything all the speakers have said, so I'll just cut it short with that.

But my big concern and all of ours is the quality of life. We've chosen to live here -- very unique for a reason. I've lived in gated communities. I think other people have in other towns. And we just love the rural character, the land, nature, birds. It has become such a crowded Collier Boulevard. It takes forever to get onto Collier, and we just don't want to see more change, more building.

So we would -- please don't rezone to commercial. We want to keep it beautiful and rural.

Thank you very much.

CHAIRMAN FRYER: Thank you. Mr. and Mrs. Moss.

Next speaker, please.

MS. PEDRON: Mr. Chairman, our next speaker is Andrew Blitch, followed by Modelyne Jean-Gillis.

CHAIRMAN FRYER: All right. And, sir, I'll ask you to spell your last name when you get to the mic.

MR. BLITCH: Yes, sir. My name is Andrew Blitch, B-l-i-t-c-h.

CHAIRMAN FRYER: Thank you.

MR. BLITCH: I looked at the official map of the Golden Gate Area Master Plan, and I read the plan in its entirety. There are currently no storage facilities within the boundaries of the Urban Estates or Rural Estates if you look at the map. This would be the only one.

There are also no large industrial buildings in the Estates either. The reason those buildings don't currently exist in the Estates is because the Golden Gate Area Master Plan prohibits buildings like them. The Golden Gate Area Master Plan does allow for commercial buildings, but those buildings have to keep with the rural look of the Estates, and the buildings cannot be out of character with the other commercial buildings.

This is exactly why storage units and industrial buildings don't currently exist in the Estates. They are out of character with the other commercial buildings, and they are definitely not rural.

By allowing this storage unit to be built, it would be the largest building within the Golden Gate Area Master Plan by far and the only storage or industrial-style building in the Estates. By comparison, Publix is about 40,000 square feet. This will be about four times the size of Publix.

This would be wildly out of character and very inconsistent with the rural look that the Golden Gate Area Master Plan calls for. This would set a new precedent in the Estates and, if allowed, would open up a Pandora's box allowing for future development of large industrial-style buildings in the Estates.

In a letter I submitted, I drew a diagram of the road with the school bus stop. Hopefully all of you saw the diagram I drew. The proposed storage unit would be located at the exact spot where

the children stand for the bus stop. The bus stop has been located there for more than 30 years. Elementary, middle, high school students all share the same bus stop. School buses stop there six to eight times per day. Children line up at the corner of 13th Avenue and Collier Boulevard and wait for buses.

As a former police officer, I responded to hundreds of serious vehicle accidents involving large trucks and semis. Most of those accidents are because the trucks were careless in making their turns. They would hit light poles, stop signs, other cars, and sometimes pedestrians.

Regardless of where the driveway ends up being located, whether it's Collier or 13th, the large moving trucks coming into the facility will be either making a wide right turn onto 13th or a U-turn on Collier Boulevard. Under both scenarios, the large moving trucks will encroach the exact spot where the children line up for the school buses. This would cause extreme safety issues for the children standing there. The trucks would come nose to nose with the children who are standing there, and the children are seeing the trucks come right at them.

The county's traffic committee noted that there currently isn't enough room for the trucks to make a U-turn on Collier, and they'd have -- and stated that if the driveway were to be on Collier, they'd have to build a bulb-out area so the trucks could make the turn; however, that doesn't make it any safer for the children. The front of the truck would still come face to face with the kids.

I brought this up last year at the neighborhood information meeting, and it was on the record; however, no one from the county staff mentioned anything about the issue with the children at the bus stop in their staff report, and the developer didn't make any meaningful changes to address the safety issue after I brought it up.

This is not an issue that can be overlooked, and the Golden Gate Area Master Plan clearly prohibits the dangerous traffic issue.

Because of the incompatibilities with the Golden Gate Area Master Plan and the safety issues with the children, I would ask that you vote no on this storage facility.

One more, if I have time. It was asked what could be built there. Well, two houses could easily be built there but, also, you could put churches, you could put preschools. Any small commercial, C-1 through C-3, which is what you currently see in the Estates, would be compatible. This is C-5 or industrial. I don't know what you call it, but it's -- there is nothing like that in the Estates currently. So anything C-3 and below would be compatible, so that's what could be put there.

CHAIRMAN FRYER: Thank you, sir.

Next speaker.

MS. JEAN-GILLIS: My name is Modelyne. I'm located right at 12815 Collier Boulevard.

CHAIRMAN FRYER: Would you spell your last name, please.

MS. JEAN-GILLIS: Jean, J-e-a-n, hyphen, G-i-l-l-i-s.

CHAIRMAN FRYER: Thank you.

MS. JEAN-GILLIS: And I'm located right at 12815 Collier Boulevard, which is right across planning storage.

So without the storage, I was a victim, victim when FPL was building. And all the trucks, they back up inside my entrance. So they have to repair, a little bit, the entrance. My mailbox went down many times. I have to fix it. So to let you know, there's no way trucks can be part of our daily living.

It's become very difficult to even hear about a storage in front of my house, because I went away from Haiti as a physician to come here to live my life in peace. I have to relearn. I have to go again to go to school to speak English, to be able to accommodate with a new language and go back to school to become a provider again.

So for my safety, please listen to us, listen to our neighbor. We want our safety.

We bought the house because the property was an in Estates zone, quiet, safe, not debold [sic]. We have children living there, and we have our elderly up to 96 years old. They're walking around. We would like them to be safe walking. We'd like them to keep their independence in

their own home. Not everyone want to go to an assisted living. We would like them to breathe better in a wonderful environment, which is 13th Avenue.

Please listen to our concern. That will be appreciated. Thank you so much.

CHAIRMAN FRYER: Thank you very much.

Next speaker, please.

MS. PEDRON: Our next speaker is Brooke Beardsley, followed by Jennifer Adriaanse.

CHAIRMAN FRYER: If you don't mind, ma'am, spelling your last name.

MS. BEARDSLEY: Okay, sure. It's -- my last name is Beardsley, B-e-a-r-d-s-l-e-y.

CHAIRMAN FRYER: Thank you.

MS. BEARDSLEY: Thank you.

I have been a resident of Golden Gate Estates. I've worked in the Estates for over 20 years, and it is our home. We are sort of on the front lines of a battlefield where growth is encroaching from the more, you know, urban service centers like Golden Gate City out, and so I feel like we're kind of on the front lines and this -- these sort of storage facilities really don't belong in the Estates. And, unfortunately, that line needs to be drawn somewhere, and that line is drawn by the Growth Management Plan for the Golden Gate Estates area.

And so I know that the applicant's argument is that we have an FPL substation that is around us. It's certainly not preferred, but there are plenty of instances around Collier County where there are residences next to substations. There are homes that are facing 951 that are selling for over a million dollars. There's vacant land that is selling on 951 with the intention of building a home for over half a million dollars. The Estates is still a beautiful area. This is not a property that has no use.

I can appreciate the applicant's presentation to the Board in trying to demonstrate that nobody else would want this property. That house was occupied until fairly recently. I can't remember when the gentleman left that. But to say that it's been unoccupied for years, well, it was a rental. And there are plenty of model home builders out in the Estates that I believe that would happy to put one of their premier homes on that property because of the frontage along a very busy highway. That would be perfect advertising for them.

If not something like that, then, yes, I think we would have to consent to perhaps something that would provide some services to the Estates, not a storage facility where we all have plenty of room to store items in the workshops or the buildings that we're allowed under the Growth Management Plan to build.

This land is very important to us. We live an estates lifestyle that is very unique, and thankfully a lot of other people agree, because our land prices are skyrocketing, but they're not going to skyrocket when the people who enter our street to look at our house for sale see a storage facility.

And I think Skip put it quite well, you can put lipstick on a -- but that's not -- that's not what we want.

There's plenty of instances where the landscaping around these developments isn't maintained. I think it's the Sun Gate Center to the south. You can see that. I don't know if you have had the opportunity to drive by there, but it's a paltry landscaped area. The trees aren't maintained. If they get blown over in the hurricane, they just stay -- they get pulled out, and they're gone.

So please understand that we have invested our lives and our livelihoods in this area, and we want to fight for it. "Fighting" is a bad word. I just want to say we really feel very passionately, and I hope you guys can respect that.

CHAIRMAN FRYER: Thank you very much, Ms. Beardsley.

Next speaker, please.

MS. LOCKHART: The next speaker is Jennifer Adriaanse.

CHAIRMAN FRYER: I'll ask you to spell your last name at the mic as well. Thank you.

MS. ADRIAANSE: It's A-d-r-i-a-a-n-s-e.

CHAIRMAN FRYER: Thank you.

MS. ADRIAANSE: Okay. I'm Jennifer Adriaanse, and I live on 11th Avenue Southwest. I'm a fifth generation born and raised specifically in Golden Gate Estates, and I've lived here for my whole life of 40 years.

The building of the warehouse on the five acres of the 13th Avenue contradicts Objective 2.1, Goal 3, of the Golden Gate Master Plan, which is to preserve the area's rural character as defined by large wooded lots, wildlife activity, environmental stewardship, and limitations on commercial and conditional uses.

We currently have an abundance of raccoons, armadillo, birds, rabbits, foxes, coyotes, box turtles, and protected gofer tortoises. All of these animals rely on the wooded acreage for their livelihood. It's been nine years since I last saw a family of black bears, five years since I saw a protected Florida panther, and three years since I saw a family of deer on our street, which is right next to 13th.

If you ride your bike in the early morning to the retention pond at Golden Gate Boulevard and Collier Boulevard, some mornings you can still see the deer drinking from that pond. Though both areas are located within the Golden Gate Master Plan, there's a noticeable difference between that location and the proposed location.

The location at Golden Gate Boulevard and Collier is surrounded by acreage of land, the large retention pond, which provides for the wildlife and deer, and zero commercial buildings.

4050 13th Avenue Southwest, where the warehouse is zoned residential, there is a commercially zoned neighborhood shopping plaza with multiple outparcels to the north, the FPL station to the south, post office, and the large hospital, which has pushed the wildlife away, and there's no longer any existing wooded habitat. These buildings have literally paved paradise and put up a parking lot, breaking Objective 2.1, Goal 3, of the Golden Gate Master Plan, preservation of wildlife activity, preserving rural character with large wooded lots by allowing these commercial areas to demolish almost every tree and leaving no room for preserve.

The only exception to any preserve with water -- water source is to the north at 13th -- to the north of 13th and located on my street, on 11th, and it's a small southwest corner of the Publix shopping plaza. It has a seating area, and frequently there's an eagle that drinks from there. The major downsides to this preserve area in a commercial setting is evident by the horrendous amount of litter which people throw out their cars as they turn into Publix, the lack of properly landscaping maintenance, which is done by the neighbors on our street to keep it looking nice, and multiple sightings of homeless using the area to sleep, which affects the safety the community and the children at the bus.

I can guarantee that 13th Avenue will see an uptick in all of these issues as well if the warehouse is built.

Per Commissioner LoCastro's report that was emailed out in May regarding District 1, he said that the Board are continuing to approve steps to ensure the progress, finality, and analysis which will ensure, going forward, they have established stronger criteria and design for construction much like the Golden Gate Master Plan for District 3 to protect against haphazard construction, unneeded, unwanted commercial buildings, and give the citizens more say.

And there was also a petition in 2019 backed by Castro [sic] because there were already 20 storage units in his district. He said that everybody wants to live a beautiful community, and industrial things are important, but soon it becomes five in a row. And that's what's happening in our area. We have Publix, we have a little row of about seven houses, then we have the proposal site, then we have the FPL, the hospital. So if you take away that home, you've got the five in a row. You've got Publix. You've got the storage. You've got the FPL. You've got the hospital.

CHAIRMAN FRYER: Ma'am, you're beyond time. Thank you very much.

MS. ADRIAANSE: Oh, sorry. Okay.

CHAIRMAN FRYER: Next speaker, please.

MS. PEDRON: Our next speaker is Patty Raco-Treamer, followed by Ken Watts.

CHAIRMAN FRYER: And spell your name, please.

MS. RACO-TREAMER: Sure. Good morning. The last name is Raco, R-a-c-o, hyphen Treamer, T-r-e-a-m-e-r.

I'm just -- I just want to reiterate, everybody had said something already I agree with. I am, though, the first house next to that FPL substation. I went through everything with FPL, and they still have not really held up on their end of the bargain with the landscaping. They have not kept up with it. After the hurricane, there were several trees down. They were not addressed till about last month. The hurricane was six months ago, almost seven now.

So there's things along the way that they did not address, but we did work something out for them to be able to build. They could not do anything until I was able to sign off and give my okay. They needed my signature for some reason because they were going to have to encroach on some of my land and some of my property.

I don't want to see this happen. I don't want the extra unit of something that just is an eyesore on the end of our street.

They do have some landscaping around. I don't see as much of the FPL, and I don't hear anything from it. Then, again, I don't hear very well, so there's that.

But I just wanted to say, I just -- I am opposed to this on the corner of our street. It is difficult sometimes getting in and out of there, as it is with the traffic on Collier Boulevard. So to add something else that's going to add even a little -- if it's just a little bit more traffic each day, it just eats up the time that we have to get to where we need to do [sic] for our jobs.

Thank you.

CHAIRMAN FRYER: Thank you very much.

Next speaker, please.

MS. PEDRON: Our next speaker is Ken Watts, followed by Ralph Roosevelt.

MR. WATTS: Hi. My name's Ken Watts. Thirty-three years ago I came down here for a vacation. Went back up north, gave my notice, and moved down here.

When I first came down here, I visited with some friends that lived out here in the Estates, and I was like, you know, one day I'm going to live out there. It is really, really nice. It's like where I grew up. Well, 2015, I finally made that a reality, and live on 13th.

I work for a national retailer, and I've dealt with landlords, commercial developers, and the major thing that I've learned is they're magicians. They stretch the truth. They make things look nicer than they appear. They make false promises, like FPL did with us when they built that place, and like other things.

They dressed their presentation up. None of the pictures showed where they were looking at the southwest view, that if you just turned this much, you would see a house right across the street. They claim that the closest house to this project is over 600 feet away. We heard from Jean; her house is actually about 75 feet away from this project. They neglected to tell you that next to her house, 75 feet away, is another house. So there are residents right there on the corner that are affected by this. That's just what they do.

And then the architect made that nice picture with all the trees and the little spots where you can see the building. We all have seen buildings built around here. When does that happen? You're going to see the building. You can't hide it, right?

Why do we need this? It is not fit for us. It doesn't work.

My son is 12 years old. I take him to the bus stop every day. I don't let him out of my vehicle in fear that he's going to be killed by one of these trucks or a truck that loses control.

We say, what else can we put on the property? Yes, we talked about other homes that are selling for millions of dollars that are on there. We ask -- you said, who would pay this? I've been in retail for a long time. First thing that I've learned and that I teach my employees, don't spend other people's money out of your own pocket. We do not know what other people see in value. We don't know that somebody can't -- won't come in there and pay the money and put up a residential home.

They're building one that's literally 75 feet off of 951 down near Golden Gate

Boulevard -- they're asking millions of dollars for it -- and it's under construction. So we can't say no one is going to buy that land to put a residential home. It's fit for two.

Thank you for your time.

CHAIRMAN FRYER: Thank you, sir.

Next speaker.

MS. PEDRON: Our next speaker is Ralph Roosevelt, followed by Kathleen Sharpe.

(No response.)

UNIDENTIFIED SPEAKER: Ralph left.

CHAIRMAN FRYER: Okay. Next speaker.

MS. PEDRON: Next speaker is Kathleen Sharpe.

MS. SHARPE: I'm for Issue 5.

MS. PEDRON: I apologize about that. Okay. Our next speaker is Vladan Stojanovic.

CHAIRMAN FRYER: Okay. And, sir, if you don't mind spelling your last name for me, please.

MR. STOJANOVIC: Good morning. My last name is Stojanovic, S-t-o-j-a-n-o-v-i-c.

CHAIRMAN FRYER: Thank you.

MR. STOJANOVIC: I live in 4435 13th Avenue Southwest.

I just want to add, first of all, I've been working in the transportation industry since 2008. I just want to add, it is extremely difficult and dangerous to turn big trucks from Collier Boulevard. The traffic is heavy, and the traffic is moving very fast.

We heard that our kids are waiting for school bus there, so that will be even more difficult for truck drivers to do that.

We know that -- who's using storages? Moving companies. Yeah, they do have professional drivers, but you will have regular drivers who are unfamiliar with rental trucks turning there. I just want to point -- that is -- I'm concerned that safety of the kids there and the residents.

Thank you.

CHAIRMAN FRYER: Thank you very much. Next speaker.

MS. PEDRON: Our next speaker is Shirley Lytwyn, followed by Peter Lytwyn.

MS. LYTWYN: I wasn't sworn in yet. Do I need to be?

CHAIRMAN FRYER: Thank you, yeah. Thank you for letting us know, and the court reporter will take care of that. In fact, anyone else who has registered and plans to speak but has not been sworn in -- let's get this all done at once -- please raise your right hand. The court reporter will swear you in.

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

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

CHAIRMAN FRYER: Thank you.

MS. LYTWYN: Okay. I agree with what everyone said before me, but there are some things that were not mentioned, so that's what I'm going to do.

CHAIRMAN FRYER: Thank you.

MS. LYTWYN: One time I -- I'm a realtor. One time I had a listing. It was close to a bingo hall. An appraisal was ordered. It came back reduced in value because of the bingo hall. I believe it's called external obsolescence. So this would reduce the value, I believe.

There is a lack of housing and land close in. There is only one house on our street on 13th Avenue Southwest active.

Land off of Collier Boulevard and Pine Ridge Road have sold to build houses.

CRE Commercial Broker, they were the listing agent for this property. I called up there, and they told me the price, 750,000. And if you wanted to make it commercial, you would have to come up with the money to do so.

Here's another thing that really upsets me. The ownership of the land, they only listed names. They didn't list who they were, like realtors. But here's one. Peluso, moving and storage.

They work with United Van Lines, a large mover in the country. Word from the realtors, Pelosi Movers needs more storage. That leads me to believe that's why they want this huge building here, and that was not disclosed. That really upsets me.

And that's it. Thank you.

CHAIRMAN FRYER: Thank you very much.

Mr. Lytwyn?

MR. LYTWYN: Good morning, gentlemen.

CHAIRMAN FRYER: Good morning, sir.

MR. LYTWYN: No spelling of name?

CHAIRMAN FRYER: I got it.

MR. LYTWYN: Thank you.

All I want to tell you, 24 years ago I moved down here and raised a family and finally found the piece of paradise that we're going to retire and live the rest of our days. Well, we retired, and we're living our days, but it's being evaporated as we speak right now.

The Estates is a unique piece of property that can't be duplicated. You can't go up to Orlando and have Walt Disney build you an Estates. It's here.

Please, don't do anything that will lose it. Everything -- what everyone else said, I agree with wholeheartedly. If there's any questions, by all means ask, and we'll be glad to answer them for you.

CHAIRMAN FRYER: Thank you so much, sir.

Next speaker.

MS. PEDRON: Our next speaker is Mary Tatigian, followed by Cheryl Ollila.

CHAIRMAN FRYER: Ma'am, when you reach the mic, I'll ask you to spell your last name.

MS. TATIGIAN: Sure. My last name is Tatigian, T-a-t-i-g-i-a-n.

CHAIRMAN FRYER: Thank you.

MS. TATIGIAN: My name is -- good morning and thank you. My name is Mary Tatigian. I live at 4360 7th Avenue Southwest. I'm also the president of Quiet Florida, a non-profit community organization fighting the noise which has developed due to growth.

One of my points is the Golden Gate Master Plan. That was put in place for a reason, and I'd like us all to follow that to preserve our quality of life. There was no rezoning put in the Golden Gate Master Plan, so I don't know why we're continuing to rezone the Estates away.

This is our home. We pay taxes. I've lived here almost 40 years and pay taxes. Where are the rights of the residents? Where are our rights? We just sit idly by while concrete comes up all around us. That's not what we asked for. That's not what we bought into. We bought into the Rural Estates. This is our home. This is our life.

There are bus stops all along 951. 951 is now like a racetrack. You can hear modified mufflers and dump trucks constantly. I live a mile off the road, and I can hear it constantly. It's a nightmare. It's a complete racetrack.

The speed limit's 45. They go 65. There's children at those stops all the time. It's awful, and it's really a nightmare. Our land, our life, our quality of life is being destroyed right in front of us. This is not what we bought into.

None of us are going to be using that storage unit. It's going to bring in people from elsewhere to use it, people that don't live in the Rural Estates and know how we live.

How many storage units does a person need? How many does our community need? That's already been discussed.

The traffic that this will bring in is dangerous and noisy. Our peace and quiet, again, is being destroyed.

There is an organization -- the solution I have, there's an organization called Conservation Collier in Florida that buys lots of land. We could contact them and speak to them about buying that and leaving it as a preserve. Why can't we leave it green? Why can't we? For quality of life,

air, and noise pollution, would all benefit from being left green.

So Conservation Collier, I plan on trying to contact them -- I've contacted them about purchasing other lots of land in Naples -- and to leave it a preserve, leave it a park. There's no reason we have to put concrete up on every blade of grass in Naples, Florida. We live here for a reason, and we want it to stay green.

Thank you.

CHAIRMAN FRYER: Thank you very much.

Next speaker?

MS. PEDRON: Our next speaker is Roodelyne Petit-Homme, followed by Michael Adriaanse. He will be an online speaker.

CHAIRMAN FRYER: The upcoming speaker is online?

MS. PEDRON: Our first speaker is Roodelyne Petit-Homme, and then --

CHAIRMAN FRYER: Oh, thank you.

MS. PEDRON: -- Michael will follow.

CHAIRMAN FRYER: Thank you.

And, ma'am, be so kind as to spell your last name for us.

MS. PETIT-HOMME: Good morning. My name is Roodelyne Petit-Homme, and it's spelled P-e-t-i-t, hyphen, H-o-m-m-e.

CHAIRMAN FRYER: Thank you.

MS. PETIT-HOMME: It means little man.

Basically, before I say anything, I want to thank you all for what you do. And I know it's a heavy burden for you to make a decision on this matter, and I do -- I do hope that you take everything into consideration.

So that being said, I am a homeowner on 13th Street, and I live on 4391. I am one of those parents who have three children attending the public school system, which I take them every morning to the bus stop which is strategically located on 13th and Collier.

Now, my concern is that the way the bus stop is and then the children, the traffic, we've already all mentioned that, how it's going to be so heavy. It's already heavy as it is, but it will be heavier.

My other concern is the fact that it is a public -- you want to put a public storage facility, which is already big and has many units. Now, we will also open a huge Pandora box with the increase in crime. We have not really talked about that. But there is a possibility of increasing crime just by having a commercial building such as a storage place where it is, because we cannot limit -- we cannot say it's only for Collier County residents, or we cannot limit and say only such and such people can rent it.

We are basically welcoming any type of people to walk in and rent a storage. We don't know them. We don't trust them. We have children. We have elderlies. We have other things that are more important we can build in that area.

Other thing is, we have no control over daily trips. We mentioned the possibility of 26 trips. We don't know that. We also -- there are many articles I read about illegal immigrants living in those storage. They have found ways to live inside the storage building. We have -- we will not have any control on that. So that's a -- the safety issue is huge for me.

Other thing is, we did not mention anything -- I haven't heard anything mentioned about the monthly auctions that storage facilities held when tenants do not pay their storage. So we welcome a huge public to come and auction away things. That also increases traffic and also increase, you know, any shady characters to come in and do as they please.

Other thing is, storage facilities, yes, they carry that name, but a lot of the time it's more than that. People conduct businesses in storage facilities. There are storage facilities right there on Airport-Pulling where they turned them into stores. Janitors, they rent the space, and every single day, multiple times a day, they have to go get their equipment. So it's not just the traffic. Lawn mowers, you know, people like that, they use it as business facilities.

Also landlord for this facility, they do have limited liabilities when things happen, because they're just landlords. The law does not enforce self-storage laws. We don't have a lot of laws when it comes to self-storage. The people, the tenants, and what may or may not happen.

Regarding the bus stop, one thing I -- last thing I want to mention is the fact that right there between 11th, right before we get to my bus stop for my children, sometimes the parents have to stand in the -- on the street to prevent oncoming traffic while the bus and unbedding [sic] the children to go on, because we -- traffic has become heavier, and then we have residents who do not respect the law, so they keep crossing over.

So imagine all that with people -- with trucks and all of that. So that's a big -- that's a huge concern for myself. That being said, I appreciate everything. Please do take it into consideration. I am completely against it. I am a homeowner and live on 13th. I'm a mother.

Oh, what can we built? Now --

CHAIRMAN FRYER: You're really over time. Take 15 seconds and tell us what can be built.

MS. PETIT-HOMME: We can do -- we can build a church. We can build a daycare system. We can have a little park for our kids. I mean, things like that. I'm not opposed to that, but the storage, definitely opposed to it.

Thank you.

CHAIRMAN FRYER: Thank you so much.

Are we going online now?

MS. PEDRON: Yes. Our next online speaker is Michael Adriaanse.

CHAIRMAN FRYER: Sir, are you on there?

MR. ADRIAANSE: Good morning. I am, indeed. Hope you can hear me.

CHAIRMAN FRYER: Yes, we can. You have three minutes.

MR. ADRIAANSE: My name is Michael Adriaanse, for the record. Last name spelled A-d-r-i-a-a-n-s-e.

A lot of people have mentioned that we are, obviously, deviating from the Golden Gate Area Master Plan, and I want to reiterate that. That is, indeed, what's being presented to you here. It's a great deviation.

So we've started a petition online. We have 412 signatures. The Internet's been literally set on fire with people opposing yet another storage facility.

Of course, the builder will tell you that, you know, there's a huge demand, but you'll be hard pressed to find a single person who even wants a storage facility. Storage facilities have literally become the joke of any expanding city. They're everywhere, and nobody knows anyone that uses them. We worry about the decrease in property value and increase in crime that storage facilities naturally bring.

This particular area has been aesthetically neglected for years. No landscaping. No regard for the amount of power posts. Huge commercial buildings that already exist, and the list goes on.

A storage facility on what is today a quiet residential lot is another big middle finger to the Golden Gate Area Master Plan.

So, also, the question with was posed, you know, why does it have to be so huge in size? Square footage was mentioned. Because more money can be made, right? More money can be made per square foot on what was once natural habitat or what is today natural habitat for animals. It doesn't have to be this enormous, and we don't want it, period. Thank you.

CHAIRMAN FRYER: Thank you very much.

Next speaker, please.

MS. PEDRON: Our next online speaker is Lauren Odor.

CHAIRMAN FRYER: Thank you, ma'am.

MS. ODOR: Hi.

CHAIRMAN FRYER: Can you spell your name for us?

MS. ODOR: Can you hear me?

CHAIRMAN FRYER: Yeah. Spell your name.

MS. ODOR: Okay. Last name O-d-o-r. I also have not been sworn in yet.

CHAIRMAN FRYER: Okay. We don't swear in people who are online, so you're excused. But thank you for pointing that out. Please go ahead.

MS. ODOR: All right. My name is Lauren Odor. I am a licensed mental health counselor in the State of Florida and a resident of 13th Avenue Southwest.

Over the course of my career, I've had the pleasure to work with clients from various socioeconomic backgrounds and, though illegal, I've had several clients live out of their storage units for periods of time. I know that this committee would like to think that it is not common, and certainly the developers of this property would like to say that it is not common, but I have personally known people to live in their storage units.

I do not want this sort of structure and potential safety risk at the only exit and entrance of our road where my three young children use the bus stop every day.

I would like to encourage this committee to think above politics, think above money, and think about the actual residents of this community who use the only entrance and exit every single day and, unequivocally, do not want this structure at the end of our road. Thank you.

CHAIRMAN FRYER: Thank you.

MS. PEDRON: Our next online speaker is Mary LaGarde.

CHAIRMAN FRYER: Ms. LaGarde, are you there?

MS. LaGARDE: Hi. Yes, I'm here.

CHAIRMAN FRYER: Please proceed.

MS. LANTZ: Mary LaGarde. I live on 7th Avenue Southwest. My last name is L-a-G-a-r-d-e.

And, once again, I think that this is getting out of control with allowing one development and another development and all these different things happening along Collier Boulevard. Even where I pull out it's a nightmare. I have to wait forever just to make a right-hand turn right out of 7th Avenue Southwest.

But I can only imagine how terrible it must be to have the children being at risk at the bus stop. But even more so than that, there are other risks and issues aside from people living in storage units. Such things as people wanting to take out power facilities. That's kind of a new trend that's happening. Recently it happened in North Carolina, and it took people down for several weeks.

I think that's a huge concern, because if there's a big concrete structure there, it backs up an abutment where you can secretly go in there and do some criminal activity that would basically be very detrimental to all of Naples, basically, because it's a very important area where the power is coming in.

So I strongly oppose this sort of development, and I'm for a nice little park or for another way to keep the area green and reduce traffic and the need for crazy cutouts that don't make sense on the road. I don't care what you say you're going to pay for. When it all comes down to it, it would just look like a concrete structure. And I'm sorry that it has to come to this, but we really do oppose -- our whole Golden Gate area is against this needless, senseless, greedy agenda to come forward to take over and make 200 bucks per unit, whatever, that you gather from your CubeSmart project.

Thank you.

CHAIRMAN FRYER: Thank you. Next speaker.

MS. PEDRON: Mr. Chairman, that concludes our online registered speakers.

CHAIRMAN FRYER: Okay. Thank you.

One question that has come up and been mentioned -- I'm going to ask either Mr. Bosi or the County Attorney to comment on this -- and it's something that we do not have jurisdiction over. If someone is spending the night in a storage facility, there are remedies, Code Enforcement, but that's not a Planning Commission issue. Could someone say a little more about what residents can do?

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

And you're correct, Chairman, residential use overnight or at any period of time would be something that would be most certainly an actual item for Code Enforcement to look into. Any residents that would feel that that was happening at any facility -- any storage facility throughout the county would call -- could call Code Enforcement and request an investigation to ensure that -- you know, that there are no residential units -- or no units are being utilized for residential purposes.

CHAIRMAN FRYER: Thank you.

Another question I have, as long as I have the mic here, the essential services providers such as FPL, when they decide that they want to put a facility in, what rights or authorities do we and the Board of County Commissioners have with respect to the siting of those facilities?

MR. BOSI: And that's governed by state statutes. The facility that is to the -- immediately to the west, I believe, was done utilizing the regulatory -- utility regulatory exemption. The site to the south was done through a PUD, was done through the county permitting process. So it varies -- it varies based on what's going onto the site and some of the specifics related to -- pointing back to the statutes.

It's like -- a good example would be as a property owner, you don't have a right to tell the utility company that you don't want a telephone pole in your front yard. Some of the facilities, though, that are going -- that FPL proposes, like substations, can be required to go through the conditional-use process.

We, as the local government that would be requesting that, would just have to make sure that, from a statutory perspective, that there's no exemptions that they could claim, and that's how normally those discussions would go forward.

CHAIRMAN FRYER: Thank you. Thank you very much.

No one is signaling at this point. So with that, we will go to rebuttal. Mr. Davies or Mr. Vanasse?

MR. VANASSE: For the record, Patrick Vanasse.

I will pull our PowerPoint back up, if I can.

I'd just like to address a few comments that came up. The intent is not to address every single issue. But one of the comments was that we mischaracterized or maybe wrongfully indicated the spacing to adjacent properties. I want to tell you that I personally measured those using Google Earth. Those are accurate. And if I missed something, I'd like someone to show me, but I really don't think I made a mistake. Staff has looked at that, and staff concurs. So when it comes to separation, I think our exhibit that you saw is accurate.

Also with regards to mischaracterizing, I want to make sure that everybody understands that we are asking for self-storage. We are not a warehouse. And if we're talking about huge warehouses in this county, I think everybody's heard that there's a Uline warehouse with almost a million square feet. So I'd like to just clarify that issue.

We certainly understand that residents have concerns about commercial intrusion in the Estates. We understand that. I'd also like to point out, though, that the Golden Gate Area Master Plan looks at Urban Golden Gate and Rural Golden Gate. In the Urban Golden Gate, there are provisions for commercial.

Again, not all commercial is created equally. I'd just like to point out that a convenience store, which I think the master plan would envision in some of the Estates, is a more impactful commercial use than this. It generates more activity, more trips, more noise. And also, again, like I mentioned, a storage facility does have size, and it has to be in the right location and has to have the proper separation, buffering, shielding.

As we mentioned, but for the unique circumstances on this property, we wouldn't be here before you. But for the two very, very large substations surrounding us, we wouldn't be here. But for a highway like some of these people have mentioned on the other side of the property, we would not be here.

We've tried to address concerns from the neighbors with regards to safety and with regards to the bus stop. And let me touch upon this, if I may. So what we have here as a slide is the area

in question where the parents drop off and pick up their kids and where there is a bus stop at the corner. We heard what they said. Our request and our preference is still to put the access point on 951. We understand staff's concerns. We understand the policy with regards to access onto 951.

In light of that, what we have also submitted to the county, as part of our application packet, is an alternative master plan. And if you look at this master plan, the initial one that we provided had access directly at the corner. We've pushed the access far away from that intersection and from the corner. We provide stabilized subgrade onto the private property, and a bus stop, and we've created a rendering showing what this could look like, and I will get to it in just a second here. So -- sorry about that.

Okay. Okay. So this is a little larger here. As you can see -- and I'll get my cursor to work here for me -- this is the corner. We have a covered bus stop that the applicant is willing to build at his expense with gravel parking for parents on his property; also willing to build that at his expense.

This is conceptual in nature. Obviously, we'd have to work with staff to make sure that this meets county requirements and the county's desires with regards to a bus stop and potential parking. But the applicant is very willing to do this and maybe find a compromise associated with the bus stop and parent pickup and drop-off.

So with that said, I'll let Mr. Davies address other issues.

CHAIRMAN FRYER: Thank you.

MR. DAVIES: Thank you, Mr. Chairman, Commissioners.

A couple final --

CHAIRMAN FRYER: Oh, before you do that, I'm sorry, I neglected to see I've got three people who want to -- who want to ask. So start with Vice Chairman Schmitt.

COMMISSIONER SCHMITT: I have two questions, and I'm not sure -- it's either Noel or Patrick. But describe to me the contracts. Who -- because you heard a statement made, there's a large moving firm that, quote -- the perception was that they intend to use this for long-term storage for moving companies.

My understanding with -- these storage facilities are predominantly used by homeowners. You know, we don't have basements in our houses here in this part of Florida and, of course, there's a lot of residents that store things over the summer as they go back to their northern facilities somewhere.

But talk to me about the contracts. How does that work, and are there any provisions to prevent a large company coming in and reserving half the building for storing -- for long-term storage of -- a furniture company putting furniture in storage?

MR. DAVIES: Happy to address that. Thank you, Commissioner Schmitt.

So I believe there was a reference to one of the natural persons that has an interest in the current fee simple owner, the property having some relationship with a moving company. That is not my client. That's not the developer. That is the current owner of the property. It's 4050 13th Ave, LLC, is the owner of the property where this owner of that company was mentioned. There's no relationship with that entity other than a contractual one to purchase the property and pursue this development.

You know, I would defer to staff about restrictions to make sure this is not a moving warehouse or something. That's not the intent. The intent is to have it to be a traditional self-storage facility, to your point, Commissioner, that is used by homeowners. This is not to be used by -- for conducting business.

COMMISSIONER SCHMITT: Yeah.

MR. DAVIES: To the extent that, you know, additional restrictions need to be placed on the approval that, you know, confirms that, I think that's agreeable on our end, but I do think that's covered based on the proposed PUD and GMPA language that limits the square footage use, trip cap, et cetera.

CHAIRMAN FRYER: Would you entertain a restriction that you would do business

exclusively with consumers as opposed to subcontracting?

MR. DAVIES: When you say "subcontracting," what do you mean, Mr. Chairman?

CHAIRMAN FRYER: Subcontracting to United Van Lines.

COMMISSIONER SCHMITT: I'll give you an example. My military service, I have a -- or somebody works for Department of State or whomever, and they'd have a three-year overseas assignment, and typically the government pays for storage. And normally you go through United or whomever that they hire, and it's done in a large warehouse. I don't want to see United, or you name the other type of firms, that come in and purchase 30 units because they need facilities for long-term storage.

First of all, I don't think it's -- it would be suitable because if things are going to be put in storage for two or three years, there's very strict criteria that the government uses for storage facilities. I don't think this would even meet the requirement.

MR. DAVIES: And I just confirmed with my client there's no issue with that.

CHAIRMAN FRYER: Okay. You'd do business exclusively with consumers?

MR. DAVIES: (Nods head.)

COMMISSIONER SCHMITT: A second question I have is the management of the facility. Yes, I do understand. We've had comments about people living in and businesses being run out of the storage facilities. This is -- there's no intent for this to be business condos.

MR. DAVIES: No.

COMMISSIONER SCHMITT: And the management of the facility has to preclude that. We can write that into any type of restriction as well.

But I'm concerned about the comments that are made about living facilities. Who's on site to manage the facility? Is there a 24/7 operation, or is there some kind of caretaker who manages this facility to ensure that we don't have -- whether it's vagrants or other people residing in these storage units?

MR. DAVIES: Thank you, Commissioner. It's not a 24/7 facility.

COMMISSIONER SCHMITT: Okay.

MR. DAVIES: It's fully gated, and there is keycard access, and there's also on-site security.

COMMISSIONER SCHMITT: Okay. Explain to me on-site security, then. What does that mean; 24/7 on-site security or 9:00 to 5:00, or what's the intent?

MR. DAVIES: My client's told from me 9:30 to 6:00 there are managers on site.

COMMISSIONER SCHMITT: So somebody's there at least --

MR. DAVIES: A person, right, to ensure the security of the facility.

COMMISSIONER SCHMITT: Right.

MR. DAVIES: It's not, you know, remote managed or something like that.

COMMISSIONER SCHMITT: But in that case, somehow there's someone that would -- at some time during the day, they -- unless somebody's, you know, packing up at 5:00 in the morning and coming back in at midnight -- but there are measures to ensure that, number one, there's not businesses being run out of this and, two, that it's not being used as a residential facility?

MR. DAVIES: Absolutely.

COMMISSIONER SCHMITT: Okay.

COMMISSIONER SHEA: But somebody can come in when there's nobody there. They have 24-hour access, right?

MR. DAVIES: There's no --

(Simultaneous crosstalk.)

COMMISSIONER SHEA: So they can come in when it's attended?

MR. DAVIES: Commissioner, there's no 24-hour access, and access is limited to 10:00 p.m.

COMMISSIONER SHEA: Okay. Thank you.

CHAIRMAN FRYER: Would you -- would you, then, agree to another condition to use reasonable business efforts to prevent the operation of businesses or residential activity at the

facility?

COMMISSIONER SCHMITT: Commissioner, I think the zoning already prohibits that.

CHAIRMAN FRYER: Yeah.

COMMISSIONER SCHMITT: That's clearly -- that's clearly prohibited by the UIC code. It's inherent in the code, so it's just superfluous, but we can certainly put it in.

CHAIRMAN FRYER: I'm just doing belt and suspenders.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Is that okay?

COMMISSIONER SCHMITT: Yeah. Belt and suspenders, like that.

MR. DAVIES: Belt-and-suspenders approach. There's no objection.

CHAIRMAN FRYER: Okay. Thank you. Thank you.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. I'd just like to say that, you know, I think that we're kind of getting into an area that I don't feel comfortable with. You know, if -- we're either going to approve the use or not, and getting into micromanaging the business practices of someone who is, you know, an approved use, I just feel like we're deviating from what -- you know, what we should be about.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Thank you.

Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you. Three quick points. Last one will be to staff, but for these two, in your illustrations, you, at least in the one actually that's being displayed now, have your brand name, CubeSmart, being visible from the residential street.

Would you consider not having any brand named -- should this project go through, would you consider not having any brand names visible on a residential street?

MR. DAVIES: No, I don't believe that that's possible. CubeSmart is the intended operator.

COMMISSIONER SPARRAZZA: Correct.

MR. DAVIES: Right. We're the developer of the facility -- or my client is the developer of the facility. My client's not CubeSmart.

You know, the signs will be fully compliant with the county's sign regulations, which are -- you know, which are -- which govern the SDP process after zoning. But, no, we would not be agreeable to that as a condition of the zoning.

COMMISSIONER SPARRAZZA: Okay.

MS. ASHTON-CICKO: If this is a franchised company, then there are Florida Statutes that prevent us from regulating their brand. So not allowing the signage would fall within that category.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SPARRAZZA: Thanks for the education. Appreciate that.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: He had two more.

COMMISSIONER SPARRAZZA: Two more quick --

CHAIRMAN FRYER: Oh, sorry. Go right ahead.

COMMISSIONER SPARRAZZA: Thank you, sir.

There's a grave concern regarding the safety of the community's children at this corner, and I don't think anyone would ever consider anything that would possibly harm our young residents.

Is there a way to consider modifying your hours of operations at least for the morning bus stop hour program? I don't know if that's from 7:00 till the last bus picks up at 8:15 or something like that. But if this is to go through, it sounds as if there needs to be a give-and-take between changing this from a zoned E Estates to a C-5 that would have to literally be give-and-take from the community and the developer.

MR. DAVIES: So a couple comments. Thank you, Commissioner.

With respect to a give-and-take, I think we've been -- the client's been significantly accommodating, especially with respect to the access and safety. It's been very important to my client throughout the entire process. It's the impetus for the submittal -- or the re-submittal for access on 951 only. And as you see in front of you, an additional accommodation has been made to the extent that the discretion of this board is to go with staff with access on 13th. My client is committing to provide parking at his expense on his property and to accommodate the bus stop.

I'm being told by my client that the opening hours where it's manned by staff is 9:30 a.m., but beyond that, I think it's a -- it's very logistically challenging to try to put stoppages on the hours of operation of the business. We certainly want to accommodate the safety issues. And I'd agree with you, but I don't see how that's going to work, frankly.

COMMISSIONER SPARRAZZA: Okay. Thank you. But I thought I heard that hours of operation were specifically set, I believe, 6:00 a.m. to 10:00 p.m. At 10:01 or 22:01 hours, your keycard would not work; is that correct?

MR. DAVIES: Yes, that's correct. My understanding --

COMMISSIONER SPARRAZZA: Okay. So you could make your keycard not work until 08:15 on school days. You could do that.

MR. DAVIES: In theory, I don't disagree with you, but, no, that's --

COMMISSIONER SPARRAZZA: That's all I want to know.

And my third question -- which I'm thinking all of us here actually need to hear from staff. And, gentlemen, I certainly don't mean to put you on the spot, but what is the final outcome decision or discussion regarding access to this property? Is it going to be pushed through only if the access is on 13th Avenue?

CHAIRMAN FRYER: We're going to -- we're going to make a motion, and we're going to determine what we recommend.

COMMISSIONER SPARRAZZA: We --

CHAIRMAN FRYER: When it comes to the motion, we'll see what passes.

COMMISSIONER SPARRAZZA: All right. Then I apologize. For clarification, can you please tell me, staff -- it has been a little confusing -- what is your recommendation?

MR. BOSI: Staff's recommendation is access is off of 13th Avenue. If the Planning Commission and the Board recommend access off of 951, there's conditions that are contained within the recommendation that would be addressing -- that are addressed within the staff report.

COMMISSIONER SPARRAZZA: That have to be followed in order for that to take place, including --

COMMISSIONER SCHMITT: Just to clarify, Commissioner, the -- there is an access restriction that the Board would have to lift.

MR. BOSI: Yes.

COMMISSIONER SCHMITT: That's a board-directed restriction, which was briefed.

COMMISSIONER SPARRAZZA: The CBB [sic] has to list it?

COMMISSIONER SCHMITT: That the Board of County Commissioners have to agree to -- if we make a directive, then the Board -- it would be part of the zoning petition going before the Board. Then they would, then, have to agree also to remove the restriction that they have placed on for -- the restrictions of Collier -- off of Collier Boulevard.

COMMISSIONER SPARRAZZA: Thank you. I appreciate it. Thanks for your time.

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHUMACHER: My question is actually of Ms. Lockhart. Is there any concern within the school district on this?

MS. LOCKHART: We have evaluated it and discussed it with our transportation staff and also county staff. There are -- we have no jurisdiction in order to tell them to make this improvement or that. We could. But unless it's a hazardous walking condition and we work with county to come up with a situation -- a resolution, then we have no -- we have no, you know,

concern about a particular bus stop. There are bus stops around the county that are in the same situation where they have existing commercial or even industrial zoning where school buses are picking up children.

Where I have an issue is -- or a concern is that the bus stop will be pulling in, there are going to be -- there's a sidewalk there at the same place where they'll be turning in. In other places that I've seen, particularly the one on 11th, the bus stop is on the south side. There's a residential. They're not turning into where the bus stop is. They're turning right into the Publix, and Publix also has three entrances. They're on a corner of two major arterials.

They do have -- they do have a lot of trip -- a lot more trips than a storage facility would have, grant you, but they do have it, and that bus stop is located where there is a residential and not where there would be multiple turning movements. That's where I have a concern and would have questions of transportation staff, so...

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: I may have missed this, does your client own the land, or does he have a contingent offer upon getting --

CHAIRMAN FRYER: Contract purchaser.

MR. DAVIES: He's the contract purchaser of the land.

COMMISSIONER SHEA: He is. So all those "but fors," I guess I look at that and say, but you knew FPL was there when you bought it, or you planned on buying it. So I don't -- that list a "but fors" that you had, the big "but" is you knew that was there when you were buying it. So the "but fors" is kind of a -- it seems like if we make the change, it benefits you, but it doesn't benefit anybody else.

CHAIRMAN FRYER: If we don't make the change, they can walk from the contract.

COMMISSIONER SHEA: Sure. That's okay.

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. So as to the exception that the Board of County Commissioners would need to make, that would be a one-off exception, not a total change for everybody --

CHAIRMAN FRYER: It would be up to the Board.

COMMISSIONER KLUCIK: -- is that correct?

CHAIRMAN FRYER: Up to the Board.

(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: Right. So, essentially, there's no difference. You know, to the County Commissioner, there's really no difference. They're either going to approve it or not approve it, and in order to approve it, that means approving whatever exception is necessary. So I guess I'm just trying to think that through. That's really -- if the Board of County Commissioners wants to approve it on Collier Boulevard instead of on the 13th, that's their prerogative regardless of what we do.

CHAIRMAN FRYER: Well, yes. The Board has plenary authority either to change the policy wholesale, which would cause it, then, to be changed for everyone, or to make an exception to the policy for this applicant.

COMMISSIONER SCHMITT: Right.

COMMISSIONER KLUCIK: Right. And then as to the use of the land, I'm just trying to figure out, you know, the -- we've heard a lot about, you know, what -- you know, what should be done or what could be done with the land. You know, you have a piece of land, and it has trees on it now, but like everything else, you know, the trees, you know, will be cut at some point for something.

I'm just trying to figure out what other use there is. This is about as mild as a use as you could come up with, I think, you know, as far as a commercial enterprise, as far as, you know, very

limited traffic. You know, we're hearing a lot about concerns with traffic, but, you know, just -- it seems like it's, you know, imagining the worse possible situation, and I don't think that's the track record of storage facilities.

We happen to have a CubeSmart, you know, about a mile from my own home, and it's very inobtrusive. As a matter of fact, it's across the lake, a very small little pond, from a place that my daughter, you know, has been living, and there was, you know, no -- you didn't even know it was there, you know. It -- literally, it was 50 yards away, maybe, right across the lake with a direct view. And the signage was also very inobtrusive.

So I'm just trying to figure out, you know, of the uses -- you know, right now, what else could it be used for, and what other exceptions would be reasonable? I don't think anybody is going to want live there, but, you know, it's certainly our prerogative as well to make a recommendation based on our assumption or our reasonable thinking about whether or not, you know, it makes sense that the highest and best use for that particular lot is -- you know, is still residential, and I don't think that -- I think that's a hard sell to say the highest and best use would be to just keep it residential. I think that would be kind of silly to make that argument.

CHAIRMAN FRYER: In order to stay on topic, and with leave from Commissioner Sparrazza, who really is next, I think the Vice Chairman wants to reply, so we'll go to him first.

COMMISSIONER SCHMITT: Yeah. In regards to any other use, it was mentioned a church. It would take a conditional use or rezoning --

MR. BELLOWS: (Nods head.)

COMMISSIONER SCHMITT: -- to put a church there, and a church would be far more of an impact than the storage facility, traffic and otherwise.

If it were going to be commercial, it would still have to go through a rezoning, probably a Comp Plan amendment and a rezoning for commercial.

And there was also a discussion about Conservation Collier buying it. I could tell you, having run that program as part of my responsibility when I was the administrator in Community Development, that this would not even fall in the criteria for a purchase by Conservation Collier. Conservation Collier was not set up to purchase property to prevent development. It was for preservation of property identified as highly desirable for conservation. And I know we have folks from staff that can talk about Conservation Collier, but this would probably be very low in any type of an attempt to purchase -- spend money. But that's a Board of County Commissioners decision, because they're the final decision-makers on purchasing property for Conservation Collier as well.

CHAIRMAN FRYER: Thank you.

Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: A quick question for Ms. Lockhart. Should this go through or with a recommendation from CCPC, is there any consideration to move the bus stop a couple hundred meters to the west in front of FPL where there's really no traffic contingencies should the egress to the storage facility be at the property on 13th; in other words, just move it down?

MS. LOCKHART: I understand. On 13th itself?

COMMISSIONER SPARRAZZA: Yes, ma'am.

MS. LOCKHART: It would be very hard -- just as it would be for trucks, it would be very hard for the bus to go down there and turn around. That's -- right, that would be the problem. And the transportation, I don't think, would be willing to do that unless there was some kind of accommodation where there's a turnaround at the end of the street or something along those lines.

COMMISSIONER SPARRAZZA: I apologize. I thought the bus currently came onto 13th.

MS. LOCKHART: It did not -- it does not.

COMMISSIONER SPARRAZZA: Oh, it stays on Collier at -- and stops at the -- I apologize.

MS. LOCKHART: It has to go beyond the street, so it has to go -- so the bus --

(Simultaneous crosstalk.)

MS. LOCKHART: -- so cars are not pulling out while it's stopped, so it has to go beyond the street where it's picking up children. So that is the only location for that school bus stop for those -- I think there's about 19 children that are eligible to walk.

COMMISSIONER SCHMITT: So it's southbound. The bus is picking up --

MS. LOCKHART: Southbound.

COMMISSIONER SCHMITT: -- heading southbound.

MS. LOCKHART: Yes.

COMMISSIONER SCHMITT: It's not northbound where they're crossing the street to get on the bus.

MS. LOCKHART: Right. And buses do not make U-turns, so -- yes.

COMMISSIONER SPARRAZZA: Thank you. Sorry for the confusion.

MS. LOCKHART: No problem.

CHAIRMAN FRYER: Thank you.

Mr. Davies, you're still on rebuttal.

MR. DAVIES: Thank you. A number of comments to rebut public comment, if I may, Mr. Chairman.

CHAIRMAN FRYER: Go ahead.

MR. DAVIES: There was comments about the size of the facility. It's not the biggest facility in Collier County, so that's a false statement.

More importantly, the size of the improvements on any project, it's not reviewed in a vacuum. It's reviewed within the context of the size of the subject parcel and the type of the use. All square footage is not treated equal. It's looked at from an intensity perspective, and certainly your staff can give you additional guidance on that. This is a low-intensity, low trip-generation use. And as mentioned, and as you've heard from staff, they're recommending approval.

Regarding too much self-storage in the county, there is significant demand for self-storage at this specific site. You've heard evidence and testimony supporting that statement. We do have -- we have provided a market study from an expert economist that supports the demand at this site. County staff's reviewed that and is in agreement with the findings set forth in that study.

Regarding communications with neighbors, again, we've had two neighborhood meetings -- two neighborhood information meetings. We have answered any questions we've received, provided all contact information, had additional meetings beyond the neighborhood informational meetings with anyone who has asked. We have provided all documentation to them, including updated renderings and including revising our petitions to request the access on Collier Boulevard in response to their request. You're also looking at the revision if, in your discretion, you'd like access to be on 13th. The additional parking is being provided on my client's property along with the bus stop.

Regarding clients with and consistency with the Growth Management Plan and the county codes, from a legal perspective, we are consistent. We submitted all the required documentation. We meet the subject legal criteria. Your staff has reviewed and verified all of that and has also determined that we're consistent with your Growth Management Plan compatible with the surrounding land uses as required by your Land Development Code.

Mr. Vanasse made a very important comment in his remarks, which is that we certainly wouldn't be here if it wasn't for the Florida Power & Light stations. The power stations have rendered the property unusable for residential. This is the lowest impact commercial use, and for that reason and all of the reasons, evidence, testimony in the record and presented today that meet the subject legal criteria, we're requesting, respectfully, that you recommend approval of both petitions to the Board of County Commissioners.

Thank you, Mr. Chairman.

CHAIRMAN FRYER: Thank you very much.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. Is it -- and I would like to make a motion, but it -- unless you think it's premature.

CHAIRMAN FRYER: Well, premature in the sense that I first want to close public comment, so that's done.

COMMISSIONER KLUCIK: Yes, it is premature.

CHAIRMAN FRYER: Okay. Public comment -- the public comment segment of this hearing is now closed.

Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Mr. Chairman -- yes, I'd like to go ahead and move that we approve these two petitions with the entrance/access being on the 13th in accordance with staff's recommendation.

CHAIRMAN FRYER: All right.

COMMISSIONER SCHMITT: Can I amend that?

CHAIRMAN FRYER: There's a motion to amend. Go ahead, sir.

COMMISSIONER SCHMITT: With the notes that you've made there, if you could read those, because there were two stipulations. One had to do with the --

CHAIRMAN FRYER: Got them.

COMMISSIONER SCHMITT: If you could read them. I started taking notes, but I knew you were doing them as well.

CHAIRMAN FRYER: That's all right. The first would be that the owner would do business exclusively with consumers, and the second is, this is a belt and suspenders but, nonetheless, I think it calls attention to the importance of the issue, that reasonable business efforts would be undertaken to prevent any business or residential activity from taking place on the site.

COMMISSIONER SCHMITT: And I'll add a third, that the --

COMMISSIONER KLUCIK: Mr. Chairman?

COMMISSIONER SCHMITT: -- petitioner work with the county to finalize the siting of both the pull-off parking area, which you are proposing, and as well as the bus stop that your client is proposing to construct. It would be in accordance with the Site Development Plan review procedure in regards to the bus stop, and I would assume it would be in concert with our typical bus stop design within the county.

MS. ASHTON-CICKO: May I read in a rough draft of what the text would read?

COMMISSIONER SCHMITT: Yes, great.

MS. ASHTON-CICKO: Owner will construct and maintain a bus stop, for children, with gravel parking at its sole expense at time of SDP, and located outside of the right-of-way.

COMMISSIONER SCHMITT: And that gravel parking would be on the owner's property.

MS. ASHTON-CICKO: Outside of the right-of-way, yeah.

COMMISSIONER SCHMITT: Outside the right-of-way and with the maintenance responsibility of the owner.

MS. ASHTON-CICKO: Correct.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: So that's a motion to amend.

COMMISSIONER SCHMITT: Yes, motion to amend.

CHAIRMAN FRYER: Is there a second to the motion to amend? I'll second it. Any further discussion on the motion to amend?

COMMISSIONER SCHUMACHER: I want to -- not on the motion to amend.

COMMISSIONER SHEA: Do we have any discussion at all or --

COMMISSIONER SCHMITT: Do you want to open --

COMMISSIONER SCHUMACHER: Discussion.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Right now, before we vote, the motion to amend is before us.

Then we're going to go to the substantive motion, either amended or not.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Is the applicant -- how does the applicant feel about that bus stop thing that we just added?

MR. DAVIES: We have no objection to that, Commissioner Klucik.

COMMISSIONER KLUCIK: Great. Thank you.

CHAIRMAN FRYER: So what we have before us -- and I'll state it, and then we'll call for more discussion. This is at the motion to amend. It's not the substantive motion yet. It's -- as the Vice Chairman stated it, it's a joint motion, both the GMP and the PUD, and it is to accept the recommendation of staff with access on 13th doing business exclusively with consumers and reasonable business efforts to prevent business or residential activities on the site and the pull-off parking and bus stop on the gravel as the County Attorney read it.

So any further discussion on the motion to amend?

(No response.)

CHAIRMAN FRYER: All right. If not, I'll entertain a -- we'll have a vote on the motion to amend. All those in favor, please say aye.

Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: (No verbal response.)

COMMISSIONER SPARRAZZA: (No verbal response.)

CHAIRMAN FRYER: Opposed?

COMMISSIONER SCHUMACHER: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: All right. It passes, 4 to -- well --

COMMISSIONER KLUCIK: I approve the amendment.

COMMISSIONER SPARRAZZA: Excuse me. Is this a vote for the amend?

CHAIRMAN FRYER: Yeah, this is to amend the main motion. This is not a vote on the main motion.

COMMISSIONER SCHMITT: This is not a vote on the motion. This is just to amend it so we can open for discussion.

COMMISSIONER SHEA: Okay. I support that amendment.

COMMISSIONER SPARRAZZA: I support.

CHAIRMAN FRYER: All right. I'm going to call this again just so that I'm sure. All those in favor of the motion to amend, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

COMMISSIONER SCHUMACHER: Aye.

COMMISSIONER KLUCIK: Aye (delayed).

CHAIRMAN FRYER: All right. It sounds like it passes 4-2.

COMMISSIONER SCHMITT: Was that your delayed of yes or no?

COMMISSIONER KLUCIK: My -- I approve the amendment.

CHAIRMAN FRYER: Okay. So it's 5-1. Thank you very much.

Okay. Now we come to the main motion, as amended. And it would be appropriate for us to have discussion on it. And so we'll open it up for discussion.

Commissioner Shea, you're signaling.

COMMISSIONER SHEA: Yes. Over the years, the county spends a lot of money and time on developing Growth Management Plans. And we try as -- our job here is to maintain that

Growth Management Plan. That's my philosophy, unless there's some overpowering reason, and that reason is, is there a major benefit to the county that might overcome or outweigh the impact on the local community? Personally, I don't see that here. I don't see why we would vote for this. The benefit goes totally to the practitioner who knew what he was getting into when he thought about this land.

I don't see why we should change what we spent years and a lot of money and time to develop of how we want to develop. So I would not support the petition with any amendments.

CHAIRMAN FRYER: Thank you.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: This doesn't fit anything in this plan, in this Growth Management Plan. There is nothing on any one of these streets on 951 that resembles this. There's nothing on any of these streets on 951 that will create this type of interaction into a residential street.

We could site Publix all we want, but that is a benefit to the community. This has no benefit. There is no benefit here at all.

I understand FPL built a substation there. That is not this committee's job to help find a reason to make this land marketable for somebody to purchase.

In fact, we've heard in from all these residents today. I could only imagine the type of construction that's going to go on when there's kids standing at this bus stop, and they're accessing it off of 13th. It's not a good fit for this community or for this area of town.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHUMACHER: I'm completely opposed.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Vice Chairman, and then Mr. -- Commissioner Sparrazza, and then Commissioner Klucik.

COMMISSIONER SCHMITT: I just want to comment to both of my colleagues that, of course, the law and the LDC allows for the petitioner to come in for a Growth Management Plan amendment. So I just want you to understand that they have the right to do that.

COMMISSIONER SHEA: Yep, and we're allowed to reject it.

COMMISSIONER SCHMITT: And you're allowed to object, yes. So it's just a matter -- so the public knows that there's nothing unusual about this. They have a right to come in and ask for an amendment to the GMP and, subsequent to that amendment, an amendment to the Land Development Code to allow for the development, but -- so I just want to make sure you understand that.

COMMISSIONER SHEA: Thank you.

COMMISSIONER SCHMITT: Thanks.

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: I've had the pleasure of being on this board now for nine months, and one of the first things that a fellow commissioner told me -- Commissioner Shea said, if it doesn't feel right, don't do it. And I'm sorry to say this doesn't feel right. I can't vote for this.

CHAIRMAN FRYER: All right. Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. I would just say that I would be very hesitant to say that there's no benefit because there -- I'm sure there are many people that live in Golden Gate Estates that will actually use this storage facility. Obviously, the ones that, you know, don't feel passionately -- no, I don't think anyone feels passionately about the need to have storage near by.

The people we heard from are people that, you know, it's going to impact more directly, and they feel in a negative way, and so that's who we heard from. The lack of comments of people who would like to use this, I think, is -- you know, that doesn't mean anything. We often don't hear from, you know, the people that are going to benefit because they don't feel the need to come to a hearing.

I would say that I don't think if -- I think that actually is an abuse of our position to base our vote on our feelings. We are sitting quasi-judicially -- we are sitting quasi-judicially, and feelings are absolutely wrong. I'm a conservative. I'm a strict constructionist. I believe in a judiciary that should never vote based on their feelings. This is a matter that's before us and whether or not criteria have been met.

Now, you might have a good argument, and I would urge any of my fellow commissioners who are going to vote against this, you really need to base your vote on, you know, something that has legal substance. Your feelings -- my feelings have no legal substance or no basis for me to vote. And that's fine. That's just clarifying that -- our lawful role in this, and that's not my opinion. I think -- I guess I would ask the attorney to back me up on that, whether or not I'm accurate in saying that we actually have to have a legal basis for our vote for or against; is that correct?

MS. ASHTON-CICKO: Well, you have two petitions before you today. One is a Growth Management Plan amendment, and that standard is a fairly debatable standard, which I translate into that is a reasonable basis for voting approval or not. The second petition is a PUD, which is subject to the quasi-judicial standards and has less flexibility as far as --

COMMISSIONER KLUCIK: And when it's quasi-judicial, am I right in saying that we actually have to have -- be able to defend our vote whether for or against on criteria that are not just our feelings?

MS. ASHTON-CICKO: Correct. For quasi-judicial proceedings, your decision and vote needs -- or recommendation needs to be based on substantial competent evidence. So that's going to be on the evidence that's presented to you at the hearing.

COMMISSIONER SPARRAZZA: If I may comment, with all due respect, fellow commissioner, when I said "feelings," that was a term. What I meant was this doesn't set right with me with the presentation that has been given, with the GMP, and all of the testimony and documents that have been shown. When I said "feelings," I apologize if I misspoke thinking it was, quote, an emotional statement. I was trying to imply everything put together, not only legally, but how I'm trying to justify my vote or reaction towards this petitioner.

CHAIRMAN FRYER: Thank you.

Vice Chairman.

COMMISSIONER KLUCIK: And thank you, Commissioner. I appreciate --
(Simultaneous crosstalk.)

CHAIRMAN FRYER: Well, let's go in line. Let's go in line. And we're going to --
(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: Well, he was responding to me, so I'm going to respond.

I appreciate that. And I would say that, yeah, that my intent -- and I was very clear. I just want to have all of us be able to be on record appropriately. And it wasn't really a criticism as to what your feelings are. It's a criticism to -- a constructive criticism to make sure that what's on record is supportable and doesn't subject us to problems down the road as to how we came to our recommendation, and I appreciate very much that you elaborated and that it isn't just feelings.

CHAIRMAN FRYER: Vice Chairman Schmitt, and then Commissioner Shea.

COMMISSIONER SCHMITT: Yeah. I just say -- recommend that the commissioners who vote against this, just for ease of staff in preparing the staff report to go to the Board of County Commissioners, something as simple as you find it not in compliance with the Golden Gate Area Master Plan --

COMMISSIONER SHEA: Exactly.

COMMISSIONER SCHMITT: -- and you state that as a matter of record, and that would be so noted going before the Board. That is a substantial justification in itself to recommend denial.

I just want to bring up, I am going to vote for this. I'm going to vote for it because it's either this or another commercial use. This property in no way -- I don't see anybody spending over a million dollars or more to build a home on this property surrounded by a substation. Now, you-all may disagree, and I would say, then, you know, you have the opportunity to purchase the property as

well.

But it is going to be some type of commercial development. And if it's not this, which is a very low-intense use, it is going to be a bank, a gas station, or a church. And it could be -- it's a wonderful site for a church, and the church will have to come in for a conditional use because it has to comply with the Golden Gate Area Master Plan, and that's an option.

So that's most likely what we're talking about. If this is not CubeSmart or a storage facility, it is going to be some other type of commercial use, because I don't see anybody spending well over a million dollars for a home at this site surrounded by two power stations and 60-foot, 70-foot poles. How tall are they?

So I am -- I believe it, from the standpoint of what's being proposed, is the least intrusive and probably, from a traffic perspective, the best use of this site. So I'm going to vote yes for it.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: I just had to respond, like Commissioner Sparrazza. My emotion -- mine was not emotion. Mine was based strictly -- as Commissioner Schmitt said, based on noncompliance and not having sufficient benefit to the local community or even to the overall community.

One thing that he said that -- I don't believe the burden of proof is for me to justify why I'm voting against somebody asking for a change. It's -- burden of proof is why should we change it? What's the benefit? So the -- I get the feeling that -- and I don't want to precipitate a dialogue, but it probably will -- that we have to grant these unless we have a good reason not to. I think that's BS.

I think we don't have to grant it, if we choose not to, in our role. I don't know if he's saying we have a legal right to do that. I don't think it's our role either -- comment on Joe's -- to worry about what the market -- the market will have to decide what happens out there, and whatever happens will have to come back here if it's not consistent with the plan, and that's why we have a plan.

So I wouldn't take the position of supposing what was going to happen and making a decision now in anticipation of what I believe could happen.

So I just -- I'm very simple. I stick to the plan. I think there's no reason to change the plan here. There's no benefit to the community of significance, and I continue to reinforce my position against it.

CHAIRMAN FRYER: Thank you. No one else is signaling at this time.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Right. Yeah. No, I'll just repeat that when -- for any -- anytime we're voting quasi-judicially, we actually do have to have a legal basis for our decision. And so when I said that, you know, we have to have a legal basis, I'm not saying that you have to have a burden of proof. You just have to base your decision on some lawful reason that actually passes muster, and that actually is a duty that we have. It's not something that we can get around. We don't talk about it very much, but it's an obligation that we have. And I would say that I just very much agree with everything that the Vice Chairman has stated.

MS. ASHTON-CICKO: Also, we do hear the petitions together to save time, but the GMP petition goes first for your recommendation, and if that fails, then you don't even get to the PUD because you will not have GMP consistency. So just to make sure, you know, we're all clear on the process.

CHAIRMAN FRYER: Is there a motion to bifurcate?

COMMISSIONER SCHMITT: Yes. It would have to bifurcate based on what I project to be the results of this. But if it comes back as a 3-3 vote, then it -- we probably would have to vote again on the PUD, correct?

COMMISSIONER SHEA: Let's separate them.

COMMISSIONER SCHMITT: We would then have to vote --

MS. ASHTON-CICKO: Yes, we'll do the vote on both --
(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: So we'll vote on the GMP amendment first.

MS. ASHTON-CICKO: Correct.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: So you're moving to bifurcate.

COMMISSIONER SCHMITT: Bifurcate, yes.

CHAIRMAN FRYER: All right. Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion on whether we bifurcate?
(No response.)

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

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

So we will vote on these separately, and the Growth Management Plan will be voted upon first.

COMMISSIONER SCHUMACHER: I make a motion to deny.

CHAIRMAN FRYER: Yeah. Hang on one second.

COMMISSIONER SCHMITT: Well, we still have a motion on the floor for approval.

COMMISSIONER SHEA: Yeah, we need to hear from commissioners.

COMMISSIONER SCHMITT: Yeah, we still have a motion on the floor, yeah.

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: So you have to call the question.

CHAIRMAN FRYER: Yeah. I am very, very conflicted over this, and that's frequently -- frequently where I find myself. I see myself, whenever reasonably possible, to be a champion for the homeowners, and I have given very, very serious consideration to the points they've raised.

The main -- the main thing that is driving me, though, to vote yes is the action of Florida Power & Light and the fact that they got that land and, for all intents and purposes, that land became, essentially, unusable for most other uses.

And taking that fact along with the fact that self-storage is a very low-impact use, it's going to have a very low impact on Collier Boulevard, it's going to have a low impact on the neighborhood, and it will be a quiet location if, eventually, it gets approved.

But having said all of that, I'm still -- I'm very -- I'm very conflicted over this but, with reluctance, I'm going to vote in favor.

Anybody else want to be heard?

(No response.)

CHAIRMAN FRYER: All right. So we're voting on the GMPA first. All those -- and I'm going to -- I'm going to call the roll just so that we get this done in this fashion.

All those -- so the motion is to approve the small-scale Growth Management Plan amendment. And I'm not sure if the conditions -- the three conditions go into that or go into the PUDA, but let's assume that those conditions go into both for the sake of -- for the sake of this voting.

All right. So, Commissioner Schumacher, how do you vote?

COMMISSIONER SCHUMACHER: Nay.

CHAIRMAN FRYER: Commissioner Sparrazza?

COMMISSIONER SPARRAZZA: Nay.

CHAIRMAN FRYER: Commissioner Shea?

COMMISSIONER SHEA: Nay.

CHAIRMAN FRYER: Commissioner Klucik?

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Vice Chair?

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: And the Chairman votes aye.

So it -- we have failed to arrive at a recommendation for the Board of County Commissioners. A 3-3 vote is a tie that is tantamount to no recommendation at all. And in the judgment of the Chairman, based upon what I've heard, I do not -- I do not believe there is fertile ground for any other kind of a motion to pass at this juncture. And if anybody believes otherwise, I'd like to hear it, but --

COMMISSIONER SHEA: Relative to the GMP?

CHAIRMAN FRYER: Relative to the -- yeah, relative to the GMP. So, therefore, we make no recommendation on the GMP.

Now, having said that -- and I'm going to turn to the County Attorney. What are our responsibilities on the PUD?

MS. ASHTON-CICKO: I think I would go ahead and make the vote. The recommendation would be the same 3-3 with the three conditions.

CHAIRMAN FRYER: Okay. That sounds reasonable.

COMMISSIONER SCHMITT: I'd make that motion as stipulated, the same motion that was forwarded for the GMP, subject to the -- subject to the three amendments that we stated on the record.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SHEA: I second. If I was voting yes, I would want those amendments.

CHAIRMAN FRYER: Okay. All right? Further discussion?

(No response.)

CHAIRMAN FRYER: If not -- and the vote is on the PUDA, or PUDZ rather, all -- starting with Commissioner Schumacher, how do you vote, sir?

COMMISSIONER SCHUMACHER: Nay.

CHAIRMAN FRYER: Commissioner Sparrazza?

COMMISSIONER SPARRAZZA: Nay.

CHAIRMAN FRYER: Commissioner Shea?

COMMISSIONER SHEA: Nay.

CHAIRMAN FRYER: Commissioner Klucik?

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Vice Chairman?

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: And the Chairman votes aye.

So we have -- we've certainly delved deeply into the subject. My apologies to all concerned that we were unable to reach a definitive recommendation to go on to the Board of County Commissioners, but you can rest assured that the Board will give it its full consideration, as we did.

COMMISSIONER SCHMITT: Can I make a comment?

CHAIRMAN FRYER: Yes, please. Go ahead.

COMMISSIONER SCHMITT: For those who came and gave us your input, thank you very much. I would encourage you to attend the Board of County Commissioner meeting because

this is going to -- they're going to be faced with the same decision. So we are basically an advisory body forwarding to the Board of County Commissioners. As you've heard, it's a split decision, so this is going to fall squarely on the Board to, basically, weigh all the same facts and input that we heard today. Thank you.

CHAIRMAN FRYER: And they won't be able to punt on it either.

COMMISSIONER SCHMITT: No, they will not be able to punt on it. They get paid; we don't.

CHAIRMAN FRYER: Thank you very much, applicant. Thank you, members of the public. Thank you, staff. Thank you, Planning Commission.

It's 24 minutes after 12. I am going to recommend that we go to lunch for 36 minutes, rather than anyone longer. Does anyone object to that?

COMMISSIONER SCHMITT: Three hours and 23 --

COMMISSIONER KLUCIK: Mr. Chairman?

COMMISSIONER SCHMITT: Robb's on.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: Yes. I will not be able to make the latter portion of our meeting going forward.

CHAIRMAN FRYER: All right, sir. Well, thank you for your participation at this point.

Without objection, then, we stand in recess for lunch until 1:00 p.m.

(Commissioner Klucik is absent for the remainder of the meeting.)

(A luncheon recess was had from 12:24 p.m. to 1:00 p.m.)

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

CHAIRMAN FRYER: Thank you, Mr. Bosi.

***Next on our agenda is PL20210001496. It is the Town of Big Cypress renaming and Stewardship Receiving Area amendment.

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

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

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

CHAIRMAN FRYER: Thank you.

Disclosures starting with Ms. Lockhart, please.

MS. LOCKHART: Text materials only.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Thank you. Let's see. Matters of public record, meetings with county staff, and also county management, communications with applicant's agents.

COMMISSIONER SCHMITT: Communications with the applicant, Patrick, and as well as Mr. Yovanovich.

COMMISSIONER SPARRAZZA: Staff materials and conversation with Mr. Yovanovich.

COMMISSIONER SCHUMACHER: Staff materials only.

CHAIRMAN FRYER: And Mr. Klucik, I believe, is no longer with us.

COMMISSIONER SHEA: Correct.

CHAIRMAN FRYER: Well, with us, but not with us.

COMMISSIONER SCHMITT: Are you saying the last petition just knocked him right off?

COMMISSIONER SPARRAZZA: Took him out.

COMMISSIONER SCHMITT: Took him out.

CHAIRMAN FRYER: Mr. Yovanovich, please go ahead.

MR. YOVANOVICH: Good afternoon. For the record, Rich Yovanovich on behalf of the petitioner.

I'm going to kind of go over what our presentation outline is going to be, and then we'll get started. I'm going to do a brief introduction of the team and the project as well as discuss briefly the

petition and the staff recommendation.

And then for those of you who are new, a couple of you, I'll go over the RLSA program and kind of how we got to where we are today with this conversion of a town, and then Mr. Mulhere will take you through in detail how the petition meets all the required criteria in both the Growth Management Plan and the Land Development Code.

Heather will be here to do a brief presentation on the NRI amendment scores related to this town SRA. Mr. Trebilcock will go over the transportation analysis that we did. Lucy's going to discuss the fiscal neutrality, and then I'll do a brief summary. And if you'll bear with us, hopefully in our presentation we'll answer hopefully 100 percent of your questions, but hopefully more than 90 percent of the questions as we go through the process.

With me is Pat Utter, who is the senior vice president of real estate. He's to my left. And I don't think Christian or Valerie are here.

UNIDENTIFIED SPEAKER: Valerie is online.

MR. YOVANOVICH: Okay. Valerie Pike is on Zoom, and she's the director of real estate.

The consultant team is myself, Bob Mulhere; Dom Amico is our engineer; Ken Passarella and Heather Samborski are our environmental consultants; Norm Trebilcock is our transportation consultant; and Lucy Gallo is our economic assessment/fiscal neutrality person.

The town -- and what this is is this is a conversion of an existing Longwater Village to a town, and it consists of 1,544.46 acres. It's within the Rural Lands Stewardship Area Overlay. It is the largest SRA designation permitted in the RLSA program. You briefly talked about this when we did the amendment to Ave Maria a couple of meetings ago, but it is -- it is a town SRA designation.

The benefit of a town is it provides -- all the SRAs provide a diversity of residential. But we've provided diversity of residential. We required more commercial, which gives more economic business opportunities. You'll see in this petition we have two business parks. We're required to have civic uses, and we're required to have an affordable housing component of a town.

Basically, the RLSA program, other than you can have -- you're required to do affordable housing in the Rural Fringe Mixed-Use District towns -- which you haven't seen one yet -- or village. I'm sorry, you haven't seen one yet. It's the only required inclusionary affordable housing concept we have in Collier County.

And as it's been previously discussed, there's a tremendous economic benefit to having affordable housing within the town. There's a tremendous economic benefit to be in a town in the first place, because we now have business parks which provide the opportunity for employers to come relocate to this area, much like what happened in the Town of Ave Maria with Arthrex.

So the whole concept of the program was to make towns and villages self-sufficient so that you basically stay where you are. You don't have to drive west into the urban area. And that is what we're proposing to do with this project. And Bob will take you through how we deal with pedestrian/bicycle circulation in our pathway system as we go through this project.

The property itself is outlined in yellow. This area right here and here is the existing Rivergrass Village, which we'll talk about a little bit when I talk a little bit more about the town agreement that's in place. And this is Hyde Park Village that is also approved as part of this SRA designation process. But the yellow area is what we're here to talk about today with regard to the town of Big Cypress.

From a historical standpoint of how we got to where we are, in 2020, the County Commission approved Rivergrass Village. I just showed you where that is. It was approved and ultimately challenged and -- but we're winding our way through that litigation with Rivergrass Village.

Initially, we had a concept of coming in with a town. It was the Town of Rural Land West. And as we were going through that process, it just became too financially burdensome to go through with the town that we were proposing, so we broke the town up into three villages.

In 2021, we came forward with Longwater Village, and we came forward with Bellmar Village. As part of the approval of those two villages, there was also approved a town agreement with the idea that we would convert Longwater Village to a town. And in that town agreement, we agreed to analyze, from a traffic standpoint and a fiscal neutrality standpoint, Rivergrass, Bellmar, Longwater Village, plus the new lands that was going to comprise the town. So there's an agreement in place for how we're supposed to proceed today and how the application before you today was to be drafted and presented to you through this process.

We also are providing a community park based upon 200 square feet for not only just the town portion, which is what you would be required to do, we're also doing it for Rivergrass and Bellmar. So you have a community park as part of this process that will be a county community park.

We also agreed that although Rivergrass, Bellmar, and Longwater were all approved on the basis of consuming eight credits per acre, to amend that and go to the new standard of 10 credits per acre.

So we're spending more credits to designate this town and to address Rivergrass and Longwater as part of this process. So by using more credits, there will be less credits available to designate other lands as part of the RLSA process.

We agreed to three wildlife crossings, and we'll show you where those are; we agreed to bear-proof trash cans; and we agreed to provide two school sites, one of which will be in the town and one which will be near by the town, and we'll show you that in our presentation.

What you see on your screen right now is the roughly 544 acres we're adding to the existing Longwater Village to designate the town. The red areas are what we're adding. So we're adding this area up here, which is being designated as a business park. We're adding this area right here, which contains business park, town core, affordable housing tracts as part of this, and we're adding -- I just lost the cursor -- we're adding this area right here as part of this process.

So you'll see, basically, this business park and this business park, we believe, will provide employment opportunities not only for those in the town, but for people who live in Golden Gate Estates, which is one of the reasons this process was established in your Land Development Code and your Growth Management Plan in the first place.

The existing zoning is -- Bob will touch on this as well -- is ag with a mobile home overlay. It's also zoned Rural Lands Stewardship Area Overlay in the Land Development Code. And what does that mean? It means we already have the zoning on the property. So unlike what you did in your prior hearings and you've done on other hearings, you're not rezoning the property, so it's not a supermajority vote requirement. You're designating these properties as a Stewardship Receiving Area, which is different than rezoning the property, different criteria, and it only requires a simple majority approval by the Board of County Commissioners since it's a designation and not a rezone of the property.

I don't want to spend too much time on what the Town of Big Cypress is. It's -- these are the lands that we're adding, and this is basically directly from the town agreement as to how we've added those lands and what they apply to as part of this designation process.

We're using, as credits, credits from SSAs 14, 15, and 17. And, basically, the way the program works is you take lands that are a little bit more environmentally important, setting them aside in Stewardship Sending Areas, you get credits; that's your currency. You take those credits, and then you go and you designate lands that I'll show you on a map that are pink that are designated as open, and that's where development is to occur. And that's another one of the nice economic benefits to the county of this program is that these lands are being set aside, development rights are being taken away from them and being taken care of and maintained by the property owner and not by any of the taxpayers in Collier County.

So that's another economic incentive that's within the program as we go through and designate these lands either as an SSA or as an SRA.

We are required to do a minimum of over 750,000 square feet of commercial and up to

almost 1,400,000 square feet of commercial as part of this process. Again, it's for these towns to be self-sufficient that provide employment opportunities and services to those who are living in these towns.

It was always contemplated that you may need a few villages to comprise a town, and that's where we are. We have two villages, and the town interconnected in close proximity, and that is the benefit of the town. And as you will hear, another benefit of the town concept is internal capture with transportation and the reduction in trips on the roads and less impact on transportation infrastructure and other -- other benefits associated with these types of projects.

You touched on it briefly at the end of the meeting on Ave Maria when the question became why are towns capped at 5,000 acres. Should we talk about maybe getting rid of that cap, because you recognize that there's a tremendous benefit as you add to the town as far as services and benefits to the community overall, as well as the environment.

Your staff is recommending approval. We are in agreement with the staff recommendations. And I will briefly discuss in a moment a minor change that we need to make that I talked briefly to Mr. Bosi about.

The program, as I mentioned, was -- it's a voluntary program. The idea is to develop in the pink areas, which are less environmentally important, and preserve or set aside other areas that do have environmental value as part of the program.

Our specific piece of property, as you can see, is in the open area where development is to occur and where SRAs are to be designated. So we're consistent with the Growth Management Plan. The program itself was adopted in the -- oh, was it 2001, Bob?

MR. MULHERE: Uh-huh.

MR. YOVANOVICH: I get confused. But about 2001. It was based upon scientific data. There was a lot of analysis that was done with regard to environmental-related issues and, basically, we're developing in areas that are impacted farm areas that are out east.

There's a very detailed formula that goes into place for evaluating the properties as to environmental areas that need to be set aside either as an SRA -- and if you have a score of greater than 1.2 in your town area, that has to be set aside as well, which we are doing.

I've already mentioned that we're redeeming the credits at 10 credits per acre, which was a recent change to the Growth Management Plan, and we have voluntarily agreed to retroactively apply that to both Rivergrass and Longwater, and I've mentioned where we're getting the credits from.

So far, under the program, there have been roughly almost 9,400 acres of SRAs designated. This does not include the roughly 900 acres that recently came to the Planning Commission for Ave Maria, because we haven't gotten approval yet from the Board of County Commissioners. And there have been approved SSAs of over 50,000 acres as part of this process.

Generally, it's about a 3-to-1 ratio when all is said and done with the amount of land that will be set aside for SSAs and the maximum amount of land that can be designated as SRA under the Growth Management Plan.

COMMISSIONER SHEA: Those are approved SRA --

MR. YOVANOVICH: These are the approved.

COMMISSIONER SHEA: -- SSAs, not necessarily been utilized as credits yet, right?

MR. YOVANOVICH: Correct. And there will be more SSAs coming through the process. But, no, that's why it wouldn't be right to say it's a 5-to-1 ratio.

COMMISSIONER SHEA: It's more like a 3-to-1.

MR. YOVANOVICH: That's why I said it's going to -- the practical, it will be a 3-to-1 at the end of the day.

This is -- these are the requirements that are so forth in the Growth Management Plan for towns. Minimum is 1,500 acres; maximum is 5,000 acres. Your density has to be between one to four dwelling units per acre. You have to have a diversity of housing types, which we do. We have multifamily attached, we have single-family and single-family attached to provide for that

diversity. We have to have goods and services at 170 square feet per unit, which we do.

We're getting water and wastewater service from the Collier County Water/Sewer District. There's -- the conditions were modifications to interlocal agreements with the Collier County Water/Sewer District, the developer, and the Big Cypress Stewardship District. We have to provide community parks at 200 square feet per dwelling unit, we have to provide civic at 15 feet per dwelling unit, and then we have to have our interconnected transportation requirements that Bob will take you through in greater detail.

I'm going to turn it over to Bob in a minute, but as you will see as we go through this presentation, we meet all the requirements under the Growth Management Plan; we meet all the requirements under the Land Development Code. This is quasi-judicial. And we are going to ask you at the end to forward to the Board of County Commissioners this petition with a recommendation of approval.

One housekeeping addition we need to make, and it's to the -- the affordable housing commitment that's in the SRA. The town agreement and the Bellmar Village are very clear that the Bellmar Village requirement to provide affordable housing acreage was going to be in a nearby piece of property. That nearby piece of property is within this town.

So we just want to clarify under that condition where it talks about the 88 acres, that that satisfies both the town affordable housing requirements as well as the Bellmar Village affordable housing requirements.

I haven't had a chance to talk to Heidi yet about the exact wording for that, but I have talked to Mr. Bosi about making sure we clarify that so that there's no ambiguity between the Bellmar Village commitment and the town agreement commitment as well as the town.

That's a general overview of the program, general overview of the project. If you have any questions of me now, that's fine. Otherwise, I'll turn it over to Bob to take you through a little bit more detailed presentation of our master plan and our plan. And with that, I'll turn it over unless you have questions.

CHAIRMAN FRYER: Thank you. Vice Chairman.

COMMISSIONER SCHMITT: Are you going to cover the township agreement now, or is that towards the end?

MR. YOVANOVICH: The town agreement?

COMMISSIONER SCHMITT: Yeah, just so we all understand.

MR. YOVANOVICH: Well -- and maybe I went too fast.

COMMISSIONER SCHMITT: Yeah.

MR. YOVANOVICH: When we got Bellmar and Longwater approved, there was a town agreement that was also on that agenda, and in that town agreement it set forth everything we had to do.

COMMISSIONER SCHMITT: And I'm looking at it.

MR. YOVANOVICH: Right. We had to do a fiscal analysis based upon Rivergrass, Bellmar, Longwater, and the additional lands to establish fiscal neutrality. In that agreement, it specifically said we had to use the same methodology for determining fiscal neutrality that we had used in Longwater, Bellmar, and Rivergrass in the past, which had also been used at Hyde Park.

COMMISSIONER SCHMITT: And that was an agreement between --

MR. YOVANOVICH: The county --

COMMISSIONER SCHMITT: -- and the developer?

MR. YOVANOVICH: -- and the developer.

COMMISSIONER SCHMITT: That's all. I wanted to make sure that was on the record.

MR. YOVANOVICH: And with all -- that's why we're 100 percent consistent with that agreement.

So there were -- the parameters of the review kind of were established ahead of time. It was very clear as we were going through this process and broke the three -- the original town up into three villages that really nobody wanted that to be the end result of three villages. Everybody really

thought the town was the best option, and we wanted to get back to the town concept. And that's why we had the town agreement, and that's why we set forth ahead of time what we were going to add, how we were going to add it, and how we were going to analyze it.

COMMISSIONER SCHMITT: Okay. Thank you.

MR. YOVANOVICH: With that, I'll turn it over to Bob.

MR. MULHERE: Get your brownie.

MR. YOVANOVICH: You know, you didn't have to out me.

MR. MULHERE: Thank you, Rich.

For the record, Bob Mulhere with Hole Montes here on behalf of the applicant.

Some of what I say I think will be a little bit repetitive, but I don't know that that hurts too much. I know several of you were not around 22 or 23 years ago in your present capacity when -- a lifetime ago when I was working for Collier County and was involved in the development of this program. And it is -- it is fairly complicated. There's a lot of acronyms used, and so please feel free to ask any questions.

So what you have on the screen before you shows the outline and basically addresses the size which Rich mentioned is about 1,550 acres, plus or minus.

We do have four acres that score on the National Resource Index, and that is a very complicated set of criteria that is reviewed -- was reviewed 20-something years ago and then is reviewed again as these applications come through, and Heather can speak to that in more detail.

The acronym that's used is NRI, Natural Resource Index. If you have any land in your proposed SRA that scores above that baseline of 1.2 -- if you score 1.2 or higher, you have significant ecological value. If you're lower than that, you don't. So even in the pink area that's open for development, if you have a couple of acres or three or four acres or five acres that score higher than that, you are to retain those, we did have four acres, and those are being retained.

Other factors that are considered, are there any acres that fall within the State of Florida Area of Critical State Concern. We don't have any acres within the proposed town.

Are any of the acres designated as an FSA? FSA is an acronym that stands for a Flowway Stewardship Area, and we don't have any of those within the proposed town.

Also, WRA, which is a Water Retention Area. When this program was evaluated, there were Water Retention Areas that existed in this agricultural area. Those were mapped. We don't have any of those within the actual town SRA. We do have some near by or adjacent to us.

So the lands to the north, east, and south are zoned agricultural with a mobile home overlay, that's the underlying zoning, and they're also within the RLSA. And some of them are -- have been designated as stewardship -- Stewardship Sending Areas, and they happen to be within SSA No. 17, which kind of is all the way around the town.

Lands to the west will abut future Big Cypress Parkway, which is right here, and there's -- that will be a future arterial roadway running north and south.

All of the lands within the proposed SRA, really all of the lands with a few acres of exception, have been in agricultural -- active agricultural production for many years.

So this shows the master plan for the Town of Big Cypress. Within an SRA designation, a village or a town, there are sub-geographic areas that are defined within the Comp Plan, and those are called context zones. And in a village, you have two required context zones, and in a town, you have three, as a minimum. You can have more. And, in fact, we do have more.

And we have neighborhood general, which is primarily a residential context zone, and that you can see -- I don't think this thing -- is these areas here, here, up in here, that are -- is kind of a yellow color.

So that's primarily residential. We also have the town core, which is the most intense area context zone, which is right here. And then there's the town center, which is right here.

And then we have created two other context zones based on our land plan. One is for the affordable housing, which is located in two different areas north and south of the town core, and then the business park context zone, which is located here, right south of the town core, and then

there is business park on the north side of Oil Well Road.

We have a minimum and maximum in terms of dwelling units. The minimum being 2,427. The maximum being 4,432. That's within the range that's established in the Comp Plan of one to four dwelling units per acre. And so ours is between 1.57 and 2.87 dwelling units per acre, consistent with the LDC provision, consistent with the GMP.

We are required to include a variety of housing types, and we have minimums to ensure that that happens, and those minimums are, as Rich mentioned, 10 percent single-family detached, 10 percent single-family attached, and then multifamily, which the county defines as three or more units attached, also a minimum of 10 percent of that, which provides for consistency -- a measurable way to demonstrate consistency with the Land Development Code with respect to that diversity of housing.

The town center, the town core, and the business park, collectively, will have a minimum of 753,440 square feet of nonresidential, commercial, business park land uses, and a maximum of just under 1,400,000.

We also are required -- and there are mathematical formulas for these -- to provide a minimum of 66,480 square feet and a maximum of 86,000 square feet of civic, governmental, and institution uses.

Now, just real quickly, you can think, well, what is the benefit of that? Well, the benefit of that is you are providing employment. You are reducing trips by providing these other types of uses that residents within the town, within the near by villages, and within the surrounding area can use rather than driving miles to the west.

We're required to provide affordable housing, as Rich indicated. It's an inclusive requirement. We are providing 88.2 acres. That's required to be entitled at a minimum -- at 10 units per acre, and so we are providing for 882 units on the two affordable housing -- collectively on the two affordable housing sites.

We do have community parks, which total 45.45 acres. We have a 25-foot landscape buffer adjacent to Oil Well, right up in here, and adjacent to Big Cypress and Oil Well Grade Road, which is up here.

I mentioned the school sites. Again, there's a school site right here. I'll get to that on another slide, because there's another school site which is actually north of the proposed town.

So utilities will be served by -- the master utilities will be served by Collier County Water and Sewer District, and we have a draft agreement that will move forward with this application for the town that establishes the parameters of the county's ability to serve.

Along the eastern boundary, as I mentioned, there's not a WRA, a Water Retention Area, within the town, but -- and this has been used on other similar SRAs. There is a lake system, a perimeter lake system, which includes some WRA. That functions for stormwater. It has a -- it has a stormwater retention and quality -- water-quality function, but it also acts as a deterrent to wildlife crossing the lake system and coming into us -- it's not like they won't do it, but it is a deterrent -- and crossing into the residential areas. So it's been designed for a dual purpose.

We have a trip cap of 5,464 weekday p.m. peak-hour total adjusted two-way trips. When Norm gets up, he can talk a little bit about some of the other transportation-related matters.

The report that Lucy Gallo prepared -- and she will also speak to the details -- was reviewed by staff and by a third-party reviewer, and it has been found to demonstrate fiscal neutrality. It also follows the methodology, as Rich indicated, that we were required to use under the town agreement of including the town as well as the villages of Rivergrass and Bellmar.

So when we get to those context zones that I mentioned, the neighborhood general is the largest of the context zones, and you can -- you can just see that by looking at the plan. Those are the residential components. That's a little larger than 1,200 acres.

There was a small commercial area that previously existed within Longwater right there on Oil Well that provides for goods and services and civic uses. There is a -- just under 28-acre elementary school tract right here.

5.3 acres for the utility site. Assuming that the county will need that, it's available. There are parks and amenity centers and open space.

There's an interconnected street pattern with sidewalks with a multiuse pathway and a walkable streetscape to support multimodal, pedestrian-oriented environment. I have some other exhibits that will show that in a little bit greater detail.

The town center, which is right here, is about 21 acres, and that provides a wide range of uses: Daily goods and services, community uses, civic, cultural, entertainment uses.

Within the town center, buildings are to be positioned near the right-of-way with wider sidewalks, shaded with street trees and architectural elements. So like an arcade, for example.

The town core, which is right here -- by the way, I didn't mention that there is this internal roadway that runs north and south, and in another exhibit, I'll show you how we connect to the other villages. But this is kind of important, because it keeps traffic who -- which is, you know, coming from the residential areas or the villages to access the town center, the town core, or traffic from the affordable housing sites or from the school site. They can access all of these internal opportunities for them without impacting Big Cypress Parkway.

The business park, as I mentioned, there's two business part context zones. One is located right here, and the other one is up here. And I think those are important, because if we are fortunate enough to attract some business park type uses, it will create employment and other very beneficial elements out there such as was the case with -- I think the example Rich used was Arthrex in Ave Maria.

I mentioned the affordable housing already. I showed you those two sites. Again, already entitled for 882 dwelling units. And it's close to the school site, the elementary school site, and to the commercial uses, so it's located in a great location.

Yes.

COMMISSIONER SHEA: What does that mean, 882 dwelling units in terms of level of incomes you're targeting, or is that too soon to ask that?

MR. MULHERE: It's 100 percent or below.

COMMISSIONER SHEA: One hundred. Not 120, but it's 100 and below. Okay, thank you.

MR. MULHERE: Good thing we had that discussion just a few minutes ago.

COMMISSIONER SHEA: You knew I was going to ask.

MR. MULHERE: Yes. Let's see. I think I already switched.

So the RLSA program, when it was created -- and it is an award-winning program. It is very unique. In fact, the state actually adopted some statutes to implement this program in other rural areas of the state. And it's required to utilize innovative planning techniques, and it actually, by and of itself, by implementing the standards that are in the RLSA, it is already an innovative program.

So, you know, if you look at the second bullet there, it's required to be compact. Well, you have to remember that the base density out here -- this is a voluntary program. The base density out there is allowed one unit per five acres. And if you were to take -- to build 3,550 units, that would consume 17,750 acres, and you would have no real environmental benefit, because you would be creating a checkerboard or piecemeal breakup of the system out there; whereas, this highly values the ecological areas at no cost to the taxpayers and creates a compact mixed-use development, beneficial for so many reasons.

So we're providing commercial goods and services in Eastern Collier. We have a spine road here that connects -- and I'll show you on another slide -- to Rivergrass and to Bellmar. That spine road has bike lanes and also has a 10-foot-wide multiuse path on it, so it functions as a -- really, an extra linear park.

The highest density will be in the town core with reduced density along the edge of town. I didn't mention that the town core may be mixed use. It allows residential uses, so...

We talked about the perimeter water buffer, neighborhood parks. Over 46 percent open

space, which exceeds the requirement.

There will be a program to educate residents regarding living with wildlife and also potentially prescribed burns. If you were to look at a much wider picture, you'd see we really have a lot of ag and rural areas particularly to the east, Golden Gate to the west -- Golden Gate Estates to the west, to the east, and there are some conservation areas that do utilize prescribed burns, and so we'll educate folks with respect to that.

Significant reduction in water uses compared to the ag use that's already there. People don't realize that the ag actually consumes considerably more water but, then again, we all have to eat, so...

Again, central water and sewer in Rural Eastern Collier County. It's a mixed-use project.

This is a little better exhibit of the connectivity. You can see the town is highlighted in the kind of whitish-tan, excuse me, dashed line that shows right along here. If you look at the red line, it shows the connectivity. So this is Oil Well right here, that you can come through here all the way down and into Bellmar and, of course, Bellmar can access these goods and services, civic uses, and the same holds true for Rivergrass, which is north and south here. So there is total connectivity between the two villages that will remain and the town that is the subject of this petition.

CHAIRMAN FRYER: Ungated, correct?

MR. MULHERE: Yes. Internally, you can access those, yes.

We have an environmental habitat coexistence plan. I'm not going to get into any great detail on this. We do require bear-proof trash cans. Do you want me to -- and educational materials, and we have the lake system designed as a buffer -- so I did want to mention, if I could -- I think we talked about it previously. You know what, I'm not going to go back to it. I may come up to an aerial.

Them Camp Keais -- there's two major flowways out there: Camp Keais Stand and Okaloacoochee Slough, and these voluntary establishments of these SSAs, in part, are incentivized to enhance those flowways, and this particular project will enhance the Camp Keais Strand flowway. These are significant. They carry a lot of water from north to south, and so restoring those is very important.

So this slide depicts the credits that have been -- that have been generated from the SRAs. On the left side in the first Excel spreadsheet there. You see SSAs 14, 15, 17, and 18, and it then it totals it up at the bottom.

You can see the total credits, and it breaks it down by credit. There's a base credit, an early entry credit, and restoration credits, and on the right side you see the total credits. And then you can see for the Bellmar, Rivergrass, and the Town of Big Cypress, the SSA credits that are being utilized. So for the Town of Big Cypress, there's 4,478 SSA credits coming out of 15, 4,527.6 out of 17, and 6,792.3 out of SSA 14, so -- and then over in the graphic, you can see the SSA 15, and 17 is down here.

This shows the other SSAs, shows that Camp Keais Strand Flowway with the white arrow sort of running down to the Florida Panther National Wildlife Refuge and Big Cypress Preserve and shows how those SSAs create connectivity and improve that. Each SSA preserves thousands of acres, and this, again, is voluntary, but -- and it's also at no cost to the taxpayers of Collier County.

So by comparison, Conservation Collier has acquired 4,700 acres at a cost of 113 million to date. So it's pretty significant.

We talked about the creation of a wildlife corridor. That's the second benefit. You enhance the flowway, but you also create a wildlife corridor rather than a checkerboard preservation that the one per five would create.

Also, there is a voluntary program of generating additional funds that a number of landowners participated in called the Florida Panther Protection Marinelli Fund, and that will create about 1 point -- 1,225,000 of funding, and that is focused on protecting panthers and enhancing wildlife habitat. So those are the -- a big picture of the environmental benefits.

I mentioned that there were two school sites, and I wasn't able to show you the northernmost

school site. This site right here is the south school site. That's about 28 acres. And then to the north of Oil Well, you have an 88.3-acre school site, and we have an agreement with the school district with respect to those, so...

COMMISSIONER SCHMITT: Bob, can I go back and ask a question why you left wildlife and you talk Wildlife Federation -- or wildlife corridors. And I'm going back to when the villages came in. There was a lot of discussion both from the Wildlife Federation, the Conservancy, and even -- I recall Brad Cornell being here as well in regards to the Audubon.

Where are we today? Those organizations, everything -- there's concurrency in regards to all this? I didn't see any opposition, and I don't know if we have anybody from those agencies here today, but can you just address --

MR. MULHERE: I can't really speak for those agencies, but at least to date they have been very favorable on the record at previous public hearings with respect to this program. They participated in the creation of it. You'll remember Nancy Payton, God rest her soul, was very involved and very active, and then subsequent, Meredith Budd took over that position. She has been involved and spoke at many of these meetings, as has Brad Cornell. And I know that my client works closely with them through this process.

COMMISSIONER SCHMITT: Just for the record, then. I don't know if there's anybody speaking. I just wanted to make sure that was on the record as well. Thanks.

MR. MULHERE: So that's the two. That larger one, obviously, could be middle school, high school, or middle and high school. It's enough -- has enough size to accommodate both. Certainly, Amy, you could speak to that issue as well.

So this is sort of a concluding -- at least I think it is -- yes, it is. This is sort of a concluding slide that I'll go over very quickly. It's kind of the same slide that I think Rich started with. And you see a checkmark next to each one of these requirements. The size, we meet it. The density, we're within it. The range of single-family, multifamily, and mixture of housing types, we meet that. The -- we're consistent with the restrictions and the requirements for retail and office, civic, governmental, institutional.

Again, we have the three required context zones, town center, town core, but we also have -- and we also have a business park and affordable housing context zones.

So wastewater is centralized, which is of great benefit to serve this compact mixed-use development. You really wouldn't want to do it any other way. It's required.

We provide community parks. There's a requirement to provide 200 square feet per dwelling unit, and can we exceed that. I haven't done the math, but we exceed that requirement.

The minimum open space is 35 percent. We're at 46.36, so we significantly exceed that requirement. We do have a wide range of civic services, and we'll meet or exceed that requirement, which is 15-square-foot per dwelling unit.

MR. YOVANOVICH: Hey, Bob. That 26 is wrong.

MR. MULHERE: Is wrong -- 66-, yeah. I was just going to point that out. I think that was a carryover from the village. It's actually a minimum 66,000 and change for the civic, and that's the number I used earlier in my presentation.

And we had that interconnected system of roads, bike lanes, bike paths, multiuse pathways all connecting from the town to the villages north and south, meaning Rivergrass and Bellmar, and we have -- we have a commitment to provide transit and park-and-ride -- or a park-and-ride facility.

I'm going to turn it over to Heather to go over the environmental, again, from a very high level.

CHAIRMAN FRYER: A suggestion to the applicant. Certainly, you're invited to put on anything you want in as much detail as you wish within broad outer limits of reason. But it may make sense to kind of test out the sentiment up here, and if things appear to be going your way, you always can reserve the opportunity at rebuttal to put on all the detail you wish. Just a thought.

MR. YOVANOVICH: You kind of read my mind, but I didn't want to be too brief in our presentation. Everything's in the record. The staff report is very detailed.

COMMISSIONER SHEA: We've read them.

MR. YOVANOVICH: I'm sure you've read it. I know there -- we erred on the side of there are a couple of members who have not been through this before.

I'm happy to stop right now and ask -- and say, do you have any questions of our team? We're happy to answer those questions, because we think everything's in the record.

I got the signal here that perhaps you -- I know you -- I've talked to a few of you. You've read the materials, and you've been through this before.

CHAIRMAN FRYER: Yeah. I think, without objection, let's do it that way. You've got all your people here. If questions come up, you can have a full opportunity at rebuttal to cover, really, everything you wish.

MR. YOVANOVICH: We would love -- if you have questions right now, we'll -- it's your pleasure.

CHAIRMAN FRYER: No one is signaling at this point, but I'll ask, before we go to a staff report, anyone want to put in a question or a comment?

Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you, Rich. Great presentation by you and the team.

COMMISSIONER SHEA: Very brief.

COMMISSIONER SPARRAZZA: Question. I'm jumping ahead to an agenda item later today. But has there ever been a thought for partnering with your affordable housing unit with someone like Habitat?

MR. YOVANOVICH: Well, that's the beauty of the program. It gives us the opportunity to -- it gives, really, the county an opportunity to look to Habitat, seek proposals from potentially other affordable housing developers. One of the beauties of this program is just this project alone is going to make available 882 affordable housing units.

COMMISSIONER SPARRAZZA: Units.

MR. YOVANOVICH: And then you had, with the other SRAs that have gone through, that opportunity. So there's -- the thought is, yes, and the beauty of it is it's wide open.

COMMISSIONER SPARRAZZA: Great. Thank you. Good. Glad it's being considered.

CHAIRMAN FRYER: Thank you. No one else is signaling. So it's my suggestion that we go right to a staff report.

MR. YOVANOVICH: Great.

CHAIRMAN FRYER: And then we can go from there.

Mr. Bosi.

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

And I did hear the urgency for, I guess, briefness. But what I would say is we've reviewed the town plan against the town agreement which was priorly approved the Board of County Commissioners in 2001. I think Rich had provided specifics related to that.

We reviewed it from an environmental standpoint, and we have the Environmental staff here available if there's any questions that you may have in that regard if you feel that it satisfied all of those requirements.

From a fiscal neutrality standpoint, we provided it to a third-party reviewer. Mr. David Green, who works for Jacobs, provided a peer review. That peer review concluded that the proposal would be fiscally neutral or positive at the 30-year horizon. From a transportation standpoint, our transportation planners and our consultants have reviewed it and are comfortable with the proposals and what's provided for.

So staff would entertain any questions that you may have about any one of these specific areas that were covered by the applicant related to the proposal.

CHAIRMAN FRYER: All right. Thank you.

Go ahead.

COMMISSIONER SHEA: I was just wondering if there was any idea from staff what the timing is on Big Cypress, the highway.

MR. BOSI: I do know -- I believe it's within our Long-Range Transportation Plan.

COMMISSIONER SHEA: Five-year or beyond? Is it in our five-year or beyond?

MR. BOSI: It's the long-range. It's in the Long-Range Transportation Plan. I don't believe it's been advanced to year 6 through 10. We're just starting the 2023 AUIR, so I'm not as up to speed on any iterations of changes.

But in that regards, if it was anything other than in the Long-Range Transportation Plan, I'm sure Lorraine would come up and provide a little clarification. But I think it's in our Long-Range Transportation Plan, but it's not something that we expect within the next year or two.

COMMISSIONER SHEA: But you're comfortable that the timing of the development of the highway is going to be consistent with the timing of the additional homes coming on?

MR. BOSI: Oh -- and that's the beauty of the Long-Range Transportation Plan, that process. We understand that this is a facility that's going to be needed to handle the anticipated demands. Every year we go through the AUIR. As those demands start to become closer within that purview, then we move to -- we will move it -- make adjustments accordingly. So, yes, we are.

CHAIRMAN FRYER: Thank you.

No one else is signaling at this time, so I think I'll take this opportunity, if I may, to make a record on the probability that I am going to vote differently than I did the last time Longwater came before me.

And I spent some extensive time with staff, and county management as well, being sure that I was completely satisfied in the concept of net benefit resulting from this new program, and I believe I am. And I'm going to run through -- I'm going to tick off six points, and just to get clarity both from county staff and from the applicant that my assumptions are correct -- I think they are, but I just want to be absolutely sure. And so as I go through this, I'm going to invite both county staff and the applicant to step in and tell me if I have misstated anything. And these are in no particular order.

First of all, we're going from eight to 10 SSA credits per SRA acre, and I think that is very significant because it's going to create significantly more conservation lands. So that is an important point to me.

Again, in no particular order, second, as I learned from Mr. Bosi yesterday with respect to the overall economics, the cost -- and this comes at -- fiscal neutrality, perhaps a different direction -- comes at it from a different direction than the consultant's material. But when you consider within the context that this town is going to have more commercial and light industrial than the original village, and what does that -- how does that translate in dollars? Well, my understanding, it translates this way: That on the benefit side, for every dollar of residential benefit we get in whatever form, taxes, fees, whatever, for residential uses, that consumes about \$1.25 in infrastructure. So it's a little more on that side.

But on the commercial side, for every dollar of benefit that comes into the county, the infrastructure cost is 70 cents. So that, I think, is significant, particularly when we're having so much more commercial. And now with light industrial, every dollar of industrial benefit that the county gets only has to expend 40 cents in infrastructure, which I think is a significant benefit.

And, again, either of you may interrupt me if I'm misstating anything, because I'm making these assumptions to guide my vote.

Third, the vacancy rates that had not been built into BEBR -- and we've talked about BEBR versus the 2017 EMS -- and I -- as a result of the conversations I've had primarily with Mr. Bosi, I understand that the vacancy rates are around 24 percent. And so that number would bring BEBR down.

Fourth, the population -- or at least the childbearing population of Collier County is diminishing somewhat, or at least the rate of increase is diminishing in a way that I think that also attenuates persons per household, particularly when we look forward.

My fifth point, certainly, the affordable housing commitment that is being made now is a very real one. And I was never really satisfied at the Longwater stage when the county was being offered the right to purchase an acre for \$22.5 thousand.

But this, to me, is real affordable housing. And 100 percent, perhaps I would have maybe wanted to see some come in at 80 percent, and other planning commissioners may want to weigh in on that, but there is a need at 100 percent, and so this is meeting a need.

And, finally, the concept of internal capture resulting from the fact that, with the exception of the northern part of Rivergrass, north of Oil Well, all of the rest of these villages and this town are going to be interconnected, gate free -- gateless so that the residents of the two villages and the town will all have equal opportunity to avail themselves of the commercial, industrial, et cetera and, in doing so, will be -- will be taken off of our streets and reducing the impact of the wear and tear on our streets.

So for those reasons, for those six reasons, primarily, and others -- but those are the main ones -- and subject to if we have public comment, I'll want to hear that, and anything else that anybody comes up with, I'll give it fair and due consideration. But since I'm aiming toward changing my vote, I wanted to explain exactly what factors had influenced me to come to this conclusion.

Does anyone else want to be heard at this time?

MR. YOVANOVICH: Mr. Chairman, if I could just -- and I think this is what you meant --

CHAIRMAN FRYER: Yeah.

MR. YOVANOVICH: -- the spine road itself is not gated. The communities off the spine road can be gated.

CHAIRMAN FRYER: Oh, I understand, but --

MR. YOVANOVICH: I just wanted to make sure when --

CHAIRMAN FRYER: But anybody who lives in there has access to all the commercial up and down the line with the exception --

MR. YOVANOVICH: Right.

CHAIRMAN FRYER: -- of the northern Rivergrass?

MR. YOVANOVICH: Correct. And there's a traffic signal to get them across.

CHAIRMAN FRYER: Yeah. Okay.

Any other corrections or comments to the points that I made? Mr. Yovanovich, did you --

MR. YOVANOVICH: I need to clarify.

CHAIRMAN FRYER: Please.

MR. YOVANOVICH: Within the project itself, there's the ability to go back and forth. So there is gates on the spine road, but within the town, there is interconnection.

CHAIRMAN FRYER: Yeah.

MR. YOVANOVICH: That's -- right.

CHAIRMAN FRYER: Indeed. And, you know, I'm looking at taking cars off the road --

MR. YOVANOVICH: I understand, internal.

CHAIRMAN FRYER: -- as a result -- of residents within the town plus the two villages.

MR. YOVANOVICH: Right.

CHAIRMAN FRYER: And those folks are not going to be barred by any gates from accessing any other commercial or industrial?

MR. YOVANOVICH: Right, correct.

CHAIRMAN FRYER: That's my --

COMMISSIONER SCHMITT: Those will all be internal capture.

CHAIRMAN FRYER: Yeah.

MR. YOVANOVICH: Yeah. I thought that's what you said. I just wanted to be sure.

CHAIRMAN FRYER: Yeah. No, fair enough. Anything else that needs to be said to correct anything -- any of my assumptions?

MR. YOVANOVICH: No, your assumptions are correct. Just -- it was just a clarification.

CHAIRMAN FRYER: Fair enough. All right.

Anybody else want to be heard on this? Commissioner Schumacher.

COMMISSIONER SCHUMACHER: So is it -- is the access going to be like Ave Maria where you can drive through, and then you're sub -- your communities --

MR. YOVANOVICH: No, that's the distinction.

COMMISSIONER SCHUMACHER: -- themselves will be gated?

MR. YOVANOVICH: That's the distinction. If you were -- if you were coming from outside of this area, you have to go through a gate.

COMMISSIONER SCHUMACHER: Got it.

CHAIRMAN FRYER: But your commercial being built on Big Cypress --

MR. YOVANOVICH: Correct.

CHAIRMAN FRYER: -- public access will be freely available?

MR. YOVANOVICH: Right.

COMMISSIONER SPARRAZZA: To the commercial?

CHAIRMAN FRYER: To the commercial.

MR. YOVANOVICH: Give me two seconds. Let's just do this so we're all talking the same -- yes. Whoops. Mr. Youngblood's going to have to help me.

Yes, this is accessible to the outside world. That's your -- that was your question, right --

COMMISSIONER SCHUMACHER: Yes.

MR. YOVANOVICH: -- Mr. Schumacher?

COMMISSIONER SCHUMACHER: Yes. Yes, sir.

COMMISSIONER SHEA: And it's the same for Rivergrass. You can go all the way down to the commercial area without having to go through a gate, or you have to have gate --

MR. YOVANOVICH: You have the -- Rivergrass has the ability to go through and get to, internally --

COMMISSIONER SHEA: Same as Bellmar.

MR. YOVANOVICH: Yeah, there's a connection point down here for Bellmar to get up into Longwater, yes.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: So all these people are going to be off the public roads.

COMMISSIONER SHEA: Yeah.

MR. YOVANOVICH: Yes.

CHAIRMAN FRYER: Okay. Anybody else want to be heard on this? I should ask if we have any public speakers. Ms. Pedron?

MS. PEDRON: Mr. Chairman, we do not have any in-person registered speakers; however, we do have online speakers.

CHAIRMAN FRYER: All right. Well, we'll hear from the online speaker, please.

MS. PEDRON: Our first online speaker is Joanne Scharf.

CHAIRMAN FRYER: Thank you, ma'am. You spell your last name, then you have the floor.

MS. SCHARF: Yes, S-c-h-a-r-f like in Frank. Joan Scharf.

CHAIRMAN FRYER: Thank you.

MS. SCHARF: If you don't mind, I've been writing notes like crazy, so I'm just going to try to refer to my few notes here.

First of all, when I moved here, Oil -- I had a lot of friends come and visit here me because I lead birding tours. And we would drive up and down Oil Well, and they were amazed seeing spoonbills and storks and herons and egrets. Those are no longer there. Why are they not there? Because SkySail is there now, and Terreno is being built, and now you want to take away the rest of that with this new development. Those people came here and spent a lot of money in restaurants, gifts, renting cars, and so forth. They're tourists as much as the tourists that go down to Fifth Avenue. But be that as it may, all of this land that is going for building and building these

communities is taking away from the wildlife.

Now, let me just say this: Recently we had a big fire here in the Estates, about a month ago. The traffic jam was horrible. People could not get out. My own children were stuck in the fire because the only way out was Immokalee Road, and you couldn't get through.

Now, you're going to put in a community here. The only way out of that community is down Oil Well to Immokalee. Those are the two roads to get out to go to I-75. More traffic.

You just said that this community would keep all those people off the public roads. Only if they stay inside of the Town of Big Cypress, but they're not going to do that. They're going to want to go to the beaches. And how are they going to get there? They're going to go down Oil Well to Immokalee. It's already more than an hour drive out of the Estates in the morning to get down to 41 when you live in the Estates. Add another hour to that. Plus with the accidents.

I don't understand, other than money, how these communities can keep building, building, building, building, and not give any consideration to our infrastructure.

We here in the Estates lose cell phone service daily because there's not enough towers. There's not enough of anything.

And my question to you guys is -- I'm sure you've done a lot of due diligence. Let's just take SkySail. How many of those homes are 100 percent purchased and occupied? Terreno, they're still building that. Are they all prepurchased homes?

I mean, Florida can't just bring in people from 49 states here and just keep bringing them and bringing them and bringing them. There has to be a reason why all these things are being built. Is there a list of people somewhere that say, "Oh, I want to move to that place?" They're coming down here thinking -- as Terreno is one of them that advertised this -- you're minutes from the beach. Oh, no, you're not. When those people come in here and they get in that beautiful community and then they go out onto Oil Well, they're going to be seeing nothing but wall-to-wall traffic and taking a long time to go shopping or to the beaches.

I mean, those of us who have lived here (indiscernible) are putting up with all this. And why? What are we getting out of it? We're not going to be able to go into these gated communities. It's great you build a nice community for people. They have community parks. They have dog parks. They have pools. They have all that stuff. Great for them, but all it does for us is add more and more traffic on our roads.

So are you going to build more roads out there? That's my question. Because I want another way out of the Estates. When there's a fire or there's a hurricane, I want another way out. Thank you.

CHAIRMAN FRYER: Thank you.

Ms. Lockhart, am I late in calling on you? Did you want to be heard before we --

MS. LOCKHART: I did. I actually had a question about the gates. We have never had a school inside a gated community before. We have teachers, staff, so forth, actually parents wanting to drop off their children. The attendant zone may or may -- probably will eventually include the whole development, but it may just also include parts of the Estates, so you're going to have outside families.

MR. YOVANOVICH: The school itself is not gated.

MS. LOCKHART: It is not in the gates.

MR. YOVANOVICH: It is not in the gates.

MS. LOCKHART: Good. Thank you.

MR. YOVANOVICH: Just like, if I can, neither is the commercial, neither are the business parks.

MS. LOCKHART: Perfect.

MR. YOVANOVICH: All of those things will be available to the general public, including the previous speaker.

CHAIRMAN FRYER: Thank you.

Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yeah. Just for the speaker, thank you for your comments. Please understand that the petition before us is not a rezoning. The zoning for that area of the county is already approved. And, frankly, it was approved probably over 20 years ago as the Rural Lands Stewardship Overlay.

What's before us today is to take three villages that have already been approved and, basically, approve the creation of now what's going to be called the Township of Big Cypress.

So I clearly understand your points, but the petition today has nothing to do with those kind of issues other than the additional acreage that was added to create the township. But the villages have already been approved, and all of the traffic impacts have already been analyzed.

So I thank you for your comments, but I just want to make sure you understand that the petition is not to approve or disapprove the actual development. The zoning's already approved. This is just nothing more than to verify and to codify, basically, that the proposal is in concurrence with the ongoing -- or the already approved Land Development Code for the development of villages and now a township in the Rural Lands Stewardship Overlay District.

Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Two questions for staff and the petitioner as well. On the traffic portion of this, what's the timeline for the buildout as having -- I'm sure this is a long-range term?

MR. YOVANOVICH: Yeah. It's a 20-year buildout.

COMMISSIONER SCHUMACHER: Twenty-year buildout.

And then relating to the traffic, how about the improvements to -- you've got DeSoto here, and then you've got Immokalee Road. What improvements are going to be made there in that same type of time period? Because as they said, the traffic on Immokalee is horrible. Everybody can agree to that. But in 20 years it could be completely different.

MR. BOSI: Well, the first primary reliever for traffic on Immokalee Road is the extension of Vanderbilt Beach extension eventually all the way out to DeSoto, with phases.

Improvements within Randall -- I know with the overpass, where -- the interface within Immokalee, the flyover that they do have planned as part of the Long-Range Transportation Plan, is one of those improvements, and there may be other improvements that I haven't highlighted.

MS. LANTZ: Hi, sure. Lorraine Lantz Transportation Planning.

As Mike was saying, we have a lot of planning projects going in the works from plans to design and to construction.

Obviously, we're looking at the biggest reliever being Vanderbilt Beach Road extension. That is in design -- actually in construction. It should open in about two years, two-and-a-half years out to 16th, from Collier Boulevard to 16th, and then it will make its way all the way to DeSoto in phases.

The next phase would also be -- another project would be the 16th Street bridge which would connect down from Randall all the way to Golden Gate Boulevard. That would connect some more interconnections for the network.

We're looking at Randall -- the interim improvement being the intersection of Randall and Immokalee. Of ultimate improvement would be an overpass at that location.

Wilson would be expanded -- it's in design right now, so that is designed to expand from Immokalee down to Golden Gate Boulevard to widen that. We're also looking at widening Collier Boulevard from Green to Golden Gate Main Canal, as well as FDOT is working on a new interchange at I-75 and Collier Boulevard, excuse me.

COMMISSIONER SCHUMACHER: Thank you. Yeah. The questions came up, because you think about an emergency situation where people have got to get out, and that's where I was coming from with the question on the buildout versus the improvements to the roads.

Thank you.

CHAIRMAN FRYER: Thank you. Nobody else is signaling at this time, so I'll ask again about speakers.

MS. PEDRON: Mr. Chairman, our next online speaker is Matthew Schwartz, followed by an in-person speaker.

CHAIRMAN FRYER: Thank you very much. Just give the totals. Are those two the online speakers that we have?

MS. PEDRON: That is correct.

CHAIRMAN FRYER: Thank you very much.

All right. We'll hear from the only speaker, please.

MR. SCHWARTZ: Hello. Can you hear me?

CHAIRMAN FRYER: Yes, we can. Give us your name, your last name.

MR. SCHWARTZ: Okay, great. Matthew Schwartz, S-c-h-w-a-r-t-z, and here as the executive director of the South Florida Wildlands Association, also representing myself as a former resident of Collier County but somebody who has spent decades exploring the wilds of Collier County, which is one of the most incredible places I know in our country. There's so much I would like to say on this issue, and I have been saying.

It was interesting that that first item that came up, not about the Town of Big Cypress, but about the storage unit, really got into the Comp Plan and how that particular five-acre project was going to dovetail with the Comp Plan.

If you were to look at the Comp Plan or the conservation elements for Collier County, there's no question that this doesn't fit in every respect. The whole thrust of that plan with regard to wildlife, especially listed wildlife -- and this area is rich, rich with listed wildlife. Something like 19 species of federally and state listed wildlife were noted in the Eastern Collier Habitat Conservation Plan that's no longer functioning, and we'll talk about that in a minute.

So this area is almost as dense, when you look at panther telemetry, as the Florida Panther National Wildlife Refuge. Yes, you don't see the telemetry in the agricultural lands, but that's because that's really a function of how that telemetry was gathered, during the day, during flyovers when panthers are asleep. They're in woods. They're in dens. They're not out foraging.

So this is a very important area for Florida panthers -- not important. Critical area for panthers. It's a critical area for Florida back bears who are going to be all through this community, by the way. And I really should let people know that. There's no way you're going to keep bears out of a community with the way they forage based on their supersensitive noses. There are going to be human interactions with bears. They're going to range from the annoying to possibly the catastrophic, and you should go into this eyes wide open.

Aside from that, I'm not going to bring up all the reasons this is wrong. If you look at the map, you see this block of land surrounded by Oil Well Road to the north, I-75 to the south, DeSoto and State Road 25 -- State Road 29, nobody lives there. It's a completely rural piece of land used in agriculture, used in natural lands, used in the Florida Panther Natural Wildlife Refuge. It costs the county nothing right now, but it is a tremendous resource for the wildlife.

There has -- you're talking about the analysis that was done way back in 2001 -- not 2021, 2001. Between 2009 and 2022, the scientists at the U.S. Fish and Wildlife Service analyzed this entire plan. They called it the Eastern Collier Habitat Conservation Plan. It's what you call the Rural Lands Stewardship Area.

They didn't have a chance to finish that plan, even though they had 10 years to do it. For some reason it took them a long time, but they did write a draft plan. They found that this project, meaning the entire RLSA, including the villages and the Town of Big Cypress, is going to cause jeopardy for the Florida panther due to a gigantic increase in roadkill, due to a tremendous loss of habitat. Remember, these three villages 3,000 plus the 500 acres of the town, 3,500 acres, that's a tiny, tiny down payment on the 45,000 acres of development that the entire RLSA is going to bring in. They found it to be incompatible with the future existence -- continued existence and completely incompatible with the recovery of the panther. This is the only area -- this is the only

breeding habitat for the panther in the country. It's the only big cat left in the entire eastern U.S.

CHAIRMAN FRYER: You're at four minutes, sir. Would you please wrap it up.

(Simultaneous crosstalk.)

MR. SCHWARTZ: How much time?

CHAIRMAN FRYER: You have about 30 seconds.

MR. SCHWARTZ: Thirty seconds, okay.

What I'm going to encourage you again -- it's the second time I'm doing it -- bring in the -- take to benefit of the 10 years the Fish and Wildlife Service spent reviewing this project, bring them in to a workshop with the Planning Commission and the full commission and the public and hear what they have to say, hear why their analysis of this project does not jive with the analysis that the county did 20 years ago.

Thank you.

CHAIRMAN FRYER: Thank you, Mr. Schwartz.

Vice Chairman?

COMMISSIONER SCHMITT: Yeah. Mr. Schwartz, I know you're familiar with the study, the Rural Lands Stewardship program and what the county went through in the studies 20 years ago, the reevaluation 10 years ago, and I think another reevaluation, I believe, maybe six years ago in regards to the Rural Lands Stewardship overlay, and that this was all -- has been approved through the State of Florida.

I understand your request, but from a legal perspective, the area has already been approved through the state as defined by what is called the Rural Lands Stewardship Overlay. It's already zoned, and these villages have already been approved. So I clearly understand what you're asking but, from a legal perspective, what are you asking of us? To stop everything? Because it just can't happen.

MR. SCHWARTZ: Well, absolutely not, because -- okay. From a legal perspective, there's no legal grounds for you meeting with the Fish and Wildlife Service to hear what they have to say, to hear what their analysis showed. There's no legal obligation. In fact, the Habitat Conservation Plan that they worked on no longer even exists because it doesn't have an applicant. The applicants who were part of that dropped out.

I think -- my belief is that they saw the direction it was going. They saw that the Fish and Wildlife service was going to conclude jeopardy for the Florida panther, and before they got to it, they quit. I can't prove that, but that sure seems like what was going on.

This is a moral request. This is something that many people, not only in Collier County but throughout the State of Florida and actually beyond -- because the Florida panther is clearly an animal that gets a lot of attention.

COMMISSIONER SCHMITT: Well, one of the --

MR. SCHWARTZ: This is a core habitat.

COMMISSIONER SCHMITT: I'm not going to debate, and I understand. I recommend you bring your concerns to the U.S. Fish and Wildlife because the habitat --

(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: The habitat areas have already been scored. The criteria have already been developed. The criteria's already been approved through the Board of County Commissioners and through the State of Florida. I would recommend you contact the state officials at U.S. Fish and Wildlife. You know who they are. I do as well.

MR. SCHWARTZ: I know them well.

COMMISSIONER SCHMITT: But I think from there I'm going to stop with the debate.

CHAIRMAN FRYER: Thank you.

Ms. Pedron.

MS. PEDRON: That concludes our online speakers. Our next speaker is Stacy Gustafson.

CHAIRMAN FRYER: All right. Please approach one of the podiums, and let us know if you have been sworn in or not.

MS. GUSTAFSON: I have not.

CHAIRMAN FRYER: Okay. Well, we'll take care of that.

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

MS. GUSTAFSON: Yes, I do.

CHAIRMAN FRYER: Spell your name, and then you have the floor.

MS. GUSTAFSON: My name is Stacy Gustafson. Last name is G-u-s-t-a-f-s-o-n.

CHAIRMAN FRYER: Thank you.

MS. GUSTAFSON: Okay. So I can -- I moved to -- I bought a house in Golden Gate Estates just over a year ago, so I'm a little bit late to this game, this whole project. But my house is located on the east side of DeSoto Boulevard North. I didn't find out about this whole project -- maybe, like, six months ago.

And I was looking online for information, and my back property line abuts the community center, which I'm thinking is the town core. I know there's nothing I can do here. But I was just -- I just hope that there is, like, maybe ways to counteract the noise. A town core seems very, very busy to me.

And I actually bought the property out here so that I can have peace and quiet. You know, I have six-and-a-half acres. There's -- right now there's nobody -- there's woods on both sides of me, but now I'm going to have a community, five towns, coming in, and just, I guess, making some noise. I'm not sure of what.

I also have a question. I think it's Chairman Fryer, is it -- is that correct?

CHAIRMAN FRYER: Yes, it is.

MS. GUSTAFSON: Okay. I know you were going over -- you gave six points, and one of them was the traffic within these towns, one that was supposed to be parallel to DeSoto, and it seemed the gentleman -- I think that you were a little confused. You said one thing, and then you didn't know -- and somebody corrected you.

So my question is, is the people that live inside there, do they have to keep going through gates to get from one end to the other?

CHAIRMAN FRYER: No.

MS. GUSTAFSON: Okay. They don't. So what are the gates in there for? Are there gates inside of the town?

CHAIRMAN FRYER: The gates, if I understand -- and the applicant can correct me. This is -- from the -- for the purposes of people outside of these combined entities. This is a gated community.

So if you live in East Naples, for instance, and, you know, you want to come in and look around at the houses, you'd be confronted by a gate. If you want to use the commercial establishments or go to the school, that's all going to be open to you.

MS. GUSTAFSON: Okay. Now -- so I understood that there were gates in there not just from the people that are coming from outside but also within the -- within the towns that people had to stop at the -- the residents within there had to stop at them.

CHAIRMAN FRYER: Well, here's what may be the case -- and I'll ask the applicant to correct me if I'm wrong -- but if you live in one neighborhood, you may not be able to enter another private neighborhood which is -- if that's the case, so be it. But you can get to all the commercial offerings in the two villages and the town.

MS. GUSTAFSON: Okay. So my problem is -- or it's not a problem; it's a concern -- is that the people that -- let's say they live on the opposite side of where the commercial establishment is, maybe a supermarket or so, maybe they live on the other side, they're not going to go -- what's the speed limit going to be in there? Is it going to be 15 or 20? 10? They're not going to go through that community. They're going to go on DeSoto Boulevard North because they don't want to go through those gated checkpoints or, you know, have to stop at them or even go whatever the speed limit's going to be, 10 to 20. They're not going to do that. They're going to go to DeSoto

Boulevard North where it's 45, and most of the time people are not doing 45. They're going much faster.

So I have a really big concern. And it seems like, you know, when you -- when you touched upon that point, it wasn't answered very well. It kind of like -- it was just smoothed over. But the residents are not going to stay within the community to get to the other side if they can go on DeSoto Boulevard North and do 45.

CHAIRMAN FRYER: Okay. Well, speed limits are beyond our jurisdiction. And the applicant has heard you, and if the applicant wishes to respond in rebuttal, we may hear more about that.

Thank you.

Commissioner Shea.

COMMISSIONER SHEA: I wanted to follow up on that question, because now I think I'm a little confused on traffic flow. So I'm sitting in my car in Rivergrass, and do I go through a gate before I go through -- get into Longwater to get down through that pathway to get to the commercial? I'm confused like she was.

CHAIRMAN FRYER: If you're going to commercial, you don't have to go through any gates. If you're going from one private neighborhood to another, you might.

COMMISSIONER SHEA: Well, that's -- in order to go from here down to here, you're going from a private neighborhood into another private neighborhood.

CHAIRMAN FRYER: Well, the assurance that I believe I've gotten -- and we can ask the applicant now -- is that any resident inside the two villages or town will have access -- unfettered, ungated access to all commercial and light industrial and the school.

MR. YOVANOVICH: I'm asking Pat to put --

COMMISSIONER SCHMITT: Norm, you get him straight, you will, please?

MR. TREBILCOCK: Yes -- no. Good afternoon. For the record, Norman Trebilcock, professional engineer, certified planner. We worked on the traffic study for the project.

So we're -- do I have -- this is -- so this may help. So we have -- this is the Rivergrass portion, and Rivergrass here as well, and then this is the town stuff. But what -- we have a commercial area here, and per what the Chairman is saying, folks can come through here, and there's little frontage roads before the gates that folks can get to get to the commercial area.

So you can come across, say, the northern part of Rivergrass. You just have the signal. You cross the roadway, and then you have this red frontage road that we're showing that runs east/west, and that's not gated, and that will take you right into this commercial area here as well.

And then you have -- likewise, you can get over to these areas that runs across and interconnects across as well, and then you can get to all of this commercial stuff.

COMMISSIONER SHEA: How do you get in when you leave Rivergrass?

MR. TREBILCOCK: I'm sorry.

COMMISSIONER SHEA: So there's -- so you're going down Oil Well, or the frontage road on Oil Well going east instead of west, and you want to get into the upper part of Longview [sic] on that purple road you have there, how do you get in there? Is there a gate there?

MR. TREBILCOCK: Yes, there's a gate in the -- and, yeah, that's an internal activity center for the community. That's a community center. That's not a -- the commercial area that serves the Rivergrass area is right here at the southeast corner of Oil Well Road and, again, long term, there's the Big Cypress Parkway that will build parallel that will tie all these east/west roads together.

COMMISSIONER SHEA: Right. What you're saying is my point.

MR. TREBILCOCK: No.

COMMISSIONER SHEA: You've got to go out on Oil Well and down to get to the main commercial area without going through a gate.

MR. TREBILCOCK: No.

CHAIRMAN FRYER: May I please see if I can -- I understood it. I think I still do. First

of all, you have to take northern Rivergrass Village out of the mix, because it's not physically contiguous. It's blocked by Oil Well.

So forget northern Rivergrass. Now we're talking about southern Rivergrass, Longwater to be known as Big Cypress and Bellmar. Now, those three living areas, if you are a resident in any of those three, you should have ungated, unfettered access to every commercial establishment in any of those south of Oil Well; is that correct?

MR. YOVANOVICH: No.

COMMISSIONER SHEA: No, you can't.

MR. YOVANOVICH: But the people in Rivergrass, as they want to get onto the spine road, are permitted to go through the gate. There's no question about them being able to go through that gate to have -- so, yes, there's a gate there, but it will not -- they're not restricted from going through the gate, because the way it lays out, it's to keep me out, okay.

So there's an arrangement between Rivergrass and the town for use of the spine road, so...

CHAIRMAN FRYER: So that's essentially the same as far as I'm concerned.

MR. YOVANOVICH: Yes, right, right.

CHAIRMAN FRYER: Is that -- I mean, the whole idea -- the thing that appeals to me is that we're not yet calling these two villages and town a single town but, for all practical purposes, all of the commercial amenities and light industrial are going to be available to everybody on the inside.

Now, the folks on the outside will have access to the commercial that abuts the public roads, and that's always been the case.

MR. YOVANOVICH: Correct. And there's a -- and you have -- this is -- this is basically a public road outside of the gates, and there's multiple connection points for people who live in the Estates to get from one place to the other without having to get on DeSoto to go to anything related to that, and nobody's going to be living in this community, go outside of the community, go to DeSoto to go north or south to come back into the commercial. It's just not going to happen.

CHAIRMAN FRYER: Thank you. Are you cool for now?

COMMISSIONER SHEA: Sure.

CHAIRMAN FRYER: Schmitt. Mr. Schmitt.

COMMISSIONER SCHMITT: Well, as the environmental position that I sit and represent as well, I want to be clear on this whole issue with -- the whole issue about the protection of the panther, and I want to readdress Mr. Schwartz's question. But go back to the slide, because I want to, for the record, again, make sure I understand the panther mitigation. The monies raised, are these PHUs, or is this additional money in addition to PHUs?

MR. YOVANOVICH: The Marinelli Fund?

COMMISSIONER SCHMITT: Panther Habitat Units.

MR. YOVANOVICH: I think the Marinelli funding is an advance.

COMMISSIONER SCHMITT: Say again.

MR. YOVANOVICH: It's in addition to.

COMMISSIONER SCHMITT: It's in addition to. So as you go through the federal permitting process, you're going to go through consultation -- U.S. Fish and Wildlife consultation. You're in primary or secondary habitat. You're going to be assessed Panther Habitat Units, which are costly. I can -- I can throw numbers out, but they are costly. This -- the money you noted is in addition to. Is that money going to the panther passage conservation bank? Is that where you're looking for the monies to go, for more favorable habitat?

MR. YOVANOVICH: We're creating a whole new 501(c)3 for the Marinelli Fund --

COMMISSIONER SCHMITT: Okay. Yes.

MR. YOVANOVICH: -- to spend the proceeds.

COMMISSIONER SCHMITT: And that money is going for mitigation --

MR. YOVANOVICH: For projects related to --

COMMISSIONER SCHMITT: Projects related whether it's an overpass or passage way or whatever else.

MR. YOVANOVICH: Correct.

COMMISSIONER SCHMITT: Because -- and I, having sat on this board, I don't know, what, five, six years now, when the initial discussions -- especially when the restudy came up -- and I'm going back -- for the record, the folks who are listening, the county was served in the late '90s a consent agreement by the state for noncompliance, and we went through the entire study, the Rural Lands Stewardship Overlay, and all of the scoring in the studies that were involved, and then we had another reevaluation 10 years ago, and there was a lot of discussion on panther, the scoring, and the data that was used.

I'm not going to get into that, because that's all been agreed to, and the Board has already agreed, and we modified the rules in regards to panther protection.

But the clear fact is that when Nancy Payton, Wildlife Federation, Meredith Budd, who then took over, all of the panther habitat and panther corridors, all of those issues have been approved for this.

MR. YOVANOVICH: If you -- I put up on the screen as part of the town agreement we agreed to three --

COMMISSIONER SCHMITT: Right.

MR. YOVANOVICH: -- panther crossings, and they're right there as part of our project.

COMMISSIONER SCHMITT: Right.

MR. YOVANOVICH: So, yes.

COMMISSIONER SCHMITT: These were all agreed to. They were prior agreements. There was -- and everybody was in agreement because there was -- clearly understood that the development was going to take place. There was no legal way to prevent it from taking place. The land is owned by the owner, and other than somebody coming in and buying the land and turning it into a panther habitat area, this was what -- this was a win-win situation.

And I -- I guess what I want to make sure on the record -- because what was stated, again, is the data was flawed, but the data is the data. And until somebody comes in and changes the scoring and changes the criteria, we are faced with the fact that we have to apply the current rules. And at this late date, when we have a speaker telling us that everything's flawed and we have to start all over again, that's just not going to happen.

And I would recommend, again, that maybe he talk to Larry Williams at the state. Maybe the state U.S. Fish and Wildlife can confer with -- or U.S. Fish and Wildlife can confer with the state if there's disagreement in how we're applying the rules.

But I want to make sure that everybody understands, already approved panther protection, and when this goes through the review process, it will go through Section 404, 401 analysis, through the U.S. Army Corps of Engineers. It will be consultation through the U.S. Fish and Wildlife, and there will be probably, I would expect, Pat, additional PHUs that you'll pay as you develop some of these lands.

MR. YOVANOVICH: Yeah. We're still subject to federal and state permitting.

COMMISSIONER SCHMITT: Yes. You're still subject to -- and then through the ERP process as well, through the South Florida Water Management District.

So I just want to make that clear that this is -- that the current rules and regulations that exist today are there to protect the wildlife as directed by both the U.S. Army Corps of engineers and enforcement of the Clean Water Act, and the Endangered Species Act. So I just want to make sure that everybody understands that.

Thank you.

CHAIRMAN FRYER: Thank you. We're three minutes over time for our midafternoon break. Do we have any more registered speakers?

MS. PEDRON: We do not have additional speakers, Mr. Chairman.

CHAIRMAN FRYER: Thank you. Thank you.

Anybody who's in the room who's not registered wish to be heard in this matter, please raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing none, we will close the public comment portion of this hearing. And I'm going to ask, Mr. Yovanovich, do you have a rebuttal and, if so, how long would it take?

MR. YOVANOVICH: I just want to basically say Mr. Schmitt is absolutely correct. Our request is 100 percent consistent with the Growth Management Plan, including the Conservation Element. Your staff has determined that we meet all of the requirements of the Growth Management Plan and the Land Development Code.

And unless you want a more detailed rebuttal, I don't feel a need for a more detailed rebuttal. We're requesting that you forward to the Board of County Commissioners this petition with your recommendation of approval with the one clarification I made regarding the affordable housing addressing both Bellmar and the town, and we'll work with Heidi and Mr. Bosi on the exact wording of that concept.

CHAIRMAN FRYER: Thank you.

Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yes. I make a motion to approve the SRA PL20210001496, the Town of Big Cypress, as presented, with the change as proposed by Mr. Yovanovich regarding the affordable housing.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SPARRAZZA: Second.

CHAIRMAN FRYER: Is there any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, applicant. Thank you, staff, members of the public.

And we will stand in recess till 2:45, 10-minute recess to 2:45.

(A brief recess was had from 2:35 p.m. to 2:45 p.m.)

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

CHAIRMAN FRYER: Thank you, Mr. Bosi.

Ladies and gentlemen, let's return.

***Our third hearing today is PL20220000890. It's the Roost Road Residential PUDZ.

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

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

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

CHAIRMAN FRYER: Thank you.

Disclosures, starting with Ms. Lockhart.

MS. LOCKHART: Staff materials only.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Matters of public record, communications with the applicant's representative, meetings with staff.

COMMISSIONER SCHMITT: I spoke with Mr. Yovanovich related to this application.

COMMISSIONER SPARRAZZA: Staff materials and a conversation with Mr. Yovanovich.

COMMISSIONER SCHUMACHER: Staff materials only.

CHAIRMAN FRYER: Thank you.

Mr. Yovanovich, you have the floor.

MR. YOVANOVICH: Good afternoon. For the record, Rich Yovanovich on behalf of the applicant.

With me today I have Mac McCraw with Mattamy, who's the representative of the applicant; myself; Mr. Arnold will not be here today; Mr. Delate is the professional engineer on the project; Mr. Banks is our traffic consultant; and Marco Espinar is our environmental consultant.

I'm going to do just a brief overview of the project. If the Planning Commission wants to stop me at any time and say, hey, just respond to questions, I'm available to take that approach, too, as well if that's what you prefer.

CHAIRMAN FRYER: I think this may be a good candidate for that.

MR. YOVANOVICH: So do you want me to -- I'll just put on the screen the location of the property and just briefly go over the existing zoning on the property is both Estates and mobile home.

CHAIRMAN FRYER: Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yeah. Would you just clarify as well that the advertisement for the NIM did include the business park and this now no longer includes the business park.

COMMISSIONER SHEA: Exactly.

COMMISSIONER SCHMITT: So I want to make sure that's clear for the record.

MR. YOVANOVICH: The business park you're referring to -- and of course, I can't -- there we go.

COMMISSIONER SCHMITT: Yes.

MR. YOVANOVICH: -- is over here. That was part of the original project. That dropped out. So the project became smaller, and it is basically a 300-unit residential project where the allowed density under the existing Growth Management Plan would be 377 units on the property. There's a miscalculation in the staff report regarding the allowed density under the Growth Management Plan.

The property is broken up that way, mobile home and Estates. And this is the proposed master plan to allow the full range of residential options. Our access is off of Roost. That ultimately gets us to 41.

COMMISSIONER SCHMITT: And then I just want to make sure that it's noted that there is a potential interconnect if the -- that adjacent property is ever developed. You show an interconnect.

MR. YOVANOVICH: There is the ability for the projects to interconnect --

COMMISSIONER SCHMITT: Good.

MR. YOVANOVICH: -- if an interconnection can be worked out.

Again, the proposed master plan showing where the residential development will occur. The lakes and the preserve area. We're only asking for residential uses but the full range, single-family through multifamily.

The development standards are in the PUD and in your packet. I hope I'm not going too fast but, essentially, we have the typical deviations that you see, which is to go from the 60-foot right-of-way to the 50-foot right-of-way, since they'll be private roads. And we are asking for a reduction of a buffer where we already have a substantial buffer in place.

We agree with staff's recommendation, we're consistent with the Growth Management Plan, and we're requesting your recommendation of approval.

I hope that was not too brief a summary, but we can answer any questions.

CHAIRMAN FRYER: No, I think that was in order. Thank you.

Vice Chairman.

COMMISSIONER SCHMITT: I just want to point out as well, mobile home -- converting

from mobile home to residential is far more favorable. This is a Coastal High Hazard Area. Any new homes would have to comply with the new base flood elevation requirements and certainly would have to comply with the building codes, which is far more favorable than mobile home. So I think that's a benefit all around. I just wanted to add that as my position, so I would -- I'm in favor of recommending approval, but I'll defer to my colleagues.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Yeah, I didn't know that. That's good information, because I was going to ask if -- if you're going to do affordable housing, mobile homes get you in a better price range, typically, I would expect. So by not -- by going away from mobile homes, you're actually increasing the price point, and there's no -- I know there's no need for affordable housing in terms of -- or no requirement. There's a need. Excuse me.

MR. YOVANOVICH: There are needs in other parts of the county for affordable housing, not this particular project, but --

COMMISSIONER SHEA: Well, no. I didn't understand what Joe just said, though. I thank you for that.

MR. YOVANOVICH: Yeah. You don't want mobile homes in that part of the county.

COMMISSIONER SHEA: No, I --

COMMISSIONER SCHMITT: You do not.

CHAIRMAN FRYER: I'm going to want to make a quick record with staff, but I don't have anything right now for the applicant. Anyone else have anything for the applicant?

(No response.)

CHAIRMAN FRYER: If not, thank you.

Staff?

MR. BOSI: Would you like the staff report? Mr. Ortman has prepared a --

CHAIRMAN FRYER: Okay.

MR. BOSI: -- a couple remarks.

CHAIRMAN FRYER: I don't think we need a lot Mr. Ortman, because --

COMMISSIONER SCHMITT: Be brief, be brilliant, and be gone.

CHAIRMAN FRYER: And be gone.

MR. ORTMAN: Good afternoon now, Commissioners. Eric Ortman, Planning III.

Here to answer any questions. Staff does recommend approval of this petition.

CHAIRMAN FRYER: Okay. Thank you. Let me ask -- and this is not anything that really can be done, but I do want to make a record, because I think there are some stopgap improvements coming, and I'm talking about traffic and, most particularly Segments 36.2 and 36.1, Collier Boulevard. They are seriously deficient already. Would you say -- or perhaps ask Mr. Sawyer to come up. But someone give us an indication of why we can expect some mitigation of the pain that right now we're looking at.

COMMISSIONER SCHMITT: That section of the road is state road, is it not, Mike? That's not county road. That's state.

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

Yes, it is. It is FDOT's responsibility and their jurisdiction. They are in the process of gaining additional right-of-way currently, and they are monitoring that particular section of roadway. There isn't a plan currently in the -- in the five-year work program to actually get those improvements made, but they are getting the required right-of-way in place.

CHAIRMAN FRYER: And the flyover as well?

MR. SAWYER: The flyover, we do not -- that's another one of the issues that we've -- that is going to be coming up. Again, we don't have timing on that yet.

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: But, Mike, the -- from Henderson Creek south to Marco Island -- of course, the biggest prohibitor right now would be a new bridge at -- over Hendry Creek,

and that's all state, but none of that's in the program right now?

MR. SAWYER: Correct.

COMMISSIONER SCHMITT: I mean, they've done a survey. I thought they've done some designs, but there's nothing in the program?

MR. SAWYER: Absolutely. They've certainly done designs, they've certainly looked at the area, and like I said, they are definitely monitoring it. And we're working, you know, hand in hand with them pretty much on a -- you know, on a regular basis.

CHAIRMAN FRYER: Well, we do hope that we can get six-laning there and also that we can get a flyover. And thank you for working with the state. Please continue to do so.

MR. SAWYER: We definitely will. Thank you.

COMMISSIONER SCHMITT: The access out of Roost Road is Manatee either to U.S. 41 or to Collier, yeah.

MR. SAWYER: It pretty much splits in that particular location, yes. Certainly, going over to 41, certainly, is shorter.

COMMISSIONER SCHMITT: Sure. Yeah. I agree.

CHAIRMAN FRYER: Thank you.

Planning Commission, any comments or questions for staff?

(No response.)

CHAIRMAN FRYER: If not, thank you very much.

Ms. Pedron, any public speakers registered?

MS. PEDRON: Mr. Chairman, we do not have any registered public speakers in person or online.

CHAIRMAN FRYER: Thank you very much.

Any people in the room who have not registered but, nonetheless, would like to be heard, now would be the time to raise your hand and so signal.

(No response.)

CHAIRMAN FRYER: Seeing no hands, we will close the public comment portion of this hearing. The matter is now in our hands for deliberation and a vote.

I assumed, Mr. Yovanovich, there was no rebuttal.

MR. YOVANOVICH: I think I'll waive rebuttal.

CHAIRMAN FRYER: Okay. Thank you.

COMMISSIONER SCHMITT: Well, since nobody's speaking, I'll make a proposal to recommend approval as proposed. This is PUD-R PL20220000890, the Roost Road PUD.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER SCHUMACHER: I'll second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously, 5-0.

Thank you, applicant, staff, Planning Commission, public.

***All right. The fourth matter on our agenda is PL20220004279. This is the Tree Farm MPUDA.

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

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

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

CHAIRMAN FRYER: Thank you very much.

Ex parte disclosures starting with Ms. Lockhart.

MS. LOCKHART: Text materials only.

COMMISSIONER SHEA: Staff materials, a site visit, and a meeting with the applicant.

CHAIRMAN FRYER: Thank you.

I've had matters of public record, meetings with staff, communications with the applicant and agents, and a site visit both to the site itself and also to a model -- similar site.

COMMISSIONER SCHMITT: I spoke with Rich Yovanovich on this project. I also spoke with Lisa from Habitat for Humanity. I spoke -- two different phone calls, but spoke to them both about the project.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SPARRAZZA: Staff materials. I had a conversation with Mr. Rich Yovanovich, also a conversation with Lisa, and I do want to make a public statement that I am currently a volunteer for Habitat, but I do not believe it will affect my judgment on this petition in any way. Thank you.

CHAIRMAN FRYER: Thank you. And with that disclosure and without objection, it would be my recommendation that we proceed and allow the commissioner's full participation in this matter, and I believe County Attorney concurs.

MS. ASHTON-CICKO: You don't need to vote on it. We had a brief conversation before the meeting, and it doesn't sound like he has any financial interest in it, so I did discuss with him that he could disclose the relationship, but that he could vote unless he --

COMMISSIONER SPARRAZZA: Correct --

MS. ASHTON-CICKO: -- felt otherwise.

COMMISSIONER SPARRAZZA: -- thank you. I have no financial gain other than giving my blood.

COMMISSIONER SCHMITT: Other than sweat equity.

COMMISSIONER SPARRAZZA: Yes.

CHAIRMAN FRYER: Thank you for the disclosure. Noted for the record. And did we get the --

COMMISSIONER SCHUMACHER: Staff materials, conversation with staff, emails and telephone conversations with residents surrounding the project.

CHAIRMAN FRYER: Thank you.

The Chair recognizes Mr. Yovanovich.

MR. YOVANOVICH: Thank you. For the record, Rich Yovanovich on behalf of the applicant.

With me today are a lot of people that can answer questions regarding the potential -- or the proposed project. You've already mentioned Lisa Lefkow and Mara Foley with Habitat. They're with me today; Matt Chambers and Jeff Fus are with me today from White/Peterman; Chris Scott and Dan Waters are here from Peninsula Engineering; and Mr. Trebilcock, our traffic consultant, is here as well.

To keep with the tradition of the day, I'm going to do a brief overview and then open it up to any questions you may have of me or the team.

This is actually -- this is an existing PUD located at the intersection of Immokalee Road and Collier Boulevard. We're amending a portion of the PUD to add additional units and add an affordable housing aspect to the project.

COMMISSIONER SCHMITT: Excuse me. Can you put the presentation mode on? Because he's got -- it might be easier for viewing, unless Rich can do it.

MR. YOVANOVICH: You know better.

COMMISSIONER SCHMITT: There you go. Thank you.

MR. YOVANOVICH: So where was I? Location map.

We are basically adding to the yellow portion of this project 120 units from -- going from 460 units to 580 units. This is -- essentially, I'm going to use the term loosely -- partnership between Habitat for Humanities and White/Peterman for a mixed-use project that includes affordable housing as well as rental housing as part of the proposed project.

Lisa is prepared to go into her more detailed explanation of that arrangement should you want her to talk about it.

We're not asking for any changes to the commercial intensity, we're not asking for any changes to the trip cap, and we're not changing any of the development standards.

This is a little bit unique in that we're going to have an affordable housing project right next to a market-rate project. So the deviation we're asking for is to not have the two -- the affordable housing units within the rental units, just have the two projects separated because of the unique relationship with regard to the types of project. And what I'm talking about here is, you know, basically the market-rate apartments are going to be here, and then the affordable units are going to be surrounding those units.

We have worked with Esplanade, which is our neighbor to the west. There's an agreement in place for some additional enhanced landscaping along that boundary, and we are -- so that is -- that is -- I think that we've addressed their concerns with regard to enhanced landscaping, and I'm showing you on the visualizer where we're doing the enhanced landscaping to address requests from the Esplanade, and there is an agreement in place to address that. Again, addressing the landscaping, enhanced landscaping. And we worked with them on sightline studies to basically show how that enhanced landscaping will work and address their concerns.

I mentioned to you the deviation regarding affordable housing and a small deviation regarding signs. Your staff is recommending approval. We're requesting that the Planning Commission forward this to the Board of County Commissioners with a recommendation of approval.

Again, a brief overview of what we're proposing to do. I know you've read all the material. And if you have any specific questions of me or anybody else on our team, we'll be happy to answer those questions.

CHAIRMAN FRYER: Thank you.

Chairman Schmitt -- Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yeah. Rich, most of the objections that I received in emails had to do with The Quarry to the east, and the area's already zoned; is that correct? My understanding -- my recollection it's already zoned. The objections were that it was going to be developed into multifamily housing. It can be developed into multifamily housing today --

MR. YOVANOVICH: Correct.

COMMISSIONER SCHMITT: -- is that correct?

MR. YOVANOVICH: Correct.

COMMISSIONER SCHMITT: There's nothing that could -- would prohibit -- if this was not approved, the increase and the affordable housing piece of it, if it were -- stayed the same, the same product that your client is proposing could still be built.

MR. YOVANOVICH: Yeah. We could do single-family. We could multifamily, yes.

COMMISSIONER SCHMITT: Multifamily, yeah. Because that's -- all the objections we heard were basically that -- to stop it because of the proposed development but, like I said, the development could -- just for the record, again, the development could be built irrespective of the partnership.

MR. YOVANOVICH: And let me -- and with that, I should have pointed out that as part of this project, we were required to give some right-of-way.

COMMISSIONER SCHMITT: Yes.

MR. YOVANOVICH: Some we got paid for, some we didn't, and we were also required to

fund our portion of the intersection improvements at Immokalee Road --

COMMISSIONER SCHMITT: Immokalee Road.

MR. YOVANOVICH: -- and Collier Boulevard based upon the 580 peak-hour trip cap. So we have basically paid for our traffic impacts already as part of this project. And since we're keeping with the same trip cap, there's no negative traffic consequences related to this.

COMMISSIONER SCHMITT: Yeah. The other piece of it was, of course, the complaints, quote, the traffic impacts, but the traffic impacts have already been taken into account.

MR. YOVANOVICH: Yes, sir.

COMMISSIONER SCHMITT: And, I mean, when staff gives its presentation, if Mike wants to discuss improvements -- but as far as I understand, all the improvements are either planned or are taking -- are underway right now or have been completed, and the impacts of this project have pretty much been already baked into the entire process in regards to the analysis, other than, you know, if they do a flyover or whatever else they would do next.

MR. YOVANOVICH: Right.

COMMISSIONER SCHMITT: So -- okay, thanks.

CHAIRMAN FRYER: Thank you.

Mr. Yovanovich, to your knowledge, from Esplanade, are there any remaining objections?

MR. YOVANOVICH: To my knowledge, no.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: I can look to the team. Do we know of anything?

MS. SHARPE: I'll be speaking.

MR. YOVANOVICH: Okay. Are there other issues?

MS. SHARPE: No, no.

MR. YOVANOVICH: Okay, good. Thank you.

CHAIRMAN FRYER: So the answer, sir?

MR. YOVANOVICH: To our knowledge, no, and I think the representative from Esplanade will --

CHAIRMAN FRYER: Okay.

COMMISSIONER SHEA: But The Quarry still had the two issues with the traffic and --

CHAIRMAN FRYER: Lighting.

COMMISSIONER SHEA: -- getting in and out, and lighting on theirs. We got tons of letters on that.

CHAIRMAN FRYER: Yeah, we did. And we'll hear public speakers, and we'll be able to ask questions of them. Anyone --

COMMISSIONER SCHMITT: But The Quarry entrance is, of course, further to the east.

CHAIRMAN FRYER: Well -- and the south.

COMMISSIONER SHEA: South of --

COMMISSIONER SCHMITT: South of the project.

COMMISSIONER SHEA: Yeah.

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: No one else is signaling at this time. Anybody else have questions for the applicant?

COMMISSIONER SCHMITT: Do you have -- when I spoke to Lisa, and I -- just for the record, do you have any kind of architectural renderings of what's going to be built so it's clear that was -- that is the proposal for your client, or is that the proposal for --

MR. YOVANOVICH: That's for Habitat.

COMMISSIONER SCHMITT: That's Habitat. Wow, those are pretty nice. When can I move in?

MR. YOVANOVICH: That's -- they're both my client.

COMMISSIONER SCHMITT: Oh, okay.

MR. YOVANOVICH: But as far as --

COMMISSIONER SCHMITT: This is the -- this is the proposal for --

MR. YOVANOVICH: The apartments.

COMMISSIONER SCHMITT: On the eastern side. Another piece.

MR. YOVANOVICH: There.

COMMISSIONER SCHMITT: Okay. Wow.

CHAIRMAN FRYER: And the White/Peterman commercial is on the south end, and they've got market-rate housing in the middle; is that correct?

MR. YOVANOVICH: So White/Peterman apartments --

CHAIRMAN FRYER: Yes.

MR. YOVANOVICH: -- yes.

CHAIRMAN FRYER: Are market rate, and they're in the middle.

MR. YOVANOVICH: Market rate, yes.

CHAIRMAN FRYER: And then to the south of that is commercial.

MR. YOVANOVICH: There's -- yes, yes. There's an existing White/Peterman apartment complex, and then there's commercial to the south.

COMMISSIONER SCHMITT: I'm sorry I'm asking again. But to the east, The Quarry, there are three- and four-level units back there at the back of The Quarry, are there not, if I recall?

COMMISSIONER SHEA: They're single-family.

COMMISSIONER SCHMITT: They're single-family, but just north of that is -- are three- and four-story units?

MR. YOVANOVICH: I believe this will show you what's --

COMMISSIONER SCHMITT: Yeah. Those are single-family there.

MR. YOVANOVICH: And you have the roadway. You have a lake. There's a substantial distance between our proposed project and what exists in The Quarry.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Thank you. No one else is signaling at this time. Unless you have anything further, Mr. Yovanovich, we'll hear from staff.

MR. YOVANOVICH: Okay.

CHAIRMAN FRYER: Mr. Bosi.

MR. BOSI: Staff has reviewed the proposal against the LDC and the GMP. Staff's recommending approval with no additional conditions.

CHAIRMAN FRYER: Thank you very much.

MR. BOSI: Any questions, we'll be happy to entertain.

CHAIRMAN FRYER: Questions from the Planning Commission?

(No response.)

CHAIRMAN FRYER: Apparently not.

Ms. Pedron, what do we have by way of public speakers?

MS. PEDRON: Mr. Chairman, we have Cheryl Ollila, followed by Kathleen Sharpe.

CHAIRMAN FRYER: All right. And I'll ask you to spell your last name for us, please, ma'am, before you begin.

MS. OLLILA: Good afternoon, Commissioners. My name is Cheryl Ollila. My last name is spelled O-l-l-i-l-a. I'm a resident of The Quarry community, as well I serve as the president of The Quarry Community Association. The community is 900 homes directly east of this proposed project.

When our community was notified of the proposed amendment of the Tree Farm MPUD, the developers, White/Peterman Property and Habitat for Humanity, conducted Zoom meetings for both the Esplanade and The Quarry with our residents, and our neighboring community, Esplanade, directly abuts the residential areas of the Tree Farm MPUD.

Many of us attended the neighborhood information meeting in November, and we formed a working group of both Esplanade and Quarry board members and general managers to meet with the developers. We did so in January, and we have been consistent in our concerns and issues about

this project.

And with the recent build of the 340 Mark Lane Apartments by White/Peterman Properties just to the south that you referenced, this will put a total -- if this project is approved, this amendment, it will put a total of 580 new residential units that will greatly impact the back entrance to The Quarry community.

Currently, that intersection of Collier Boulevard north and Weathered Stone Drive and Broken Back Road is a two-way stop which allows for a great deal of speeding along Collier Boulevard north, and this requested amendment will exacerbate the number of vehicles and speeding that will continue.

The intersection is also impacted by the Blue Landscaping company which is off Broken Back Road. And their trucks are there at that intersection and along Collier Boulevard at peak hours of the morning and in the afternoon.

As well, the Esplanade residents are more frequently using the back gate of their community, which goes onto Collier Boulevard north because it's a safer alternative to get to the traffic light at the intersection of Collier and Immokalee rather than using their front gate, which gets onto Immokalee Road.

We started meeting with the developers, as I said. We met in January. We thought we were making good progress with the developers, but while they were willing to add the landscaping, which is great, to address the concerns of the Esplanade community, they were unwilling to address the traffic and lighting concerns, the former of which was especially important to The Quarry, and the latter to both Quarry and Esplanade.

While the Esplanade community did agree to the landscaping enhancements, The Quarry community cannot support this project. We were asked to give unequivocal support to a construction and maintenance agreement that was presented to us, both Quarry and Esplanade, on April 24th, and we had three days to review and to sign giving our unequivocal support for this project, and the only thing it offered The Quarry was a contact person for when construction begins. Nothing to address our lighting concerns, nothing to address the intersection that I speak of.

So we object to this amendment, and we would ask that the developers please agree to include commitments in the MPUD in addition to and above code minimum requirements to minimize traffic and lighting issues. We need to be assured that lighting on the eastern portion of the property along Collier Boulevard north will not adversely affect the homes in The Quarry across from Collier Boulevard north.

We also request that the TIS address impacts to the Collier Boulevard north Broken Back Road/Weathered Stone Drive intersection from the increased units and have the applicant address activities to address the impacts now.

The PUD must include language as to intersection improvement commitments to address impacts to that intersection with adjustments as appropriate at the SDP stage and with notice to The Quarry of all SDP submittals.

Finally, The Quarry requests assurances in the MPUD documents that there will be sufficient landscape buffer on the eastern portion of the property along Collier Boulevard north. These requests will also assist and benefit the residents of the Mark Lane Apartments and, if approved, the residents of the White/Peterman and Habitat for Humanity residential units.

As a fellow board member at The Quarry indicated to me, Naples did not become the beautiful city it is and Collier County by merely requiring minimum standards to be met.

I thank you for your consideration of these important matters to both The Quarry and Esplanade community.

Thank you.

CHAIRMAN FRYER: Thank you, ma'am.

Vice Chairman.

COMMISSIONER SCHMITT: I have one question. Can you clarify, what are you asking for in regards to -- you made a statement with the traffic. I --

MS. OLLILA: Yes. The intersection at Collier Boulevard and Weathered Stone Drive and Broken Back Road at our back gate is currently only a two-way stop. Only Weathered Stone stops and Broken Back Road. Collier Boulevard north, you can just speed along until you hit that roundabout up at the Government Services Center and the Mark Lane Apartments.

I'm not here to prescribe what -- you know, what the answer is. We met with Commissioner Saunders and Trinity Scott, Mike, and staff. And Trinity said, you know, don't say what the fix is, because it may be a different fix in the future, but I tell you that today it is becoming very unsafe at that intersection, and 580 new residential units --

COMMISSIONER SCHMITT: What intersection, at the --

MS. OLLILA: Collier Boulevard North, Weathered Stone Drive --

COMMISSIONER SCHMITT: Weathered Stone Drive.

MS. OLLILA: -- and Broken Back Road.

COMMISSIONER SCHMITT: Okay.

MS. OLLILA: Yes. That's the -- it's only two -- it's only a stop sign two ways. And with 580 new residential units, and you figure at least one car per unit -- because we don't have public transportation there for sure -- most likely there are going to be two vehicles her household.

COMMISSIONER SCHMITT: But you're asking --

MS. OLLILA: That puts a lot of traffic.

COMMISSIONER SCHMITT: You're asking for --

MS. OLLILA: We're asking for an intersection analysis.

COMMISSIONER SCHMITT: Okay.

MS. OLLILA: Now.

COMMISSIONER SCHMITT: Okay. I understand.

MS. OLLILA: Thank you.

CHAIRMAN FRYER: Thank you, ma'am.

Next speaker?

MS. PEDRON: Our next speaker is Kathleen Sharpe.

CHAIRMAN FRYER: Please spell your last name for me.

MS. SHARPE: Kathleen Sharpe, S-h-a-r-p-e.

Good afternoon, Commissioners. I am a board director at Esplanade, which is a community of approximately 1,200 homes. I'm here today speaking on behalf of our HOA, the Esplanade HOA.

We began communicating with Habitat for Humanity last July trying to get an update and project information as to the development that was going in. This led into other meetings with them. And we learned that there was a deviation from the original plan. And we met with White/Peterman. We partnered, then, with The Quarry to try to understand the project and to understand how it would impact our community.

As part of our due diligence, we had initial concerns regarding density and buffering, but as part of that diligence, the developer presented a plan and buffering improvements that satisfy our concerns.

So we -- in short, we support the proposed amendments to the Tree PUD.

CHAIRMAN FRYER: Thank you, Ms. Sharpe.

Next speaker, please.

MS. PEDRON: Our next speaker is Kathleen Wolfson. She's an online speaker.

CHAIRMAN FRYER: Ma'am, would you spell your last name, and then you have the floor.

Online speaker, can you hear me?

(No response.)

MS. PEDRON: Kathy, go ahead and unmute your microphone.

CHAIRMAN FRYER: Next speaker, please.

MS. PEDRON: We do not have additional speakers at this time.

CHAIRMAN FRYER: Okay. All right.

MR. YOVANOVICH: Mr. Chairman, may I just correct a fact that the first speaker said.

CHAIRMAN FRYER: Go ahead.

MR. YOVANOVICH: The entire project is 580 units. The actual net increase is 120. It's not --

CHAIRMAN FRYER: And that includes 360 in White/Peterman, I think.

MR. YOVANOVICH: There's -- yes. There's going to be 240 units in the combined project, of which 120 are already approved. So it's really only an increase of 120. And what we've said -- and the way it works is when we go in for our Site Development Plan, we will go through a site-related improvement analysis with Collier County, and we're perfectly willing to do that. We are not willing to fix someone else's broken problem. We are always willing to address our project's impact to the transportation system. And that's kind of where things broke down is we were not willing to absorb anything above and beyond what the normal analysis will require.

CHAIRMAN FRYER: Okay. Let me -- and I'll let you finish your rebuttal if you wish.

Anybody in the room who's not registered, nonetheless, wishes to be heard in this matter, please raise your hand.

MR. YOVANOVICH: I'm sorry. I thought we were past that.

CHAIRMAN FRYER: No, that's all right.

Seeing none, we'll close the public comment portion of this hearing, and you have the floor for rebuttal.

MR. YOVANOVICH: And I just wanted -- I just wanted to address that one point. I think that this is probably -- well, I know it's one of at least two projects where Habitat is working with, you know, market-rate developers to come up with ways to address an important issue of affordable housing, and I think that this type of arrangement should be encouraged. And we're addressing an important -- important need through this project.

And we've paid for the traffic impacts for this project with the improvements at the intersection, and we will go through a site analysis to address any other site-related improvements that this project may cause.

Your staff's recommending approval, and we're requesting that the Planning Commission forward this with a recommendation of approval.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: Yeah. Just for traffic purposes, maybe, Rich, you don't know, but staff or -- if I'm on Collier Boulevard and I go north, is -- Torre Vista, is that a gated entrance into the Esplanade?

UNIDENTIFIED FEMALE VOICE: Yes.

COMMISSIONER SCHMITT: That's gated. The answer is yes, for the record. As well as -- was is it, Weather --

COMMISSIONER SPARRAZZA: Weathered Stone Drive.

COMMISSIONER SCHMITT: Weathered Stone Drive. Oh, Weathered. That's gated as well?

So those communities have options -- of course, from the -- to avoid that Collier Boulevard. It sounds, from what I heard from -- the speakers say, that the preference now is coming out of Weathered Stone and heading south to the intersection rather than going out the main gate. Likewise, I would assume from the Esplanade, they're going out the main gate. They're not coming out onto Collier Boulevard. Is there much traffic coming out of that side?

MS. SHARPE: We mainly use our back gate. We can't get out on Immokalee.

CHAIRMAN FRYER: I'm sorry. We're going to have to ask you to come up on the podium --

COMMISSIONER SCHMITT: These are good questions.

CHAIRMAN FRYER: -- which you may do if you wish. Come on up.

MS. SHARPE: Are you asking me to come up?

CHAIRMAN FRYER: Yes. We can close the public comment portion but then invite people back up. Go ahead.

COMMISSIONER SCHMITT: So what I heard from both speakers, the preference for both communities, you're going east and then down Collier Boulevard. You're not trying to get out your main gate onto Immokalee.

MS. SHARPE: Not during busy season, correct. We got --

COMMISSIONER SCHMITT: Likewise with The Quarry. So out of choice, it sounds like both communities are -- one's heading west, the other's heading east and coming down Collier, eventually merging with the results of this development as well.

MS. SHARPE: Yes.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: Norm -- Norm, can you -- can I ask just -- I want some traffic -- what did -- what did your analysis do? Did you analyze the traffic and account for those choices that drivers are making from both communities to go to Collier Boulevard?

MR. TREBILCOCK: So in the PUD traffic study we did, we really just looked at what's the differential traffic. We have it. As long as we're under the trip cap, then we're okay.

The communities had looked at and asked about what are the impacts here at this particular intersection. That really is something that we normally do as part of site development analysis and not here; however, as an additional level of analysis, we did go ahead and take a look, and we did some peak-hour traffic counts right there at that intersection and did analysis.

COMMISSIONER SCHMITT: That's the intersection of --

MR. TREBILCOCK: Yes, sir, at Weathered Stone.

COMMISSIONER SCHMITT: -- Weathered Stone.

MR. TREBILCOCK: Exactly, and Collier Boulevard. It's not a part of this PUD assessment, because it's really normally part of a site development. But we did hear the community and their concerns and stuff, and so we have provided that analysis to staff to review. But that's something we would commit to doing when we do the Site Development Plan as well.

But in our analysis, there is -- there's not a particular level-of-service issue there. And what we would do is take care of any committed turn lanes that we need to do or any extensions that may need to be needed for the added units that are going to use that access point. We do use the access point to the south, as Rich mentioned, and so there's only, you know, a bit of a delta of traffic. The whole 580 isn't using that one particular location. And Esplanade is using that back area as per the original plan for Esplanade, because that's really their only way to get to the full signal, because right now there's a directional. But if you look at the master plan for Esplanade and the PUD for Esplanade, the plan is being followed.

And so there is a good amount of their traffic, a good percentage, that is using Collier Boulevard, as was planned for it, because Collier Boulevard is a public roadway, and so it's using public lighting. At the roundabout there, those mounting heights of those lights are 35-foot mounting height. Our development will be limited to, by code, 25-foot maximums so we're 10 feet lower than the lighting that's going to be directly adjacent to The Quarry. So from that standpoint, that's why it seemed that the code really does address what they're looking for as a community.

COMMISSIONER SCHMITT: Will the shrouds be down -- direct light downward instead of outward? I'm trying to --

MR. TREBILCOCK: Yes, and --

COMMISSIONER SCHMITT: But I want to ask another question.

MR. TREBILCOCK: Okay.

COMMISSIONER SCHMITT: Broken Back Road, the only people that use Broken Back, then, is the Blue Land -- Blue --

MR. TREBILCOCK: It would be a combination -- let me see if we have it up here shown.

COMMISSIONER SCHUMACHER: It would be a combination of Blue and them.

MR. TREBILCOCK: Yeah, it's a combination.

COMMISSIONER SCHMITT: Blue Landscape, is there any -- there are no residents back there, are there?

MR. TREBILCOCK: Back in here, no, minimal -- minimal amount of stuff, but that is -- they're the predominant folks back in there.

COMMISSIONER SCHMITT: Okay.

MR. TREBILCOCK: And so when we did our counts and everything -- and any future counts we'll do will take into account all of those folks.

And so, again, we're essentially willing to do that, and we'll prepare that at the -- but the proper time is really the site development and we'll, as Rich mentioned, make any improvements that we need to do that we're triggering, and we're willing to do that.

COMMISSIONER SCHMITT: But Broken Back Road will still be a through road through this PUD? Is it, or is it gated?

MR. TREBILCOCK: No. That's a -- there's a temporary condition, I believe, of some construction traffic from the development, but it will just be the lands to the west there, which is, like you said, the Blue Landscaping folks. But our -- it's part of our connection to that area, and then Esplanade is -- is their entrance is the Torre access to the north.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Thank you.

MR. TREBILCOCK: Yes, sir.

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

CHAIRMAN FRYER: Any further rebuttal from Mr. Yovanovich?

COMMISSIONER SCHMITT: Let me just ask again about the lighting. The concerns about the lighting, these are just typical normal 20-foot poles, downward directed lighting, or what's the plan?

MR. TREBILCOCK: So we're limited to 25-foot --

COMMISSIONER SCHMITT: Twenty-five, okay.

MR. TREBILCOCK: -- height fixture. I can tell you, you know, having a standard of incorporating a full cutoff fixture with a bug right-in [sic] where the U is equal to zero with no uplighting would be a reasonable proposal to help further that -- any of those concerns there from the community. I think that would really address it because, again, right next to us -- here we are. Next to us it's -- those lights are 10 feet higher right now, the ones at the roundabout.

COMMISSIONER SCHMITT: On Collier Boulevard?

MR. TREBILCOCK: And usually the county lights will be 40 to 45 feet, but the county did bring it down. And those are full cutoff fixtures. So they're not creating any issues or anything. But they're 10 feet higher than us, and then their community's right there. And it's 100-foot right-of-way. So I believe if we stick with our standards and we do a -- we can agree to a full cutoff fixture, I believe that will really address things for the folks.

COMMISSIONER SCHMITT: Okay, thanks.

CHAIRMAN FRYER: Thank you.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Can we go back to the slide showing the apartments themselves, not Habitat's, but the --

MR. YOVANOVICH: What they look like?

COMMISSIONER SCHUMACHER: Yeah, Building 1, 2, and 3. Okay. So those 1, 2, 3 -- so those are four stories. So The Quarry's concern with the light spillage is in addition to, because when you look at the site map, I don't see any type of buffer here with those units that are looking to the east. So they're kind of overshadowing those houses that sit on their retention pond or lake on The Quarry side. Do you see where I'm getting from --

MR. YOVANOVICH: I do.

COMMISSIONER SCHUMACHER: -- the light spillage? But I'm trying to understand.

I understand bring down the lights, but --

MR. YOVANOVICH: I don't understand their concern about 100-foot right-of-way, their lake, and how our apartments are somehow going to spill light into their homes. We don't see it.

COMMISSIONER SCHUMACHER: Okay.

CHAIRMAN FRYER: All right. Thank you.

No one else is signaling at this time.

Anything further, Mr. Yovanovich?

MR. YOVANOVICH: No, sir.

CHAIRMAN FRYER: Okay. Then it would be appropriate for us to take the matter into consideration and have a motion.

COMMISSIONER SCHUMACHER: Chair, I think the traffic is what -- the main concern from -- all of the responses I've received and inquiries has all been related to traffic upon this road. So that road is a two-lane road as it stands now from -- Mike, from the county's standpoint, is there any improvements coming to that road at any point in time? No.

MR. BOSI: None that I know of. None that I'm aware of.

COMMISSIONER SCHUMACHER: Because both communities are utilizing that road, because it is more efficient than going out to Immokalee because of the amount of traffic on Immokalee. I know Vanderbilt's coming down the road, and that's still a couple years away, but still, it's -- I would think the level of service there --

MR. BOSI: As a local road, there's no level of service that's associated with that road.

MR. YOVANOVICH: And, Mr. Schumacher, we've already paid for those impacts on that road, and we'll do that through impact fees as well. So we are paying our share.

COMMISSIONER SCHUMACHER: No, I understand. I'm not questioning that at all. I'm just also looking forward to your residents as well, with the amount of traffic on that road. I mean, I've been out there on a Monday morning and watch cars wait three cycles to get through. So...

CHAIRMAN FRYER: Yes, ma'am.

MS. LANTZ: Hi, sorry. I'm going to -- I had a -- I was asked to --

CHAIRMAN FRYER: Your name one more time.

MS. LANTZ: Okay. Lorraine Lantz, Transportation Planning.

Let me move this onto the presentation mode.

I was at the meeting with The Quarry and the residents -- or the homeowners associations with Esplanade, so they've already seen some of this presentation.

Some of their comments and questions were in regards to what was going on our facilities or on our network. That would alleviate some of the traffic congestion. And so these are some of the Long-Range Transportation Plans that are in the works, and these are the cost feasible plans.

The widening of -- or the extension of Collier Boulevard north to connect to Logan, if you will, and then connect onto Bonita is a need. It's a transportation need. It is not a funded project.

So while the MPO will do their long-range plan, update, and amendments, it might move forward, and it might move into something that's funded. It is not at this time. So that project is very long-range. There's issues with that, environmental concerns as well, as well as Bonita only wants one connection to Bonita Beach Road.

I have also some of the network which shows Collier County's transportation plan for the next several years. You can see that most of the work is being done in the eastern area, but it will alleviate Collier -- it will alleviate Immokalee Road.

And the big alleviator is Vanderbilt Beach Road extension. We feel that that will do approximately 20 percent of a reliever of Immokalee -- Immokalee Road traffic. And once that comes online, we will really see some of the benefits to all of our network.

The future of Collier and Immokalee Road will be an overpass and, as Rich mentioned, that is something that we are planning for, but that is -- again, that's something that's long-range. It's not necessarily in the plan for it to be constructed today.

As part of my projects with Collier County, I was doing a lot of studies, and we did look at Immokalee Road from Livingston to Logan, which really is considerably a level-of-service of D. We're expecting that to be -- to fail, and so we have a lot of programmed projects for the area.

The first project that is actually funded with some grants, through construction from FDOT grants, is a shoulder project. This is for -- to relieve the eastbound traffic from Logan all the way to I-75. Right now there's a right-turn lane. We are proposing to make that a through lane or right turn. So it would, in essence, give an addition lane for capacity. So as I said, that is funded for design and construction within the next five years.

We also are recommending an overpass. The Board of County Commissioners has approved that. So we are starting the construction of that for Livingston and Immokalee, so that project will help alleviate congestion as well. We've made some --

COMMISSIONER SHEA: When you say "starting construction," has it been designed?

MS. LANTZ: So we are -- we're moving -- I'm sorry if I said -- it's moving forward for design. The design is funded. It's in the next five-year work program, and we're looking for construction to begin in that work program. I apologize if I misspoke. I'm sorry.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Oh, I'm sorry. I didn't turn it off.

CHAIRMAN FRYER: Okay. No problem.

COMMISSIONER SHEA: I'm good. Thank you.

CHAIRMAN FRYER: Any other questions or comments?

COMMISSIONER SCHMITT: Yeah, I would -- let's go over the rest of these.

MS. LANTZ: Sure, sure. So we are recommending some other projects as facilities are being programmed. We're recommending some turn-lane improvements and some at-grade facilities for capacity through all of the intersections along Immokalee Road.

One of our bigger recommendations was to work with FDOT, Florida Department of Transportation, for a diverging diamond interchange at I-75 and Immokalee. So that is one of the projects that we -- or the Board of County Commissioners has recommended. It is programmed for -- or it is in the long-range plan for design.

COMMISSIONER SHEA: Is that in the county's plan? Has the state bought into that since it's their highway?

MS. LANTZ: So the -- let me -- I'll move through -- some of our other things where capacity projects for right-turn lanes and extensions and widening, like that.

FDOT has their own work program, and they're currently -- they have their projects that they're working on, but mainline I-75 is their biggest. They have with -- Governor DeSantis is moving forward -- Florida initiative, there are several projects. In Collier County there are four projects.

So mainline of I-75 is one. I-75 with a diverging diamond very similar to what we had recommended at Immokalee is also recommended at Pine Ridge, and that is, we believe to be -- with this legislation to be forwarded -- to be funded.

I-75 all the way mainline in Collier County, basically Golden Gate Parkway through Collier County, as well as 29, two projects in 29 -- on State Road 29.

COMMISSIONER SCHMITT: Well, what about the interchange -- since you showed the state, we have the interchange at Collier and 75.

MS. LANTZ: Oh, Immokalee and 75 or Collier Boulevard?

COMMISSIONER SCHMITT: No, I'm talking Collier and the state.

COMMISSIONER SPARRAZZA: Exit 101?

MS. LANTZ: Yep. That is under construction -- or that is in design. That will be constructed. I believe it is moving forward to start construction shortly. It's a design-build construction. So it is -- but it is in their work program to be designed and constructed, sorry.

COMMISSIONER SCHMITT: All interesting, but what can we do right now at Collier

and Immokalee?

MS. LANTZ: FDOT has put on as their projects -- as their proposed projects, or as improvement projects, I-75 at Livingston -- I-75 at Livingston as one of their proposed projects. It is not funded at this time. We are still providing -- moving forward with grant opportunities and other opportunities to get that -- I-75 and -- I-75 and Immokalee. I apologize. I'm sorry. It's been a long day. I apologize.

COMMISSIONER SHEA: I thought they went in opposite -- same direction.

MS. LANTZ: So we're looking for -- we are moving forward with the overpass at Livingston -- excuse me. We're moving forward with Immokalee and Livingston as the overpass, and we are looking for them to forward -- or to fund the I-75 diverging diamond interchange. That is something that they have proposed, but we have not seen the funding move forward.

COMMISSIONER SCHMITT: Is there right-of-way available if there were improvements to be made on this section going north on Collier from Immokalee that we were talking about? This is -- it's deemed a local road. Does the -- has the county done any analysis to determine whether -- improvements of that section of Collier Boulevard that we were talking about for improvements?

MS. LANTZ: So you're talking about operational improvements?

COMMISSIONER SCHMITT: Yeah.

MS. LANTZ: So that would be something that would be operationally done with the TIS and to look at. When we had our meeting, we were saying, wait until some of that -- the Site Development Plan comes in to look at opportunities for that. It could be widening or it could be turn lanes, and other smaller opportunities. To actually widen and to connect to Collier -- from Collier to Lee County, though, is --

COMMISSIONER SCHMITT: Of course, we had one of the speakers say we'd like to include some kind of a traffic analysis from the entrance off of this project, and I assume off The Quarry as well, as part of this -- the county to commit to looking at traffic improvements. Do you have any comments on the recommendation from the resident that spoke?

MS. LANTZ: We feel that that is more of the -- when a Site Development Plan comes in, to look at that -- at that time as well as operationally.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: I guess it's not in the immediate future, then. I mean, it's Site Development Plan -- I don't know what the plans are for developing of this after it's approved, but you're probably at least two years out before moving forward.

UNIDENTIFIED SPEAKER: We'd like to get through everything and start construction next year.

MR. YOVANOVICH: Mr. Schmitt, the goal is to start the Site Development Plan process immediately --

COMMISSIONER SCHMITT: Yeah.

MR. YOVANOVICH: -- and hopefully be under construction within a year. So it's not something that's out in the future to analyze this issue.

COMMISSIONER SCHMITT: And both developers, Habitat and --

MR. YOVANOVICH: We will do -- we're going to do the required transportation analysis that every other developer goes through.

COMMISSIONER SCHMITT: Yes, okay.

MR. YOVANOVICH: That's what we're going to do.

COMMISSIONER SCHMITT: All right, thanks.

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHUMACHER: This is a question for staff. So when you review their traffic study as it comes in during the SDP, do you go out there and review it or say, hey, at this meeting, there's obviously conversation that there's a lot more cars going through this section than

originally, kind of intended, due to the construction -- or due to the congestion on Immokalee Road so, therefore, these two communities utilize these back gates more than, perhaps, was anticipated.

MS. LANTZ: So we would look at their impacts of what's going on. What they are saying -- if they're doing a model analysis of where their traffic is coming, if it's back gate, if it's front gate, and look at that, and make some recommendations for operations at that time, yes.

COMMISSIONER SCHUMACHER: All right.

CHAIRMAN FRYER: Thank you. Anything further from up here?

(No response.)

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

COMMISSIONER SCHMITT: Well, maybe I'll make a comment. I mean, this is a great example of a developer partnering with Habitat to create what we know is needed in this county -- it's been talked about and talked about -- and that's affordable housing.

Of course, we're dealing with the impacts, and Immokalee Road and Collier Boulevard, it's a pretty significant impact. I mean, it is. It's -- but I don't have an answer to that. It's been analyzed. It's being studied. There's improvements. But be that -- I really don't want to put at risk a proposal that I think is beneficial to this county. So I would make a recommendation to propose for -- recommend approval as proposed.

CHAIRMAN FRYER: Thank you.

Is there a second?

COMMISSIONER SPARRAZZA: Second.

CHAIRMAN FRYER: Further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

COMMISSIONER SCHUMACHER: Nay.

CHAIRMAN FRYER: It passes by a vote of 4-1.

Thank you very much, applicant, staff, members of the public, and Planning Commission.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: Thank you.

***All right. Coming up on our last. PL20220003327, the 13385 Collier Church Conditional Use.

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

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

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

CHAIRMAN FRYER: Disclosures, ex parte, please, starting with Ms. Lockhart.

MS. LOCKHART: Staff materials only.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Matters of public record and meeting with staff.

COMMISSIONER SCHMITT: Staff materials only.

COMMISSIONER SPARRAZZA: Staff materials only.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHUMACHER: Oh, staff materials only. Sorry.

CHAIRMAN FRYER: That's all right. Thank you.

The Chair recognizes the applicant.

COMMISSIONER SCHMITT: I'm sure Jessica enjoyed the afternoon.

MS. KLUTTZ: Oh, yes. So good afternoon, everyone, the Board. My name is Jessica

Kluttz. I am a planner with Davidson Engineering. I am here with the applicant, James McCaa, representing the Central Church of Christ of Naples, and we're going to be presenting our conditional use for a church located 13385 Collier Boulevard.

So here you can see an aerial of our project location. We're just north of the intersection of Pine Ridge Road and Collier Boulevard, and the site is approximately 2.15 acres.

This --

COMMISSIONER SCHMITT: Can you go back -- just go back one again.

MS. KLUTTZ: Of course.

COMMISSIONER SCHMITT: I just wanted to make sure I orient myself. I looked on the map, but this -- okay, thanks.

MS. KLUTTZ: So our proposed conditional use is to allow for a church in the Estates zoning district as required by the Land Development Code, and we believe that this land is eligible for a conditional use per the Urban Golden Gate Estates sub-element of the Growth Management Plan per Section (B)(1)(a)(3)(b), or Page 14. This section states that the property located on Collier Boulevard identified as Golden Gate Estate, Unit 1, north 150 feet of Tract 114, less the right-of-way, shall be eligible for a conditional use. And per the Official Records Book 4, Page 75, that is our legal description. So this is the property referenced in the Growth Management Plan for a conditional use.

We also believe this conditional use is exceptionally compatibility with the surrounding area because we have a church use permitted to both the north of our property and south of our property, and to the east we abut Collier Boulevard, and we have an Estates-zoned property to the west with a residential development on it.

So the conditions of approval for this would be that only the Central Church of Christ of Naples shall utilize this site, so it cannot be utilized by any other church organization.

The number of the seats within the church should not exceed 125 seats. There's going to be no outdoors events or outdoor sound amplification permitted on the site, and this is going to allow one principal structure that is no larger than 6,750 square feet on the site.

And church services are to only be held on Sundays between the hours of 9:00 a.m. and 1:00 p.m., and Wednesdays between the hours of 6:00 p.m. and 9:00 p.m. We also propose that a quarterly meeting is permitted on the site.

And for traffic, the maximum total weekday trip generation for the proposed development shall not exceed 13 two-way p.m. hour net new trips.

So here you can see on the screen we've provided our concept plan. This follows, essentially, the code standards for Estates zoning. Providing parking at a ratio of three spaces per seven seats within the church at the supposed max buildout of 125 seats, and the building will be no larger than 6,750 square feet. And the included uses are a worship area, a classroom area only to be used during the service times, a bathroom, a small room to prepare communion, and then a front lobby.

CHAIRMAN FRYER: I'm going to ask if I can interrupt you, please --

MS. KLUTTZ: Of course.

CHAIRMAN FRYER: -- and ask a question about the condition to the Conditional Use No. 4, which is a sentence that may be a little ambiguous; at least it's caused some confusion on my part. It says no special events, comma, outdoor events, comma, or outdoor sound amplification will be permitted. No special events will be permitted?

MS. KLUTTZ: No. So no outdoor events such as, like, a festival or an outdoor wedding.

CHAIRMAN FRYER: So what you mean to say is no outdoor special events?

MS. KLUTTZ: Yeah.

CHAIRMAN FRYER: Okay. So we'll add the word "outdoor" here. So things like weddings, I believe, are considered customary accessory uses, and so there would be no limit on those as proposed?

MS. KLUTTZ: The proposal is just so that everything is self-contained within the building

and that there are no impacts to the neighbors.

CHAIRMAN FRYER: Well, I mean, there would be a traffic impact, yeah. And I'm not trying to be argumentative or --

MS. KLUTTZ: No, of course.

CHAIRMAN FRYER: -- to ask you to contract your request. I just want to be sure I understand.

So No. 4 would say "no special outdoor events," well -- and then it says "outdoor events."

COMMISSIONER SHEA: The screen is different from what you're reading.

CHAIRMAN FRYER: No outdoor events or outdoor -- that's clearer on what -- okay. This came, I think, from the NIM synopsis. So I'll go with this language, which is clearer. No outdoor events or outdoors sound amplification should be permitted.

Okay. So as far as indoor events are concerned, there's a limit on church services, but otherwise no limit?

MS. KLUTTZ: It's still limited to 125 users.

CHAIRMAN FRYER: Yeah. But I'm talking about the number of events.

MS. KLUTTZ: They would have to take place during those hours, but I don't think this would place a limit on the number of events. It is a small congregation. And in our backup package, we have this exact language listed as the official conditions of approval that was approved by staff.

CHAIRMAN FRYER: I'm not -- I'm not suggesting that's good or bad. I'm just looking for clarity --

MS. KLUTTZ: I know.

CHAIRMAN FRYER: -- right now on what you're proposing to do. So we could expect weddings, perhaps, what, christenings, baptisms, things of that nature. What about counseling?

MS. KLUTTZ: No. There would be no counseling, no food banks, no external services from the church other than the masses and the accessory uses.

CHAIRMAN FRYER: Okay. Yeah, well, counseling could be construed as an internal church function.

MS. KLUTTZ: We'd be happy to add no counseling or mental health services as an additional condition.

CHAIRMAN FRYER: Okay. And the limitation to the size of your congregation, the only practical way to get at that is limit seating, right?

MS. KLUTTZ: Correct.

CHAIRMAN FRYER: Yeah. Okay. Those are my questions and comments.

COMMISSIONER SHEA: So if you're having a wedding, it's going to be either between 9:00 and 1:00 on Sunday or 6:00 and 9:00 on Wednesday?

MS. KLUTTZ: Those are the standard church hours, yes.

COMMISSIONER SHEA: I mean, it says "services," but any other events would also be limited to those same two blocks of time?

MS. KLUTTZ: Yes.

COMMISSIONER SHEA: No other days during the week will you have anything going on?

MS. KLUTTZ: No, that's --

COMMISSIONER SCHMITT: Weddings are typically on Saturday morning.

COMMISSIONER SHEA: Well, that's what I'm talking about. But I think she said it was going to be during those hours, which is Monday -- or Sunday and Wednesday.

CHAIRMAN FRYER: I mean, we don't want to overly tie your hands. I think --

MS. KLUTTZ: No.

COMMISSIONER SHEA: We want to understand.

MS. KLUTTZ: I mean, we could reword this to just say, "church hours, including services, to only be held on those hours." Like I said, this is a very small congregation, and these are the

conditions that they want to impose on themselves. They don't want to cause a distress, and the traffic impact statement was based on these conditions and these hours.

CHAIRMAN FRYER: Okay. All right.

COMMISSIONER SCHMITT: I find no objection to a Saturday morning wedding.

CHAIRMAN FRYER: Neither do I, but one's not being asked for.

MS. KLUTTZ: Correct.

CHAIRMAN FRYER: Okay. Vice Chairman.

COMMISSIONER SCHMITT: Yeah. I have -- again, this is an access onto Collier Boulevard. And you were here for the entire conversation we had. And here's my concern: Well, what, 50 feet up the road is the access to another church. Can staff explain to me, please, how we're approving -- what's the approval process? Are there any other options? Because I see two -- two access points on a road that is, basically, we talked about access restricted. So -- can staff please clarify.

COMMISSIONER SHEA: It's actually three, because there's a church on the north --

COMMISSIONER SCHMITT: Well, the church on the south actually comes in off of 5th -- I think it's off of 4th Avenue. I already looked at the aerial.

CHAIRMAN FRYER: Mr. Sawyer.

MR. SAWYER: Yeah. Again, for the record, Mike Sawyer, Transportation Planning. We are required, when a petition comes in for anybody, that we do have one access point to a public roadway. This is an isolated parcel. It does not have another option. So in this particular case, this is the only option that we've got available for this particular applicant.

COMMISSIONER SCHMITT: Are there -- are there -- I'm looking at the distance just to the north from the other entrance -- and I'm looking at an aerial here, and, I mean, obviously there's going to have to be some kind of improvements to allow ingress and egress into this site.

MR. SAWYER: Yes. They're going to be extending the existing turn lanes.

COMMISSIONER SCHMITT: I don't see that on the concept plan, though. I don't see any type of movements. Oh, is that -- okay.

MR. SAWYER: Where you see the turn arrows, that is actually the turn lane.

COMMISSIONER SCHMITT: Oh, that's -- so that's now the construction of a turn lane.

MR. SAWYER: Correct.

COMMISSIONER SCHMITT: It's going to be required?

MR. SAWYER: Yes, sir.

COMMISSIONER SCHMITT: That is in the county right-of-way, but it not on the neighboring property?

MR. SAWYER: Correct.

COMMISSIONER SCHMITT: I mean, the ideal would have an interconnect between the two properties, but that would -- that would put in -- impose a requirement onto the neighbor.

And I agree with you, it's an isolated lot. We have to allow access. I mean, that's a state statute. But the requirement -- I clearly want to identify that it has to go through the SDP process for the proper right turn in, and it would only be right turn in, right turn out?

MR. SAWYER: Correct.

COMMISSIONER SCHMITT: There would be no --

MR. SAWYER: And that would be done at --

COMMISSIONER SCHMITT: -- no need, no requirement -- or, basically, no full opening?

MR. SAWYER: Correct. Definitely.

COMMISSIONER SCHMITT: Is there anything that would have to be done for an acceleration lane coming out to go south?

MR. SAWYER: No. Actually -- that's actually going to wind up being a continuous turn lane now for all three churches.

(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: Well -- but there's no access. The third church doesn't

come off of Collier Boulevard.

CHAIRMAN FRYER: I'm going to ask all of us to be careful not to speak over one another.

MR. SAWYER: I apologize.

COMMISSIONER SCHMITT: Terri, I --

MR. SAWYER: Sorry, Terri.

COMMISSIONER SCHMITT: The church to the south comes off of 5th Avenue Southwest.

MR. SAWYER: Correct. But I believe that there is still a turn lane that --

COMMISSIONER SCHMITT: Is there really?

MR. SAWYER: -- is continuance through there.

COMMISSIONER SCHMITT: I don't think so.

COMMISSIONER SCHUMACHER: Well, there would be a right-turn lane into 5th, correct?

COMMISSIONER SCHMITT: That's a right turn onto 5th.

MR. SAWYER: Onto 5th, yes.

COMMISSIONER SCHUMACHER: Into 5th, and this turn lane's going to tie into that turn lane?

MR. SAWYER: Absolutely.

COMMISSIONER SCHMITT: Oh, okay. So all three will -- it will be one turn lane?

MR. SAWYER: Correct.

COMMISSIONER SCHMITT: And the applicant agrees to the required improvements?

MS. KLUTTZ: Yes.

COMMISSIONER SCHMITT: Will this require approval by the Board from a standpoint of the access -- what did we call it, restricted access onto Collier Boulevard?

CHAIRMAN FRYER: The policy?

COMMISSIONER SCHMITT: The policy.

MS. KLUTTZ: Well, we are -- this is our only ability for access, so I don't think it can be denied.

COMMISSIONER SCHMITT: No, I don't either.

CHAIRMAN FRYER: It's probably a built-in exception to the policy.

COMMISSIONER SCHMITT: I think it's clear -- no, I know we have to -- state law requires access to the property. I'm just trying to figure out another way to do it. But if the lane -- the traffic lane improvements satisfy the county requirement, I'm good with it.

MS. KLUTTZ: Yeah. We will make sure that it satisfies the county requirements and the road requirements at the time of SDP.

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you.

I'd like to back up a couple of slides to your conditions, if we may. Thank you. Right there.

As we were talking about it -- and I may be out of school here -- it seems as if you truly are limiting anything and everything you can do outside of these, what is it, seven hours of operation. And before this gets put into writing and possibly approved here and going before the Board, is that truly your intentions? As we discussed, if somebody wanted a church service wedding on Saturday at 1:00, that you would not be able to do that?

MR. McCAA: I haven't --

(Simultaneous crosstalk.)

CHAIRMAN FRYER: You can't speak from back there, sir.

MR. McCAA: I haven't been sworn in.

CHAIRMAN FRYER: Well, we'll swear you in, and then you can speak.

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the

truth, the whole truth, and nothing but the truth?

MR. McCAA: I do.

CHAIRMAN FRYER: State your name, please.

MR. McCAA: James McCaa, M-c-C-a-a.

CHAIRMAN FRYER: Thank you.

MR. McCAA: We have been meeting as a group for 11 years. We've had weddings, but we've never wanted to have it necessarily where we're worshiping. It's always been that someone's got another venue elsewhere. We've had -- gatherings with individuals or usually done in homes. What we are is a very conservative church, and we're trying to create a precedence where we have a permanent location. Currently we meet in a house now. So out of about close to 11 years, we've never had a wedding, you see what I'm saying, in that situation?

COMMISSIONER SHEA: Did you ever have a church?

MR. McCAA: We do have a church, and even my son-in-law's performed weddings, but it hasn't been on location. And so that's what I'm saying. It's not something that the building's necessarily required for that.

And, again, we may be a little bit unique. We're conservative in the sense that we're a cappella. We don't use instruments. We don't think we have the right to conduct business outside of the Lord's business, and so we are very conservative in that way, so...

CHAIRMAN FRYER: Thank you.

Vice Chairman, go ahead.

COMMISSIONER SCHMITT: No outdoor events. I want to make sure -- I'll give you a scenario. You're going to all meet at the front of the church and have a procession, whatever it may be, Good Friday or Easter or whatever. If you so choose to do that, I don't want this to prevent you from doing something like that where 125 parishioners are outside and then you have a procession, May Day or whatever -- whatever it may be that's an outdoor event -- but I certainly believe that that would be allowed.

MR. McCAA: I appreciate that. I just know that our common practice has always been -- and basically what we're saying is, if we did a wedding, it would be the exception. It's definitely not the rule. It hasn't been in almost 11 years.

COMMISSIONER SCHMITT: The conditions of approval are in the zoning, and I just don't want --

MR. McCAA: Right.

COMMISSIONER SCHMITT: -- and I just don't want -- these are pretty restrictive. And no amplified sound is fine. No outdoor events, but --

MR. McCAA: If we found ourselves where someone said, listen, we wanted to have -- because we're a member here, we want to have a wedding here, they would probably still be elsewhere having a representation.

COMMISSIONER SCHMITT: Oh, absolutely; understand that.

MR. McCAA: So what I'm saying is it would still be inside venue --

COMMISSIONER SCHMITT: Right.

MR. McCAA: -- and that would be it.

COMMISSIONER SCHMITT: But the -- this doesn't allow that. I'm saying if you have a congregation, and 50 people come on a Saturday morning for a wedding, we've got to make sure this allows that. This says, basically, you're only going to meet on Sundays and Wednesdays. And if you want to have a wedding on Saturday, you're going to conduct it inside. You do the wedding ceremony, exchange vows, and they go to the fire hall for the reception --

COMMISSIONER SHEA: But they still can't have the wedding inside unless it's during that same hours.

CHAIRMAN FRYER: I'm going to raise a point of personal privilege here.

COMMISSIONER SCHMITT: Please do.

CHAIRMAN FRYER: I am going to offer you Saturday between 9:00 until 1:00 --

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN FRYER: -- unless you don't want it --

MR. McCAA: No. Thank you.

CHAIRMAN FRYER: -- maybe it's just Christian guilt on our part up here, but we'd like to give it to you.

MR. McCAA: Well, thank you.

COMMISSIONER SCHMITT: And, likewise, events. No outdoor events. I mean, no -- you're not going to have fundraisers or all those type of things, but a congregation meeting out in front of the church and then a procession in --

CHAIRMAN FRYER: So we'll -- with your -- by your leave, we will add the word "Saturdays and" in front of the word "Sundays."

COMMISSIONER SCHMITT: Yeah.

MR. McCAA: Thank you. We live by grace, and I'll accept yours.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SPARRAZZA: I personally would hate to see their hands tied by such a restrictive conditions of approval. As we all know what takes place at churches, it's usually wonderful, great things. Let's not minimize maybe in three years what you might want to do, although it has been restricted by these conditions of approval.

MR. McCAA: Again, just being here this morning -- me and my wife has got a real education just watching what you-all go through. And, again, I think, too, we've recognized that, because of the impact on the community, we're trying not to -- you know, friction, create problems against that. We're actually trying to be a benefit, not a hindrance.

CHAIRMAN FRYER: You're wanting to be a good Christian neighbor, and we all appreciate that. Thank you very much.

COMMISSIONER SCHMITT: Can you help me understand what we did before this?

CHAIRMAN FRYER: Ms. Kluttz, we kind of interrupted you and your presentation.

MS. KLUTTZ: That's quite all right.

CHAIRMAN FRYER: I think we're maybe even beyond where you are. It's up to you.

MS. KLUTTZ: Yeah. I was just about to go into the buffering, just continuing on, just trying to not cause any impacts to our neighbors. We have to the -- I'm sorry. To the north we have -- and south we have the 10-foot Type A landscape buffer, and then to the west where we abut an Estates residential home, we have provided 75 feet of buffering, which is a combination of 50 feet of preserve here, and then a 25-foot Type B buffer here, so that provides 75 feet, so that there is no impact. And we also have decided to site the building where it is so that no lights from cars parking at any point would impact that home.

And then along Collier Boulevard, we have a 25-foot enhanced neighborhood center buffer, which is per code. That will have a hedge, scrub beds, and ground cover in that 25-foot.

And that is all I had.

CHAIRMAN FRYER: Thank you. I think that's all you're going to need.

COMMISSIONER SCHMITT: What is the area behind the church? It's kind of hashed out. Is that just going to be grass or what -- I can't --

MS. KLUTTZ: We have it as stormwater and a --

COMMISSIONER SCHMITT: Stormwater.

MS. KLUTTZ: -- potential septic field.

Okay. Got it. Thanks.

CHAIRMAN FRYER: Other questions or comments from the Planning Commission for the applicant? If not --

COMMISSIONER SHEA: Well, you said something about a septic field. So this doesn't have public water and sewer?

COMMISSIONER SCHMITT: No, it's the Estates. They're not on public.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: That's a great discussion some day.

CHAIRMAN FRYER: Thank you, Ms. Kluttz.

We'll now hear from staff.

MR. ORTMAN: One last time, Commissioners. Eric Ortman.

Staff agrees with everything that the applicant has stated. Staff recommends approval along with the six conditions and the added words "Saturday and" before "Sunday" in Condition No. 5.

And at the NIM, which was only attended by six people, four of them being members of the church, the idea of the conditions that the church was going to impose upon themselves was discussed for quite some time, and they are aware of how they are limiting themselves.

CHAIRMAN FRYER: Thank you. Thank you very much.

Anything further from staff?

MR. BOSI: Nothing further.

CHAIRMAN FRYER: If not, Ms. Pedron?

MS. PEDRON: Mr. Chairman, we do not have any registered speakers.

CHAIRMAN FRYER: Thank you. And I don't see any -- well, anyone who's in the room who has not registered wishes to be heard, please raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing no hands, we will close the public speaking -- public comment portion of this hearing, and the matter now comes to us for deliberation and motion.

COMMISSIONER SCHMITT: I make a motion to approve subject to the additional proposal for Saturday service.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER SHEA: Second.

COMMISSIONER SCHUMACHER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes 5-0. Thank you very much.

And to my amazement, we --

COMMISSIONER SCHMITT: I have to ask, did you get a good education in public service?

MR. McCAA: I did. We did. Patience.

COMMISSIONER SCHMITT: Local zoning laws.

CHAIRMAN FRYER: Well, before we conclude, I want to compliment the Planning Commission because we don't do a service to our community when we are always speaking with one voice. And so when we have some yays and some nays, that's a result of good-spirited, thoughtful, and careful analysis, and I welcome it and am very thankful to all members of the Planning Commission for doing that. So thank you.

Old business? Any old business to come before us?

(No response.)

CHAIRMAN FRYER: Any new business?

(No response.)

CHAIRMAN FRYER: Any public comment on matters that we've not heard?

(No response.)


CHAIRMAN FRYER: If not, without objection, we are adjourned.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 4:02 p.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on 7/6/23, 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.