

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida  
May 16, 2024

LET IT BE REMEMBERED that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

Edwin Fryer, Chairman  
Joe Schmitt, Vice Chair  
Paul Shea  
Randy Sparrazza  
Chuck Schumacher  
Christopher T. Vernon  
Amy Lockhart, Collier County  
School Board Representative

ABSENT:  
Robert L. Klucik, Jr.

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. This is the May 16, 2024, meeting of the Collier County Planning Commission.

Everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Secretary Shea, please call the roll.

COMMISSIONER SHEA: Chairman Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER SHEA: Vice Chairman Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER SHEA: Secretary Shea is here.

Commissioner Vernon?

COMMISSIONER VERNON: Here.

COMMISSIONER SHEA: Commissioner Klucik?

(No response.)

COMMISSIONER SHEA: Commissioner Sparrazza?

COMMISSIONER SPARRAZZA: Here.

COMMISSIONER SHEA: Commissioner Schumacher?

COMMISSIONER SCHUMACHER: Here.

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

CHAIRMAN FRYER: Thank you very much, Mr. Secretary.

Now, it was my information that --

COMMISSIONER SHEA: I apologize.

Ms. Lockhart, I forgot to call you.

MS. LOCKHART: That's all right. I'm here. Thank you.

CHAIRMAN FRYER: Well, and we're glad of it, too. Thank you for being here.

I had been told that Commissioner Klucik might want to be calling in. Do we have him on the phone yet at this time?

MR. SABO: (Shakes head.)

MR. BOSI: The indication from the back is Mr. Klucik is not on Zoom.

CHAIRMAN FRYER: Okay. Well, as soon as he does come on, please let us know so we can -- we can take action on his request to participate remotely, which we will do.

Addenda to the agenda. Mr. Bellows.

MR. BELLOWES: Good morning. We have no changes to the agenda today.

CHAIRMAN FRYER: Thank you. Planning Commission absences. Our next meeting is not until July 18, 2024. Does anyone know if he or she won't be able to attend that meeting?

COMMISSIONER SCHMITT: Mr. Chairman, as -- knowing that I abstained from that vote, it's also the same day that the Marco Island Environmental Permitting Summer School is on Marco Island, so I probably will be attending that. Do we have other -- is that the only item on the agenda?

CHAIRMAN FRYER: No, sir. We've got -- we've got a full agenda. And in

fact, we're carrying over to July 19. We have that reserved if we need it.

COMMISSIONER SCHMITT: So probably -- at least the portion that's involved with Fiddler's Creek, I will not be here.

CHAIRMAN FRYER: Okay.

COMMISSIONER SHEA: We should be talking about 18th and 19th.

CHAIRMAN FRYER: Yes, and I'm coming to that.

COMMISSIONER SHEA: Oh, I'm sorry.

CHAIRMAN FRYER: Yeah. I'm just taking it one day at a time. Story of my life.

So that's for the 18th of July. Then on the 19th, same question, anyone know if he or she will not be in attendance?

COMMISSIONER SCHUMACHER: Chair, I will not be here the 18th or the 19th, sir.

CHAIRMAN FRYER: Either one?

COMMISSIONER SCHUMACHER: Either one. I could call in, but I won't be in town.

CHAIRMAN FRYER: Okay. Thank you for letting us know, Commissioner Schumacher.

COMMISSIONER VERNON: And I'm almost -- I will be here on the 18th, and that's when we're going to handle the Section 29 Fiddler's Creek, right?

CHAIRMAN FRYER: Well, I think -- I think probably we'll start it on the 18th, but we're not leading off with it, are we?

MR. BOSI: I believe we are going to lead off.

CHAIRMAN FRYER: We are going to lead off?

MR. BOSI: Yes.

CHAIRMAN FRYER: Okay.

COMMISSIONER VERNON: Since, I mean, I spent two days listening, I will be here on the 18th. So I -- unless somebody has a concern, I'd love to get it started first thing on the 18th and love to get it done on the 18th. And the 19th, I'm pretty sure I'll be here, but I do have -- my firm has a trial. And I don't think I'm going to need to be there, but I could. But I'll definitely be here on the 18th.

CHAIRMAN FRYER: Okay. Thank you very much.

It looks like we stand a real good chance of having a quorum on both days, so that's good.

Approval of minutes. We only have one set of minutes in front of us today for action, and those are the minutes of our April 18, 2024, meeting. Any corrections, changes, or additions to those?

(No response.)

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

COMMISSIONER SCHMITT: Make a motion to approve as noted in -- the minutes on our -- today's agenda.

CHAIRMAN FRYER: Thank you.

Is there a second?

COMMISSIONER SPARRAZZA: Second.

CHAIRMAN FRYER: Further discussion?

(No response.)

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

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you very much.

BCC report, recaps, Mr. Bellows.

MR. BELLOWS: Yes. There were no land-use items on last Tuesday's Board agenda.

CHAIRMAN FRYER: Thank you, sir.

Chairman's report, none today.

Consent agenda, none today.

\*\*\*Public hearings. First we'll hear PL20220002704, which is the 135 Price Street rezone.

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: Okay. Thank you.

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

MS. LOCKHART: None.

COMMISSIONER VERNON: None.

COMMISSIONER SHEA: Staff materials.

CHAIRMAN FRYER: Matters of public record and a meeting with staff.

COMMISSIONER SCHMITT: I spoke with Blair Foley just before the meeting in regards to a question I'll be asking on the record regarding the property, so that's the only thing I dealt with.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SPARRAZZA: Staff materials only.

COMMISSIONER SCHUMACHER: Staff materials, public record.

CHAIRMAN FRYER: Thank you. And is Mr. Klucik not on yet?

(No response.)

CHAIRMAN FRYER: All right. So we'll proceed with the applicant's presentation, sir. Please go ahead.

MR. FOLEY: Thank you, and good morning. Mr. Chairman, Mr. Vice Chairman, and Planning Commission members, my name is Blair Foley, and I'm here today representing the property owner for a rezone from Agriculture "A" to Residential Single-Family (RSF-2) district.

The proposed ordinance limits the density to three single-family homes. The

subject property is located at 135 Price Street off Tamiami Trail East in East Naples. I'm going to do a partial brief presentation, and then we'll go through the slides, if that would be okay.

The rezone that we submitted for is consistent with the Growth Management Plan and has been evaluated by the 18 criteria as shown in the staff report. We fully support staff's opinion and position on those items.

The driving factor for the request for the property owner here is to create lots for his family, for his son and his daughter. In fact, his daughter currently is staying in one of the homes on the property.

The surrounding zoning in this area, to the north is vacant C-3 and ag with some lakes that were constructed for stormwater management for the road system. To the south is developed. It's the road right-of-way. It's also zoned "A." There's a church directly to the south, and there's also some residential. To the east is fully developed, and it's a CPUD. Lots of commercial activity that fronts U.S. 41, and to the west it's developed "A" Residential.

Okay. So we'll briefly go through the slide show. I just have a few slides here, if I may. This is the information that we provided staff, and there were a few revisions, as noted in the bottom of Page 1. Page 2 here is an aerial showing the existing conditions of the property as it sits today. You'll see there's two structures on the property. And the surrounding zoning that I described momentarily -- previously, it shows the commercial to the east, the Residential "A" to the west, and then the development to the south, which includes a church.

This is our conceptual site plan that shows the breakdown of the property into three lots. And the reason that we went with RSF-2 in this case is really for the side-yard setbacks and the lot width dimensions. These are broken up as shown on this drawing. Also included here are the building setbacks and the required landscape buffers in this RSF-2 district.

I know this isn't very easily seen, but in red on this graphic it shows the property and the proposed breakdown of the lots. There are roughly 47 lots on Price Street, and they are nonconforming agricultural. I mean, they all fall a little shy of five acres, which is -- which would make them conforming. If they were conforming districts -- we did just this little analysis here, and it shows the different designations of the zoning property [sic] where these -- where they would fit into. So under RSF-3, there's one lot; RSF-2, there's actually six lots today that mimic that zoning district; and then RSF-1, nine; and the Estate lots, there are 31.

I also wanted to note on this particular graphic that there are several lots on Price Street that are smaller in size than the proposed lots that we have. There's two that are directly to the south and some others further to the west.

Here's the zoning map showing the zoning districts that surround it. A little difficult to see, but if you see the crosshatch in the upper right, you'll see it says "CPUD." Directly to the west of that is the subject property. You'll see the two small lakes there. This just gives you kind of an overview of what's going on in the general neighborhood. It shows all the heavy commercial activity around Tamiami Trail East. It shows the PUD further to the south, and this is a unique neighborhood in its layout and land use.

This didn't make it into your package, but this is an e-mail that we received from the pastor, Father Gleb, who resides at the Saint Demetrius Orthodox Church directly to

the south, in full support of our project.

So that concludes the portion of the slide show. And I just wanted to go over in summary a couple more items, and then I'll turn it over to staff.

This rezone is from "A" to RSF-2 for three lots. The way the ordinance is drafted, it calls -- calls out specifically three single-family lots.

Number 2, the rezone is consistent with the GMP as listed in the staff report.

Number 3, it creates three legal conforming lots in the RSF-2 district.

And No. 4, and I think this is probably the most important, the rezone creates an improved compatible transition from the U.S. 41 commercial activity, which is zoned C-3, C-4, CPUD, to the "A" residential. So it's a nice buffer as the zoning goes from heavy duty commercial to the west.

Okay. So, in closing, I just wanted to say that we're aware there's a neighbor's letter of opposition that's immediately adjacent to us to the west. So I know it's been provided to you, and we're familiar with it as well. He had two main items. I'd like to speak about those if I could, briefly. He was requesting the setbacks to be increased from 20 to 30 feet for reasons stated in his letter about possibly affecting the way he lives today.

I will state that I met with my client, and he is offering to install a 6-foot PVC privacy fence along that western property line to match up with the existing fence that that owner has now to alleviate his concerns, and we could go on record with that, and our client -- my client is willing to commit to that today.

CHAIRMAN FRYER: Has that been communicated to the neighbor?

MR. FOLEY: It has not.

CHAIRMAN FRYER: Okay.

MR. FOLEY: Number 2 in his letter, he was concerned about stormwater management. And I will state for the record that the drainage designs on single-family lots will be in full compliance with your Land Development Code Section 6.05.03, which requires individual lot drainage designs that prohibit water from leaving the property to the neighbor. They can attenuate and discharge to the right-of-way. We will be in full compliance with that as we move forward.

And that's the conclusion of my presentation today. I would like the opportunity to answer any questions later or answer any questions from you right now.

CHAIRMAN FRYER: Thank you.

Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Blair -- and for the record, I've known Blair for years. He's an esteemed member of the Development Services Advisory Committee. Blair, what, it's almost, like, 25 years you must have been on that committee?

MR. FOLEY: Long time. Thank you.

COMMISSIONER SCHMITT: I thank you for your service in that regard.

I asked you about the structure in the backyard, if I recall. It's a rather large garage, a two- or three- or four-stall. I can't remember. I saw a Skid Steer parked in the back and some gravel and some other things.

My concern is, is that a -- is there a business being run out of there? And if so, will that now be prohibited? I'm asking staff. I assume that that would be prohibited, then, if it becomes RSF-2?

CHAIRMAN FRYER: Yeah, 2.

COMMISSIONER SCHMITT: RSF-2. So -- but if it's private and it's just

whatever for the property owner, there should be no problem.

But, again, my question for staff, does that become a legally nonconforming structure?

MR. BOSI: I mean, the RSF-2 does allow for home occupations, so it depends on what the structure is primarily used for. I mean, I'm waiting for the applicant to kind of comment towards --

COMMISSIONER SCHMITT: Yeah. I'll wait -- I'll let Blair --

MR. FOLEY: Yeah. I did talk with the owner. Currently he's looking for property for storage for his contracting business. As it stands right now, once this rezone -- assuming that we could get approval for it, it will just be personal storage back there.

COMMISSIONER SCHMITT: Yeah. I just don't want to create a situation where it becomes a code case now because under ag it's allowed --

MR. FOLEY: Understood, right.

COMMISSIONER SCHMITT: -- but RSF-2, it may be problematic. And I just want to go on the record to make sure that your position is stated clearly in case there's any -- any complaints in the future.

MR. FOLEY: Understood.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: There will be no seeing of customers or clients, then, on the property?

MR. FOLEY: No.

CHAIRMAN FRYER: Thank you.

Anything else?

COMMISSIONER SCHMITT: No, that's it. I just wanted to make sure, for the record. Thanks.

CHAIRMAN FRYER: Thank you.

Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you, Mr. Chairman.

Have any other lots on Price Street gone through a variance code request, do you know of?

MR. FOLEY: I can personally speak to a few projects that my firm has had on Price Street where we've had complaints from neighbors, code cases, of actually running a business on the property, and we had to go through certain steps to abate the code case by way of a Site Development Plan through Mike's group and also Jamie's group within Collier County to do the engineering plans to get it approved.

COMMISSIONER SPARRAZZA: Okay.

MR. FOLEY: As far as other code cases, I'm unaware of those.

COMMISSIONER SPARRAZZA: I apologize. I probably misspoke. I was wondering --

Mr. Chairman, could we ask for quiet in the audience. Gentlemen --

CHAIRMAN FRYER: Yeah. Those in the chambers, if you want to have a conversation, please take it outside. Thank you.

Go ahead.

COMMISSIONER SPARRAZZA: Thank you, Mr. Chairman.

Have there been -- to your knowledge, best of your knowledge, have there been any

other lots on Price Street that have come before the Board to request this same similar action, dividing a lot, requesting smaller setbacks?

MR. FOLEY: Not to my knowledge. I don't know of any.

COMMISSIONER SPARRAZZA: Staff, by any chance, do you know? It's going back a ways.

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

From looking at the zoning map, it's still -- it's primarily agriculture.

COMMISSIONER SPARRAZZA: Okay. So this would be the first time anyone's coming to ask to reduce the size of the lot that they originally purchased and to make modifications to the setbacks, correct?

MR. FOLEY: As far as I know, this is the first.

COMMISSIONER SPARRAZZA: Okay.

MR. FOLEY: In looking at the zoning map, it's stated on --

COMMISSIONER SPARRAZZA: Yeah, it's ag, most of it.

MR. FOLEY: Mostly. There are some commercial uses, like, directly across the street from it, however, a church and parking lot and whatnot.

COMMISSIONER SPARRAZZA: Yep. Okay. Thank you. I appreciate that.

CHAIRMAN FRYER: Thank you, Commissioner.

No other -- well, Vice Chairman, go ahead.

COMMISSIONER SCHMITT: Blair, who has the responsibility for maintenance of the canal on the --

MR. FOLEY: I believe that's a Collier County canal.

COMMISSIONER SCHMITT: That's what I thought; it was Collier County. I think they're the ones that widened that years ago for stormwater.

MR. FOLEY: Correct.

COMMISSIONER SCHMITT: So it's Collier County.

MR. FOLEY: Yeah.

COMMISSIONER SCHMITT: Okay. Thanks.

CHAIRMAN FRYER: Thank you.

Anything further, Mr. Foley, before we go to staff?

MR. FOLEY: No, sir. Thank you. Thank you for the opportunity to present to you this morning.

CHAIRMAN FRYER: Thank you, sir.

Staff report. Mr. Bosi.

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

Staff has reviewed the petition against the Growth Management Plan. The Future Land Use Element allocates four units per acre as an eligibility within this area. So a transition from agricultural to Single-family 2 is not unexpected, from staff's perspective.

And from a planning principle perspective, the immediate neighbors to the east of this parcel is a commercial PUD. So you've got a commercial PUD and the intensity that's associated with that commercial PUD. This rezoning to RSF-2 is a step down from that intensity. Albeit a more intense use than agricultural use at one to five. The RSF-2 provides that transition that we traditionally look for when you have commercial property, an adjoining property, and then a relatively low-density environment.

So from that perspective, this follows the principles of planning of stepping down the intensity of uses from a -- from a higher intensity to a lower intensity to a very



low-intensity environment. And so with -- for that perspective, staff is recommending approval.

CHAIRMAN FRYER: Thank you, sir.

No planning commissioners are signaling at this time, until Secretary Shea did. Go ahead, sir.

COMMISSIONER SHEA: So I probably shouldn't ask you this, but I'm going to.

CHAIRMAN FRYER: Uh-oh.

COMMISSIONER SHEA: I don't fully understand this conforming and nonconforming. What is that -- I've heard it so many times, and I don't fully understand the significance of it.

MR. BOSI: The nonconforming nature -- and most of the lots on Price Street are nonconforming because the requirement for the minimum lot size within an agricultural zoning district is five acres. This parcel of land does not have five acres. The majority of the parcels of land on the south side of Price Street is under five acres, so they're nonconforming. They're still allowed to develop a residential structure and develop within the zoning district, but they are nonconforming because of past actions prior to the zoning -- to the zoning regulations being imposed upon them. So that's why we talk about nonconforming and conforming.

If the rezone is approved, then each one of these lots will have the necessary lot coverage or lot square footage.

CHAIRMAN FRYER: Thank you.

No one else -- until Commissioner Vernon signaled.

COMMISSIONER VERNON: I kind of have a similar question, because I hear this a lot. You know, we will -- with respect to stormwater drainage, you know, we'll comply with the code. Water will not leave the property. Well, I guess I should know the code, and I don't know. I mean, if we have a Cat 5 hurricane, water's going to leave the property. So I just wonder what's that -- if you can just tell me what's -- when they say, "Water's not going to leave the property," at what level can they -- is it summer rains are an exception?

MR. BOSI: It's a 25-year flood event that --

COMMISSIONER VERNON: Twenty-five-year flood event.

MR. BOSI: -- they're required to retain the water to. And why we say that it will be an improvement and why I think Mr. Foley has indicated there will be an improvement is right now it's ag zoning, and ag zoning -- this predates -- this zoning is well before our current LDC. In the development of these structures, we're not obligated to provide for stormwater management in their development.

As they transition to RSF-2, they will have to meet the requirements of our code, so each individual lot will have to maintain that 25-year storm event for the required period of time for water quality before it can be discharged to the larger system.

COMMISSIONER VERNON: So from your perspective, the stormwater drainage situation on that property will actually get better as a result of this?

MR. BOSI: Yes. Anytime that you have an agricultural property moving to a designed RSF, single-family, or even a commercial zoning designation, you'll find that the water management within the area will be taken care of in a much more holistic way than what it was when it was agricultural.

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Mike, quick question. Septic, or are they going to county?

MR. FOLEY: I can answer that. That's septic. It's county water. Septic -- (Simultaneous crosstalk.)

MR. FOLEY: -- on the street, yes, sir.

COMMISSIONER SCHUMACHER: Thank you.

CHAIRMAN FRYER: Thank you.

Anything further from the Planning Commission?

(No response.)

CHAIRMAN FRYER: Mr. Sabo, Ms. Padron, do we have any registered speakers?

MR. SABO: Yes, Mr. Chairman. Dean Bremerman is the only registered speaker, and we have no speakers on Zoom.

CHAIRMAN FRYER: Okay. Thank you.

Mr. Bremerman, are you here, sir? Approach the lectern, identify yourself, and take five minutes.

MR. BREMERMAN: This side?

CHAIRMAN FRYER: Either one.

MR. BREMERMAN: Good morning and thank you. My name is Dean Bremerman, and I live at 149 Price Street, which is just west of 135 Price Street.

I have lived in Naples all my life, but I bought property on Price Street over 35 years ago. I bought there because of the agriculture zoning. I wanted to start a plant nursery, and my wife wanted a place for her horse.

Price Street is composed, roughly, of -- mostly of five- and two-and-a-half-acre lots which are allowed a house and a guesthouse or garage per lot.

Mr. Grille bought his property a few years ago, which already contained an older house and a large garage, which has been built more recently at a much higher grade. If you subtract this lot size and the drainage easements of 1.7 acres, which contains a large part of the canal, you are left with less than two acres to build on. His plan to build up to four units, two houses and two guesthouses, doubles the density of what is allowed with agriculture zoning. I'm afraid that this would set a precedent for others to follow and would change the rural quality of life we enjoy here on Price Street.

I've already experienced water runoff problems after Mr. Grille raised the grade around his large garage to facilitate his construction business to store supplies and equipment. I'm afraid that the fill needed to build an additional four building lots could directly affect this runoff even more.

I believe Mr. Grille, who lives on Marco, that his interest in changing this zoning is more motivated by profit than anything else.

I thank you for your time. If there are any questions, I'll be happy to answer.

CHAIRMAN FRYER: Thank you, sir.

No one is signaling at this point.

Any other registered speakers? I take it there are none?

MR. SABO: We have no other registered speakers.

CHAIRMAN FRYER: All right. Anyone in the room who is not registered but would like to be heard on this matter, please raise your hand.

Seeing no hands raised --

COMMISSIONER SHEA: We've got one.

COMMISSIONER VERNON: We've got two.

CHAIRMAN FRYER: Oh, I'm sorry.

Come on up, and we'll get you sworn in if you're not already sworn 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?

MR. DOWNEY: I do.

I'm just going to make it simple --

CHAIRMAN FRYER: Make it real simple by starting with your name, sir.

MR. DOWNEY: I'm sorry. My name is Jimmy Downey. I live on 955 Barefoot William, and I have another property down the street from there at 1095 Barefoot William.

CHAIRMAN FRYER: Thank you.

MR. DOWNEY: What he is doing, he is trying to get this property split up for his children. The thing is about your children, aren't you supposed to protect your children? That's our job. He's going to put it all in a trust just for his children. I mean, we're all parents, stuff like that. We've got to do everything for our children for the future, and that's exactly what he's doing right now.

So that's all I got to say for now. Thank you.

CHAIRMAN FRYER: Thank you, sir.

COMMISSIONER SCHMITT: So question: Based on that, you support the petition, you said, or -- you support --

MR. DOWNEY: I'm -- I heard about the meeting. I forgot all about it, but I have got everything in the record. They got all that stuff for me. Thank you.

CHAIRMAN FRYER: You're supporting the application?

MR. DOWNEY: I am definitely supporting it.

CHAIRMAN FRYER: Thank you. All right.

Now, there was another hand raised. Please come up to the lectern, identify yourself, and we'd like to hear from you.

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. STACKPOLE: Yes.

CHAIRMAN FRYER: Thank you. What is your name?

MR. STACKPOLE: Good morning. Jesse Stackpole. I'm at 161 Price Street. I've been there four or five years. I've got a big shop in the back and a small modular home.

My only -- I support it. I don't have a big problem, but how is it going to affect the rest of us? I'm only two properties away, and I have five acres, and I -- I would just like to know if it's going to roll on down the street and I can do the same. That's only -- my only concern.

CHAIRMAN FRYER: Thank you for coming up, sir.

MR. STACKPOLE: Yep, yep.

CHAIRMAN FRYER: No one else has -- here we go. Commissioner Shea.

COMMISSIONER SHEA: I just wanted to go back to -- maybe Mike. So this property's going to be on septic, so I'm assuming they're going to -- they're going to expand the septic system because they're adding -- adding additional structures. It's on public water.

MR. BOSI: Yes.

COMMISSIONER SHEA: Are all the houses around it on Price Street on septic?

MR. BOSI: That would be my assumption. If there's -- there are no sewer facilities available, so septic would be the only options they would have.

COMMISSIONER SHEA: So along the lines of the increased density, you're also going to add more septic systems?

MR. BOSI: Yes.

COMMISSIONER SHEA: To an area that probably could be served by some of our -- one of our wastewater plants, but -- just a comment.

CHAIRMAN FRYER: Mr. Foley, did you want to be heard on this?

MR. FOLEY: If I may.

CHAIRMAN FRYER: Go ahead.

MR. FOLEY: I just wanted to make a statement that all the other properties are on septic, and there currently is a septic on this property. So if he was to build two more homes, there would be two additional septic fields.

And, of course, if the county expands into this particular area, then there is an opportunity to connect in the whole street. I don't know what the master plan is for that particular street, but at some point that should and may happen.

CHAIRMAN FRYER: Got it.

COMMISSIONER SHEA: Well, it would seem like they'd have facilities in the CPUD area so that -- they're very close by. That's one of the advantages of being close to Tamiami, so that's why I would be interested as to why we wouldn't tie it in rather than adding two more septic to the existing lot.

MR. FOLEY: If I may, that could be out to U.S. 41. There's certain mandated state statutes about when they can and would connect.

Just quickly, up in the Pine Ridge area, there's a lot of homes up there, and those mostly are on septic as well. We get engaged and hired to extend water mains up there. But there is no current plan for the county to go in there and to provide sewer for, you know, much larger lots, much larger demands.

CHAIRMAN FRYER: Okay.

COMMISSIONER SHEA: Thank you.

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you, sir.

Just to confirm, it's not dividing this property into three lots and having one single-family home on each lot. It's dividing it into three lots having a single-family home and a guesthouse on each of the two new homes [sic]?

MR. FOLEY: That's not proposed.

COMMISSIONER SPARRAZZA: It is not. I'm sorry. I thought I heard that somewhere that there would be a home and a guest home on the lots.

MR. BOSI: That was from the public speaker. That was a statement the public speaker made.

COMMISSIONER SPARRAZZA: Oh.

COMMISSIONER SCHMITT: That was from the public speaker.

COMMISSIONER SPARRAZZA: I'm sorry. Okay. Thank you very much. My mistake.

CHAIRMAN FRYER: Thank you.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: No, I was going to follow on Mr. Bremerman's comment with the house and the guesthouse.

Mike, what's the -- if you have a one-acre lot, can you put a guesthouse with a single-family home?

MR. BOSI: The requirement for a guesthouse is you need a full acre on your property.

COMMISSIONER SCHUMACHER: Full acre?

MR. BOSI: Yes.

COMMISSIONER SCHUMACHER: And each one of these lots, Mr. Foley, are they a full acre?

MR. FOLEY: Yeah. Lot 1, Lot A, is 1.38; B, 1.18; C, 2.32. But I believe the way the ordinance is written, it talks about three single-family homes, does it not?

COMMISSIONER SCHUMACHER: It does. It says three single-family homes, but that -- if the -- I don't have a crystal ball. If they're going to put a guesthouse in, you're -- depending on the distance from the main house, you're going to be throwing in another septic.

MR. FOLEY: That's not proposed right now. That's just -- you know, like, I don't have a crystal ball either. But I've spoken to my client. He does not propose guesthouses on these. He wants individual homes for his family. One for his daughter, one for his son.

COMMISSIONER SCHUMACHER: The house that's standing now, is that going to be taken down and a new house risen on top of that, or is it staying as-is?

MR. FOLEY: That's going to remain.

COMMISSIONER SCHUMACHER: It's going on remain?

MR. FOLEY: Yeah.

COMMISSIONER SCHUMACHER: Thank you.

CHAIRMAN FRYER: Thank you.

No one else is signaling at this time. Vice Chairman.

COMMISSIONER SCHMITT: Yeah. Just for the record -- and I know Blair knows this -- as far as construction and transmitting water on the neighboring property, that's deemed trespassing from the standpoint of using another piece of property for drainage. All that will have to be engineered and go through both the site plan process when you do a plat and plan, and also when you do your building permit, you're going to have to identify.

So could you just explain for the record to make sure that as -- you, as the engineer signing off on this, you will do the planning to make sure that you retain the required amount of water on site or dispose of it, which probably most likely you could convey to the east towards the canal. But, for the record, could you explain.

MR. FOLEY: Certainly. Your LDC, Land Development Code, under 6.05.03, has specific language on residential single-family lots. So if this project moves forward, our next step would be to get a plat, get a surveyor involved and record the plat. Along with that would be some engineering improvements. Landscape buffers, things like that are also shown on this preliminary plan set.

When it goes to building permit, as part of the submittal for the building plans, they're also required to have an engineered stormwater management system. Your code

requires either a Type 1 or a Type 2 depending on the amount of impervious surface that is proposed on the lot.

The more impervious surface, the more aggressive the land -- or excuse me -- the water management design must be. If you exceed a certain percentage, then more water has to be held on the property before it gets discharged.

As far as outfall, we have to do a legal outfall to some drainage easement or right-of-way. That hasn't been determined yet. It could be to Price Street. It could be to the canal to the east. That hasn't been determined. But we absolutely will meet the requirements set forth in your Land Development Code.

COMMISSIONER SCHMITT: And just for the record, the neighbor who is concerned about the drainage has every right to come into the county or to review those plans to make sure that they're not impacted -- adversely impacted; is that correct?

MR. FOLEY: That's correct. Absolutely. And it's very specific that you cannot discharge to your neighbor.

COMMISSIONER SCHMITT: Correct.

MR. FOLEY: That's -- a main component -- we do a lot of these lot drainage designs, and that's one of the main components of our plan set, and if there are issues, there's mitigation.

COMMISSIONER SCHMITT: Okay. Thanks.

CHAIRMAN FRYER: Thank you. I see another hand. Do you want to testify, sir? Come on up. You've already -- give us your name again.

MR. BREMERMAN: Hello. My name is Dean Bremerman.

There was a question about a house and guesthouse. On his survey I have here, on the right-hand side, there's setbacks, and it lists a north and south residence on the properties, as if the north would be the guesthouse and the south would be the home.

CHAIRMAN FRYER: Okay. Mr. Foley?

MR. FOLEY: Yeah. That's typically just addressing the two structures that exist today. There currently is a shop in the back and a house up front. So when we did the setback table, we reference what's there, since he's not proposing to remove those structures.

CHAIRMAN FRYER: I see.

Anything further, sir?

MR. BREMERMAN: Is that -- those setbacks for the north and south residence, aren't they for the proposed new units?

CHAIRMAN FRYER: Address the Commission, please.

MR. BREMERMAN: Sorry.

CHAIRMAN FRYER: That's okay.

MR. BREMERMAN: Sorry.

CHAIRMAN FRYER: That's all right.

MR. BREMERMAN: These aren't setbacks for proposed new units?

CHAIRMAN FRYER: Mr. Foley?

MR. FOLEY: There's both -- excuse me. There's both. There's existing setbacks, and then there's proposed. The proposed setbacks are the RSF-2 zoning district setbacks, and the existing setbacks were just to represent the existing conditions today of the structures on the lot. By no means does it mention or do we anticipate at this time building a house and a guesthouse on these other lots.

MR. BREMERMAN: Well, maybe not at this time, but -- it's hard to read, but it says "north building garage" and "north/south building residence." That's not going to be duplicated on the other lots?

CHAIRMAN FRYER: Go ahead, sir.

MR. FOLEY: Thank you.

We're just -- again, we're just reflecting existing conditions. We were stating how far off the garage is from the property lines and how far off the house is from the property lines.

CHAIRMAN FRYER: Any member from the Planning Commission want to hear from Mr. Bremerman further?

(No response.)

CHAIRMAN FRYER: Thank you, Mr. Bremerman.

All right. And other members of the public, particularly who have not yet spoken, wish to be heard on this matter, please raise your hand.

MR. FOLEY: Your attorney.

CHAIRMAN FRYER: Sorry? Oh, I'm sorry. Ms. Ashton.

MS. ASHTON-CICKO: You could place a condition, if you choose to approve the rezone, that there -- no guesthouses are allowed.

CHAIRMAN FRYER: All right. Well, when it comes time for a motion, we'll see what comes up.

Anything further from the public?

(No response.)

CHAIRMAN FRYER: It looks like not. So with that, we will close the public comment segment of this hearing and take the matter under advisement for discussion, deliberation, and a motion.

Who would like to -- oh, I'm sorry. Commissioner Schumacher, I didn't see you, sir. Go ahead.

COMMISSIONER SCHUMACHER: No, I was going to include what Mr. Ashton just said, as a motion. I would recommend approval with the condition that no guesthouse be built on any of those three lots.

CHAIRMAN FRYER: All right. And --

COMMISSIONER SHEA: Is that a motion?

CHAIRMAN FRYER: I believe that's a motion.

COMMISSIONER SCHUMACHER: Yes, sir.

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Okay. It's been moved and seconded.

Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yeah. I understand the proposal to prohibit it, but by Zoning, is it prohibited?

MR. BOSI: If the Planning Commission imposes that condition, it would be prohibited, but from a zoning perspective, as long as they have 100 foot of street frontage and a one-acre lot, they would be entitled to a guesthouse as well. Now this would not --

COMMISSIONER SCHMITT: Define what -- just clear my memory here. What would constitute a guesthouse? A separate building? I mean, could it be a house with a casita, that type of design?

MR. BOSI: It could be a house with a casita, it could be a separate structure that

can't be more than 40 percent of the total square footage of the primary house as well.

COMMISSIONER SCHMITT: So a guesthouse that is under 40 percent would not be considered a guesthouse -- explain that.

MR. BOSI: No, it is a guesthouse. The limitation of a guesthouse is 40 percent of the property. So you could have a guesthouse that's 40 percent of the square footage of the primary house.

COMMISSIONER SCHMITT: But if you have an adjoined casita or mother-in-law suite, or whatever you want to call it, is that considered a guesthouse as well? I mean, I know that we've had this discussion for years regarding guesthouses --

MR. BOSI: Yes, if --

COMMISSIONER SCHMITT: -- and on and on with the Estates what constitutes a guesthouse. But the issue here is it's a separate facility to be rented, or is it -- I mean, please clarify.

MR. BOSI: It is -- guesthouses are prevented from -- are not allowed to be rented, per our code.

COMMISSIONER SCHMITT: Okay. Right.

MR. BOSI: It could be a -- it could be attached with a separate entrance. It still would have to be less than 40 percent of what's considered the primary structure. But guesthouses are not allowed to be rented, by our code. Now, Urban Estates, the Board took some action to make those allowable, but within the RSF-2 zoning district, that does not apply. It's not -- they're not rezoning to an Urban Estates.

So they would be allowed to -- per our code to construct guesthouses on these lots unless the Planning Commission would put that imposition upon them.

CHAIRMAN FRYER: Thank you.

Mr. Foley, what is your client's position with respect to the condition that's been proposed?

MR. FOLEY: Thank you. Thank you for that. I was just chatting with him briefly to get some feedback.

He does not want that to be imposed on this project. He wants the ability to add an apartment above a garage in the future if he deems so in accordance with the zoning regulations. Each lot has the width needed to do so, according to the current zoning, so he does not want to be restricted, as the motion has suggested.

CHAIRMAN FRYER: All right.

COMMISSIONER SHEA: Would he be restricted if you hadn't changed the footprint of the house, Mike? He's saying, put a building unit above a garage. The footprint of the house hasn't changed on the lot. Would he be restricted from putting an apartment on top of his garage?

(Simultaneous crosstalk.)

MR. BOSI: No, no. As long as each individual -- as long as each individual lot that's created after the PPL has a 100-foot street frontage and one acre of land, they would be entitled to a guesthouse.

COMMISSIONER SHEA: But is a guesthouse a second story on a garage --

MR. BOSI: Yes, yes.

COMMISSIONER SHEA: -- or is it a separate footprint structure? Okay.

MR. BOSI: It doesn't -- it could be either. It could be separate, or it could be attached, as long as it's got its own individual entrance and segmented from the primary



structure.

COMMISSIONER SHEA: I guess the thing to me is a guesthouse is a separate dwelling. Whether it's only 40 percent, it's a separate dwelling unit. Maybe I don't fully understand what the guesthouse means. To me, it's increasing the density on the individual lots if you can add a guesthouse. I like the constraint, personally, that was proposed.

CHAIRMAN FRYER: Mr. Foley, would your -- would your client accept a limitation that a guesthouse on top of an existing structure with an existing footprint would be acceptable but not new -- not a new footprint?

MR. FOLEY: You mean -- does that not allow him to do that on the two empty lots now that are proposed, or would -- I'm a little confused as to what you're asking.

CHAIRMAN FRYER: Well, the motion was to prohibit guesthouses. Go ahead, Mr. Bosi.

MR. BOSI: Once -- I want to reiterate the restriction upon renting the guesthouse. The guesthouse is considered an extension of the primary house. And because it's not a -- it's not allowed to be rented as a separate unit, it doesn't increase density. It's not a limitation towards how -- occupancy in terms of who can occupy it. It has to be related to a family member.

And so in that regard, our guesthouses are allowed within parcels that are one acre with 100 feet street frontage, and it's not considered an additional dwelling unit. It's considered an extension of the primary living unit. But they are allowed to have a separate stand-alone building if it's up to 40 percent of the primary structure.

MR. FOLEY: If I may. Thank you, Michael.

My client has indicated to me that he would like the ability to do a garage and an apartment above that, possibly, on this development. Most likely for -- as folks get older -- it's still going to be for his family community -- maybe, you know, Mom and Dad move into one of these units. But it's an extension of the existing building.

I think it's kind of a semantics definition thing. If it's an apartment above a garage or if it's a standalone building, what I'm hearing from Mike is it's still a guesthouse, but it's no increase in density.

CHAIRMAN FRYER: Thank you. Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Would a guesthouse, whether it is above a garage or a separate footprint area, require an additional separate septic system?

MR. BOSI: It depends upon the --

COMMISSIONER SPARRAZZA: The size of the septic that's initially installed?

MR. FOLEY: I can speak to that. It's a function of square footage and fixture counts. Typically, a garage has a number of things already. Hose bibs, wash bucket, bathrooms. So you could do that all-in-one septic field. If you added a unit upstairs with, like, a one-bedroom, kitchen, bathroom, you could have it in one septic field.

COMMISSIONER SPARRAZZA: In addition to the one septic system that's for the primary house?

MR. FOLEY: Again, septic -- I think it's semantics. You can always do one septic system for two structures, or you can do two septic systems for them. It depends on the size, the location of other wells in the neighborhood, the distance from open water bodies. There's a number of setback criteria that have to be considered. You can either

do small ones, or you can do one large one. This -- the addition of a house or, excuse me, of a bedroom and an apartment wouldn't substantially change the demand of sewer for the facility.

COMMISSIONER SPARRAZZA: Okay. Is he anticipating a main home structure and a, quote, garage/storage shed/work shed on each of these two new properties?

MR. GRILLE: I would say so, yes. Probably a rear garage on one, each one.

CHAIRMAN FRYER: We need to have you --

MR. FOLEY: I'll just say on behalf of my client, he has indicated that there would be a main house and possibly a garage with potentially an apartment or some living quarters area above it.

COMMISSIONER SPARRAZZA: It seems to me he wants to replicate what he's calling Lot 1 into Lot 2 and 3.

MR. GRILLE: Similar.

MR. FOLEY: Yeah. He wants the ability to do so, I believe, yes.

COMMISSIONER SPARRAZZA: Okay. Thank you.

CHAIRMAN FRYER: Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yeah. I realize the concern that the Board has in regards to a guesthouse. We have had one neighbor make the -- raise the issue.

I cannot support prohibiting a guesthouse. It's allowed. It's allowed by code. It's allowed by RSF-2.

I appreciate the comment made by the resident, but I cannot support restricting it. I just -- unless there's overwhelming support or opposition from the neighborhood. We have one resident to come in here to try and sway this board. You can vote the way you wish, but I will not support as proposed. I think it -- if the current zoning allows it -- if it's zoned RSF-2 and the zoning allows it, that's what we should allow; otherwise, I would -- I'll see where this proposal goes, and then we'll make another -- make another motion.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I don't -- you know, I don't like the idea of more septs. And there's not precedent. The gentleman who spoke, we're not creating precedent because that's not what we do. But if it goes through, you know, I'm sure somebody down the street's going to bring it up and want to do the same thing. So you're possibly starting a trend here. So those are my concerns.

But -- and you would make our job easier by agreeing to the condition that Commissioner Schumacher suggested, but I agree with Commissioner Schmitt. I just feel like under property rights, I mean, I feel like I'd like him to agree to the condition, but if he will not, I don't think -- I think that -- again, I'll just repeat myself. I agree with Commissioner Schmitt in his comments that he just made.

CHAIRMAN FRYER: Thank you.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Two things. The first thing is, one of my main concerns is you're going to end up with six septic systems on these three lots, and the only reason I say that is because I have two septic fields on my lot because you can't put a pump station in to move your sewage from one house up to your front septic, depending on where your layout is, and then you're also looking at your well systems. And these are

only one acre each. So it's not like there's a ton of space there. That's part of my -- one of my concerns.

The other concern is that we kept hearing "not at this time," "not at this time," "not at this time," and then we bring forward a motion that says, "Okay. Well, if that's not what you want to do and you're just going to do one house on each lot, do that." And now it's turned into, "No, no, we want the opportunity to put in a guesthouse."

I agree with Vice Chair Schmitt that the property rights for an owner should be to do what they want, but what I don't like is being told one thing and then now all of a sudden it's not acceptable. So if that was the original intention is to mimic Lot 1, then that's just what should have been brought forth.

That's all I have to say.

CHAIRMAN FRYER: Thank you. Vice Chairman.

COMMISSIONER SCHMITT: Yeah.

Heidi, the expansion of the Water/Sewer District, if the Board of County Commissioners, who act as the Water/Sewer District -- what are they called now? The Board for Water/Sewer District? If they -- if they force an expansion down Price Street, could we stipulate that if they ever do run water -- or sewer down Price Street, that those homes would have to connect? Of course, they would be, then, subject to impact fees associated with the connection.

MS. ASHTON-CICKO: I think that's already in our ordinance, if someone from Utilities can address that.

COMMISSIONER SCHMITT: It is.

MS. ASHTON-CICKO: But if it's available, then you have a certain time period to connect.

COMMISSIONER SCHMITT: Because I know there are areas where we do run water and sewer, but we don't require connecting, and that's usually a decision by the Board. But if there's water service -- water and sewer available, mostly sewer, they are required to connect unless the Board of County Commissioners or the -- they sit as the Board responsible for the Water/Sewer District. They can waive the requirement. I mean, I know there are areas in the county where, and especially in the Estates, where we ran sewer, but we did not require connecting.

MS. ASHTON-CICKO: So your question was could you add a condition --

COMMISSIONER SCHMITT: Yes.

MS. ASHTON-CICKO: -- that says that if they -- if the sewer's available, that they will be required to connect --

COMMISSIONER SCHMITT: Yes.

MS. ASHTON-CICKO: -- at their sole expense? And that's an appropriate condition.

COMMISSIONER SCHMITT: Yeah, okay.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Again, probably another dumb question. So what if we don't approve? What can they build on the lot? How many -- without our approval?

COMMISSIONER SCHMITT: Nothing.

COMMISSIONER SHEA: Nothing more than they have?

COMMISSIONER SCHMITT: Correct.

CHAIRMAN FRYER: Straight ag zoning.

MR. BOSI: Nothing more than they have.

COMMISSIONER SHEA: So I guess the question is, we're giving up -- we're increasing the density. We're increasing potentially the septic impact if there's such a thing. And I worry -- I do worry about somebody in the future putting a secondary home and continuing to take an environmental problem and make it worse.

So I'm not sure where I'm going with that, but I wanted to make sure what they could do without it. We are increasing the density if we approve this --

COMMISSIONER SCHMITT: Yes.

COMMISSIONER SHEA: -- beyond what they could do without coming to the Planning Commission?

MR. BOSI: Beyond what they could do. Right now they're currently limited to one to five. I will say they are consistent -- our Growth Management Plan designates this Urban Residential. Urban residential anticipates an eligible -- eligibility of four units an acre. What they're asking for is well below what our Growth Management Plan is instructing for this area.

COMMISSIONER SHEA: It's well above what's around them.

MR. BOSI: Yes. And --

COMMISSIONER SHEA: That's what I look at, that it's well above what's around them.

MR. BOSI: Well, to their west. To their east is a commercial PUD and U.S. 41. So it's right in the urbanized area. It's what our Growth Management Plan has anticipated. At some point in time agricultural zoning transitions to an urban style of development. This is one of the lower intensities. From staff's perspective, this is lower intensity, recognizing the low intensity that does sit to the west of this parcel.

COMMISSIONER SHEA: Thank you.

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you.

Question for Mike. With all the other properties and lots that are on Price Street, any of them that are over two acres, let's call it, two-plus acres, if this is approved, each one of those owners could come back and say, "I have 2.2 acres, I want to divide my lot into RS-2 [sic] and put up another residence on my property." That could happen, correct?

MR. BELLOWS: With a rezone.

COMMISSIONER SPARRAZZA: Well, without a -- coming just as this individual has.

MR. BOSI: Yeah. Through a rezone application, yes, and it would be supported by the Growth Management Plan. The Growth Management Plan says four units an acre is what would be eligible for this area.

COMMISSIONER SPARRAZZA: Okay. But all other lots are, as he showed, at least two acres, correct? Well, that one that's RF-3 [sic], because the Estates are 31 properties. That's five acres, correct?

MR. BOSI: Estates are two and a quarter.

COMMISSIONER SPARRAZZA: Two and a quarter. All right. Sorry.

MR. FOLEY: There are some -- excuse me. If I may?

CHAIRMAN FRYER: Go ahead.

COMMISSIONER SPARRAZZA: Yes, please.

MR. FOLEY: There are several -- I wouldn't say "several." There are a few other lots along the street that are smaller than these proposed lots. This is very consistent with a number of them immediately south and immediately to the west. There's not a great deal of difference in the lot sizes of what we're proposing and what's there. Now, if you go further west, there are a few larger parcels that are closer to five acres. Not a lot.

COMMISSIONER SPARRAZZA: Okay. Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. Mr. Foley, I stand by what I said before. I don't think your client's request is outrageous, and standing firm in his position, including the garages, is not an unreasonable position, and we're just going to make a recommendation. I don't think we make the decision here, so -- but we've got multiple commissioners that have concerns, and they're trying to come up with ways to address those concerns.

I don't know that your client wants to maybe jump in and come up with something that is a bit of a compromise so that my colleagues feel a bit more comfortable voting in favor of this.

MR. FOLEY: I appreciate that. And if I could just confer with him momentarily.

I will say that, to your point, Commissioner, this was news to him about the restriction. He didn't plan on, I don't believe, having a garage and an apartment, but I don't think he wants that restriction. But I'm not going to speak for him. He's here. He can speak on his own behalf regarding that. We would love your support. We know this is a recommendation for consideration at the county commission level, and they'll have the same concerns possibly. So give me just one moment, and I'll see if he can come up here and speak.

CHAIRMAN FRYER: It's close enough to our midmorning break that we'll just go ahead and take that.

MR. FOLEY: Excellent. Thank you.

CHAIRMAN FRYER: It will be 11 minutes. I'm sorry, Vice Chairman.

COMMISSIONER SCHMITT: Well, I just have a couple of questions. One is, from a zoning perspective, this is 4.86 acres. Mike, I could come in today and submit a subdivision plat and put four units on that.

MR. BOSI: For seeking a rezone, like you said, eligibility up to four units an acre. So you're close to -- you're close to probably 18, 19 units that the Growth Management Plan would support with no modifications to the Growth Management Plan.

COMMISSIONER SCHMITT: I mean, I could, today, come in and do even a rezoning, ask for a rezoning, and put an apartment building on that five acres?

MR. BOSI: If you wanted it, but you would be limited to the 19 units that would be equated for the four-unit eligibility.

COMMISSIONER SHEA: I think there would be more limits than that.

COMMISSIONER SCHMITT: It would be.

COMMISSIONER SHEA: Unless there's public utilities, you're not going to let somebody put that kind of density.

COMMISSIONER SCHMITT: They would have to -- they would have to run water/sewer.

COMMISSIONER SHEA: Well, that's what puzzles me is this whole -- it looks like we're moving into the next generation of this neighborhood, which is more -- more density, and yet the infrastructure's not there, and they operate separately. They should be operating together.

COMMISSIONER SCHMITT: And I'll state for the record, if it were me, I'd take every building in Collier County off of septic. But we don't have the political will to do that in this county, and it's been going on for 30 years.

COMMISSIONER SHEA: But if it keeps going on, we're going to end up with more of a problem that we already have.

COMMISSIONER SCHMITT: What the Board has to do is buckle down and say, "We're going to expand the Water/Sewer District." I mean, that's the answer. That's what they did in other areas of the county. I mean, that's the political decision, because then you're forced to pay impact fees to connect.

MR. FOLEY: If I may.

COMMISSIONER SCHMITT: I mean, that's the answer. But let me -- one other question. What prohibits them from coming in and just do a lot split?

COMMISSIONER SHEA: A what, Joe?

COMMISSIONER SCHMITT: A lot split.

COMMISSIONER SHEA: Okay. I'm sorry.

MR. BOSI: I mean, a lot split is only for -- to create two individual units. They're asking for three.

(Simultaneous crosstalk.)

MR. BELLOWS: And they have to meet the minimum setbacks.

COMMISSIONER SCHMITT: Well, you can make -- you can split a lot into three, up to three, can you not?

MS. COOK: No. Jaime Cook, director of Development Review.

No. For a lot split, you can only split it in two, and then once it is split, you cannot re-split it unless you go through the subdivision plat process. And it does have to meet the zoning requirements, lot size, setbacks, all of that once you split it.

COMMISSIONER SCHMITT: Okay. You were going to come up and make a comment before on something that was said. No?

MS. COOK: Oh, yes. Sewer connections. So sewer connections are required by the ordinance except for lands that are zoned ag.

COMMISSIONER SCHMITT: Right.

MS. COOK: So if sewer becomes available in this area, they're going to have to connect whether there's a condition or not.

COMMISSIONER SCHMITT: If they expand the Water/Sewer District down Price Street?

MS. COOK: Correct.

COMMISSIONER SCHMITT: Unless the Board specifically exempts them. It could.

MS. COOK: Correct, yes. But if sewer becomes available, they would have to -- they would have to connect unless the Board told them they didn't have to.

COMMISSIONER SCHMITT: I mean, I asked the same question for the rezoning you guys were addressing last week, because if they're going to run --

MS. COOK: Correct.

COMMISSIONER SCHMITT: -- water/sewer down Auto Ranch Road, they could require all the homes on Auto Ranch Road to connect.

MS. COOK: Those homes are all zoned ag.

COMMISSIONER SCHMITT: They're all zoned ag.

MS. COOK: Except for, I think, the two side streets. I'm not sure the names of those off the top of my head. But those are not zoned ag, so those would be required to connect.

COMMISSIONER SCHMITT: Unless the Board waives it.

MS. COOK: Yes.

COMMISSIONER SCHMITT: Yeah. So that's my recollection.

CHAIRMAN FRYER: Thank you.

We'll take our midmorning recess right now. It's 9:58. We'll return at 10:08. In recess.

(A brief recess was had from 9:58 a.m. to 10:08 a.m.)

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

CHAIRMAN FRYER: Ladies and gentlemen, let's reconvene. Please take your seats.

And during this midmorning break, we had asked Mr. Foley to consult with his client; see if we can't work up some kind of a compromise.

And with that, I'll give you the floor, sir.

MR. FOLEY: Thank you very much. Blair Foley, again, representing the client.

Thank you for the spirited discussion regarding septic in this development, in this property.

I did meet with my client, and he's -- he's here to offer a compromise that hopefully everybody could get onboard with. Right now there's one house and one garage on the property, and he expects to keep those as they are. So that leaves the other two lots, assuming we can get approval. What he would like to do is he would like to offer restrictions to only one guesthouse, if you will; one garage with an apartment above it out of the three. Instead of having the ability to do it on all three lots, he only will do it on one, and the reason being is they're getting older. They'd like to be able to live on the property and have their family take care of them in an apartment. It would be like a mother-in-law suite type of thing. So there would only be a proposal of one of the lots could have a garage with an apartment above it. The other two would be restricted.

CHAIRMAN FRYER: So the restrictions would be in effect for both lots in the sense that there would be -- for the additional one, that would be only over a garage?

MR. FOLEY: I wouldn't necessarily -- I think he's planning garages, but who knows. I would say one guesthouse, because they're all defined as a guesthouse, according to Mr. Bosi, I would think.

CHAIRMAN FRYER: Okay. All right. Got it.

We've got two commissioners, starting with Commissioner Schumacher.

COMMISSIONER SCHUMACHER: I was going to ask Mike, I would guess there's probably -- with the commercial to the east of that, there's probably going to be some sewer lines already there, correct?

MR. BOSI: I believe that there are sewer lines extended to that commercial property to the east.

COMMISSIONER SCHUMACHER: Do you have staff from Utilities here now?

MR. BOSI: We do have a rep from Utilities in the back.

CHAIRMAN FRYER: Anything else?

COMMISSIONER SCHUMACHER: Yeah. I do have a question for staff.

CHAIRMAN FRYER: Go ahead.

MR. STOLTZ: Anthony Stolz, Collier County Public Utilities.

COMMISSIONER SCHUMACHER: Hi, Anthony. Is there any sewer to the east of this?

MR. STOLTS: Yeah, that's out on U.S. 41, but it's beyond 200 feet away.

COMMISSIONER SCHUMACHER: Two hundred feet away from there?

MR. STOLTS: It's more like 850. I kind of looked at it this morning.

COMMISSIONER SCHUMACHER: Okay. So there's no -- you don't think there would be any way to connect to it from this property?

MR. STOLTS: Oh, you could, but it would be on the owner to pay for that.

COMMISSIONER SCHUMACHER: It would be on the owner?

MR. STOLTS: Yeah.

COMMISSIONER SCHUMACHER: Like I said, my main concern was over the amount of septic that would be required on this. If -- and I do believe in property rights. I don't want to restrict in that aspect.

So what I would bring into the discussion is, if the owner would consider tying those three lots into the sewer that already exist from there, then I would approve it as presented without restriction.

CHAIRMAN FRYER: Applicant?

MR. STOLTS: I just want to add, they may also need to get a deviation to add a grinder station on their site to achieve that. So just -- they'll have to get that from the utility, and we'll put it through our deviation system. So it's not a guarantee --

COMMISSIONER SCHUMACHER: It's not a guarantee?

MR. STOLTS: Yeah.

CHAIRMAN FRYER: Mr. Foley, what's your client's position on it?

MR. FOLEY: I haven't talked with him about that, but I will say that that request is very expensive, especially within U.S. 41, DOT right-of-way. Like I said, we've done extensions for water mains up in the Pine Ridge area just for 3-, 400 feet of water -- this is not even a gravity -- and that runs close to \$100,000. So I think this request is way beyond --

COMMISSIONER SCHUMACHER: Is it?

MR. FOLEY: -- what my client would even --

COMMISSIONER SCHUMACHER: Because that was going to be my other question for --

MR. FOLEY: That's --

COMMISSIONER SCHUMACHER: -- estimated cost for that.

MR. FOLEY: It would be hundreds of thousands of dollars to bring it there.

COMMISSIONER SCHMITT: Plus a lift station.

MR. FOLEY: Plus there's no guarantee that gets approved by Utilities, because that's not part of the utility ordinance.

COMMISSIONER SCHMITT: Plus they would have -- you would have to expand the Water/Sewer District, would you not, to encompass that property?

MR. STOLTS: No. They're already within the district. They're just --



COMMISSIONER SCHMITT: They are within the district.

COMMISSIONER SCHUMACHER: Ms. Ashton, I believe, has --

MS. ASHTON-CICKO: Okay. Thank you.

You could, as part of the condition, limit one guesthouse for this rezone until they connect to the sewer -- county's sewer system. Then they could have the additional guesthouses.

CHAIRMAN FRYER: That sounds pretty palatable up here. We've got two people signaling, starting with Commissioner Vernon.

COMMISSIONER VERNON: Wait, wait, wait, wait. Since you're up here. This is kind of a political question. You may not be able to answer it. And I think maybe Commissioner Schmitt's already answered it but -- on the record, but what needs to happen to get water -- get sewer down this street?

MR. STOLTS: Each development can -- the owners can get together and form an MSTU, and then they can come in and pay for that. But it's based on the owners paying for it. We are -- we are evaluating the system to see where areas and needs are for the future, but there's no plans in this particular area to expand there.

COMMISSIONER VERNON: What do we -- what do we need to do to nudge our government to move in the direction of pushing for that?

MR. STOLTS: I'm not sure how to answer that question.

COMMISSIONER VERNON: That's why I said it's a political question, but I'll throw it out there. What, technically, do you need -- what mandate do you need to make that happen?

MR. STOLTS: Well, currently it's on the particular owners to pay for those things, so I don't know how you --

COMMISSIONER VERNON: So it's really not a government issue?

MR. STOLTS: Right.

COMMISSIONER VERNON: Okay. All right. Thanks.

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Quick question. The current property with the principal home up front on the southern part and the garage in the back, is the garage currently considered a guesthouse?

MR. BOSI: No.

COMMISSIONER SPARRAZZA: So there is no living quarters there?

MR. FOLEY: Yeah, that's correct, there's no living quarters there.

COMMISSIONER SPARRAZZA: Okay. And the proposal that is on the table is not converting the existing garage into a guest home and only allowing for one guest home on the two new properties but not constricting that each of those properties could have a large auxiliary building, for example, a garage similar to what's on, I'll call it, Lot 1.

MR. FOLEY: Exactly.

COMMISSIONER SPARRAZZA: Do those garages require to be tied into the septic system because of the hose bibs or if there's a bathroom or toilet or something in the garage?

MR. FOLEY: It depends on the design of the structure, yeah. If there's a bathroom or something, it could either run to the other septic field or a different one.

Right now -- I think you only have one, right?

Yeah, there's no facilities there for -- that require a septic system.

COMMISSIONER SPARRAZZA: Okay. Thank you. I appreciate it.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: Yeah, just -- Blair or staff, what's the ongoing rate now to connect a single-family home, impact fee for sewer, water/sewer?

MR. FOLEY: I'm not sure. One moment.

COMMISSIONER SCHMITT: I think it's in the -- it's got to be in excess of 9 or 10 grand, isn't it? I believe.

MR. STOLTS: I'm sorry. I don't know the answer to that question.

COMMISSIONER SCHMITT: You don't know.

CHAIRMAN FRYER: Well, thanks for coming up and saying that.

COMMISSIONER SCHMITT: You're not the impact fee expert. I think it's -- in the neighborhood of that kind of money for an impact fee.

MR. BOSI: I do believe it's right around \$10,000.

COMMISSIONER SCHMITT: Yeah, that's what I thought, per --

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHUMACHER: This is a third of a new septic.

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: All right. No one is signaling at this time. We've got actually a motion and a second on the floor, and that -- well, I'll ask the movant and the seconder, do they -- would they like to withdraw it and make a new motion, or do they want to vote on the motion and second that they've made?

COMMISSIONER SCHUMACHER: I would remove my motion and offer what Mr. Foley has presented, being that there would be one -- approve the division into the three lots with the stipulation that only one of those lots may have an additional guesthouse, and I'll also take Mrs. Ashton's comment as well, "Until that point in time that county sewer is available for tie-in."

CHAIRMAN FRYER: Okay. So you withdrew your main motion. You've got a new main motion up there that needs a second. Is there a second?

COMMISSIONER VERNON: I'll second it.

CHAIRMAN FRYER: Thank you.

And, Commissioner Vernon, you're signaling.

COMMISSIONER VERNON: I was just seconding.

CHAIRMAN FRYER: Oh, okay.

Further discussion on the motion? I -- if not, all those in favor -- and does anyone not understand what we're voting on?

COMMISSIONER SCHMITT: Well, that's different than what was proposed. You were proposing -- Blair, two or one?

MR. FOLEY: (Indicating).

CHAIRMAN FRYER: Proposing one, and this is actually more generous because when water and sewer goes in, the condition would be withdrawn.

Yeah. All right. Go ahead, Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Is this retroactive, stating that you would not come back and try to make a guesthouse on Lot 1?

MR. FOLEY: He's not planning to do that, but he also -- you know, we talked about that earlier; he wasn't planning on guesthouses either. So I like the simple motion that just says one on any of the lots. If he wanted to retrofit that and make it one, then you

couldn't do it on the other two. That would be my thought.

COMMISSIONER SPARRAZZA: That's, I believe, a slight modification from what we just said because it never referred back to Lot 1. So if the modification is out of all three lots there can only be one guest home --

MR. FOLEY: Yes.

COMMISSIONER SPARRAZZA: -- can we modify our proposal to that?

COMMISSIONER VERNON: I thought that's what we were agreeing to.

COMMISSIONER SPARRAZZA: Oh, I thought it was just for the two --

COMMISSIONER VERNON: Well, to the extent it wasn't clear, I'm glad you clarified it. So that's my thinking.

MR. FOLEY: That was my understanding, too.

COMMISSIONER SPARRAZZA: Okay. One guest home encompassing all three lots, correct?

MR. FOLEY: In total. One total.

COMMISSIONER SPARRAZZA: In total. Okay. Very good. Thank you.

CHAIRMAN FRYER: Thank you. All right. I think it's time to vote.

All those in favor of the motion as stated by Commissioner Schumacher, please say aye.

COMMISSIONER VERNON: 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, Commissioner Vernon. Do you want to be heard?

COMMISSIONER VERNON: Yeah, if you don't mind. I just wanted to say, Mr. Foley, I've never met you before -- I don't think. I don't remember you appearing -- but I just want to commend you on your professionalism, the way you handled yourself, your credibility, your clients. It just -- I appreciate that. And I try to call it out when I see bad behavior, and I just -- I just want to -- kudos to you on the way you presented this.

COMMISSIONER SPARRAZZA: Are you here on July 18th, by any chance?

COMMISSIONER SCHMITT: That's an inside joke.

MR. FOLEY: No, I get that.

COMMISSIONER VERNON: It was a compliment to you.

COMMISSIONER SCHUMACHER: Yeah, it is.

CHAIRMAN FRYER: Mr. Foley, I fully concur with Commissioner Vernon's comments. Thank you. You're to be commended. And that concludes the hearing on that matter.

And so we will, without objection, call the next matter and proceed to it, and so that is --

UNIDENTIFIED FEMALE VOICE: Thank you.

CHAIRMAN FRYER: Thank you.

\*\*\*The second and last hearing for today are companions, PL20230013880, the 438 Gordonia Road rezone, and its companion PL20230014908, the 438 Gordonia Road variance.

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.

Ex parte communications starting with Ms. Lockhart, please.

MS. LOCKHART: None.

COMMISSIONER VERNON: No disclosures.

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.

COMMISSIONER SCHUMACHER: Staff materials and public record.

CHAIRMAN FRYER: Thank you.

Applicant, you have the floor.

MR. OLIVARES: Can I remove this? I don't have a presentation, so thank you.

Good morning, esteemed members of the Planning Commission. My name is Eddy Olivares, the property owner.

I stand before you today to petition for the rezoning of 438 Gordonia Road along with a companion variance. The proposed rezone aligns with the planned vision for Collier County and integrates seamlessly into the Pine Ridge Estates neighborhood, which the property is a part of.

The current zoning designation is agricultural, and the use case is single-family residence. I am requesting a zoning change to RSF-1 but the use case would remain the same, single-family residence.

The ultimate goal of the rezone is to lay the framework to split the lot into two parcels, one parcel for the existing single-family residence and another to host a new single-family residence.

My lot is roughly 2.1 acres in size, and the subsequent lot split would meet all the relevant requirements for the requested RSF-1 zoning.

The Pine Ridge Estates neighborhood consists of roughly 600 plots of land mainly between 1 and 1.25 acres in size. The proposed changes, although it does increase the density, is in line with the neighborhood and would be an overall net positive for the community.

If there are any questions regarding my petition, I'm happy to answer any of them.

CHAIRMAN FRYER: Thank you. I have a question. There were references to the size of the lot that were in conflict. In one place it said 2.09; in another one place it said 2.16. It's a small matter, but which is it?

MR. OLIVARES: I am also confused, and unfortunately the surveyor is not here. I am just relying on the county records and survey. The new survey that was done was done by the survey company. I'm not sure exactly how they came to that number.

CHAIRMAN FRYER: Okay. County Attorney, do we -- do we need to -- do we

need to get that discrepancy ironed out?

MS. ASHTON-CICKO: Well, by adoption it needs to be correct.

CHAIRMAN FRYER: Okay. It looks like there's going to need to be a survey, then, before adoption.

MR. OLIVARES: There has been a recent survey. I mean, that's the number they gave me. If there's an additional step to make everything match, I will --

CHAIRMAN FRYER: Well, I just want to know what the true size of the lot is. And are you saying that it's 2.16 or 2.09?

MR. OLIVARES: As I said before, I am referring to -- 2.09 refers to the county records, and 2.16 refers to the document that the surveyor presented to me. So I am not really making --

CHAIRMAN FRYER: Okay. All right. I understand.

MR. OLIVARES: -- a determination.

CHAIRMAN FRYER: Ms. Ashton, what size lot are we being asked to act on?

MS. ASHTON-CICKO: I'm going to defer to Mr. Perry.

MR. PERRY: The ordinance states 2.16 acres for the rezone, and the discrepancy appears to be with your agenda title.

CHAIRMAN FRYER: Oh.

MR. PERRY: And, legally, the difference is that the agenda title serves to put the notice on public [sic] about what is being heard, and this discrepancy is relatively minor in that people would have the opportunity to understand what's happening.

CHAIRMAN FRYER: Okay. So what's before us is going to be 2.16?

MR. PERRY: Yes.

CHAIRMAN FRYER: Thank you very much.

All right, sir. Thank you for your presentation. No one is signaling at this point. Mr. Bosi, hear from staff.

MR. BOSI: As indicated within the staff report for the rezoning as well as the variance, this project would be consistent with the Growth Management Plan. This is within the urbanized area eligibility of four units an acre.

The reduction of the 2.16 acre to two lots of both being at least one acre would be consistent with the RSF-1 zoning that sits immediately across the street to the north within the -- within the surrounding property. We find it consistent with the -- with the built environment, and the staff is supporting both the variance request -- or the variance request as well as the rezoning request.

CHAIRMAN FRYER: Thank you.

Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Slightly concerned with the total acreage here because the information that is in our packet calls that 1.14 acres on Parcel B and 1.02 on Parcel A, obviously, adding to 2.16. If the parcel is, in fact, 2.09, then Parcel B is incorrect and would not meet the one-acre minimum requirement; am I correct?

MR. BOSI: You're correct, but staff has relied upon the accuracy of the survey that was provided.

CHAIRMAN FRYER: And so are we.

COMMISSIONER SPARRAZZA: And that's what we have to go for?

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: Yeah.

COMMISSIONER SPARRAZZA: Okay. Very good. And the -- I can't quite read it even when I blow it up here. Is that a stable, the other structure?

MR. OLIVARES: Yes, sir. That's a horse barn to be demolished.

COMMISSIONER SPARRAZZA: Oh, to be demolished.

MR. OLIVARES: Yes.

COMMISSIONER SPARRAZZA: Okay. I'm sorry. I can't read that.

MR. BOSI: And thank you, Commissioner. That's one of the things staff did want to add. Staff was -- wanted to add that if this rezone was to go through before the lots split could be approved, that that stable would have to be -- would have to be removed.

COMMISSIONER SPARRAZZA: Removed, okay. Very good. Thank you. No further questions at this time.

CHAIRMAN FRYER: Thank you, Mr. Olivares. That's agreeable to you that that would be removed?

MR. OLIVARES: Yes, sir.

CHAIRMAN FRYER: Okay. Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Keeping my mind where it was on the last one, I would ask, are the neighbors on public water and septic, all the lots in that area? And that's either for you or Mike, probably.

MR. OLIVARES: I can try to answer that. Most of the lots are not on public water or public sewer. I was told I am just out of the requirement. I believe it's 150 feet it would be required to tie in, but it does not meet that requirement.

COMMISSIONER SHEA: Boy, that's just so frustrating that we keep raising septic tanks as a big issue environmentally, and we've got public utilities that close, and we're not doing anything about it. And I realize that's beyond this Commission.

CHAIRMAN FRYER: Above our pay grade.

Thank you. Thank you very much.

Nothing further from staff. And --

COMMISSIONER VERNON: Quick question.

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

COMMISSIONER VERNON: What do you plan on doing with it?

MR. OLIVARES: Just a single-family residence, adding or selling the property to allow somebody else, or doing it myself. I'm not quite sure yet.

COMMISSIONER VERNON: And that will be on septic. So we'll be adding a septic?

MR. OLIVARES: Yes, sir. I would like to add -- I'm not sure when to present this, but I was told that there was an objection, and I need to give you guys documents, so just --

CHAIRMAN FRYER: You have material to give us?

MR. OLIVARES: Yes, I do.

COMMISSIONER SCHMITT: We received e-mails on the objection. I don't know if that speaker's here, but I would guess -- but we did receive a detailed e-mail -- I did at least, received it from staff or sent to me directly -- a letter of objection.

MR. OLIVARES: I do have documents, if anybody needs it.

CHAIRMAN FRYER: If you want to submit something to us, then that's fine. Give a copy to the court reporter, a copy to each of us, and to staff.

MR. OLIVARES: Okay. Yeah.

CHAIRMAN FRYER: And the County Attorney also, if you have one.

COMMISSIONER SCHMITT: In fact, I was hoping that that person was going to be here. I don't know.

CHAIRMAN FRYER: Yeah, we've got three.

COMMISSIONER SPARRAZZA: Are we going for RS-2 [sic] again?

COMMISSIONER SCHMITT: No, it would be 1.

CHAIRMAN FRYER: All right. While that information is being circulated, I will ask Ms. Padron, do we have public speakers?

MS. PADRON: We do, Chairman.

Our first speaker is Cliff Schneider, followed by Robert Kaufman.

CHAIRMAN FRYER: All right. Mr. Schneider, go ahead, sir.

MR. SCHNEIDER: Yes. I've got letters here that I had e-mailed to you-all. I'm not sure if it made it to the packet, because it was limited ability to contact the county staff regarding this item. So do I give one copy to the reporter?

CHAIRMAN FRYER: Yeah, if -- give one copy to the reporter, a copy to staff, a copy to the County Attorney, and a copy to each of us. And this is an e-mail that you've already transmitted to us.

MR. SCHNEIDER: Yes, sir.

CHAIRMAN FRYER: Okay. Thank you.

COMMISSIONER SCHMITT: Yeah, this is the e-mail I received.

CHAIRMAN FRYER: Yeah. A copy to the applicant as well, of course.

MR. SCHNEIDER: You get the last one.

MR. OLIVARES: Thank you, sir.

MR. SCHNEIDER: I've been sworn in.

For the record, my name is Clifford Schneider. I'm a resident of Collier County and, more specifically, of the area known as Pine Ridge since 1972. I'm one of the founders of the Pine Ridge Civic Association and was the second president of that association.

I've served on the Pine Ridge Architecture Control Committee for over 40 years. I'm a professional engineer. My life's been dedicated to preserving the most unique -- one of the most unique subdivisions in Collier County, Pine Ridge. The application seeks to change a land use from agriculture to RSF-1 within the zoning code.

Pine Ridge was developed by the Collier Development Corporation, the Colliers, beginning in the 1950s. Pine Ridge is not a PUD. No such zoning animal existed at that time, but Pine Ridge was a planned community and was platted with specific land uses for specific lots and blocks. The land uses were designated in the covenants and restrictions which are recorded and run with the land and perpetuate. The covenants read very similar to a PUD. I have with me a copy of the extension covenants along with the original Pine Ridge covenants and the second extension. We're talking about --

CHAIRMAN FRYER: Sir, I'm sure you understand that we're not in the business of enforcing private covenants. And if they run with the land, they do.

MR. SCHNEIDER: I'm making a statement, yes.

CHAIRMAN FRYER: Thank you.

MR. SCHNEIDER: And everyone who purchased property in Pine Ridge is told said covenants exist, and they're in their disclosures and deeds.

The Pine Ridge extension covenants define three specific land uses: Residential, agriculture area, and church.

Approval to change the land use from agriculture to RSF-1 for the current applicant property is in direct conflict with said covenants.

And please don't do this. The applicant requests four individual variances on the remaining parcel in order to accommodate a lot split for sale. It's wrong. Why should a governing body grant variances to a nonconforming parcel in order to accommodate a sale? It doesn't make sense.

The action's a terrible precedent and I think exemplifies spot zoning. It's RSF-1. In about four blocks, they're all ag, agriculture use, as defined in the covenants, and agriculture as defined in your zoning.

Please don't take actions to ruin a community that was wonderfully planned and developed by the Colliers. There's a right way and a wrong way to do things regarding land use in Pine Ridge. An individual rezoning such as proposed by the applicant and supported by county staff is the wrong way. I don't think county staff ever looked at the recorded documents regarding the covenants and restrictions. They're very important. Perhaps I'm wrong; I don't think so.

A comment was made. "Oh, there was no restriction on the plat that a lot couldn't be split, an ag lot." Well, the covenants specifically say these particular blocks along Goodlette-Frank Road, which was the old railroad right-of-way, were ag lots, and they had specific uses.

Now, the covenants do have provisions for amendments. An applicant, an owner, can submit a petition to the residents/owners within our community and amend the actual covenants and then go forward with something different, and there's a precedent for that. The most prime example is the Covenant Church. That was -- the Covenant Church is a Planned Unit Development of all of the lots within original Block O. They -- those lots were originally residential use defined by the covenants. Those covenants were amended to permit church/churches.

So the Covenant Church bought all those lots, brought them forward to the Commission -- Planning Commission and to the Commission and got approval to build one church on all of those lots, and it worked out perfect. There was no objection from the residents and civic association. That's the proper way to do it. This is the wrong way. It's backwards.

I've been around this community a long time. I was assistant county engineer here for a year, five years as a city engineer for Naples, and then in private practice for 20 years. I still have my PE license. But I just can't understand why staff would support this with incomplete information.

Now, with respect to this particular petition, there's a sign on the property. It says the numbers for the rezone and the variance. And when you go to the county website and type that in, you cannot get any information on this particular item. Whether it was a server error, I have no idea.

CHAIRMAN FRYER: Did you go on CityView?

MR. SCHNEIDER: I went and did a global search on Google, and then I got a picture of the property with a survey and such, so I clicked on it. Then I was able to access the staff report. I wasn't able to. I think there was limited information available to the Pine Ridge community on this whole project. The information hearing was done



downtown in the City of Naples at the library. People didn't know it. And you say, "Well, that's our fault." I don't know, but it just doesn't -- it doesn't add -- it doesn't add up.

There was a telephone number to call on the sign on the subject property. You call that number, and you get a voice recording. "I'm out of the office. I'll get back to you." Eric Ortman, I guess that was his number. There was no way to do any e-mailing to anybody.

So then I went and e-mailed each of you a copy by going to the county website, click, click, click; was able to do it and voice the concern.

Pine Ridge is really unique. There will never be another community developed like that in Collier County. There were originally 550 platted lots. There are more lots now because they were split, but there were 550 lots in there. The applicant says there's 600, but originally we were about 550, give or take one or two. But please don't do this.

CHAIRMAN FRYER: Sir, you've been -- pardon me, but you've been speaking now for eight minutes. We've been liberal, but --

MR. SCHNEIDER: Thank you very much.

CHAIRMAN FRYER: And we appreciate hearing from you.

MR. SCHNEIDER: Okay. All right. Thank you.

CHAIRMAN FRYER: Thank you so much. Thank you.

Next public speaker.

MR. SABO: Next speaker is Robert Kaufman.

MR. KAUFMAN: Good morning, Commissioners. My name is Bob Kaufman. I live in Pine Ridge Estates for the last 25 years. I'm the former president of the Pine Ridge Civic Association.

What I'm going to speak about mostly is the notification to the residents in Pine Ridge. I have met previously with Mark Strain -- I know Mark is gone -- and I met with Nick Casalanguida when he was here. We had some items that they contacted me about regarding a bunch of trees that are on Trail Boulevard, trimming them. There was a bee's nest in it, whatever. They had no problem in finding me or anybody else in the Pine Ridge Civic Association.

However, this comes as a surprise to us. The sign that went up, tried contacting the telephone number on the sign 20 times. No response. Left messages; no response. Having a meeting down in Naples at the library, you might as well have it in South Carolina. Nobody showed up, if you take a look at -- if that's considered your NIM.

What I'm asking for, besides this being turned down because of the covenants that we have, is to have a meeting where the people in Pine Ridge can attend. That's my main focus.

So if you have any questions -- by the way, there are no sewers in Pine Ridge. About 20 percent of the homes have city water, but there are no sewers there. Everybody's on a septic or multiple septics, depending upon the square foot of the house and bathrooms. If you have any questions for me regarding Pine Ridge, I'll be glad to answer them.

CHAIRMAN FRYER: Thank you, Mr. Kaufman.

I'm going to ask Mr. Bosi just to recount the steps that were taken with respect to public notice.

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

Obviously, a sign has to be posted on the -- on the property indicating where the -- where the public hearings are, what the petitions are, the number for the contact person for the planner that's associated with it. Public notice is sent to properties within -- what is it, 300 feet or 500 --

MR. BELLOWS: Five hundred.

MR. BOSI: -- 500 feet of the property. There's advertising in the *Naples Daily News* for both the NIM as well as the Planning Commission hearings.

I do know that the first -- the first speaker has had coordination with Mr. Ortman, the planner who was assigned to it. Unfortunately, Eric's out with a broken shoulder, or he could provide a little more specificity in terms of the length and the degree of those contacts with the -- with the gentleman. And we've been made aware of the covenants. We've also conveyed to the gentleman we don't enforce covenants and, from our understanding, the covenants that were established in 1960 were to expire in 25 years. That's 1985. I'm not sure if those were ever extended. But that would be a matter for -- but those -- that's a private matter.

CHAIRMAN FRYER: Absolutely.

MR. BOSI: That is a private matter. That is not a matter that staff will make an evaluation upon in reviewing the appropriateness of the action.

CHAIRMAN FRYER: Thank you.

Mr. Kaufman, when you called the number on the sign, were you given the opportunity to leave a voice mail?

MR. KAUFMAN: Yes.

CHAIRMAN FRYER: Did you?

MR. KAUFMAN: Yes.

CHAIRMAN FRYER: And did no one return the call.

MR. KAUFMAN: That's correct.

CHAIRMAN FRYER: Is that because Mr. Ortman is out on medical?

MR. BOSI: That could have been the case. It depends on when the call was. I mean, it would -- Eric, last week, had his accident, so he's been out for the past -- the past week.

MR. KAUFMAN: Could I make -- the signs that went up, I don't know when they went up. I don't know what the rule is as far as the signs that go on the property. I don't know how many days' notice is required. I do know that very few people -- very few of the residents and members of the Pine Ridge Civic Association are aware of it.

The least I would expect from the county, since they had given me their word, both Mark Strain -- I know he's not here -- and Nick Casalanguida, is if something of this nature was going to happen, they would at least notify the Pine Ridge Civic Association, because if you look at 500 feet on either side of the property, you may have one or two houses. The properties are large.

CHAIRMAN FRYER: I will say this, at the risk of repetition: You may very well have a cause of action, a private civil action to enforce a covenant. But for us to get involved with that would be stepping way out of our jurisdiction. And so we can't -- we can't take account of the private covenants that have been filed for record. But to the extent that they're legally enforceable, you have your rights of enforcement, and I would commend that to you.

MR. KAUFMAN: I'm looking to re-establish a NIM. I'd like the opportunity for

the residents to know what's going on. There are several venues that that could take place in North Naples, not at the library down in Naples, but the library in -- on Orange Blossom. The church -- we have our meetings regularly at the church that's there, the Covenant Church; that's another place we could have a meeting. As long as notice is given, then we as the Pine Ridge Civic Association can decide whether we want to hire an -- we haven't hired an attorney -- hire an attorney to go and enforce the covenants or not.

CHAIRMAN FRYER: I understand. And I do sympathize with you and wish that there were more that we can do, but it's just beyond our jurisdiction. And as far as the steps that were taken to bring notice home to members of the community, Mr. Bosi's testimony is that those steps were complied with. Now, they may be, in your view, inadequate -- and that's an issue that should be taken up with the Board of County Commissioners -- but the rules that were in place, apparently, were complied with.

MR. KAUFMAN: Can you tell me when the sign was put up?

COMMISSIONER SCHMITT: Can I ask a question while we're waiting?

CHAIRMAN FRYER: Okay. Well, first we have Commissioner Shea. Do you have a question for this gentleman, or do you want to make --

COMMISSIONER SHEA: No.

CHAIRMAN FRYER: Go ahead, Vice Chairman.

COMMISSIONER SCHMITT: I have a question for the County Attorney.

CHAIRMAN FRYER: Oh, go ahead.

COMMISSIONER SCHMITT: County Attorney, from -- you've deemed this thing to be legally sufficient in regards to both your review, and do you deem it that it was properly advertised and properly noticed?

MR. PERRY: Yes. And I will say for the record, that the legal ads and sign photos to this application were loaded into CityView as of April 30th, so there's at least published documentation on the Internet that the sign has been there since that date at least.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: Okay. Thank you.

MR. BELLOWS: For the record, Ray Bellows.

In your packet there's the legal advertising that was done on this. A newspaper ad was published in the *Naples Daily News* on April 26th. That's a Friday. The sign was posted on April 28th.

CHAIRMAN FRYER: Thank you.

Commissioner Shea, did you want to say something?

COMMISSIONER SHEA: I just -- I was going to mention that that 500 feet, as you pointed out for lots this size, seems grossly -- and it's not something we can change. I'm not saying we didn't follow the rules and regulations, but 500 feet in these lots is probably two homes in each direction in a community like that. That -- and that's more for the record that it would be good to change it, and I know we don't have the ability to do that, so...

CHAIRMAN FRYER: Thank you.

Go ahead, sir.

MR. OLIVARES: Just for the record, I sent out over 100 letters, so...

CHAIRMAN FRYER: Okay. Mr. Kaufman, you're the same gentleman who sits in this seat sometimes.

MR. KAUFMAN: Next Thursday I'll be sitting where you are. I've been chairman of the Code Enforcement Board for the last 15 years.

CHAIRMAN FRYER: That's what I thought. Thank you for your service, sir.

MR. KAUFMAN: Thank you.

CHAIRMAN FRYER: All right. Commissioner Vernon.

COMMISSIONER VERNON: Mike, what is our protocol for where we have NIMs in terms of the geographic location of the project?

MR. BOSI: The Land Development Code says it's in close proximity to the location. The Central library is right around five miles from this location. They had indicated that that was the venue that was available at the time. And five miles does not seem, in staff's perspective -- we understand there are closer venues, but five miles is not an inordinate burden in terms of traveling to.

COMMISSIONER VERNON: Got it. Thanks.

CHAIRMAN FRYER: Mr. Olivares?

MR. OLIVARES: I just wanted to say I was told that there were some size requirements. And I did try to have the meeting at the church, and they told me that no private meetings can be held there. The library closer to me did not have an available room for the size that I needed, according to the county requirements. So that was the closest place that I could hold the meeting.

CHAIRMAN FRYER: All right. Thank you.

MR. OLIVARES: And it was attended by two people.

CHAIRMAN FRYER: Thank you. Do we have other registered speakers?

MR. SABO: Mr. Chairman, there are no other registered speakers for this.

CHAIRMAN FRYER: Thank you.

Any -- someone who is in the room who has not registered but now wishes to speak, please raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing -- go ahead, sir.

MR. SCHNEIDER: May I answer one question?

CHAIRMAN FRYER: Come on up. Come on up.

MR. SCHNEIDER: Okay. Cliff Schneider.

Mike, you had a comment about the covenants and restrictions. They run for 25 years, and they perpetuate 10 years at a time forever. And I just -- why would you people make it more difficult for us in a community that has covenants to just give an approval like this? You're at -- and the guys says, "Well, I want some variances for a lot that doesn't conform so then I can sell the other piece." It doesn't make any sense.

CHAIRMAN FRYER: All right, sir, thank you very much.

With that, we will close the public comment segment of this hearing and take the matter up for deliberation and vote. Who would like to be heard on the dais? Commissioner Shea.

COMMISSIONER SHEA: I think the challenge is -- and I think, Mike, you can confirm it -- is the Growth Management Plan calls for more development and density in this area in the future, so they are consistent with the Growth Management Plan.

MR. BOSI: Correct. They are.

COMMISSIONER SHEA: So that community was, in the long range, even though it was established under these guidelines, these sizes and covenants, was planned

by the county commissioners to get more dense over time. That makes it more challenging for us to deal with. Am I saying that right?

MR. BOSI: Yes. And I will say that the -- and this is the kind of comment we were talking about in the prior hearing, each one of these lots, these ag lots within Pine Ridge Estates, they're all nonconforming. None of them have five acres, so there's issues of nonconformity within the size of the lots that have been created within a zoning district that calls for five acres while none of the lots are in alignment with the zoning district. So there is a disconnect.

COMMISSIONER SHEA: The long-range plan calls for this community to be changed drastically from what it is now and what they're used to.

MR. OLIVARES: I would like to say that even if this precedent is set, there are maybe a handful of lots that would be affected. The county requirement is to have 150 feet of street frontage and 150 feet of width throughout the lot. A lot of the lots that are over one -- are over two acres and theoretically could be split would not be allowed to be split according to the county requirements.

CHAIRMAN FRYER: Thank you.

Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you, Mr. Chairman.

Most, if not all, of the Pine Ridge Estates up here is RSF-1 today, correct? I'm sorry. I'm addressing Michael.

MR. BOSI: The majority of the -- the lots that are across the street are RSF-1. The lots that are immediately adjoining to the applicant's petition are agriculturally zoned.

COMMISSIONER SPARRAZZA: Agricultural, okay.

And as you just stated moments ago, any of the ag lots that require five acres are all nonconforming because there's probably not any lot in there that's five acres, correct? Just kind of looking at this map on Page 262.

MR. BOSI: The majority -- the majority of lots that are zoned agricultural are not five acres.

COMMISSIONER SPARRAZZA: Okay. And there were lots here that would be 1.09 acres that would be his minimum size if he splits this lot, correct? And I'm certainly not trying to put you on the spot by guessing lot sizes here, but it seems to me that the one-acre lot that he is requesting for each of the parcels, being the single parcel being split, is close to what is already there.

But my other concern is, are we requesting unique setbacks on this property also to conform?

MR. BOSI: They are requesting variances on three of the yard requirements --

COMMISSIONER SPARRAZZA: Three of the sides.

MR. BOSI: -- for reductions within the typical 50-foot setback.

MR. BELLOWS: To keep the existing.

MR. BOSI: To be able to keep the existing dwelling unit.

COMMISSIONER SPARRAZZA: Okay. And no other -- to the best of your knowledge -- and I know I'm throwing this at you. No other lots within Pine Ridge Estates up here has those restricted setbacks, correct, because they all followed the 50-foot setback when originally built?

MR. BOSI: Setbacks aren't changing. The setbacks that are required aren't changing. What they're asking for is a relief from the setback at three -- for the existing

dwelling unit, because when they create the lot, they would not be able to get the full setback. They wouldn't be able to satisfy the full setback that's required of the RSF-1.

COMMISSIONER SPARRAZZA: And that, in a simple term, doesn't mean that they're changing the setbacks for that existing lot?

MR. BOSI: They are granted a variance. It doesn't change the setbacks.

COMMISSIONER SPARRAZZA: Okay.

MR. BOSI: They are granted a variance that they're not meeting the setback by a specific -- by a specific amount. The greatest, I believe, is 12 feet in one location.

COMMISSIONER SPARRAZZA: Right. That's the minimum on it.

MR. BOSI: Yeah.

COMMISSIONER SPARRAZZA: Okay. All right. Thank you.

CHAIRMAN FRYER: Did you want to say something, sir?

MR. OLIVARES: Yes, sir.

I just want to clarify everything. It was also confusing to me. So there are three requested variances, but two of them are just reinstating what is already existing. I have a house on the property right now. I can't move the house. The setbacks are as it is. I have two front yards. Those are as it is now. I cannot change them if we split the line. The only variance that I'm actually requesting that is new for this property is for about two and a half feet. That would be the new property line. I am requesting a new property line, and my house to that new property line is requesting a variance for two and a half feet. The other two variances are actually already applied to my property because the house is built already, if that makes sense.

COMMISSIONER SHEA: Yeah, it does.

COMMISSIONER SPARRAZZA: Yes, it does. Thank you.

MR. OLIVARES: Yes.

CHAIRMAN FRYER: Thank you.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Thank you.

So after receiving Mr. Schneider's e-mail -- thank you for that -- I started going through the Clerk of Courts, and I found the original declaration of covenants that was recorded with the county, and there was also subsequent certificates recorded thereafter, one of those being in 2016.

Mr. Olivares, did you receive these when you purchased the property? Did you receive the declaration of covenants?

MR. OLIVARES: And I did not, and I looked at my warranty deed to see if I overlooked something, and I am -- it's my understanding that it is not on my warranty deed either.

COMMISSIONER SCHUMACHER: Because in this it specifically calls out your lot in that section. It specially states Blocks H, which you're in. So would that have changed your purchase had you received these and seen what the actual requirement was?

MR. OLIVARES: Would it have changed my purchase? Probably not. I did have the intention to split the lot when I bought it. I did look at the county requirements. I did look at the lot size itself, et cetera. I did not understand fully the county requirements in terms of the street frontage, et cetera. I am able to split it, so I am making the petition. I don't think it would have changed my purchase in general, but it is something that I think is a benefit for the community.

COMMISSIONER SCHUMACHER: Because the declaration does call out, like, the Architectural Control Committee, the process that's involved with it, and all the things that go along with it.

I realize you followed the county's position on it, which is great, but this is also a neighborhood you have to live in, and these are your neighbors. And I can understand where they're coming from, because if they adhere to the covenants and then another owner comes in and just doesn't because either, one, they didn't know or, two, they didn't feel like following it, that's where the concern comes with this vote, because although the declaration of covenants calls out that each lot has to be on at least one acre, which you are fulfilling, and it does call for certain setbacks, I'm just struggling with the fact that this was already spelled out exactly what this lot was intended for. But for some reason, this declaration of covenants that runs with the land was never received by you when you purchased it.

MR. OLIVARES: Yeah. I was just going to say, if I could get a copy of that, I would appreciate that.

COMMISSIONER SCHUMACHER: Okay. That's all I have, sir.

CHAIRMAN FRYER: Okay. Thank you very much. So we've got two petitions in front of us. One for a rezone and one for variances. EAC approval is not called for in this case. I'd entertain a motion.

COMMISSIONER SCHMITT: Well, nobody's speaking up, so I'll make the motion to recommend approval. I understand the concerns, and I think that's a private matter the Chair has pretty much pointed out. I appreciate raising the issue, and I understand the covenants, but we don't enforce the covenants. I've asked the attorney. They said it was legally sufficient. It was properly advertised. I can't find any reason to deny it. So I would make a -- recommend approval of both the rezone, PL20230013880, and the companion item dealing with the variance, I'd recommend approval.

CHAIRMAN FRYER: Is there a second?

(No response.)

CHAIRMAN FRYER: I'll second it.

Any further discussion? Commissioner Shea.

COMMISSIONER SHEA: I guess I -- I'm trying to learn the difference between covenants and -- I mean, somebody signed an agreement. I didn't -- I haven't read the one that Chuck was talking about. And what is he violating in terms of the covenant? Let's assume the covenant was recorded properly, and what is it that he's asking to do that those covenants say he can't do?

COMMISSIONER SCHUMACHER: Well, dividing a lot.

COMMISSIONER SHEA: Dividing it?

COMMISSIONER SCHUMACHER: And being that it is in the block that it's in for that neighborhood, it specifically calls out that only one residential structure may be there.

COMMISSIONER SHEA: Okay.

COMMISSIONER SCHUMACHER: And then it calls out the Architectural Control Committee and the members thereafter. And I can see where the Clerk of Court -- where it was rerecorded as early -- the last one was 2016. And it specifically cites this one, which, in my hand, is from January 1957.

So that's -- I'm just struggling with this. I understand we don't enforce covenants.

That's fine. You're going into a planned committee. These things were there. Why they were never given to him when he purchased, I don't know. That's a question you can take back to your Realtor or your closing agent because this is information that you have had on hand, which would have made this probably go a lot easier with your neighbors versus, you know, you've got two prior presidents of the civic association that are saying, "Hey, we don't know anything about this," and it could be easily remedied. But I just can't get behind it.

COMMISSIONER SHEA: So what are the rights of the existing residents that all agreed to that? And I'm not necessarily asking you. What is their next step if we approve it?

COMMISSIONER SCHUMACHER: Well, as the Chairman said, they could take a civil action.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: And presumably, the court or jury, whoever is running the trial, would not have any interest in what we've done because they -- what we've done is not relevant to what they're being asked to do, and the vice versa is true.

COMMISSIONER SCHMITT: And the only other option would be to come and raise the issue with the Board of County Commissioners and let them make a decision whether they want to defer and vote -- deny based on the covenants, but that's their decision. There's nothing in our LDC that requires the staff to review the covenants. It would have to be the -- I know it's passing the buck and it's punting, but I mean, I have to have a reason to deny it. I can't -- I can't find a reason to deny it other than I certainly empathize with the issue of the protective covenants and fully understand.

MR. BOSI: And I would remind, this is a quasi-judicial hearing. The criteria for a rezone are stated within the staff reports --

COMMISSIONER SCHMITT: Correct.

MR. BOSI: -- and there is nothing related to private covenants. So if you were to deny this, I would suggest you would deny it based upon one of the criterias for evaluation other than the covenants.

CHAIRMAN FRYER: Anything else?

COMMISSIONER SCHMITT: I'm not happy with it, but --

CHAIRMAN FRYER: Okay. Commissioner Vernon.

COMMISSIONER VERNON: Yeah. The only value I can add to Chuck's concern is I'm not -- and I don't want to get into it, frankly, because it's beyond our purview, but I'm not crystal clear that those covenants are still in place. They're 25-year covenants. We did hear some testimony saying every 10 years -- after the 25 years, every 10 years they would renew, and so now they're still in place, but I'm not sure I understand. I think -- I think I -- I thought I heard some people taking the position that they're not even in place anymore.

MR. SCHNEIDER: No. They are.

COMMISSIONER VERNON: I'm not trying to get into that. I'm just saying I'm not clear on whether they're still in place. I'm not saying they're not. And, again, it's beyond what we're doing.

CHAIRMAN FRYER: Yeah. Whatever it is is. And the process to get to a perpetual -- perpetuity in covenants is they do have to be renewed at certain lengths of time, but none of that is in front of us right now.



Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you, sir.

I'm trying to put this in, shall we say, more up-to-date terms. In a planned development, Naples Reserve, if you have your bylaws and all of the, quote, HOA documents that are set forth, given to a new owner, and the owner comes before the county and tries to do something outside of those particular bylaws and HOA rules and regulations, do we have no right to take into account what those provisions, rules, and regulations of the HOA state, and we can only vote according to what the county states is legal to vote against?

CHAIRMAN FRYER: The short answer to your question is, yes, we are limited in that way.

COMMISSIONER SPARRAZZA: To confirm that, that means that as we sit up here, HOA rules, covenants, mean nothing to us legally? And I'm not -- certainly not trying to put anybody on the spot. But in my heart, if the rules say you can't divide a lot, if we're supposed to disobey that rule because it's not within the county documents, I'm concerned, and I'm just trying to understand what I can and can't legally vote on.

COMMISSIONER SCHMITT: I mean, not being an attorney, but from the standpoint of -- typically in a planned development, if you have an HOA or a foundation or some other managing entity that imposes rules, they very rarely have to do with the plat or the plan or the zoning. And then, typically, in a PUD, if you wanted to come in and you are in a -- let's say a condominium, there's already a site division -- a Site Development Plan for that. I mean, there would be a zoning process to go through and amend that.

Typically, the rules only apply to managing the operation. They very rarely deal with land use. I can't think of any -- any HOA or development where they deal with land use. This is different. This goes back to the '50s when -- long before the Collier County Land Development Code recodified -- we had several different versions of the LDC.

But, Ray, didn't we go back, I guess, in the mid to late '90s, then they -- that's how all these legally nonconforming developments were deemed legally nonconforming.

MR. BELLOWS: Yeah. For the record, Ray Bellows.

With adoption of the Growth Management Plan in the early '90s, there was a zoning reevaluation done. So some properties retained their zoning, some properties were found preexisting non -- or preexisting nonconforming, grandfathered in. That's kind of the case with this particular lot. The front yard setbacks are grandfathered in. They don't meet the current ag zoning setbacks.

And we have downzoned some properties to be consistent with the adopted Growth Management Plan and others retained it, based on criteria, and the same criteria that we use to analyze zoning actions is outlined in your staff report. And I think that's what Mike was trying to see, when you make a motion for denial, it should be based on that criteria to approve or deny a rezone.

COMMISSIONER SCHMITT: I mean, all I can recommend in this case is that the Pine Ridge Estates come in to the Board of County Commissioners, because we have -- certainly haven't had that presented today. We've had a couple of objections -- but come in as a unified community and raise their objections when this goes before the Board of County Commissioners for the rezoning. And that's -- that's your legal right, and that's up to the Board of Zoning Appeals. When this goes before the Board of County Commissioners, they will take that into consideration.

MR. SCHNEIDER: May I speak?

CHAIRMAN FRYER: No, sir, not unless invited, because we've closed the public comment portion.

COMMISSIONER SHEA: Can I invite him?

CHAIRMAN FRYER: You may. Yeah. You've been invited. You've been invited.

MR. SCHNEIDER: Thank you very much.

Okay. When you buy property, there's -- the deed says, "Subject to the covenants and restrictions of record." It's in there. It's in the fine print. It's there.

But Section 11 of the covenants and restrictions for the extension -- I can provide this to the attorney -- they do -- the covenants ran for 25 years, and they automatically extend for successive periods of 10 years each unless an instrument's signed by the majority of then-owners of the lots, that would be in this subdivision, agree to change said covenants in whole or in part. It can be done in part. That's why I said this is -- why make it more difficult for us? I know you're not in the business of covenant enforcement, but why make it more difficult? This is a wonderful community, and it was planned by the Colliers. But I can provide this section right here because I think it has some merit regarding the --

CHAIRMAN FRYER: Well --

COMMISSIONER SHEA: Can I ask him a question on that?

CHAIRMAN FRYER: Sure.

COMMISSIONER SHEA: I don't fully understand the difference. But there's a state law -- I'm on an HOA, and we thought we had 25 years and automatic review -- renewal, and the state law says, for us -- I don't know if it applies for yours -- you can't have an automatic renewal. And we're close to 25 years. If we don't apply for a renewal, our bylaws are null and void. So I don't know if there's a state law that might override it.

MR. SCHNEIDER: Ours reads different. This is as it was established. They automatically extend for successive periods of 10 years unless the owners get together and change, whole or in part.

COMMISSIONER SHEA: Or the state writes a law that says you can't do that anymore, and that's what happened with us. I don't know.

MR. SCHNEIDER: We're just trying to keep the community intact --

COMMISSIONER SHEA: I totally understand.

MR. SCHNEIDER: -- because if it went to RSF-4, four units per acre, man, you'd wreck a nice place. We're trying. We need your support. Please don't just pass that up forward to the County Commission and create the argument there. We've identified issues here. Help us, please.

COMMISSIONER SCHMITT: It's going to go to the Commissioners anyway. We're just an advisory board.

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Mr. Schneider, I just wanted to ask you a question real quick, sir, if you'd come back up. I've got a question for you, Mr. Schneider.

MR. SCHNEIDER: Yes, sir.

COMMISSIONER SCHUMACHER: My world revolves around declarations and covenants. That's all I do 24/7. So you're correct, 720, the state changed the statute,

stated that you could no longer -- your bylaws had to sunset unless there was a vote. You're not a typical 720 or HOA. You might be under 617, which was kind of exempt from that in between different attorneys' opinions.

The question I have for you is, this lot, as it's done in your declaration, would you prefer a new neighbor, or would you prefer two goats, 25 chickens, or 16 horses? Because that's what's -- that's what's allowed right now. That's what Mr. -- this what Mr. -- this petition could do. You could go out there and throw some chickens down there and get some goats and --

MR. OLIVARES: I was considering an emu at one point.

COMMISSIONER SCHUMACHER: An emu at one point. I mean, that's -- I understand where you're coming from, and I believe wholeheartedly in it.

In addition, I think that there should have been conversation in between, because your declaration specifically calls that out.

I agree with you, four units per acre is way too much for Pine Ridge Estates. That's not the intention. It doesn't fit that community. This gentleman's asking for one home on one acre and one home on the other acre.

So you see what I'm saying? That's -- I agree with you, four units -- I think if four units per acre came before the Planning Commission or even between Mike's staff, that would probably be a hard one to go over.

I don't think what the applicant is asking for is out of this world because it fits your neighborhood. But I've seen the transition of Pine Ridge Estates from kind of this agricultural use to where you have more single families coming in versus the horse stables and things that were there back in, I mean, the late '90s, right?

MR. SCHNEIDER: That whole area along there was set up for ag lot -- agriculture use. It was called the agriculture area, and it was designated to be that way, and now this would be one precedent. And then if this was -- should occur, why not study the entire corridor, present it to all the residents, and see if they want to make that change? This is -- this is just one instance; it sets a precedent.

There's a fourth variance requested and that's a request to make the parent lot width, Parcel A, narrower than 150 feet. So there's four requests that have been made, not --

COMMISSIONER SCHUMACHER: Your declaration calls out 140 feet in width. Do either of these lots drop below 140?

MR. OLIVARES: I just want to say, I am not requesting a variance for the street footage at all. Both -- the new lot will be 150, and the second lot will just be the remaining. It's a little bit over 150. I think it's 153.

COMMISSIONER SCHUMACHER: Because the declaration of covenants only calls for 140 in width.

Do you still have an architectural review board in place?

MR. SCHNEIDER: Yes, we do. That's -- the Pine Ridge Civic Association is the architect -- Pine Ridge Architecture Control Committee. We do.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHUMACHER: Thank you, sir.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: I'm sorry. I jumped in.

CHAIRMAN FRYER: That's all right.

COMMISSIONER SHEA: I already got mine answered.

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: This question is for Mike. I apologize for putting you on the stand again. But, legally, with what this commission is able to do, if we cannot find something within the purview of our own rules and regulations, we have to approve this, correct?

MR. BOSI: If you were to recommend denial, there has to be at least identified -- one of the rezone criterias have to be identified that this project does not satisfy one of those rezone criterias. Now, compatibility is also something that's subjective. So, I mean, there are some issues -- there is some flexibility within this board's allowance, but you are going to have to tie whatever denial back to a defensible rezone criteria that has not been satisfied.

COMMISSIONER SPARRAZZA: Very good. Thank you.

CHAIRMAN FRYER: Thank you. No one else is signaling at this time. I would like to move the previous question and take a vote on the merits of the two petitions without objection. Does anybody object to us doing that?

(No response.)

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

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: It passes unanimously [sic].

Thank you very much, applicant. Thank you, members of the public and staff and Planning Commission.

Commissioner Vernon, did you want to be heard?

COMMISSIONER VERNON: Yeah, I just want to follow up on what Randy said. Kind of like we don't have flexibility here even if our heart's saying do something different. And I think -- and maybe more for our attorneys -- I'll ask Mike or our attorneys. I think we do have more flexibility to bring those types of thoughts into the discussion if it's a GMP amendment or a PUD. This is just a rezone and a variance. So I think, depending on what's before us, sometimes we may have more. Because you've heard me talk about the credibility of the applicant and things like that. Am I right, or am I wrong?

MR. BOSI: And I'd ask Ms. Ashton. She often says that the GMP is your legislative action. Your legislative action, you have a much more broad degree towards how you can deny it. A quasi-judicial, you've got a set criteria that you have to evaluate it. If I've misspoken...

MS. ASHTON-CICKO: That's correct, but you don't have to do exactly what staff says or make the finding that staff made. You look at criteria, and you translate what was said into one of the findings and make a decision as to whether you feel that finding was met.

COMMISSIONER VERNON: Right. But I feel like, and correct me if I'm

wrong, that that is more strictly applicable with something like this, a rezone or a variance, versus a GMP -- a GMP amendment where we're sitting in a legislative position.

MS. ASHTON-CICKO: Well, definitely, as to a legislative decision, you have more leeway. As to quasi-judicial, you are relying on your experts, which would include the county staff that has applied their answers to the required findings. But you can still hear what is said during the hearing and see if you can translate that into one of the criteria. So there is flexibility with that.

COMMISSIONER VERNON: Where does a PUD fit in that hierarchy?

MS. ASHTON-CICKO: The PUD just has, like, 26 criteria.

COMMISSIONER VERNON: So you're more quasi-judicial --

MS. ASHTON-CICKO: So you have more criteria. Some of the rezone findings here are also -- well, all of the rezone findings here are part of the PUD application, and then you add, like, 12 more criteria to the PUD.

CHAIRMAN FRYER: Commissioner Vernon, one possible tactic which we didn't see but we might have seen would be an argument that the covenants establish a level of compatibility.

COMMISSIONER VERNON: Right.

CHAIRMAN FRYER: And compatibility being one of the rezone criteria, then you can take it back into it that way, but that wasn't before us.

COMMISSIONER VERNON: Yeah. They should probably hire -- no.

CHAIRMAN FRYER: No, don't, please.

COMMISSIONER VERNON: But I do think, to your point, kind of my mindset, not that this is any limitation, but if I really feel uncomfortable with a rezone, a variance, or a PUD amendment, I'm really uncomfortable with it and I can find incompatibility, that's where I go to vote against it. And with a GMPA, probably same thing, but I feel like I have a little more broader discretion to simply say, "You're asking me to change the law, and I'm not comfortable with it." I think -- that's my takeaway.

CHAIRMAN FRYER: I think that's a fair statement.

I've got three commissioners who are signaling, and so I'll just go down the line and see who wants to speak.

Commissioner Shea.

COMMISSIONER SHEA: Yeah. I just want to generally reiterate we've had two presentations today in communities, and the way I look at it is I can't say no because it's consistent with the Growth Management Plan, but the Growth Management Plan is projecting something for your neighborhood that's not what you have right now, and to me, that puts us at a -- oh.

MS. ASHTON-CICKO: I don't know that that's an accurate statement. I mean, the Growth Management Plan with a base eligibility of four units an acre has been in place for years and years and years, and then the number you get is a byproduct of the criteria, one of which is compatibility, and there are other criteria as well. But you don't automatically get four. It's never historically been applied that way, but it does seem to be the persuasive argument that's used today for the base of four.

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you.

Mr. Chairman, am I able to make a suggestion to Mr. Schneider? Is that beyond --

CHAIRMAN FRYER: No reason why not.

COMMISSIONER SPARRAZZA: Okay. Great, thank you.

Mr. Schneider, if I may, as you've heard, we are not the final body that okays this, denies it, or approves it. That, of course, goes before the Board of County Commissioners. If you intend to go to that meeting, you might want to have any and all documentation regarding the covenants showing that it has been signed, it has been updated, it is in -- I'm not sure the word --

MR. SCHNEIDER: Effect.

COMMISSIONER SPARRAZZA: -- that it's in effect, right, 100 percent effect, and be able to display that to the Board and ask if it makes sense to go against a variance that is strictly called out in the covenants and that the covenants have been enforced and are up to date and play your case out in front of that board since it looks as if we've done everything we could here. That was just a personal suggestion to you, sir. Obviously, you have great background in all of this, and I hope you're able to bring your thoughts and ideas to the BCC.

CHAIRMAN FRYER: Thank you.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: I lost my train of thought, sorry. My ADD is kicking in there.

Two things. I think you -- I had actually voted against -- Chair, I heard you call a unanimous. I was a "no" vote on that mainly on the condition of the setback.

I understand where the covenants come into play here -- or I should say don't come into play with regard to what we do.

Having said that, I still feel that those are documents that owners buy property and sign into and understand that this is what's expected of them. I would highly recommend that the applicant get with the civic association and have a conversation with them.

COMMISSIONER SCHMITT: He's not here.

COMMISSIONER SCHUMACHER: Oh, he left. Oh.

CHAIRMAN FRYER: The record will -- the record will show that the vote that was cast was 5-1.

COMMISSIONER SCHUMACHER: Thank you.

CHAIRMAN FRYER: And, Commissioner Schumacher, are you satisfied that you've made a sufficient record to support your negative vote?

COMMISSIONER SCHUMACHER: Yes, sir. As I said, my main condition is on the setbacks that were requested.

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: Mike, would you make sure that the applicant is aware of the actual vote?

MR. BOSI: Yes, yes. We'll provide him an update.

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: And, please -- my hearing isn't what it was some years ago.

COMMISSIONER SCHUMACHER: Next time I'll speak louder. I apologize.

CHAIRMAN FRYER: Yeah. Let me know, because sometimes I don't hear.

COMMISSIONER SCHMITT: In answer to Vernon's question, that was an exact reason why he can vote no.

COMMISSIONER VERNON: Compatibility.

COMMISSIONER SCHMITT: Based on the fact that he didn't agree with the setbacks, so...

CHAIRMAN FRYER: That would have been a tactic that might have worked.

COMMISSIONER SCHMITT: So that -- yeah.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: I was going to change subjects, if that's okay --

COMMISSIONER SCHMITT: Good.

COMMISSIONER VERNON: -- if we're done on that one.

CHAIRMAN FRYER: Please. Go right ahead.

COMMISSIONER VERNON: And we can discuss it another time. But there seems to be some consensus among us that septic tanks are not good and that -- I know I'm probably tilting at windmills, but I just wonder if we have the power to sort of come together and say something publicly as a group that we feel like -- I mean, today we had two issues where you can see where the water is. It's so close and yet we can't get it there despite, I think, all of us coming at it from a different perspective.

I don't know. Almost like a resolution, like, we hereby unanimously think that there should be something done, and maybe even propose a solution. If we have -- we have a meeting with a low -- where we don't have much going on and spend a half hour or ask staff to come up with something.

I understand we don't have the power, but I think we do have some influence, and I think I don't -- I just didn't hear anything from any of us that was -- I think we're all on the same page on this.

CHAIRMAN FRYER: Yeah.

COMMISSIONER SCHMITT: There are very explicit Florida Statutes in enforcing the conversion of septic, but it still has to be the expansion of the Water/Sewer District from the standpoint of forcing those residents to comply, and then it's become -- it's always been a third rail.

Heidi wants to talk.

CHAIRMAN FRYER: Go ahead.

MS. ASHTON-CICKO: Are you finished?

You have the Annual Update and Inventory Report coming probably in the fall, so that will be something you will hear at the Water/Sewer District presentation, and I think that's a fair recommendation, explore expansion into areas to, you know, remove the septic tanks.

COMMISSIONER SCHMITT: I mean, it is a huge concern in regards to water quality.

CHAIRMAN FRYER: No doubt.

COMMISSIONER SCHMITT: It truly is, no doubt. And it's -- well, I already stated my opinion. I'd eliminate every one of them in the county, but that becomes -- even in the Estates. I don't believe -- you know, the Estates is being -- is developed and -- but there is absolutely overwhelming opposition to force people in the Estates to come off of septic and well.

COMMISSIONER SHEA: Plus the cost would be much --

COMMISSIONER SCHMITT: The cost is amazing. That's what --

COMMISSIONER SHEA: Why don't we go after the low-hanging fruit?

CHAIRMAN FRYER: And I would go this far -- Commissioner Vernon, we can

wait for the AIUR and bring it up at that time, but since we're the local planning agency, at any time we want to make a recommendation on really anything within the purview of planning and zoning, we can do it, and we can -- by motion we could ask staff to bring back a study for us to take action on or consider action on before the AIUR. It's really up to us.

COMMISSIONER VERNON: And I'm fine with either, but on the point of the AIUR --

COMMISSIONER SCHMITT: AIUR.

COMMISSIONER VERNON: -- AIUR -- I knew I was going to screw that up -- last year when we did it, I made the specific point of rather than just checking the boxes or doing little differences, let's pick one thing to really push for. I don't know that you two were the -- you know, Randy and Chuck, you guys were on. But I said, let's not -- let's use this opportunity to say, "Let's pick an item, whether it's education or" -- and maybe this is our item. And I'm not suggesting we should wait, but maybe we start working on it now, and we make a big push within the AIUR to say, "Push on septic."

CHAIRMAN FRYER: Well, why don't we do this: Why don't we ask staff to inform the staff people who are going to be presenting at the time of the AIUR on septic to be especially prepared to deal with some critical analysis from up here and an apparent sentiment on the part of the Planning Commission to do whatever we could to further reduce, if not eliminate, septic from the county. Is that -- can we have a consensus on that?

COMMISSIONER SHEA: Well, can we accelerate that, though? Rather than the middle of the AIUR --

CHAIRMAN FRYER: It's entirely up to the Planning Commission.

COMMISSIONER SHEA: -- have them come in and say, "What is the plan in the county? Do we have any plan to reduce any septic tanks? What is the plan?"

COMMISSIONER SCHMITT: I mean, in reality, if you looked at any area in the county -- Pine Ridge Estates is a perfect example. I mean, technically, if you said that, that is the urban area of the county.

COMMISSIONER SHEA: Yes.

CHAIRMAN FRYER: That's surprising.

COMMISSIONER SCHMITT: And it should not be on septic. They should be in -- they should be on sewer and water.

COMMISSIONER SHEA: I was shocked when I saw both of these and that they were --

COMMISSIONER SCHMITT: The whole area is on septic.

COMMISSIONER SHEA: I was totally shocked.

CHAIRMAN FRYER: So I think we've got a unanimous consensus from the Planning Commission that we want to dig deeper into this and make some kind of recommendation to the Board of County Commissioners, but I don't hear a consensus whether we want to do it sooner than the AIUR or wait till the AIUR.

COMMISSIONER VERNON: I'd say sooner.

COMMISSIONER SHEA: I'd say sooner. Sooner so they have a chance to change the AIUR if --

CHAIRMAN FRYER: All right. That's a good point.

COMMISSIONER VERNON: In my mind, we should end up with a short bullet



point of how we're going to solve this problem. And who knows, if it gets traction, we may get a bunch of different groups join us, and all of a sudden the voice becomes, you know, the force multiplier; our voices become louder.

COMMISSIONER SPARRAZZA: I think one other important fact is, are we talking about existing homes or new homes coming to us, even if it's something as similar as a -- and as small as what we saw today. That's three more septic systems coming online.

COMMISSIONER VERNON: I was thinking of it, we attack it in a way that we don't have jurisdiction over. In other words, we need less septic systems because of water quality, all the reasons. And here's the things, whether state, county, local level, ought to be done. The reason we're doing this is because we can't deal with it here, but we see it every time, and we think it's a major community problem, and then get it -- promote it and get it out in the community. And like I said, maybe all kinds of groups say, "That's a good plan." Let's put pressure on our county commissioners, our state commissioners or whoever to start on it.

CHAIRMAN FRYER: So usually it's October when we deal with the AUIR, so we're looking to ask staff to find a date that is prior to that and to analyze the issues and give us a recommendation so that we can be heard before the final draft of the AUIR is presented.

MR. BOSI: When you say "analyze the issue," I'm not sure what you're talking about. What I've heard was a request that the Board of County Commissioners be more aggressive in forcing the conversion of septic in -- and well to potable water and wastewater. That's the issue, right?

CHAIRMAN FRYER: Yeah. Well, as the Vice Chairman said, it relates to health, basically. I mean, septic systems pollute, you know, the underground water, the aquifers and things, that pose a health hazard. So, you know, I'd like to know more about that. The more evidence we have, the more -- the more that we can prevail upon the Board of County Commissioners.

At the end of the day, you know, like anything else in politics, at that level, the elected level, it's going to be a political issue, so -- go ahead.

COMMISSIONER SCHUMACHER: If I could just continue on that. I would -- I would recommend that we look at it from an immediate to a long-term, being those areas closest to the water that does drain into the gulf, whether it be down through Golden Gate or it's through Immokalee Road, whatever, starting with those areas first and then broadening it out to the rest to -- for a septic study, because I would be concerned if they come back with one price -- I don't think that's going to be palatable -- versus if you look at it from an immediate to these homes like Pine Ridge Estates that are closest to the treatment plant on Goodlette Road. If you look at it from a couple different areas versus just a blanket cost for the whole county. I think that might be an easier -- an easier sales pitch, per se.

COMMISSIONER VERNON: Yeah. And whatever we do, whatever the first few pages say, I just -- my vision would be the last page says, "Call to action." These are the five things that need to get done by who, how, when, and then -- so we're providing a solution rather than just saying, "This is a big problem." Although, to Chuck's point, we want to present the problem first.

COMMISSIONER SHEA: I think what Mike's about to tell us is -- what I'm asking for is what's the plan. The problem's already there. We've been talking about it

for years. What we're asking for is what is the plan, and I have a feeling Mike's going to tell us there isn't a plan beyond the rules and regulations we have now.

MR. BOSI: What I was going to say was I don't believe we have individual plans. I know Utilities is looking at recognizing where there are and aren't services available and what -- you know, what potentially there could be solutions for. But each individual area -- geographic area's going to be different in terms of the extension of those facilities, and it's all going to cost money, and what we don't have -- what I don't have is available money just sitting around to do these studies.

If that's a request from the -- from the Planning Commission, I'm going to have to engage with the Board of County Commissioners to -- for a budget allocation to be able to provide for.

A good example -- and it's a little bit of a historical example, but during the East of 951 Study back in '06, '07, '08, where we looked at the build-out of the county's population, we had a provision where we talked to the community in the Estates about the extension of wastewater and potable to the -- to each one of those lots. It was \$120,000 in 2007 was the estimation of what that would be. Probably a little bit more than what it is today, but the study to do that was probably about \$250,000.

We're going to have to -- we're going to have to allocate some monies. I don't have staff available to me to be able to provide an analysis related to what's the cost for these individual areas, Pine Ridge Estates, Price Street, all the other areas that aren't serviced by wastewater and potable water. That's a pretty hefty undertaking.

I'm going to have to talk to the Board of County Commissioners about a budget allocation or a specific coordination to be able to move forward with this type of information that the Planning Commission -- I understand what you're asking for. I just have to tell you there's limitations on staff and to what we can provide.

COMMISSIONER SHEA: We're not -- we're asking the public works department to tell us what is their plan, and their plan could be we have no plan. I don't think it's your group. I think it's the wastewater group to tell us there's so much public pressure, and maybe what we'll find out is there is no plan, which means the commissioners need to establish a plan; otherwise, they're just giving it lip service. We read in the newspaper all the time about the failing septic tanks. And my question to them is, "Well, what are you doing?" And their answer may be, "Nothing."

COMMISSIONER VERNON: And I started this. So what I did not envision is this being a staff lift. What I envisioned is this group spending an hour based on our institutional knowledge with some input from staff and saying, "What's the holdup?" I mean, is it a money issue? Is it an approval issue? Is it a federal issue? Is it a state issue? Is it a local issue? And come up with a couple bullet points of what we think needs to be done. Somebody's not doing something and -- whether it's a money issue or an approval issue.

And I don't -- I think millions of people have studied this problem. That's an exaggeration. Hundreds of people have studied this problem at length. I don't think we need to study the problem. We just need to say, "Hey, this comes up before us. We think it's an urgent issue. This appears to be the holdup. Here's our five bullet points." We vote on it as a resolution or whatever and we post it and maybe talk to our friends who are in power in different groups and have them jump onboard.

I don't think this issue needs -- from my perspective really needs to be studied. It's

been studied. And I'm not trying to put any lift on you guys other than in this room. Maybe get the right people in this room to give us an hour of your time, because we don't have the power to change it anyway. We just have the power to -- I call it a force multiplier. If these -- we all unanimously think this is a top issue, that we create a one-page document that we sign off on, and then hopefully it takes fire and gives somebody the, "Okay, they're behind this." Maybe we can push this and put pressure on people. That's what I was thinking.

I don't want to take up any of your -- you guys are drinking from a firehose. I wasn't trying to create work for you guys.

COMMISSIONER SHEA: The big challenge of this that you're going to get into is if it's working and everybody believes it's working, why would you not want to continue with what you're having? And septic tanks are very difficult to determine whether they're working because it's underground where you have the issue. I mean, they've been working for decades all over the country. So the counterargument is, if you aren't having failing septic tanks --

COMMISSIONER SCHUMACHER: You know when it fails, trust me.

COMMISSIONER SHEA: When it really fails.

COMMISSIONER SCHUMACHER: When it really fails, you know.

COMMISSIONER SHEA: But the argument in the state is that it's failing on a low-grade basis --

COMMISSIONER SCHUMACHER: Exactly.

COMMISSIONER SHEA: -- that you can't see on the surface, and that makes it more difficult for enforcement.

CHAIRMAN FRYER: Ms. Cook, what do you have for us?

MS. COOK: Thank you, Commissioner.

So Public Utilities has been collecting some of this data that I think you're looking for. And we can work with Dr. Yilmaz, the Public Utilities administrator, and have him come back either at your meeting in July or maybe early August, depending on the schedule, and have him give you an overview of what Public Utilities is working on and planning for.

COMMISSIONER VERNON: Why don't -- since we've got that thing in July, that contentious matter, I'd, you know, say if you can just get the right people in the room in August if we have a light -- I mean, if the Chairman agrees, we have a light agenda, and let's block out two hours and just hammer it out with the right people in the room, and if we don't come up with anything, we don't come up with anything. But I think between all of us, we will come up with -- there's a lot of institutional knowledge in this -- in this commission and a lot of institutional knowledge in the staff. Just have a discussion and come up with a plan.

COMMISSIONER SHEA: But we're having more and more -- we need to be educated on what's going on because we're getting more and more applications that this question comes up, and we're all blind. And so this is more of an education for us. You guys probably have it totally under control, but we don't know that till you tell us.

MS. COOK: Yeah. We'll work with Anthony, his team, and Dr. Yilmaz, and schedule a presentation for you.

CHAIRMAN FRYER: Thank you very much.

COMMISSIONER VERNON: Thank you.

CHAIRMAN FRYER: No one is signaling at this time, so I assume we're done, for the time being at least, with this important subject.

Therefore, I'll ask if there's any old business to come before the Planning Commission today.

(No response.)

CHAIRMAN FRYER: Apparently not.

Any new business?

(No response.)

CHAIRMAN FRYER: Any public comment, member of the public who wants to be heard on something that was not on our agenda today, now would be the time.


(No response.)

CHAIRMAN FRYER: Seeing none of that, and without objection, we're adjourned.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:38 a.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on 7/18/24, 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.