

November 5, 2015

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, November 5, 2015

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:

CHAIRPERSON: Karen Homiak
Stan Chrzanowski
Diane Ebert
Charlette Roman
Andrew Solis
ABSENT: Mark Strain

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Fred Reischl, Planner
Heidi Ashton-Cicko, Managing Assistant County Attorney
Scott Stone, Assistant County Attorney

PROCEEDINGS

CHAIRPERSON HOMIAK: Okay. Good morning. Welcome to the November 5, 2015, Planning Commission meeting.

Would you all please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRPERSON HOMIAK: Okay. Madam secretary?

COMMISSIONER EBERT: Good morning.

Mr. Eastman is absent.

Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Is present.

COMMISSIONER EBERT: Good. Mr. Solis?

COMMISSIONER SOLIS: Present.

COMMISSIONER EBERT: Ms. Ebert is here.

Mr. Strain is --

CHAIRPERSON HOMIAK: He has an excused absence.

COMMISSIONER EBERT: -- absent.

Ms. Homiak?

CHAIRPERSON HOMIAK: Here.

COMMISSIONER EBERT: And, Ms. Roman?

COMMISSIONER ROMAN: Here.

COMMISSIONER EBERT: Thank you.

CHAIRPERSON HOMIAK: And addenda to the agenda. There's no -- nothing; no changes.

MR. BELLOWS: I have no changes.

CHAIRPERSON HOMIAK: Okay. Planning Commission absences. November 19th is our next meeting. Is everyone going to be here or --

COMMISSIONER ROMAN: I'll be away.

CHAIRPERSON HOMIAK: You'll be gone? Okay.

COMMISSIONER ROMAN: Yeah.

CHAIRPERSON HOMIAK: Okay. Approval of the October 1st minutes?

COMMISSIONER ROMAN: I move to approve.

COMMISSIONER CHRZANOWSKI: I second.

CHAIRPERSON HOMIAK: All those in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRPERSON HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRPERSON HOMIAK: Opposed, like sign?

(No response.)

CHAIRPERSON HOMIAK: Okay.

And BCC recaps?

MR. BELLOWS: Yes. At the last Board of County Commissioner meeting they heard the PUD amendment for Palm Royal Academy, and that was approved on their summary agenda subject to the Planning Commission recommendations.

CHAIRPERSON HOMIAK: Okay. Thank you.

Chairman's report, I have none.

***And so 8A, the consent agenda. It's PUDA-PL20150000303, Berkshire Lakes Planned Unit Development.

COMMISSIONER ROMAN: Madam Chair, I had one question.

CHAIRPERSON HOMIAK: Sure.

COMMISSIONER ROMAN: This is probably for staff, Page 2 of 3. We talked about the wildlife

habitat management for the Big Cypress fox squirrel related to that project. I notice that in Item 3 we talk about the preserve management plan.

I want to be sure that that preserve management plan captures that Big Cypress fox squirrel habitat, or does it need to be mentioned specifically?

MR. REISCHL: I'll defer to Steve Lenberger on that one.

COMMISSIONER ROMAN: I want to make sure it's covered like we discussed in the hearing.

MR. LENBERGER: Good morning. For the record, Stephen Lenberger, Engineering and Natural Resources Division.

Yes, it would be automatically covered. The project would be required to have a listed species management plan, which would be a component of the preserve management plan.

COMMISSIONER ROMAN: Thank you.

CHAIRPERSON HOMIAK: Okay. Anything else?

(No response.)

CHAIRPERSON HOMIAK: Is there a motion?

COMMISSIONER CHRZANOWSKI: I move to approve.

COMMISSIONER ROMAN: Second.

CHAIRPERSON HOMIAK: All those in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRPERSON HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRPERSON HOMIAK: Opposed, like sign?

(No response.)

CHAIRPERSON HOMIAK: Okay.

***So 9A, the advertised public hearing for Summit Church. It's CU-PL20140000543.

All those wishing to speak on this item, please rise to be sworn in by the court reporter.

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

CHAIRPERSON HOMIAK: Okay. Disclosures. Stan?

COMMISSIONER CHRZANOWSKI: I talked to Mr. Yovanovich about this project.

CHAIRPERSON HOMIAK: Andy?

COMMISSIONER SOLIS: I've spoken to Mr. Yovanovich, Mr. Huling, and received various emails from owners.

CHAIRPERSON HOMIAK: Diane?

COMMISSIONER EBERT: I spoke with Mr. Hancock, and I have emails.

CHAIRPERSON HOMIAK: Okay. And I spoke to Mr. Yovanovich and emails.

COMMISSIONER ROMAN: I've spoken with Mr. Huling, Mr. Yovanovich and, of course, staff, and received the same emails, probably, that you have.

CHAIRPERSON HOMIAK: Okay. Rich?

MR. YOVANOVICH: Thank you. Good morning. For the record, Rich Yovanovich on behalf of the petitioner.

I have a lot of people here with me to answer any questions I can't answer. I don't anticipate that they'll all speak, but I'll list them all for you.

Johnny Pereira's the head pastor for the church, and he will be presenting to you. Jason Nigh, Aaron Lundquist, and Nate Johnson are also with the church and are here to answer any questions that I can't answer.

Tim Hancock is here, who's the professional planner on this project, as well as Jeff Perry, both with Stantec. Jeff will answer any traffic questions you may have. Tim will answer any planning questions that you may have. And Jeremy Sterk is here to answer any environmental questions you may have.

Before you today is the continued hearing for a conditional use within the Estates zoning district to allow for a church to be constructed on the property.

At your last meeting that this was discussed, I was not on the team, but I happened to be here because I was the next petition up. So I got to observe and watch what was occurring at the hearing and hear the previous presentation.

I was contacted after that hearing and asked -- actually, I spoke to Tim and said, hey, Tim, I thought you did a good job. I think you answered all the questions appropriately, and I believe that maybe the interpretation of the Comp Plan and the prior history of the project was not fairly represented.

So I basically gave him my, hey, attaboy, nice-job speech, and then they asked me if I would help. And I was happy to help, because I've done several churches before this board and before the Board of County Commissioners, and I know for a fact that churches are not harmful to neighborhoods.

So I happily signed on to the team, but I did have a couple of suggestions as to what I thought needed to occur to hopefully persuade the neighbors to agree that a church on this location is not a bad neighbor.

I personally live in Pine Ridge, and I represented Covenant Presbyterian Church, and I know that we had neighborhood opposition at that time but, ultimately, as we went through the process, the neighborhood worked with us, and we were on the same side. So I was cautiously optimistic when I made my suggestions.

My suggestions were to reduce the size of the building; 30,000 square feet was the original request. I suggested that they look at and consider going a little bit smaller. They did. And what we'll be presenting to you is a 19,000-square-foot building. Part of it will be two stories; part of it will be one story. The footprint will still be roughly 15,000 square feet. But the usable space has been reduced significantly. The seating will remain the same, at 400, but the overall size of the structure and the use of the building will be significantly smaller.

I put on the visualizer an aerial of where the property is located. It's 4.05 acres. It's across from, I think it's called, the Crossroads Market. There are office buildings behind that, and then there's Physicians Regional hospital behind it. You also -- or to the -- I think it's to the left of it. You also have, immediately adjacent, Dr. Pe±a's property, which is on the visualizer.

The property is within the Golden Gate Estates Master Plan, and the Golden Gate Estates Master Plan includes a provision that allows for transitional conditional uses if you're immediately adjacent to nonresidential property.

There was a whole lot of discussion about the conditional use being transitional. That's not what the Comprehensive Plan says. It says the conditional use shall serve as a buffer between a nonresidential use, the property that -- in question, and then ultimately the residential property further to the east in this particular case.

Also, the GMP, in my opinion, is very clear that a church is not a commercial use because you can't use churches, daycare, other fraternal organizations as the basis for using the transitional conditional use provisions within the Comprehensive Plan.

So your staff -- and I've known David Weeks for a long time, and I tried to confirm with other consultants I've worked with. I don't know that I've ever disagreed with David Weeks on his interpretation of the Growth Management Plan. When the Growth Management Plan wasn't consistent with what my client did and if it was a reasonable request to change it, we would go through the Comprehensive Plan amendment process.

Mr. Weeks, who I would say to you is very knowledgeable about the Growth Management Plan and, frankly, very conservative, you know, reads it by -- black and white. There's no gray with Mr. Weeks in interpretation of the Comprehensive Plan.

He has found us consistent with the Comprehensive Plan and that we meet and satisfy all of the Growth Management Plan criteria applicable to our request.

In addition, your planning staff, Mr. Reischl and others, have reviewed and confirmed that our request is consistent with the conditional use criteria within the Land Development Code.

What the law says -- and I know this is an unpopular position because I know we have a lot of people who are opposed to this petition. But what the law says, if my landowner/client meets the criteria in the Growth Management Plan as well as the Land Development Code and provides competent substantial evidence to that fact, which your staff opinion is competent substantial evidence, as well as Mr. Hancock's previous testimony, we are entitled to that approval.

Zoning is not a popularity contest. The Land Development Code is there to protect the property owner, and we meet those criteria.

I give you those brief opening comments because what we're going to do for an order of presentation is similar to a neighborhood information meeting we recently held with the residents in our attempts to show them how we've made changes to the petition, additional safeguards, or whatever you want to call them, that we were willing to impose upon ourselves to assure them that we will be a good neighbor, we want to be a good neighbor, and we will not be a mega-church as some people were claiming through this process by saying, hey, you're going to buy the property next door; you're going to get bigger and bigger.

Well, the Growth Management Plan says I can't be bigger than five acres. I'm four acres. If I buy that property next door, I'm bigger than five acres. I can't go through the process and expand. But that's not the plans for the church anyway.

So what we're going to have you -- we're going to do is, just like the neighborhood information, you're going to hear from Johnny, who is going to take you through a typical week in the church and what the church's philosophy is as far as size of congregations and that like.

Once we complete that, I'll get back up and go through the changed site plan, the changed conditions, and conditions we're willing to impose upon ourselves to get this conditional use, and then we'll open it up to any questions you may have.

Of course, if you've got questions along the way, feel free to answer them, but hopefully our presentation will answer any questions.

One other preliminary thing I want to do to avoid the repetitive nature that can occur, in your backup was the transcript from the previous hearing in front of the Planning Commission. Instead of having to bring Mr. Hancock back up here and have him resay what he already said to you once, since you've got that in the record, I'd like to just have that made part of the record.

And if you have any follow-up questions for Mr. Hancock, that would be fine, but I wanted to avoid duplication to what previously occurred.

So with that I'll turn it over to Johnny to take you through the typical week of the church. And I think we have some videos that will go along with that.

So, Fred, you'll have to switch the technology over.

MR. PEREIRA: Good morning. As Rich said, my name's Johnny Pereira. I'm one of the teaching pastors at Summit Church and one of the directional elders of Summit Church. Summit Church is one church in three locations.

The purpose and aim, as Rich said, of my testimony this morning is to share with all of you the history and the mission of Summit Church, our philosophy of how we implement that mission, and then the positive impact that has resulted because of that philosophy by the grace of God.

So I first want to explain just how Summit Church got started, because it's important to understand that, how it fits into our mission, how it fits into our philosophy, and you'll see how that's relevant to the project that's before you today.

Summit Church started 12 years ago in Estero, Florida, on the campus of Florida Gulf Coast University with the mission, our mission being to glorify God by making disciples who represent the gospel to every man, woman, and child.

Soon after Summit began, we were gifted a piece of property, a 10-acre piece of property that was donated to us next to the campus of Florida Gulf Coast University. And the first phase of this facility was constructed on that piece of property in 2006 and is the current facility that's on that piece of property right now.

And so during that time the philosophy of how we carried out our mission was really solidified in that time. So rather than going the traditional mega-church model that had a facility that held a few thousand people and a few thousand-seat auditorium, which was the original site plan for that piece of property -- so if you drove up there -- and I know some of the neighbors mentioned last time that they did -- you will notice that the building is much smaller than the capacity that it could be on that 10-acre piece of property.

And so the original site plan was to build a multi-thousand-seat auditorium on that property, but as we really -- as our philosophy really began to galvanize, we really believed that the best way to go after our

mission to represent that gospel to every man, woman, and child in Southwest Florida was, rather than to have, as I said, a massive building that would be your typical mega-church, we really believed that the better way to do that was to have smaller congregations throughout the region of Southwest Florida so more people could have access both to hear and experience the love of Jesus.

So to put it in business terms, business models, the best way to saturate an area with your product, of whatever that may be, is not necessarily to build one big center that sells that product downtown but rather to saturate an area with smaller venues to promote that product.

And so, the same type of philosophy, but obviously we're promoting something that we feel is much more important than any business product.

So in 2007 -- so 2006 the building there on our property in Estero was constructed. In 2007 the Naples congregation was started, and we began meeting at Barron Collier High School, which is currently where we meet now. And the reason that we started that congregation is because we had many people driving up from the Naples area to Estero to attend that current facility.

And so we saw it necessary that if we wanted to go after our mission, we really felt it necessary to start another congregation in Naples, and so that was started in 2007. So nearly nine years old, nine years in February.

Then, in 2012, we really saw it necessary to start a third congregation in the Gateway area, Fort Myers. And so we started that in 2012. And the reason that I'm sharing that with you today and the history of Summit Church is because it does reveal our philosophy and strategy of how we believe we're to carry out our mission that I've explained to you just in these few moments, and which is very relevant; it's very relevant to the site plan and the piece of property that is before you today.

So we've said in the last two neighborhood informational meetings and in the last planning meeting in October that we have no desire to purchase more property adjacent to our existing property because to do so would go against the strategy and philosophy of Summit Church that I've just shared with you.

So we're not just saying that because we know that there's opposition. We're saying that because that is the history of how we go after our mission.

So we're not saying something that's in contrary to what we're already doing and what we desire to do in the future.

We often say at Summit Church that we desire to be a church that if we no longer existed the community would miss us, which is why we chose that word "represent" in our mission statement when referring to how we share the love of Jesus with others.

The word literally means to speak and act on delegated authority. So, in other words, we see a responsibility as a church not only to be a place that shares what we believe with our words but also demonstrates a love of Jesus to others, and we see that as a fundamental responsibility and privilege.

And so what I want to do right now is just share with you a video that just gives you the history of what our Naples congregation has had the privilege to do in our area of Collier County that really, by the grace of God, validates that we are not a church that will be a detriment to the community that we are aspiring to be in but actually would be a great benefit, and we have history that validates that.

So I want to point your attention to this video right now.

(A video was played.)

MR. PEREIRA: So obviously the transcripts will not be able to share what we saw in a video, so I just want to list, just for the record -- and we obviously don't want to -- don't want to give any idea that we're doing this in a braggadocious way. We're doing this because it -- humbly of what we've been able to do through the church, and I just want it to be for the record that we've had the opportunity to provide over \$200,000 worth of groceries over the last eight years, over 6,000 backpacks for students through our school partnerships in our area, over 1,200 Christmas gifts to children and families through our school partnerships, thousands of volunteer hours in our community and schools, and over \$5.2 million over the last 12 years to charities and mission agencies all over the world.

And so the last thing that I want to do is just to give you what an average week looks like at our Naples congregation. So, obviously, we have a Sunday worship service that currently meets at 10 a.m. there at Barron Collier High School. And right now our average attendance is around 275 adults and around 75

children.

We have a Wednesday youth ministry that meets after dinnertime there at -- currently at our multi-purpose facility right there on Immokalee Road across from Super Target behind Bob Evans, and we have around 40 teenagers. And, once again, we have a great reputation with our neighbors. We have never been called once about any issue with our teenagers, and we praise -- we praise God for that. And Jason leads that ministry.

We also have a Wednesday morning Bible study of about 15 men that meet -- that meet in the morning just for prayer and Bible study and then, lastly, we have a Thursday evening women's Bible study that has around 30 women that meet after dinner hours as well. And so that is the average week in the life of our Naples congregation.

And so, lastly, I just want to say that throughout this process, I want you -- I want this to be -- to be understood that we really have listened intently to the concerns of the neighbors around this piece of property that we own, and we've taken those concerns very, very seriously, and you'll see, as Mr. Rich Yovanovich will show you more in detail now, that we've made significant changes to the site plan and have been more than willing to incur the costs that are involved in that so that we can be the neighbors that we desire to be.

And so I appreciate your time. Thank you so much.

MR. YOVANOVICH: What I want to do next is put a little bit in context what a conditional use is and what a conditional use it not.

I've heard a lot of residents refer to "don't rezone this property." Well, we're not asking you to rezone this property. This property is currently zoned Estates.

And property that is zoned Estates has within it a list of conditional uses that a property owner can request to be on the property. And I will show you -- Tim, do you have handy the table that shows the different zoning districts?

But what I will tell you is, in all of the residential zoning districts, R1 through the multifamily zoning districts, as well as the agricultural zoning district and the Estates zoning district, every one of those districts allows a church as a conditional use.

Why is it not a permitted use versus a conditional use is because the government, and I think rightfully in this particular case, has decided that you shouldn't have a church on every piece of residential zoned property or every piece of agricultural property.

So what they've said is, it's a use that's allowed in this district. We're going to apply four criteria. If you meet those four criteria, you can have that conditional use on this particular piece of property.

So we're not asking you to rezone the property. We're just asking you to give us the conditional use that we're allowed to have if we meet the criteria.

Next I want to talk about the changes we've made to the master plan and the changes we've made in general to the site. I'll go through -- I'll go through the list of uses we've changed, and then I'll go through the master plan itself.

We've made no changes to the actual height of the structure. It was always 30 feet. I believe the zoning district allows 35 feet, but we're at 30 feet. Thirty feet? No, I was wrong.

The size of the building, as I discussed, went from 30,000 square feet to 19,000 square feet, which is a significant reduction. The setback from Napa Way Boulevard went from 90 feet to 110 feet, which was an increase, and I'll get into the actual -- what the buffer will look like in a little bit more detail when I go through the master plan.

The height of the lighting in the parking lot has been decreased from 25 feet to 15 feet, and I'll go through the list of other -- the type of construction for the lights when I go through the list of conditions we'll agree to.

And previously you saw two master plans. One of them had the preserve going off site, and one of them had the preserve remaining on site. The decision has been made to make -- to keep the preserve on site, and I'll go through some additional plantings related to the water management system as we go through the further presentation.

So we went and did -- we went and made some significant changes to the project as a result of the previous hearing in front of the Planning Commission and based upon planning commissioner's concerns.

Let me show you what the master plan looks like in black and white, and then I'll put the prettier one up in a second.

As you can see from that master plan, there is a significant distance between the building and Napa Way Boulevard. That distance between -- the 110 feet setback coupled with the existing roughly 75 feet of right-of-way that exists that's got landscaping in it already, you're at roughly 180 to 185 feet of setback from Napa Way Boulevard with some pretty dense landscaping that exists on the southern border. I drove by the property to confirm what I was told and was able to observe that existing vegetation myself.

The colorized rendering of the site plan looks like this. As you can see -- as you can see there's a tremendous amount of native vegetation that will remain along Napa Way Boulevard. What you see as the water management plan or water management area between the building and the native vegetation, that will remain. That will be planted with bald cypress to provide additional buffering.

We originally had asked for a deviation along the east side of the property, which is to the right, adjacent to the residential. We will remove that deviation and build the wall that the code calls for. So that change is no longer part of the submission. Although I think the neighbor to the east might prefer not to have a wall, we'll build the wall to avoid any concerns with deviations to the code.

I have to hand out -- and these were all discussed with the residents at the time we had the NIM, and I'll put it on the visualizer. I have copies for the Planning Commission.

These are conditions that we are willing to attach to the resolution approving the conditional use. I've already gone over a lot of them, but the first one was the height limitation of 30 feet. We will commit that there will be no school or daycare operations allowed on the property. There will be no playgrounds or outside recreational equipment permitted.

The exits to the rear will be limited to those required by the fire code as well as, you know, windows and doors will be closed during services or when musical practice occurs.

I talked about the minimum setback of 110 feet from Napa Way -- Napa Woods Way, and we'll also be 75 feet from the east property line, which is the nearest residential neighbor.

The building will be constructed of materials designed to provide soundproof dampening and to reduce through-wall penetrations -- penetrations for noise, which will go hand in hand with No. 12, which is there will be no outdoor amplified music permitted on the property.

The lighting will be limited to 15 feet in height, as I already mentioned, and we'll utilize flat panel fixtures and cutoff shields to assure that there's no light spilling onto our neighbors.

One of the concerns that I think another church in Collier County is doing is they're basically leasing out the facility to other churches. We will not do that. We will be the only church occupying and utilizing the facility.

We will retain the native vegetation, and we'll hand clear it of any exotics, because we have to remove exotics, and we'll obviously supplement any bare spots, if you will, that come about by clearing of the exotics with the types of plantings we've talked to you in this commitment, and they'll be planted -- they'll be at 8 feet and opacity of 80 percent within a year.

I mentioned we would plant the water management swale with bald cypress. That will be 12-foot high and staggered.

The architectural style of the building will be mediterranean using earth color tones and tile roofing materials.

What I want to do is -- we prepared kind of a flyover with the building placed on the site and -- kind of take you through what it will look like when the building is actually there.

COMMISSIONER CHRZANOWSKI: Rich, a question.

MR. YOVANOVICH: Yes.

COMMISSIONER CHRZANOWSKI: And I don't really care. But No. 4, exits to the rear will be limited to those required by fire code. Who cares? Why?

MR. YOVANOVICH: The neighbors are concerned about noise. They're concerned about access to the building. And to the rear is the south, and across the street there is a home. And what we've basically said is out of respect for the home across the street, we'll limit all activity to the front of the building, which is adjacent to Pine Ridge Road and, as you know, the only access we have to the site on Pine Ridge Road.

There is no access to this church from Napa Woods Way. And in keeping with concerns we heard about potential noise, we've included the provision that, you know, we won't have any doors that in any way people would want to go out in the back.

COMMISSIONER CHRZANOWSKI: You're going to have windows, and the doors are going to be closed, but you think that -- okay. Well, no problem.

MR. YOVANOVICH: Again, I think what we have done, and as Johnny has said, is we have -- we have gone above and beyond to address concerns, in my opinion, from the neighborhood. And I'll show you this aerial in a second.

But I've talked to many of you about a comparable church, as I think it is. I go to Vanderbilt Presbyterian Church which is at -- on Immokalee Road. It's right in front of Willoughby Acres. Palm River's around us. I believe we're a good neighbor. I haven't heard any complaints about our existence in that neighborhood and, frankly, if you look around, most churches are in neighborhoods.

I know someone will point out an example of a church that's not in a neighborhood, but I will tell you most churches that I know of when I was growing up, as well as in Naples, are actually in the neighborhoods and actually provide -- you know, I was talking to another consultant that I do work with. You know, he grew up, and they used the parking lot to play wiffle ball and this -- kick ball and all this stuff during the week. I did the same thing growing up.

But my church is actually larger than I thought it was; it's 500 seats, and it's 5.3 acres. So it's bigger than what is being proposed to you today, and it's not caused any issues with existing residential neighbors.

So I say that because in response to your question, Mr. Chrzanowski, is we have done a lot of things to make sure we address the concerns other than "just go away," and that's really what the residents told us at the neighborhood information. We don't want a church on this piece of property. It's not personal to your church. It's they don't think this property should be developed as a church.

So I'm going to take you through this flyover to show you how we will fit in. And with that, I'll close our presentation and answer any questions you may have.

(Aerial being shown on the overhead.)

MR. YOVANOVICH: And with that, I'll request that the Planning Commission follow your staff's recommendations to approve the conditional use. And we will be happy to answer any questions you have regarding our petition.

CHAIRPERSON HOMIAK: Does anyone have any questions at this point or --

COMMISSIONER CHRZANOWSKI: Just a comment. Is that flyover going to be the new gold standard for how we look at projects?

CHAIRPERSON HOMIAK: I don't know. It's pretty cool.

COMMISSIONER EBERT: It's nice.

CHAIRPERSON HOMIAK: I'd like to see that, yeah.

MR. YOVANOVICH: You like it? And it may have to be. Because every project we do, as you know, now is basically adjacent to neighbors. And this, I think, gives a good perspective of what they will see when the property is actually developed.

COMMISSIONER EBERT: Rich, I have one question. I believe it has been answered, but I'm going to ask it anyway.

You will not be letting, like, Weight Watchers or anyone else use this church? This will be historically for church utility only; is that correct?

MR. YOVANOVICH: Let me -- can I -- and I don't know about Weight Watchers, but I want -- I want to answer -- and Johnny will correct me if I get anything wrong.

Currently these are the uses that occur at the church. I don't know if -- if the Boy Scouts approached them and said, we would like to have Boy Scout meetings at your church on whatever evening, I don't want that to be prohibited, because my church does that. I don't know -- I think most churches have those types of civic uses of their buildings, but they're not big users.

There have been some -- there's some correspondence -- and I didn't read every email. But there's been some allegations about certain types of counseling and rehabilitation programs that people are saying will happen at this facility. Those uses will not happen at this facility.

The typical types of church uses are all we're asking for. And I think the Boy Scouts, Cub Scouts, Girl Scouts -- I think Ms. Roman has her Orchid club meet at my church. Those are uses that churches typically -- homeowners' association meetings happen, you know, at Vanderbilt -- at Covenant Presbyterian Church.

Those types of uses will occur, so I don't -- or may occur. I don't think that's what you're saying we shouldn't allow to happen, but --

COMMISSIONER EBERT: No, no, no.

MR. YOVANOVICH: -- those other types of uses that are in some of the emails absolutely will not occur and are not allowed to occur on the property.

COMMISSIONER EBERT: Thank you. That's what I was checking.

CHAIRPERSON HOMIAK: In the other list that we had -- the same list that was on the hours of operation limited to 6:30 a.m. to 10 p.m., would that be --

MR. YOVANOVICH: Let me give -- here's my concern about that. And I've -- we had the same discussion at Covenant when we came through this process, and they were pretty emphatic about there are -- there will be some youth lock-ins that happen. That will go past 10 o'clock at night. It does at my church. You know, the youth groups stay there. They'll stay overnight and be together.

So hours of operation, we've never been -- those have never been imposed on any other churches, and we don't think that they should be imposed. You know, if there's something that happens in the world, some catastrophic event, and they would to have -- we call them vigils at my church -- where they want to have a midnight worship service to show support for something that happened. We don't want to have those types of hours of operation limiting this church.

So as far as -- we've told you the typical week in the church. That's what happens. But will there be the occasional, maybe, youth lock-in, maybe, don't know, but we don't want to be prohibited from doing that as well as addressing different scenarios.

We talked about limiting it to two or three times, you know, in case they wanted to have, like, you know, a candlelight service for Christmas. But it becomes so difficult to do that, and I don't think it's necessary for churches.

CHAIRPERSON HOMIAK: Okay. And the right-of-way for the turn lane, does --

MR. YOVANOVICH: We would have to provide compensating right-of-way for that, and we will be doing that off of Pine Ridge Road.

CHAIRPERSON HOMIAK: And relocating the bus stop?

MR. YOVANOVICH: We'll move the -- I think there's a sign there right now. We'll move it to where it's out of the way of the turn lane, yes, ma'am. We're comfortable with staff's recommendations.

COMMISSIONER SOLIS: Rich, in looking at the aerial, there seems to be a structure that's right near the property line to the east. What exactly is that? Is that the house? Is that --

MR. YOVANOVICH: That is the neighbor's property. I think it's a small house that exists on that piece of property. I could -- I didn't want to drive back in there to find out exactly what it was, but --

COMMISSIONER SOLIS: Good choice.

MR. YOVANOVICH: From the aerial and from what I've been told, it looks like it's a small house on that piece of property.

CHAIRPERSON HOMIAK: Anything else?

(No response.)

CHAIRPERSON HOMIAK: No? Okay.

MR. YOVANOVICH: Well, thank you.

CHAIRPERSON HOMIAK: Staff report?

MR. REISCHL: Thank you, Ms. Homiak.

Fred Reischl, Zoning Division.

We did not get a chance to review these changes. We're seeing them at the same time that you did, so -- it appears from what we just heard that this is a reduction from what we recommended for approval previously.

And, again, we haven't reviewed it, but if it is a reduction, then we would support or stand by the

recommendation of approval.

CHAIRPERSON HOMIAK: Okay. Thank you.

Are there any questions for the staff?

COMMISSIONER ROMAN: Yes, I have a question for staff.

I'd like you to go over the zoning, particularly if we could get to the overhead of the parcel itself.

Yes, that's great.

Now, when we look at -- if I could have the staff explain the zoning of the parcel to the left, which is the Pe=a medical center, the parcel -- go ahead. I'm sorry.

MR. REISCHL: That's zoned C1.

COMMISSIONER ROMAN: Okay, that is C1. Was that zoning changed during its petition process?

MR. REISCHL: Yes. That was a Growth Management Plan amendment and a rezone, I believe, in 1998.

COMMISSIONER ROMAN: Prior to that, was it zoned --

MR. REISCHL: Estates.

COMMISSIONER ROMAN: -- Estates?

MR. REISCHL: Yes.

COMMISSIONER ROMAN: So the parcel on the corner, the Pe=a medical center now, was zoned Golden Gate Estates?

MR. REISCHL: Yes.

COMMISSIONER ROMAN: The parcel of the petition today is zoned Golden Gate Estates?

MR. REISCHL: Zoned E Estates, right.

COMMISSIONER ROMAN: Okay. The parcel to the east of today's parcel -- of the petition is zoned what?

MR. REISCHL: Estates.

COMMISSIONER ROMAN: Okay. So at one point all three of those parcels were zoned Estates and some still are; is that correct?

MR. REISCHL: Right.

COMMISSIONER ROMAN: All right. Now, across Napa Boulevard, that parcel is commercial, right?

MR. REISCHL: It's a commercial PUD.

COMMISSIONER ROMAN: Commercial PUD, all right. So in reading the 1998 minutes of the commission meeting, the commissioners agreed that the Pe=a medical center was rezoned as the transitional parcel.

MR. REISCHL: From reading the -- I wasn't at that hearing, but from reading it, that's what it appears to have been.

COMMISSIONER ROMAN: All right. Thank you very much.

CHAIRPERSON HOMIAK: Anyone else?

(No response.)

MR. YOVANOVICH: May I comment on that, if it's appropriate, or do you want me to wait until --

CHAIRPERSON HOMIAK: No, go ahead.

COMMISSIONER SOLIS: Let me just ask a couple questions. One is, can you go through -- the conditional use has certain limitations as to what a conditional use can be and also what it can be adjacent to, right? Can you just explain exactly what the uses are and what the limitations are for putting a conditional use -- a transitional conditional use next to whatever property it's next to.

MR. REISCHL: This is a little bit different because Estates conditional uses are different from conditional uses in other zoning districts. In most zoning districts, any parcel can apply for a conditional use. In the Estates -- and the history on this is because of Golden Gate Parkway west of Santa Barbara, you started to get churches, daycare, bridge clubs, and the Board of County Commissioners didn't want just a strip of nonresidential uses there, so they put locational criteria into the Growth Management Plan.

And according to Comprehensive Planning's review, this is a parcel that meets the criteria for

transitional conditional use; therefore, a conditional use can apply on this parcel. They could not apply on the parcel to the east because it doesn't meet the locational criteria.

COMMISSIONER ROMAN: At this time. But if this parcel would change, could that parcel meet the criteria?

MR. REISCHL: No, because a -- the locational criteria says it has to be a nonresidential use, and this is going to be a conditional use of a residential district, Estates. So, no, it will not creep, I guess.

COMMISSIONER SOLIS: Right. So that was getting to -- my question is if the conditional use is approved, then there can't be, one, the joining of the two parcels, this parcel and the one to the east. That couldn't happen because I'm assuming that Rich is correct that then it would be too big for a conditional use. It would be more than five acres.

MR. REISCHL: Correct.

COMMISSIONER SOLIS: And then, number two, that because there's a conditional -- there would be a conditional use on this property, that would be for the three or four different things that are allowed for a transitional conditional use, then another transitional conditional use couldn't be applied for on the adjoining property. So that's what prevents the creep, in effect.

MR. REISCHL: Correct. But let me state -- and I stated this at the second neighborhood info meeting, too. I've learned from many years in this business to never say never because there are other ways this could happen. There could be a Growth Management Plan amendment. There's going to be the Golden Gate area restudy. There are lots of other things that could happen. But under today's code, you are correct.

COMMISSIONER SOLIS: And that's what we have to deal with today is today's code?

MR. REISCHL: Yes.

COMMISSIONER ROMAN: I think, though, technically, that while churches are a noncommercial use, they can have commercial-like intensity, and I think that that's a factor that at least I'm considering.

MR. YOVANOVICH: May I?

CHAIRPERSON HOMIAK: Oh, go ahead.

MR. YOVANOVICH: I wasn't sure. What I've done is put the Comp Plan language on the code -- on your visualizer.

There are two instances in the Growth Management Plan for Golden Gate Estates where you can have conditional uses. What Mr. Solis was describing regarding transitional conditional use is for neighborhood center conditional uses, which is above here, okay. If you're adjacent to a neighborhood center, there are limited types of conditional uses you can request.

We qualify under -- we qualify under the transitional conditional use criteria, which has the size limitations Mr. Solis was referring to as well as it specifically says you can't use -- you can't ask for a conditional use adjacent to a church. So, absolutely correct, there cannot be creep based upon the existing Comprehensive Plan.

So I can't -- I can't predict the future. I can only tell you my personal experience in trying to amend the Collier County Growth Management Plan, since it's kind of one of the ways I make a living, is it's very difficult to amend the Growth Management Plan because you need to get four out of five commissioners, and I will tell you you rarely see me or Mr. Anderson or anybody else bring forward a Growth Management Plan amendment that would make no sense and we'd know would be dead on arrival.

I would say to you that I'm fairly certain bringing a Growth Management Plan amendment for the adjacent piece of property would fit the category of being dead on arriving.

So I hope that we can look at what today's code is, because that's all you really can apply, but I don't believe there's a realistic opportunity for the Growth Management Plan on an individual basis to be amended.

And I will also point out, if this piece of property was not intended to be eligible to use the transitional conditional use provisions, there would have been an exclusion in the Comprehensive Plan.

There are many instances in the Growth Management Plan as exists today that says you can't use this provision on this piece of property. It's not unusual for that to occur. You do not see that exception on this particular piece of property and on this particular code provision.

And these provisions, as they exist in their current form, were all approved after the Growth Management Plan amendment that occurred for Dr. Pe±a's property. So if there was an intention to not allow

conditional uses on this piece of property based upon prior testimony that occurred, there would have been an exception.

Thank you.

COMMISSIONER EBERT: Do you want to hear from the public?

CHAIRPERSON HOMIAK: Yeah. David, did you have something to say. You were standing up there before and sat down again.

MR. WEEKS: For the record, David Weeks of the Comprehensive Planning section.

Basically I can just say that what's already been represented by other staff and Rich regarding what the Comprehensive Plan says is accurate.

CHAIRPERSON HOMIAK: Thank you.

Okay. Now we're going to hear from the public speakers. Have they registered or --

MR. REISCHL: Yes.

Excuse me. The last name is Perez. First name is Alfa, followed by Lou Perez.

MS. PEREZ: Good morning. My name is Alfa Perez. I'm here for the second time. I actually traded my day off tomorrow for today to be here again because I am a property owner, and I do have rights. Just like Summit does, so do I.

I've been in this neighborhood for 18 years. My neighborhood been quiet. It been nice. And I am not opposed to change, but the change that Summit is going to give us is not positive change for us. It's not going to enhance the character of our neighborhood. It's not going to beautify it. It's not going to give us anything that's beneficial to us. It's going to bring a bunch of people into our neighborhood that we do not need.

When it comes to Pine Ridge Road, the intersection of Napa Boulevard and Pine Ridge Road is very, very busy. It is very scary. Every time I'm coming home from work, it's so hard for people to brake behind you that I'm always afraid that I'm going to get rear-ended. Putting 200 more cars on that road at any given time is going to create a lot of chaos, a lot of traffic jams, a lot of accidents.

Please, before any tragedy happen, stop this, stop it for us, the neighbors. All of us live on the street and all the people that go across the street to the PUD over there where they have a hospital, a gym, Publix, a whole bunch of business. We do not need any more roads on that intersection -- any more cars, I'm sorry, on that road.

That intersection is very busy as is. Let's be proactive instead of reactive, and let's not wait for a major tragedy to occur. Let's stop it from happening right now. Thank you.

CHAIRPERSON HOMIAK: Thank you.

MR. REISCHL: The next speaker Lou Perez, followed by Ty Vigil.

MR. PEREZ: Good morning, all. My name is Lou Perez.

I'm here today to, again, bring up the situations that we feel are very strong regarding this petition on our neighborhood.

The last planning meeting or the last neighborhood informational meeting that was held, we were pretty much given the changes that Summit Church was willing to offer. In my opinion -- and many people have opinions, but from what I could see, the current -- today's actual message by the pastor representing Summit Church here today, he mentioned that his vision back when they started Summit Church 10 years ago -- they built a 22,000 square foot, or approximately thereof, building on 10 acres.

They were thinking about maybe going even bigger and building that on their property, but as they grew and they moved their location to downtown or Naples from Estero, they realized that their mission had changed, and they wanted to put in a lot of different parishes to be able to better serve the community and to bring the word of Jesus Christ out to everyone.

Well, that's wonderful, but in that statement is a conflict of interest, because in their original proposal -- which means that they offered Collier County planning 30,000 square feet on four acres, and the seating was 400. The parking was 200 or thereabouts, 200 parking spots. That's not in line with what he just said, that that's his planning -- was their church mission planning goal.

It just doesn't make sense, but it would make sense to me if they were trying to bring in this ridiculous amount of square foot in a residential area, building, and then use it as a bargaining chip. Well, we

were actually going to give you -- we're going to come down to 19-, which probably was their original plan all along.

So their offering of reducing it to 19,000 really means nothing because they still have 400 seats. They have not reduced the intensity of the traffic into the location. They've only reduced the intensity of the structure.

Then the parking is still at approximately the same, 163, I believe, or 150 parking. And that's going to create a lot of traffic on that deceleration lane. That's within the actual intersection of a three-lane -- actually four-lane with the left-turn lane -- available going into that intersection of Napa Boulevard and Pine Ridge Road. It is a very dangerous intersection indeed.

And across the street from the actual petitioner's site is a huge shopping center. The shopping center has -- I don't know. The whole front of the area, there's no outparcels, so the whole front of the property is actually parking. So -- and that serves the Vineyards community and the Napa Woods community, Napa Woods Way. So we have that area there.

Then we also have Physicians Regional, which is a big church -- I'm sorry -- a big hospital. I don't know how many beds they have. But at any given time, there's ambulances, helicopters flying into the area -- which a helicopter doesn't affect the traffic unless you have somebody who's looking up at the helicopter, not paying attention and crashes into the guy in front of him because the light just turned on him. It's happened. We've seen it.

I've recorded a video of an accident that happened just after the last informational meeting that we had. And I said, wow. How insane is this? This just happened just now, after that, and we're not even in season.

As soon as the time change occurred, it was like, wow, what happened? There was traffic everywhere. Those three lanes of traffic on Pine Ridge were backed up and going into the intersection, coming out of the intersection. I'm sure the traffic cams could verify that if we had the capability of seeing any of the traffic cam videos from the hour change from just last week.

But the situation that I see is the transitional conditional uses. If we transition from a transitional property for a conditional use, the intent or the situation hasn't changed. We still have the intensity.

As Mr. Reischl said, never say never because we don't have future board meetings already predicted for any other petitions. But from what I could see, we don't really need to worry about that because they have not met the intensity. They have not met -- they have not come down in intensity. They have only made the building structure smaller, and they have -- still have not changed their hours of operation, which I understand that they could have a youth meeting at one hour, church services on another day at a different hour.

I go to church. I go to St. Elizabeth Seton, so I know all the different programs that churches have.

What we feel is that this does not fit into the neighborhood. It doesn't fit into the neighborhood because it's not going to bring anything better to our neighborhood. It's not adding value to our neighborhood. If anything, it's detractive resale value to our neighborhood. That's one of the issues that we have.

We're all for churches. We actually have one at the end of the street on Napa Woods Way, which actually goes down. They add quite a bit of traffic, too. On Sundays and on Saturday evenings you can wait quite a while for that light to change because there could be four to six cars still waiting for the light, and the light changes rather quickly exiting into Pine Ridge Road, and then you have to wait quite a while for that light to give you the opportunity to go out, or you make a right-hand turn, go down a mile, make a U-turn, and then come back on Pine Ridge if you're going ahead eastbound. That's the only way to get -- to beat that light.

So these conditions where we're looking at transitional -- transitional, transitional, transitional conditional use, I think this is not going to stop.

In the overhead we see that the property adjoining is right next to it. Today we've just learned from information that a wall will actually be put up. The way we see things here, we're looking at not quite honest going forward into the situation. When we were -- when we were approached, we were approached by minimum, minimum requirement.

If we were actually thought after as neighbors and not as a dollar sign for our neighborhood to be

taken, we would have had a little bit more in the first informational meeting. We would have had more outreach from the church. We didn't.

The other thing also is that, let I not forget, there's plenty of property that they could buy that meets this area, that meets their needs for the area. There's one right next to Hooters, Harley Davidson, which is commercial use. It's commercial. You can use it. You can have the -- you have all of the coming in and coming -- and going out, egress and ingress, you have all of that situation already set up by planning because that parcel is set up for that.

Here we have changes. We have to have a deceleration lane within 600 feet of an intersection. We have to have a bus stop requiring -- you know, maybe it's just a sign, so there's no covered area location for someone to stand there.

But the situation -- the other situation is when this property was sold, nobody knew about it. Nobody -- none of the residents --

CHAIRPERSON HOMIAK: You need to finish up quickly here.

MR. PEREZ: Thank you.

CHAIRPERSON HOMIAK: Please.

MS. PEREZ: Nobody knew about this property.

But in the first informational meeting when it was brought up to us, there were offers to buy this to maintain this residential from them. And here we are in the third meeting because they have no intention of doing that.

Thank you very much.

COMMISSIONER CHRZANOWSKI: Something -- could I ask a question of staff in between this?

CHAIRPERSON HOMIAK: Sure, sure. Go ahead.

COMMISSIONER CHRZANOWSKI: I don't know how many of you guys have been around a long time, but Napa Boulevard, that short stretch, that seems like an unnecessary road, and having an intersection there with lights seems to cause more damage than it helps. Does anyone know why?

I'm familiar with the original plat of Golden Gate Estates, and there was no road there. So somehow that road was created. Does anybody remember why that was put there?

MR. REISCHL: I don't remember. I think it might have to do with the construction of the Pine Ridge Road extension for what used to be White and interconnecting those two, but I'm looking at Mike Sawyer to see if he has any more knowledge on it.

COMMISSIONER CHRZANOWSKI: It still makes no sense. I know that predates Mike, I'm pretty sure. Maybe Tim Hancock would know.

MR. SAWYER: Commissioner, for the record, Mike Sawyer, Transportation Planning. I can research that for you, but I -- personally, I do not know, but I'd be happy to research that for you.

COMMISSIONER CHRZANOWSKI: I wouldn't bother, because by the time you research it, this meeting will be over.

MR. SAWYER: It's the best I can do; I'm sorry.

COMMISSIONER CHRZANOWSKI: Oh, David. David's been around a long time.

MR. WEEKS: For the record, David Weeks.

Commissioners, I can tell you that before the Vineyards was developed, Napa Boulevard, I think by that name, extended from Vanderbilt Beach Road all the way to Pine Ridge, and then Vineyards Boulevard, once the Vineyards was developed, as I recall, did take over a portion of that alignment. That's as far as back as I can recall of history. But there actually was a north/south road called Napa Boulevard from Vanderbilt Beach Road all the way down to Pine Ridge.

COMMISSIONER CHRZANOWSKI: Yeah. Before they built I-75, I can remember driving my motorcycle down through that area, and I don't remember a road paralleling the I-75 course with an intersection.

MR. WEEKS: Yeah. And it was -- as I recall, it was primarily a straight north/south road, whereas Vineyards Boulevard today has more meander to it. That's my recollection.

COMMISSIONER CHRZANOWSKI: Okay, thanks.

COMMISSIONER EBERT: David, I have a quick question for you. Is this not in an area of an

activity center?

MR. WEEKS: It's adjacent to an activity center. With the Comprehensive Plan amendment that occurred previously to allow the Pe±a medical office center to the west to become part of the activity center, that amendment was to expand the activity center to add that parcel where the Pe±a medical center is now located.

COMMISSIONER EBERT: So -- okay. So on Napa -- Napa Boulevard, to the west is commercial. That would be part of an activity center there, and nothing has been built there yet; is that correct?

MR. WEEKS: West of Napa is correct. It's a -- it's zoned commercial. I think it's Astron Plaza PUD.

COMMISSIONER EBERT: Okay.

MR. WEEKS: It is zoned but undeveloped.

COMMISSIONER EBERT: Okay. Very good. So that could be commercial in there also. Thank you.

MR. WEEKS: Oh, yes.

CHAIRPERSON HOMIAK: Okay.

MR. REISCHL: Your next speaker is Ty Vigil, followed by J.T. Menakev (sic).

MR. VIGIL: Thank you, Madam Chair.

From a -- more of a federal perspective, I served on some hearings and some workshops for exiting Connie Mack in Washington, D.C.

And you touched on I-75. When we sat and had those meetings on widening I-75 and trying to get federal dollars down into Southwest Florida to widen I-75, there was frequent conversations about exits and ingress/egress off of I-75.

And if you look into the Eisenhower administration, it talks about the -- what is available on the ingress/egress. There's got to be hotels, there's got to be EMS services, there's got to be mechanic shops, gas stations, that type of thing; hence why we don't have an ingress/egress on Vanderbilt or on Everglades, which there has been dialogue and chatter about in the past.

With respect to the ingress/egress off Pine Ridge Road, Connie Mack at the time had frequent conversations with then the Collier County Commissioners. I think Coyle served at the time and maybe even Mr. Halas, Commissioner Halas. And the communication was great in terms of, historically, if you look at, in 1998, the meeting minutes which were alluded to earlier, was that the reason why they moved to the conditional use very quickly is because they did not want it to be commercial with respect to the residents.

So with that conditional use would mean a church or something giving back to the community. And in due fairness to the comment to put a church between Hooters and a motorcycle shop probably won't be the great location for a church.

So I just wanted to kind of -- I'll yield back the rest of my time for the other speakers, but I wanted to let you know that the commissioners at the time did a great job. The Planning Commission did a great job. The federal government all worked with each other to make sure this is zoned conditional so that this can take place today.

Thank you.

CHAIRPERSON HOMIAK: Thank you.

MR. REISCHL: J.T. Menakev (sic), followed by Gary Grosser.

MR. MENAKER: Good morning. My name is Tom Menaker. I'm a resident of Marco Island and an active member of the Unitary Congregation of Greater Naples, which is just about a block and a half away from the site that we're discussing.

I've been asked by my congregation to appear here. Our first concern was with traffic. And I would say 90 percent of those concerns have been met by the changes that the church and counsel have expressed this morning, and we're pleased to see that.

We have a compliment for them in restoring the preserve at the south end of the property along Napa Woods Way. We have a large garden preserve of our own. We think we're good neighbors because of that, and we hope that will help them be good neighbors as well.

We're very happy to see that they will not be attempting to access the property from Napa Woods

Way, the southern end of their property.

Our remaining concern would be with a rumor we've heard that they want to lease parking spots from Dr. Pe±a's property to their immediate west. That's along Napa Way. That's where the traffic builds up. And please don't take Napa Way away from us. It's our lifeline, because --

COMMISSIONER CHRZANOWSKI: Just the light.

MR. MENAKER: Well, the light -- you take that away -- if you want a disaster, you'll take that away.

COMMISSIONER CHRZANOWSKI: Close the median cut. I know. I know. I'm joking.

MR. MENAKER: Right now we need a left turn signal there, but that's another issue that traffic can take up.

But if they would be leasing spots from Dr. Pe±a along Napa Way, that would greatly increase traffic. When we have a service that let's out on Sunday morning or other events through the week -- and we're also busy on Wednesday night as they plan to be -- that whole block fills up completely sometimes with traffic waiting to get out onto Pine Ridge, and especially to take a left there.

If they had their own car coming out of Dr. Pe±a's parking lot, it would greatly increase the problem. We hope that they won't be permitted to do that. Those are our objections, and we thank you for listening us to.

CHAIRPERSON HOMIAK: Thank you.

MR. REISCHL: Gary Grosser, followed by David Monk.

MR. GROSSER: For the record, my name is Gary Grosser. I must be one of the oldest people here because I do remember a lot of the paralleling roads. When you talk about Napa Boulevard paralleling I-75, I remember when I-75 didn't exist.

I moved to Southwest Florida in 1970. For 30 years I worked within the 20th Judicial Circuit, which includes Collier County. And when I start to think back about some of the things that I moved here for and some of the things that have disappeared over that time, I go back to an analogy of how a flea can eat an elephant. And when somebody is asking the flea how he's going to do it, he does a very simple response: One bite at a time. That's the way creep occurs.

I've watched creep, and I've watched urban sprawl for the past 45 or 50 years here in Southwest Florida, and I see that the good intentions of people to provide a service within a community sometimes can have some adverse effect.

When I look at the first place I resided here in Southwest Florida, which was Fort Myers Beach, I moved there because of the tranquility, the peacefulness of the community, the availability of sports activities, and I watched it disappear, over the course of several years, little bites at a time.

And when you listen to some of the community people here and you listen to some of the people involved in this project proposal, you would probably think that we're opposed to a church on Napa Woods Way. We are not. People along that community line are faithful people. They're believers. We know that churches make good neighbors. Every community should have one. We already do. And they are good neighbors.

And I would applaud the planners and the church for the proposals that they have changed in terms of the community meetings that we've had, but I will tell you that one of the concerns of the community is that when we see a change take place, from an individual standpoint it's easy to say it's a conditional use. Nothing else will happen after that. Never say never.

And when we look back and we see what has occurred, we have to say to ourselves, remind ourselves, we can't look into the future. We can look into the past. And it has been said before, if we don't pay attention to history, we're doomed to repeat it. And we do not wish to see any sprawl within our community. We are a neighborhood community of residents. That's the way we would like it to stay.

We are not opposed to a church per se. We just don't want to see the sprawl. And when we look at the humanity involved in this and we look at what has occurred in terms of saying this will be the only property that this occurs on, this will be the only transition property for Dr. Pe±a; yet, we also see a lot of proposals and promises that were made then that have not to this day been fulfilled. If that's a failure within the community, that's one thing. But if it's a failure by the people that are project managers and the property

owners, that's another entirely.

We can't go back and make changes that have already occurred. There are plenty of available properties where this church could seek its correct conditional use without any difficulties. We just don't want to be in a position where our peace and tranquility has been disturbed and the future viability of those properties is impinged in any way.

Thank you very much for your time.

MR. REISCHL: David Monk, followed by Luis Cid.

MR. DAVID MONK: I'm probably one of your most unique residents on the street. I spent 22 years as a child growing up on the street. My parents have lived there since I was, I think, three months old on.

I then later moved away to a gated community, and, you know, got married and so forth, and decided I love the location. It was as far in town almost as you can get that felt like out in the woods. It was trees. It was peaceful. Great place to grow a family. I grew up there. It's just a location in town that, you know, brought a perfect place for our family.

We bought our house based on location. We don't have the newest, greatest house. It was all location, location, location. It's, you know, kind of what (sic) we came to the area.

There's concerns on my part. I've got a two-and-a-half year old, a four month old. We walk the streets. We rollerblade the streets. There's no sidewalks. There's no need.

When I was a kid, it used to be a race lane. They put eight speed bumps -- seven or eight speed bumps on the street to slow it down for the neighbors. It used to be the cut-through road to Logan.

Adding more commercial -- there's no way to predict the future. There's no way to predict those coming from the east don't turn left on Logan, come down our street, make a right, make a right into the church.

I know that they've come off the entry of our street, which is appreciated, but there's no way to predict how they're going to stay off the street. There's no way to predict keeping the parking off the street. If they have a large event, there's nowhere -- are they going to cross Pine Ridge Road at night? No. They're going to park on the same side so it's walkable.

You mentioned before the commissioner did not want a strip. There's a commercial lot on Napa, there's the doctor's office, and now this will be going in. What -- kind of the definition of what's a strip? Is it one place, two places? When does it become a strip in a residential area that's trying to be avoided?

Predicting the future, I feel that -- I was a child at the last time Pe±a's went in, the same presentation put, you know, transitional area; the next one won't. Again, the past, not to reiterate.

Also, what if the building sold? I have high respect for Summit Church. I know a lot of people that go to Summit Church. I go to Center Point church, but you can't predict the future. They've been, you know, accommodating, they've done everything trying to help, but what if they sell it? What if someone else comes in as a church, rents the building, leases the building and so forth? There's no way to, again, predict the future, but it's that -- keeping it as a residential street without adding commercial vibe to it.

Thank you.

COMMISSIONER CHRZANOWSKI: Hold on a second. Did they close off your median cut on Logan Boulevard?

MR. DAVID MONK: I'm sorry?

COMMISSIONER CHRZANOWSKI: Coming out of --

MR. DAVID MONK: Yes.

COMMISSIONER CHRZANOWSKI: They closed --

MR. DAVID MONK: You can no longer -- you can no longer make a right -- or, I'm sorry, a left from Napa Woods Way onto Logan.

COMMISSIONER CHRZANOWSKI: Yeah. I had a buddy took out a -- bottom of his car on that curb. That curb used to be all damaged. I'm glad they took that out.

MR. DAVID MONK: Yeah. And, I mean, it's just -- it was a high traffic --

COMMISSIONER CHRZANOWSKI: But you can't make a left and come down and then come back to the church.

MR. DAVID MONK: No. But you can --

COMMISSIONER CHRZANOWSKI: Okay. That's what I thought you were talking about.

MR. DAVID MONK: No. You can come from the east, make a left onto Logan, make a right onto Napa Woods Way, and then it's just right-hand turns into the church. Because the U-turn to get on Pine Ridge at Logan Boulevard -- or on Napa Woods Way -- or Napa Boulevard, it would have to be -- anyone coming from the east would have to do a U-turn there. Well, that traffic light is real quick. You can get one or two cars through it, so that will get backed up from -- anyone coming from the east will have to do a U-turn at Napa Boulevard or turn on Logan and go down Napa Woods Way, which would be --

COMMISSIONER CHRZANOWSKI: Still seems out of the way, but --

MR. DAVID MONK: But it's --

MR. GROSSER: It's half a block.

MR. DAVID MONK: Yeah, it's a traffic light turn into the community. It's right-hand turns, and they can pull right in. It's not waiting at a U-turn line that will be backed up with an existing church that's already making left-hand turns into the community. It will be, you know, twice as long with having two churches making the only left-hand turn into the street unless they cut through on the end of the street, which, again, no sidewalks, you know, can't rollerblade with the family and kids and -- it's a safety concern, so...

COMMISSIONER CHRZANOWSKI: Thank you.

MR. REISCHL: Next speaker is Luis Cid, followed by Keith Monk.

CHAIRPERSON HOMIAK: Okay. I just want to -- after this speaker here, we'll take a 15-minute break.

MR. CID: Good morning. My name is Luis Cid, and I live right across the street from the property.

And what I want to say first, when I built my home there, I had a lot of choice to build somewhere in Collier County or go to a community. I choose to go there. I think it was a great property. I have family on that block.

And everybody told me I was crazy because I'm building a big home compared with everybody's in the neighborhood, but I wanted to create something nice in the neighborhood to bring value to the property and to the neighborhood, not decreasing.

Right now, with this property, what's going to happen with the Summit Church or whatever commercial -- because it's commercial no matter how you call it. You can be politically correct, but it's commercial. It's going to decrease the property value to our neighborhood.

Now, Collier County's not going to give me a break on the taxes because my home is big home and, also, it's going to -- Collier County's not -- Summit Church is going to go to that property. They're not going to pay any taxes at all. That means Collier County's going to lose about 8,000 to \$10,000 in taxes revenue.

My taxes right now just came in, and it's \$8,000. Now, I don't mind paying taxes. I love to pay taxes because I love the property to be nice, and Collier County takes care of all the properties. But when somebody coming to de-evaluate (sic) my property, I have an issue with that.

This is the property right there. You can see it. And also I want to make sure that I oppose this development. Transitional property is a property that's not good for residential use. This property is perfect for a home.

Ladies and gentlemen, look at this property. It's full of trees. This development will destroy all the trees and replace with concrete and asphalt. These trees provide a buffer from Pine Ridge Road noise. They also help with security and privacy. Please help protect our Napa Woods area, as its name say Napa Wood, not Napa Concrete.

And I'm going to show you the Fort Myers building they have. This building is 20,000 square feet, and the land is about 10 acres. It looks like the property is empty. All the trees have been removed. There's a lot of concrete and asphalt also there.

As they say, they want to void or destroy our area. The property in Napa Woods is only four acres, and they want to put almost 20,000 square feet building in it. It's not good for our neighborhood. It does not fit in.

I'm going to show you St. Monica. They compared the last meeting to St. Monica. In the last meeting, they compared St. Monica to this property. Well, St. Monica is located in Immokalee Road about three miles away from I-75. Also, that property is all commercial on the north side of Immokalee Road all

the way to Logan.

We have 11 houses in our property. That means our neighbors, they're going to be pushed away from their property. They bought in there. There's no reason somebody come in and push it away, because eventually somebody's going to do commercial, and they're going to push our neighbors away. They're going to have to give up, sell for cheap, that way they do commercial, and after that they can sell it for a lot of money.

Okay. Also I want to show you, this is also where my son come to be almost every Sunday. The only day -- I work six days a week. I work (sic) about three miles away from my job. And every Sunday what I do is put a tent in front of my house and collect signatures for people that are against it, or whatever it is. And so far everybody's against it. My neighbors and people that I know, they drive by there. I have people from the church in the corner, also they sign for us.

Obvious they didn't like the signature because it was before the other plan the last meeting, so I got to redo it again to be a good person and redo it, and I got more than 110 people sign for this petition.

So they don't care about the people in the neighborhood. You know, it's sad to say, but they don't care. To be a church, they're hiding behind the church, and they don't care about the neighborhood. They care about, put something in there and get away with what they want, and I think that's wrong.

Also, I want to show you another one. Sorry. I go to St. Elizabeth Seton, and if you guys realize what's happening there, over the years they grow -- they grew and they get bigger and bigger. If you go there on Sunday, all the cars park in Golden Gate Parkway and people's property, and it's not fair for the people that live there that people parks in their own sidewalk or right-of-way or whatever. They park all over the Golden Gate Parkway and the street, and it's wrong they're doing that. And that's what's going to happen with this church.

I'm not opposed to the church. They can go someplace else where it's more available land, and they can build something nice. If they grow, it's great. I never see a church get smaller. Always get bigger.

And they were saying there was no property in Pine Ridge Road. It was property -- it's a -- it's a property 19 acres in west I-75, also it's 10 acres behind the gas station right there next to the First National Bank. So it's plenty of property they can buy to do this.

And I think by -- in two years from now, in front of my property's going to be a parking lot instead of being a residential property, and that's why I oppose this church. Not the church. I'm opposing the construction of this commercial property there.

Thank you.

CHAIRPERSON HOMIAK: Okay. We'll take a --

COMMISSIONER CHRZANOWSKI: One quick clarification on St. Elizabeth Seton. The people will park on Golden Gate Parkway even though the parking lot is empty because they don't want to get caught in the traffic coming out of the parking lot.

MR. CID: Okay. That --

COMMISSIONER CHRZANOWSKI: You know, it's just the way it is. I mean, we're Catholics. We come early. We sit in the back of the church. We try to leave before the traffic leaves.

No offense, Father Dennis.

MR. CID: It's this --

COMMISSIONER CHRZANOWSKI: And he comes on every now and then and says, please don't do that because you're going to get ticketed. So, you know, that's a totally different example.

MR. CID: Right. Well, let me ask you one thing is, if you call a cop, a cop will not give a ticket to anybody go to the church, and I know that for a fact because I've been there, and they never give me a ticket, so...

COMMISSIONER CHRZANOWSKI: You're lucky.

COMMISSIONER SOLIS: So you're parking there?

MR. CID: No, I don't park in Golden Gate Parkway; but I do park in there. But the parking lot is full, so I don't -- I cannot park -- the parking lot is completely full.

So what's going to happen -- what I'm trying to say is in the future, not long, maybe three, four, five years, that's what's going to be in my front of my property, and I build a beautiful home to somebody come

and park in front of my property? And that's what I'm against more than anything else.

And they haven't met anything. They don't care about the residential. Since the beginning, they've been trying to lie to us. And I don't -- I don't like people lie to me. That's what happened with them. They've been lying. They've been trying to say as little as possible instead of getting with the community and saying this is what we got; they never did that, and that's why I don't like them. They've been lying about it.

Thank you.

CHAIRPERSON HOMIAK: Okay. We'll take a 15-minute break.

(A brief recess was had.)

CHAIRPERSON HOMIAK: Okay. We're going to start with the next -- everybody take their seats.

MR. REISCHL: Madam Chairman, I don't know if you want me to add this, but we did find the answer to Commissioner Chrzanowski's question on Napa Boulevard.

CHAIRPERSON HOMIAK: Yes.

MR. REISCHL: It is created for access to the Astron Plaza PUD because they have -- the state won't allow them access from Pine Ridge Road.

CHAIRPERSON HOMIAK: Oh, yeah.

COMMISSIONER ROMAN: Yeah, they're too close to 75.

CHAIRPERSON HOMIAK: All right. Thank you.

MR. REISCHL: Next speaker is Keith Monk, followed by Shirley Ruder.

MR. KEITH MONK: I'm a 28-year resident of Napa Woods Way, and my son David, who was up earlier, when he came back to the street, didn't move back in with me. He did buy his own property. And I just wanted to make that clear.

But I was here in 1998 when the Pe-la property was being discussed. And I -- it was our understanding that -- because most -- the majority of the residents did not agree then. There were some that did -- that this was going to be the transitional buffer property and, obviously, they built it in a way to make it look like a residence, and they did a good job as far as, you know, that's concerned.

So I'm actually surprised to be here and, obviously, I've learned the legalities of why this can be discussed, but it's not what I expected.

We can't predict the future, but we can know that when the PUD is developed, that there's going to be a lot more traffic using our road as a cut-through, and that's something that is definitely going to happen regardless of whether the church goes in, but it is something I think we should take into consideration when we're thinking of adding something else, that even though it's not a commercial property, is going to create commercial intensity as far as traffic is concerned.

The church, their agenda and, you know, what they do currently will change when they own their own property. It's going to become, you know, a seven-day-a-week building. They're going to add programs. They're going to -- I mean, I'm a church goer myself. I've been a deacon and an elder and, you know, I understand church governance and, you know, what just happens. That's what you're there for is to spread the word and grow.

So it's going to mean a lot of nighttime traffic as those programs develop on our street.

And we have no sidewalk. We already have speed bumps because it's a notorious cut-through street, and we're allowed to have those to at least slow the speed of people down. And there's been a few measures that have helped that.

But, anyway, my main concerns are the fact that we thought we had a transitional buffer, and I believe that that should stay the transitional buffer and not to creep further.

I believe that there's a big safety issue with the shortcuts and the U-turns that are going to have to be made to get into the church off of Pine Ridge and, as already been stated, that that junction can be dangerous. There's been multiple accidents there already and, obviously, as that corner gets developed, it's not going to get any better.

And -- yeah, that's basically my concerns is nighttime use is going to expand. I just know it because of being a church member for many years and knowing how that works, and just the overall safety.

So thank you very much.

CHAIRPERSON HOMIAK: Thank you.

MR. REISCHL: Shirley Ruder, followed by Jackie Thomas.

MS. RUDER: Good morning. My name's Shirley Ruder, and I've been a resident of Napa Woods Way since 1990. I also was part of that original group that was against Dr. Pe±a's office; however, we were convinced that it certainly would be okay and based on three things: One, that would be the end of it, and that was the transitional unit; two, that it was being built to fit in with the neighborhood. One story looks residential; and, three, that that property was not -- nobody would buy it and build a residential house there.

So what I've learned is that the day the meeting's over, actually, things change, and what you're promised at one meeting doesn't go to the next meeting.

And this property's different. Obviously it's zoned different, and I don't really always understand this, but we certainly know that that can change also.

And we also know that somebody's offered to purchase the property that we're talking about and wants to build a residential house there. So I'm against it; several reasons. I think churches are wonderful. I think they have a wonderful philosophy, and they're a vital part of communities. We have one. We get along very good with the church that's there. I've almost been run over a couple times on Sunday morning. But, for the most part, people typically drive slow.

I work Wednesday nights, and I'm backed up at the light; takes me several times to get out. So that is a very dangerous intersection. I was almost killed there two days ago because people run right through that light. It's like -- they don't see it anyway.

But anyway, I support churches. I think they're a wonderful thing. But visions and missions change. We all know -- how often do you review your vision and mission, five to 10 years at the longest? So things change.

I also think there's a couple things about the church. I think 400 people, 200 parking spots can be a problem. I also think we talk about rehab. Well, churches don't do rehab. Churches do support groups, and support groups include addictions. And one of the things that really concerns us are those addictions because you're talking sexual addictions, you're talking drug addictions.

And so that's been one of our concerns because we have children going back and forth to the bus. We have a two-and-a-half year old across the street, and I don't know what support groups are going to be there. Churches and people can tell you things right now. We won't -- we aren't going to do this. We aren't going to do that. They change.

We're not against Weight Watchers. We're not against Cub Scouts. I mean, we're all parents, or we've been parents. Those kind of things we certainly support if we had to have a church there. But it's those other things that concern us. And churches do that, you know. I mean, it's a good thing to have a support group, but we're concerned about it.

So in light of all those things, I'm against it, and I hope you certainly understand our concerns. Thank you.

MR. REISCHL: Jackie Thomas, followed by Jorge Rhodes.

MS. THOMAS: Hi. Good morning. My name is Jackie Thomas, and I reside at 5941 Napa Woods Way. I purchased this home only a year ago, and I specifically bought here to be in a residential neighborhood. Had there been a church there, I don't know that I would have looked at this neighborhood the same. In fact, I'm quite sure I wouldn't have. So, therefore, if I decide to go to sell and someone comes in and looks and there's a church there, I don't know that they would want to purchase my home as much.

The neighborhood is a residential area, and we do not want any more nonresidential buildings on our street. The traffic, the noise, and the increased population would surely decrease our property values, as it would decrease our quality of life.

We all walk the street all the time with our dogs and our children, and the noise already from Pine Ridge Road is just deafening sometimes, which I didn't quite know how loud that street was when I did purchase. And to add more, it's just something that I think we all kind of cringe about.

Every time a building other than a home enters the area, we become negatively affected. I don't know how a church being built there is going to impact us in a positive way.

We already have a church at the end of the street and a doctor's office that creates terrible traffic with cars and parking noises, other people have already mentioned.

Enough. We want to keep our neighborhood healthy and strong. We want our property values to be stable. Anybody in any kind of neighborhood would feel this way. I also want to ask the church why they didn't do some kind of study prior to purchasing this property and get a feel for what the neighborhood would, you know, have as a reaction as opposed to buying it and then doing all this work and spending all this money on their plans and then coming to us and saying, well, we want to do this.

And it just doesn't make sense to me that they're pushing, pushing, pushing when we're all like, no, no, no.

So I hope that the little guy in this scenario can have a voice, which is the neighborhood. We don't have a fancy lawyer today, but I am very impressed with a lot of my neighbors, how well they have spoken, and the points we've done our research on to try to establish our point of view, and I respectfully ask that you try to consider our little person's point of view this time.

Thank you.

MR. REISCHL: Jorge Rhodes, followed by Addie Cid.

MR. RHODES: Good morning. My name is Jorge Rhodes, and I have been a resident at Napa Woods Way for 21 years. And the reason I live there is, like my neighbors, it's a wooded area, a quiet area, and I hope to spend my golden years in that area. I love my neighborhood. I love my neighbors.

Most of what I was going to say has been already covered. Fear of the church growing. I am a Christian. I have nothing against churches. Churches grow. My church has grown. And the traffic. Again, I don't want to beat a dead horse here. I just think that that's not appropriate.

If Summit Church wants to be a good neighbor and they want to really come together with us, let them build two homes there. That is a perfect place to build two beautiful homes. And, again, I am a Christian. I have nothing against them personally, any church. I just am opposed to build any nonresidential structure of any size on that property.

That's -- you know, and I hope you see it that way. I hope that you'll consider our situation. We want to live there. There's people here that are having -- growing families, have children on the street all day. And, you know, we just are in fear that there's going to be a tragedy when you add a couple of hundred cars down our street, because eventually that will happen. And I just hope that you vote no for this.

Thank you.

MR. REISCHL: Addie Cid, followed by Mike Spertoli.

MS. CID: Good morning, ladies and gentlemen. My name is Addie Cid, and I am a resident. My house is actually the one right across from this project. Hopefully I don't choke like the last time; off the record.

There are some things in life that are not negotiable. Our piece of mind, our homes, and the future of our neighborhood is one of those things.

We, the residents of Napa Woods, were duped and lied to when Pe±a property was permitted. Residents were told that Pe±a was the last stand and that the land to the east, the land in question today, is residential.

We were further reassured, as many of us have said today, that this land to the east will be residential and not transitional. The transitional in the last stand is Pe±a. Even in the 2004 plan revision, Pe±a property still is shown as C1/T, not just C1, okay.

According to the definition of transitional property, it is usually a property that is not suitable for residential homes. This property is beautiful, as you can see in the pictures. It's full of greenery. We would love to have, myself or anybody, build a beautiful house there, maybe two. So it does not qualify for transitional because it is very desirable.

According to the Section 10.08.00, Ordinance 041 (sic) for conditional uses, conditional uses will promote the health, safety, morals, appearance, and overall welfare of the area. This development is a direct contradiction of the above statement. This project, if approved, will disrupt an established neighborhood and our lifestyle. When it comes to the morals, we are being bullied into accepting a project that we know will bring detrimental changes to a residential zone.

The stress and hardship this development has put on the entire neighborhood is not fair to us and our families. We have spent many sleepless nights worrying about the future of our neighborhood and our home

values.

That being said, the general welfare of the community will be affected as well. This project will alter the fabric of our community. It is intrusive to our low density rural estates. The development calls for a massive parking lot that will destroy all those green trees. Those trees have more than one purpose on the Pine Ridge side. They prevent noise, which Pine Ridge has very heavy traffic. It prevents that noise from coming into Napa. It provides security. It provides opacity and privacy.

They also have some wetlands in there, which we all know wetlands are great for our ecosystem. The whole system and the whole area in Napa Woods is under well water. Destroying eco wetland, our water will eventually suffer.

I lost it again. Here we go. Sorry. I was prepared.

The appearance of this development, which also is one of the conditional criteria -- this development, it is still a giant rectangle box with windows. A brick color roof does not make for mediterranean design alone. It is urban building that can be easily converted to suit any business need in the future; therefore, that could be transformed into a motel, into whatever people want. It's just a square box. You put any window, change the design of the door, and it becomes something else.

And that could happen because, as we know from the past, we cannot believe what we are told here today. The only way we could stop this from happening, the only way we could protect our neighborhood is by you, ladies and gentlemen, voting no this project today. If a house goes there, this will be, once and for all, finished, and we could finally rest and be assured that our zone, our neighborhood is no longer being challenged by outsiders.

Please, I beg you today, please let us keep our neighborhood the way we know it. We want to keep it that way.

One last thing I forgot and I'm sorry I skipped. In one of the meetings, multiple meetings, Mr. Hancock had brought up the point that we are -- we have fear of the unknown. Well, let me tell you, when I first came to this country back in New York, we lived right next to a church. St. Mary's was 23 High Street. My house was 28 High Street.

We had a parking lot that kids will play all day, all night. Cops have to be called many times because of the disruption there. The people, after services, they would linger and talk and be loud. They have no regards for the neighborhood.

And during holidays, the cars would just speed down the road and -- because they were late and try to find a spot wherever they found it.

Our house was blocked most of the time. We couldn't get out of our -- the only house in the town that had a little garage. We couldn't get out of it. Our driveways will be blocked. Everybody will be blocked. They couldn't get out of their homes. And this happens during the holiday because, guess what, there's a lot -- I go to St. Elizabeth here now, and there was a priest that used to call us, some of us, the K-Mart shopper Catholics because he would say that during holidays most of us would just show up. Well, it happens. During the holidays, the number of people that go to services double, might even triple.

What's going to happen with those people? Where are they going to park? In our street, all over. They cannot park on Pine Ridge because they're going to get hit, but they're going to park all over Napa, Napa Boulevard, anywhere they could find.

Please, let us stop this now. And they say some creep is not going to be affected. It will be affected, because they might not put another church next to this, but they'll sell it for something else. So some creep is still an issue that we are all concerned with.

We want to keep our neighborhood the way it is. We have many children. A good example, Mr. Monk. His son came back. My kids, they're in that age. They just graduated college, and hopefully they'll come back to live in the same neighborhood, because they love it. And that's what we want right here, a legend, something that we could pass along to our family. Please don't destroy that.

Thank you.

CHAIRPERSON HOMIAK: Thank you.

MR. REISCHL: Mike Spertoli, followed by Lisa Jarrett.

MR. SPERTOLI: Madam Chair, Planning Commission members, and planning staff, good

afternoon now. My name is Mike Spertoli, and I rise in opposition to the proposed Summit project on Napa Woods Way.

Now, after attending both and NIM meetings, the September 17th planning meeting, and after careful review of available data, comments from both Stantec representatives, Summit, I, as well as every resident on Napa Woods Way I've spoken to, still believe that the Summit project should not be allowed to proceed on Napa Woods Way.

Now I'd like to offer you my reasons why. Number one, Growth Management Plan for consistency. There are major defects with Summit's application. This project is moving forward based on Dr. Pe±a's property which allowed for a continuing use transitional project to the east.

The Pe±a project -- the Pe±a project is, in fact, the transitional property between the high-density commercial Ashton Plaza activity center to its west, and the low-density residential property which Summit now owns. I'm going to -- let's see. There it is. That's the property there. And it's noted on the -- on that map. It's C1/T, transitional. I submit this. This is the updated 2008 version of this Pine Ridge Road interchange activity center and mixed use subdistrict map.

I'd like to confirm this by part of the transcript of the January 13, 1998, Board of County Commissioners' decision approving the Pe±a residential property change to commercial.

If you will, it starts, Ms. Layne, good morning, Commissioners. This is a small-scale plan amendment to amend the Future Land Use Map by adding 2.3 acres of property located at the southeast center of Napa Way and Pine Ridge Road into the Pine Ridge interchange activity center and to limit its use to medical office only.

The practitioner request is to amend the plan so that the rezoning request is C1/T for a medical office and can be applied for.

This will also remove the property from Golden Gate Master Plan and place it into the future land use activity center, the property to the north designated as interchange activity center as well as the property to the west.

The property to the east of the center -- let's see. Let's see. The property to the north is designated as interchange -- interchange activity center as well as the property to the west. The property to the east and south are designate "E" estate, mixed use district.

The petitioner is justifying the proposed inclusion into the activity center to provide for transitional use between higher intensity commercial and lower intensity residential.

Let's see. Could you flip that sheet for me, please?

MR. REISCHL: Sure.

MR. SPERTOLI: Sorry. Part of the transcript between -- and I'll start here where it says two concerns. This is Commissioner Constantine. I have two concerns. I know they have been expressed, and they are the traffic impact on the neighboring streets on 10th -- that's now Napa Woods Way -- of allowing something in there, and also you mentioned in your presentation commercial up the road. And then the folks who live there want some assurance that that's not going to turn into several commercial properties and all the impact that that has.

And if those two points can be addressed, if we can't -- if we can make sure that we're not going to have a big traffic impact, and we can somehow assure that this won't creep up the road, I'm more comfortable with it. If we can't assure those things, then despite the fact that it makes logical sense with the four-lane road and PUD across the street, I'm not sure I can go with this.

And I'm going to jump down to Commissioner Hancock.

COMMISSIONER SOLIS: I'm sorry. I think that what's on the visualizer is not what you're reading, or is it just me? I'd like to follow along with what you're reading.

MR. SPERTOLI: I'm sorry. I'll put my glasses on.

COMMISSIONER ROMAN: Fred, can you room out a little bit? You're cutting off the edge.

MR. SPERTOLI: It's sort of busy there. My apologies.

COMMISSIONER SOLIS: Okay. Thanks.

MR. SPERTOLI: Do you want a moment to read that and --

COMMISSIONER SOLIS: No, no. Go ahead. I just wanted -- if you were going to keep going, I

wanted to be able to follow along.

MR. SPERTOLI: Yeah. I'll run down through that. So if I --

COMMISSIONER SOLIS: And if you're -- and just so -- if you're going down to Commissioner Hancock, it's cut off at the bottom, so...

MR. SPERTOLI: He'll have to roll that up, then. Well, let's jump to Commissioner Hancock. And he states that that defies logic because C1/T is the transitional zoning.

When it was created, it was supposed to be the last stand.

Commissioner Constantine: Thus the word "transition."

Commissioner Hancock: Yes. And so I understand you're saying that it can happen, but it's an illogical step to transition a transitional use.

Ms. Layne: Right, but we're saying they can come in and request it, and the Board or someone going -- someone's going to have to take the stand that the next one we're going to say no. We're not going to amend the Comp Plan to allow that.

I'm going to flip the page here.

And the discussion continues.

Commissioner Constantine: Let me ask you this: I mean, does someone have the right to come in and ask for an industrial use there? To ask? Not for an industrial use. They couldn't ask, Constantine said.

Well, a Comp Plan amendment, they could ask, yes. I mean, my point is somebody could come and ask.

Commissioner Mac'Kai: Anything.

Commissioner Constantine: Anything they want, but that doesn't mean it's logically happening that they will get that.

Ms. Layne: Correct.

I don't know that it's necessary to read all, but I'd like to read further down where it's Commissioner Hancock, where he's agreeing with Commissioner Constantine.

And we know that we can't legally bind future boards, but if this were to be approved today, it would -- I would only support it if it states on the record that this is indeed a transitional use to a residential use on the east, and that being on the record makes it very, very difficult for someone to come in later and transition the transitional use. Defies logic. So I'm comfortable with that.

So in 1998 the Collier County Commission recognized and heard the concerns and issues of the residents of 10th Street Southwest, Napa Woods Way, with commercial creep and assured both then current and future residents that there would be a step or a process to prevent that from happening.

My next issue. Size and intensity of use. The Board recognized -- this planning board recognized that the project that was submitted in September was huge, mega-church, huge, by any standard. I thought to use the three local churches that were referenced in the September planning as a comparable, if you will. They've been here in the county for years, and I thought it would be a fair -- fair review.

The first is St. Monica's. St. Monica's, 6.02 acres on Immokalee Road. Their first residential property was built in 1994. The size of that building is 11,004 square feet. They have a second building, 4,248 square feet. And in 1994, I believe Immokalee was two lane at that point.

MR. REISCHL: Yes.

MR. SPERTOLI: And most of the surrounding area, it looks, had built up around this church in this location. That's a visual observation now. And that's unlike Summit.

And I wanted to use this for a moment. This is a zoomed-out (sic) of Napa Woods Way. If you see -- let's see. Logan -- this is Logan here. No, that's Napa.

MR. REISCHL: Napa.

MR. SPERTOLI: Here's Logan right here. There is open access to and from Logan, and there is no such access on St. Monica's, and that's different in its location and use.

And also, there is no side access street that runs like Napa Way next to that complex, the commercial next to it, and then the church.

Next example. St. Catherine's Greek Orthodox Church. This sits on 5.16 acres on Airport Road. Two buildings, first of which was built in 1993; 11,000 square feet roughly. Second building 7,900. That was

in Year 2000.

There are no single-family residents located on or near or direct access to. It has a single access point onto Airport Road. Much different than the Napa Woods Way location.

Slide 3. And then the largest example is the Covenant Presbyterian Church. They sit on 15.82 acres with indirect access to Tamiami Trail. There are seven residential buildings on that property. The largest, 310,831 square feet; the smallest is 1,700 square feet. That first building was constructed in 1965. Clearly the city grew up around this church facility.

Now, at the September 17 meeting, Chairman Strain, with agreement of all the planning members in attendance, could not approve the Summit plan as originally proposed. The Commission did approve, though, a Summit request for continuance and was encouraged to get -- was -- and they encouraged Summit to get together with the residents, try to reach some common ground.

I'm sad to report today, as of today, I know of no contact, attempted contact, verbal, written, or otherwise, between Summit, Stantec, members of their congregation, and that's with any of the Napa Woods Way residents after the 9/17 meeting.

And I remind the Commission that it should be incumbent upon the applicant to reach out to these affected residents. They're asking us to give up quiet use and enjoyment of our low residential neighborhood, not only during construction, but forever.

The next communication we received was Stantec's letter advising us of the October 23rd NIM. And at that meeting we watched, I believe it was, the same five-minute video about Summit. Then Mr. Hancock told the audience that they've decided -- again, without any discussions with the residents -- they plan to reduce the space under air to 19,000. They described it as lowering the ceilings by five feet on either side but keeping the center portion at the original proposed height.

The seating capacity, intensity of use, and level of activity remains exactly the same as submitted back in September; 400 seats, 200 cars.

These modifications are cosmetic at best and flies in the face of the clear instructions that this commission gave them and the intelligence of the residents of Napa Woods Way.

Ingress and egress to the property. On the original Collier County planning -- planning staff report for the September 17 hearing, on Page 8, Section 2 of that report, the staff acknowledged that the Pine Ridge Road access does not meet spacing requirements. It didn't state by how much. This overhead is a page pulled out of the Collier County Transportation Planning Development handbook. If I read it correctly, it states that the minimum safe distance for an Access Code 3 road, Pine Ridge, it's three lane, divided, with speeds above 45 miles an hour, 660 feet is required. Well, let's see what we have as an actual distance. I'm using this because it has a scale of size here.

COMMISSIONER CHRZANOWSKI: Can you use a pencil as a pointer? Because that laser just keeps hopping all over.

MR. SPERTOLI: Sorry. Yeah, I'm shaking.

This is zero to 400 feet on this projection.

COMMISSIONER ROMAN: I don't see where you're pointing. Can you touch the paper?

MR. SPERTOLI: Zero to 400 feet. And I just took that measurement, put it to the center of the Napa Boulevard Road, extended it out. There's 400 feet. There's 600 feet. This is the border of the property on the far end, and they have to have a deceleration lane incoming and then a right turn.

I'm not sure of why they use these type of restrictions, but this is missing the bogey not by -- not in horseshoes and hand grenades. This is missing it by a 30 percent margin. I think safety might be given up in exchange for expediency of trying to approve this project.

Also, if you'll note the fact that entry and exit is eastbound only onto this property. This will drive long lines for U-turns at the Napa Boulevard intersection or down at the Logan intersection. Even worse, members may try -- that's church members, may try to avoid this mess by using Napa Woods Way.

And I'll note for the record, there are no sidewalks along Napa Woods Way residential area. Family with children -- we've heard some of them speak here today -- are frequently found walking, playing in the neighborhood on the streets. They're enjoying the best of nature in Southwest Florida.

We have amazing little mini ecosystems throughout neighborhood, and if Summit is allowed to build

and traffic flows begin accelerating on Napa Woods Way, residents will be forced inside away from the fast-moving danger or assume greater risk of a chance encounter. People and pets, they never win. This is a new level of activity that will impact local animals as well that call Napa Woods Way home. This is not acceptable.

And as time goes by, Summit members will likely avail themselves of improvised parking -- this was mentioned earlier as well -- parking along Napa Woods Way in either the Summit swale or the surrounding properties. That, too, is unacceptable.

Slide 5. In 1964, the U.S. Supreme Court Justice Potter Stewart was hearing a case on freedom of speech and pornography. When asked to define pornography, and I'll paraphrase, I cannot give you a definition, but I know it when I see it.

Mr. Hancock stated a number of times, the Summit project is not commercial. In the last two weeks I've showed this picture to my clients, associates, and I've asked one simple question: Is this an office plaza, or is this a church? No one, not a single one, answered that it's a church.

This is the Summit Estero main church complex. Napa Woods Way project is using the same builder with similar styles and structures. In my opinion, too, this is commercial, almost ready for conversion to office space. My opinion.

But if we were to prescribe to Stantec's claim, Pe±a property allows a transitional use in the Summit location -- well, let's look at those facts. The Pe±a office plaza, 12,000 square feet, two buildings, parking for 60 vehicles, maybe 100 visitors in season. The Summit proposals, as adjusted, 19,000 square feet, single building, two levels, seating capacity for 400 individuals, parking 200 vehicles. How is Summit transitional? Twelve thousand square feet, almost 20,000 square feet. Parking 60; parking 200. Doesn't make sense.

My next, in describing intensity, I try -- struggling for a way of defining that. I just -- I took a simple -- a simple calculation based on three samples of churches that were provided and the Summit project. If you'll note, St. Monica's, they have six acres; 11,000 is the single largest building on their complex.

CHAIRPERSON HOMIAK: You'll have to use a microphone for --

MR. SPERTOLI: I'm sorry. Do you hear me? Yes.

I'll repeat. St. Monica's, sitting on 6.09 acres, two buildings, the largest of which is 11,000 square feet. That works out to be 1,807 square feet per acre. That was a common denominator that I came up with.

St. Catherine's Greek Orthodox Church, 5.16 acres. They also have two buildings, but the largest is 10,972. That works out to be 2,126 square feet per acre.

Covenant Presbyterian Church, the largest example I gave. Their single largest building is 31,800 square feet. That works out to be 2,012 square feet per acre.

Now, Summit Church, Estero, sitting on 10 acres. Their building, according to Lee County tax records, 22,238. That's 2,224 square feet per acre.

Now let's look at proposed Napa Woods Way, Summit Church, sitting on four acres as last proposed, 19,000 square feet. That's 4,750 square feet per acre. As originally proposed at 30,000 square feet, that's 7,500 square feet per acre. Mega-church?

COMMISSIONER CHRZANOWSKI: Those other lots have multiple churches, right, or multiple buildings?

MR. SPERTOLI: Absolutely, sir, and the --

COMMISSIONER CHRZANOWSKI: Did you compute the total square footage of the buildings on the lot?

CHAIRPERSON HOMIAK: No, he didn't.

MR. SPERTOLI: Since Summit has just one building -- since Summit had just one building, I thought, as a fair comparable, take the largest structure on each one of these parcels --

COMMISSIONER CHRZANOWSKI: I would think it would be fair to compute the total footage, but that's just me.

MR. SPERTOLI: Well, if there's seven buildings, you wouldn't be able to equate fairly a balance on that, and -- at any rate, that was my comparable as a means of gauging the intensity of use in this property.

So Napa Woods Way exceeds all by double. And if they were left to their originally proposed, it would be over four times the largest.

Madam Chair, you asked Mr. Hancock in September if there were any other available sites on Napa Woods Way where Summit could build. He said no.

CHAIRPERSON HOMIAK: I didn't ask that.

MR. SPERTOLI: Oh, I'm sorry. It was --

CHAIRPERSON HOMIAK: It wasn't me.

MR. SPERTOLI: -- Chairperson Ebert. She had asked that.

And I found on the Collier County website a listing of Golden Gate Estate properties, and that's reported by the Collier County Comprehensive Building Department. And it lists over -- numerous numbers of continuing use sites available in Golden Gate Estates. I think the list there is over 250 acres of land.

And to conclude, Madam Chair, members of the Planning Commission and staff, Summit deserves a good home in Southwest Florida. They do good work for their members and the community at large.

The residents of Napa Woods Way have substantial investments in their primary residence and deserve their rights of safety, quiet use, and enjoyment of their homes, sanctuaries, country estates.

Words, acts, and actions are a duly-elected public servants matter. They are made part of the public record to memorialize both intent and drive actions going forward. Their actions or lack thereof impact people's lives and livelihood. A lot is at stake here on both sides.

I submit to you that Summit can build in one of the many available potential continuing use lots in Golden Gate Estates. They'd only be limited by code, cost, and subject to the local neighborhood fit.

The residents of Napa Woods Way, they cannot pick up their homes, their properties, and move to a new quiet, safe neighborhood. They don't want to move. It's their home.

With respect -- we respectfully request your careful consideration of the facts presented and note -- make note of the material defects in the Summit project application and find in favor of the taxpaying residents of Napa Woods Way.

Summit property is residential. It should remain residential. The Summit plan calls for too much, too close into our low density residential neighborhood, and belongs in a safer location for the members, local residents, and visitors to Southwest Florida.

Thank you.

MR. REISCHL: Lisa Jarrett, followed by Marc Huling.

MS. JARRETT: Hello, everyone. My name is Lisa Jarrett. We moved to our home on Napa Woods Way back in 2011. We noticed right off the bat a number of workers that work across the road at the businesses would cut through our yard. And I thought, oh, it's not a problem. I understand, you know, going around, et cetera, until they stole my bicycle. Then it was an issue, because I kind of liked my bicycle.

So we installed a gate on our property, and then that was -- that was fine. Now, people will walk -- if you leave early, around 4 o'clock, you'll see the public (sic) workers walking with their aprons on, and different people that work across the road will walk our road because it's a peaceful place to walk.

The alternative would be if you go up on the east side of Logan, there's no sidewalk. So they come up, which would be -- they come up Logan on our side, they turn left onto our road, and they walk or ride their bicycles because that's what people do. That's fine, right?

So there's no sidewalk -- I'm trying to see here. There's no sidewalk, though, on the east side, so the alternative is they can walk up and then turn left and walk on Pine Ridge Road. There is a sidewalk on Pine Ridge Road, and it's on the road. You drop down, that's the road.

If anyone walks on Pine Ridge Road, you're brave because the road is -- it's not good. You don't want to walk there, ever. So -- okay. Saying that -- okay.

I don't do this for a living, by the way, either. My children, they're all homeschooled. They always have been; they always will be. And we do a lot of classes outside because we're tree huggers, so to speak, and we sit out front right under big live oaks, and it's so picturesque. I mean, that's what we do.

We see workers going by, we wave. We know several of them by name by now.

And at night our street really is -- I mean, it's full of kids. It's full of everyone walking their dogs. We love dogs. And everybody chats, everybody goes on. We talk about what landscaping we're doing. It's a neighborhood.

So I also -- I'm a member of Covenant Presbyterian Church, which I think someone has mentioned. I

work with the youth group there. I'm there four or five nights a week.

We were coming home one night and our youth leader's wife mentioned she saw the sign, and she said, Isabella -- which is my daughter -- what is the sign? And she said, oh, Summit Church wants to build a church. And our youth leader's wife said, oh, my goodness. And we were kind of taken back. What does "oh, my goodness" mean?

And she said, Covenant -- I mean, Summit Church is known for all of their programs they offer. And the youth leader called my house that night and said, get on their website. You need to be familiar with what you're inviting into your neighborhood, so that's what I did.

And I have a copy here if you want to put it up on your projector, which -- Fred, can you do that for me? And this is directly off their link. There's no hidden anything. I screen shot this last night, and it states on the top RecoveryAtSummit.com, right off of their site.

And it says -- the first meeting, Alcoholics Anonymous meetings, Al-Anon meetings, which is when the alcoholics come with their family and friends to help them.

The next is Sex-aholics Anonymous which that's -- that's nice. Sex-aholics Anonymous, they can bring friends and family who are helping them struggle with their addiction.

The next one, Narcotics Anonymous meetings. Underneath of that there's a link says Naples NA meetings, which the NA means Narcotics Anonymous, because I clicked on the link. I'm not computer savvy, but I can click a link.

The other one, Codependence Anonymous meetings, and then Overeaters Anonymous, Eating Disorders Anonymous, and then the last one, which I guess this is a Bruce Jenner, sexual identity issues meetings.

And I did take this directly off of their site, you can see. And I know they keep saying that they won't do these but, I mean, it seems like, especially with the sexual identity, it seems to be coming -- there's just more and more and more of them.

And -- oh, I don't quite understand it, but that's okay.

So now I'm asking you, okay, would you want your kids or your grandkids playing on that -- because they play in their front yards, because who wants to play in the backyard with the noise of Pine Ridge? So our kids -- our houses are buffers, so we play in the front. And if you drive by my front yard, it's beautiful, and we play out there. And daughter said -- the first things she said to me last night was, before going to bed, if the church goes in, I'm not going to go out and skateboard anymore, and that's not fair. That is not fair, because we didn't -- I mean, we bought this house thinking we were in a neighborhood. We didn't even want a gated neighborhood because we like to do different things.

But I believe there is a time and a place for everything in this world, and there is a need for a big, beautiful Summit Church. I think it's wonderful what Summit does. I applaud you. I work with the youth; I know. This world, it needs help. But -- people need help, but not in our neighborhood. That's the thing.

Collier County is the biggest county in the State of Florida. You can't tell me there are not places where my children cannot go outside in the front yard and not have to worry if little Mr. Fred walking by isn't a sex offender. I mean, it's scary. It's very scary.

And I know the first -- one of the first speakers mentioned there was no complaints with Covenant. I wish that were true, but it's not true. We get a lot of complaints.

We ended up having to actually close down our Hispanic church because the neighbors didn't like the loud Hispanic music. And so -- and we still get complaints -- not very often -- because of the noise, but we have very strict music -- when we can, when we cannot play music. And the church is set up -- I mean, it's a huge church. It has a huge playground. It is nothing comparable to what we're seeing here, nothing comparable.

And we do not, in no way, offer these courses. And I asked my preacher last night -- I called him and I said, Pastor Bob, what about this? What about these classes? And he said, Lisa, there is no way I would ever want those classes in my neighborhood, and he's a pretty Godly man, so...

And I prayed before I came up here because -- this is not what I do, obviously, but just, please, I want to be able to go out in my yard, and I want to play, and I want my children to be able to ride their bikes and stuff, and I don't want to worry about who that guy is that's walking by, because a lot of sex offenders and

things, they don't have their license, so they walk.

And it's obvious from past history, they're not going to walk down Pine Ridge Road. So anybody coming from the south, 75 -- unless you're going to swim the canal, which who knows, you're going to have to come up and turn left and walk right through.

So that's all I had to say, and thank you for listening to me.

CHAIRPERSON HOMIAK: Thank you.

MR. REISCHL: Marc Huling, followed by Leela Bolla.

MR. HULING: Thank you. My name is Marc Huling. I live at 8540 Napa Woods Way.

I have two children that are under the age of five. We also ride bikes down the street, walk down the street.

We moved there because we were concerned about traffic in the golf course community. It's not an association neighborhood. As you can see, we're not well organized. We can't afford to hire a gentleman like you have over here, land planners, but we do appreciate the open space in nature and the neighborhood.

And as I listened to the presentation, I think the message that was given was that it doesn't really matter what the neighbors say because they're entitled under the code. They meet the zoning, and they're entitled. That's not true. They're not entitled under the code, and let me explain to you why.

First of all, we're in the Estates district, which falls under the agricultural districts and is defined under your Land Development Code as the purpose and intent of the Estates district is to provide for lands with low density residential development in a semi rural environment with limited agricultural activities.

The property that we're talking about today is zoned Estates. It's all woods. It's all woods everywhere east of that property as far as you go. There's a wetland on the property. It's zoned Estates. They're coming to you asking for a conditional use and, as you well know, you need to make findings, one of which is compatibility with the neighborhood. And the testimony of these people is the best evidence of the compatibility and why this use is not compatible.

You also have to find consistency with your Land Development Code and traffic control is adequate.

Now, your staff acknowledged -- and all these materials I've asked to be included in record. I've submitted them. Fred, you have them.

Your staff acknowledged in their own report that the Pine Ridge access does not meet the spacing criteria. That's been completely blown over. This church does not meet your own code with respect to that.

Also, there were some good questions asked about the Astron Plaza and Napa Woods -- on Napa Boulevard. That boulevard was established under the commercial PUD to give a right turn in. So they'll have that, as does Pe±a. This church is going to have access off Pine Ridge Road that doesn't meet your code, and they're asking for 400 cars to make a U-turn on Pine Ridge Road.

Every single -- every single person going to that church is going to be required to make a U-turn. If there are any questions about that, I'd be happy to answer them, but that's the way it's set up. At some point every person who's visiting is going to have to make a U-turn; 400 cars. They don't comply with the code.

Also, perhaps most importantly, we already have a transitional use under your code. We have a transition to residential. This was established in 1998. It's on the record. It's also an ordinance. It's 98-3. Fred, you have it. The intent of a transitional zoning is you go from a higher use, Astron Plaza, where you rezoned Pe±a to C1/T, the transitional; Ordinance 98-3. Pe±a is the transitional to residential, not to something else.

It's clear on the record from the prior minutes and from your code that Pe±a is the transitional to residential. And in 98-3, they place these limitations on Pe±a. Now we're looking at a higher intensity use to Pe±a. It does not qualify as transitional.

By the way, it doesn't even qualify as transitional under the Golden Gate Master Plan, which was subsequently changed, and I think we do need to take a broader view of what can happen in the future, as they did in the past. But even under the Golden Gate Master Plan language, a transitional use is a property that's not appropriate for residential.

This property doesn't even qualify as a transitional use because it's totally appropriate for residential. Forget about the fact that it doesn't qualify because we already have a transitional use. And this property is a higher intensity use.

As you see on the screen, when the ordinance was enacted allowing Pe±a, it was limited to 25 feet. These people came in asked for 35, then they went down to 30. They're still above the limitations on Pe±a. Same with square footage. The ordinance limited Pe±a to 12,000. These folks are at 19,000. Now, explain to me how that's a lower intensity use.

Pe±a made a commitment to limit the uses of the property. I haven't seen that here. That's "I." I haven't highlighted it.

And this is very important. Look at Subsection J. The ordinance said that Pe±a's hours of operation will be limited to weekdays from 8 a.m. to 6 p.m. and Saturday 8 a.m. to 2 p.m. Nothing on Sunday. They finish at 2 on Saturday. That's because we're all home on the weekends. We don't have more people here because we have jobs and we go to work. We're not being paid to be here.

And on the weekends and in the evenings, that's when our families are out on the street. Pe±a was limited. They have made zero commitment to limit their hours whatsoever. Twenty-four hours, 400 people. And this board asked them to do that, and they didn't do it, and they didn't reduce the amount of people at all. They want 400 seats in that church, 171 cars. They want teenagers there at 8:30 at night on every Wednesday night. Somebody already talked about Wednesday-night problems out there. This is not a compromise.

And so look at your current code. Your zoning district, now they call it C1. You can change it to call it whatever you want; the commitments are in the ordinance and in the record.

C1 is still the transitional to residential zoning. 2.03.03, most C1 professional and general office districts are continuous or within a PUD will be placed in close proximity to residential areas and, therefore, serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts.

Pe±a is the C1. It used to be called C1/T. Now we call it C1. It's the transition to residential. It's not the transition to a church. This is your code. They're not entitled. It doesn't meet the intent of the code.

And now let me explain to you why their own representatives and the chair of this commission had confirmed that as well. This is a matter of record back in 1998. In order to keep time moving, I'm going to read along quickly, but it's in your packet.

In 1998, Ms. Layne said, I don't know if staff -- I can assure you at this point, because the next person has the right, once it becomes a part of the activity center -- talking about Pe±a and the Astron Plaza -- they can make the same request, and then we're basically looking at the same situation with the transition. Well, we'll transition another C1/T next to this. And I'm not reading it perfectly. It's in the record.

Commissioner Hancock, who's not speaking today but spoke at the last meeting, says that defies logic because C1/T is the transitional zoning. When it was created, it was supposed to be the last stand. Pe±a was the last stand.

Commissioner Hancock then says, thus the word transition. It goes on and says, I didn't think you could leapfrog C1/T uses. That means he didn't think you could put two transitional uses together. He was right. There are places in the Land Development Code that say you simply cannot perpetuate C1/T time after time.

It goes on and says, I would only support it if it was stated on the record that this is indeed a transitional use to a residential use. You see, at the NIM he said, well, I gotcha. I didn't say that there wouldn't be any more commercial, but he did say that this was the transition to residential, okay. This was the transitional to residential. Pe±a was the transition to residential.

He said, and that being on the record makes it very, very difficult for someone to come in later and transition the transitional use because it defies logic, so I'm comfortable with that.

And they have hired the best in town to come in and try to defy logic, and it's incumbent on you to follow your code.

And Mr. Hancock also said, I'm confident this is a good project that makes sense that will stop the proposed creep of commercial by creating the last transitional use from Astron Plaza to the Estates residential mixed-use district, the last transitional use to residential. That's what Pe±a is under your policy that was set by ordinance, by your code, and by the Board of County Commissioners, and that's what Mr. Strain realized and voiced in your last meeting, that's also a part of the record, when he took some issue with what Mr. Hancock and staff had recommended, and Mr. Strain said, also the transition to commercial -- he's talking

about the Pe±a property -- the C1/T was established. And I'll read the ordinance, 92-73. The C1/T commercial professional transitional district -- I apologize I'm reading fast, but I'm trying to keep this moving.

COMMISSIONER EBERT: Well, it's just that she has to --

CHAIRPERSON HOMIAK: She has to type it.

MR. HULING: Oh, well, she'll slow me down if she needs to.

Is intended to apply to those areas that are transitional located between areas of higher and lower intensity development that are no longer appropriate for residential development. Did you hear me there? That was, Mr. Strain said, the area that is a transition to residential for an area that is no longer appropriate for residential.

He went on, the uses in this district are intended as an alternative to retail and meet the intent of the C1/T commercial/professional transitional district. It seems to indicate that the transition to residential intended -- is intended to be this particular property. He's talking about Pe±a. Commissioner Strain says it's intended to be the transition.

And I understand your argument about the Golden Gate Master Plan, and I saw where Comprehensive Planning staff weighed in on that. I would -- I'm trying to be tactful. I would suggest that they don't have as much information about the intent of that plan as I do. And I'm not certain that what they've come up with is an accurate interpretation of what we intended in those days that that was put together.

But that's all -- that's all I need to say on that matter. I wanted to make the statement. So, other than that, thank you. And it's unfortunate that he is justifiably not at this meeting.

In any event, Mr. Strain went on to say, Tim, I'm just not there. I've heard a lot, and I know that our country is wrought with politicians who say things, and nothing turns out the way they say it. Maybe it's time we start acknowledging and sticking by commitments made by political parties at a certain time and date, which is what happened in 1998.

If the neighborhood was convinced that this could be a compatible asset to the neighborhood, it might be easier to understand. But at this point, I'm still concerned about it, as I was yesterday, and as we talked. And I know you went to great lengths to provide a lot of compatibility standards to increase the compatibility need for this church, but the mere fact that the church is more intense than the property next door confuses the issue of transitional.

I just can't get there with what we have on the record today, so that's where I'm coming from. And I think a discussion with the neighborhood on what programs you are proposing for this location -- I can tell you many of the other churches that have come to us had not needed seven-day hours a week of operation such as you're proposing. You might want to take a closer look at that.

And then Stan -- I say Stan because I'm bad at last names -- you said, even God took a day off.

But these folks are proposing 24/7, seven days a week, and they're coming to you saying that they're entitled to it under the code. But the Board already set a policy with respect to this property. We already have a transition to residential use. It's in the code, and they can't change that.

And there's such a thing in the law called estoppel, and it's an equitable principle, and it means you can't say one thing and do something else.

And we have it on record from professionals -- Mr. Strain and Mr. Hancock -- explaining that Pe±a was the transition to residential use and that it was the last stand, and your code requires that you deny this petition.

Thank you.

MR. REISCHL: Leela Bolla, and the final speaker is Elizabeth Hill.

MS. BOLLA: Good morning, ladies and gentlemen. Thank you for taking the time to talk with us and let us express our concerns.

I have to comment on Collier County staff and everybody that works for Collier County. Anytime I've called them with a question, they have been amazingly helpful. I'm not -- I'm a doctor. I don't work in the -- in your industry.

And if you -- any of you have experienced calling a doctor's office, how long it takes for an answer,

I'm glad to tell you that everybody that works for Collier County is most kind and really, really calls us back right away. In fact, I had a chance to talk to the gentleman, Mike Sawyer, yesterday. Within 30 minutes of me asking him -- asking his office a question, he came back and answered that. So I do want to thank you. I'm really, really amazed.

I just want to -- everyone's spoken, so I'm just going to say a few last words and comments.

From the information Mr. Reischl gave us, it says that Summit Church is applying for a conditional use. I hope I'm correct. And conditional uses are granted in transitional zones. And from the definition I read from the papers, this gentleman has provided -- mind you, the day after he came back from vacation he gave us this. I'm just amazed how wonderful people are. I'm so happy to be a Collier County resident, because people always say, oh, you know, the government works slow. Not here. I'm grateful to say that.

And transitional zone says, it is an area defined as an area that's adjacent to existing nonresidential uses, okay, so -- which is Pe±a's, and, therefore, not appropriate for residential use.

By that definition, this does not fall under a transitional property to be approved for conditional use because -- there are two people that came under sworn testimony. They swore to tell the truth. And I believe when people say that, they're obligated to tell the truth. And one of the families is here today. They're willing to buy that property. So that reasoning, saying it's not appropriate for residential use, holds no water.

The other thing is said that it should be -- before any conditional use recommendation -- and this I'm quoting from what was provided to me by the staff report. Before any conditional use recommendation can be presented to the Board of Zoning Appeals and this commission, they must make findings that conditional approval -- conditional use approval will not adversely affect the public interest and will not adversely affect other property owners of users in the same district or neighborhood.

By this definition, this does not qualify for an application for conditional use. Everyone here, unless we are crazy, have expressed sincere concerns why this high-intensity property should not go in here.

Many of our neighbors here today said we are not against churches. You may wonder why we are trying to say that. It is common sense. It's humane and human behavior to like churches, places of worship. Why is everybody going on over and over and emphasizing we are not against churches? That is because at two neighborhood information meetings the speakers -- they were talking to us. They were not asking. They were telling us. They were not asking our opinion.

Neighborhood information meetings means, it's after you have a meeting as a group with the people you're discussing with, then you say, okay, we talked to you, and this is how we're going to compromise. Then you do the neighborhood information meeting. That never happened.

Not one of us has -- and we are public people. Anybody that knows my last name -- and they have our email addresses and our names. You Google our names, we are available. Our telephone numbers are available. Not one of us has been approached by anybody, by anybody, to say, hey, do you have -- you raised this question at the last CCPC meeting. We can address this this way. It takes five minutes.

I answer my office phone 24 hours a day, seven days a week. I'm on call seven days a week. So anybody that calls my office -- we haven't gotten one -- one phone call from anyone.

And at both neighborhood information meeting, if not overtly, it was implied that we were church haters. Any of these people look like that? Do we look like people who hate churches and hate children and hate people?

That, to me -- calling us church haters and implying that overtly and directly is really character assassination. I take it very personally. I love people. I love all religions. I love churches. And I've visited hundreds of churches because they're the most peaceful, beautiful, beautiful places.

When I see a steeple, it gives me hope. It gives me safety and security. When I see an office building, it reminds me of work.

You have seen the proposed building here, and you have seen the structure in -- on Ben Hill Griffin. They keep saying this is not commercial, okay. I can say I'm not a person. Who's going to believe that? We're all going to lose our logic. We're all going to put aside common sense and just believe whatever they say today? Because the same is not going to hold true a week from now, five years from now, three years from now, because they're not obligated to stand by the same thing they said yesterday to today.

We can't live in a world like that. We can't live in a world not knowing that at 12:02, 12:03 follows.

We can't say 11 o'clock follows it. That's not fair. That's not logical. But that's what we are being asked to do.

Staff acknowledges that the proposed Pine Ridge egress/ingress does not meet spacing criteria. And they say, you know what, we'll just move it. So, basically, laws that have been written into Collier County -- and I'm the daughter of a police superintendent, and I was always told to obey the law. Nobody's above it. No matter how rich or fancy or poor you are or where you're from, you are obligated to follow the law.

Why doesn't the law apply here? These are not laws we make. These are not rules we community dwellers made. These are the rules we are expected to abide by, but they can be amended when this particular organization asks for it. Why is that fair?

I own an office building where I practice, and I own a home here. Ironically, they're across two hospital. One across North Collier on Immokalee Road; one across Physicians Regional on Pine Ridge.

And might I remind you, in Collier County there is no trauma center. If any of our families -- and don't tell me none of you use Pine Ridge Road -- is involved in a massive crash because of adding ingress/egress in that area, you can start from I-75, go as far as to not -- till Temple Shalom. There is nothing that has access onto Pine Ridge Road. We're giving an exception here. Why? Why didn't anybody else get that access? Why didn't that big complex, Crossroads, have no access onto Pine Ridge Road? Because of safety of human beings.

This is a county. I'm a doctor. I know how hospitals work. I know how ERs work. I know how backed up we are. With this particular property, from coming from I-75 south, you have to turn east on Pine Ridge Road. You can back up traffic, I promise you, if you have a majority of cars, all the way to I-75. And coming from up north, you make a left turn, you can back up traffic. You can cause accidents.

Let us not be reactive. All your doctors tell you to do preventative care. I'm urging you, as a community dweller and as a physician that sees trauma all too often and people getting hurt, be proactive. Don't be reactive, let something horrible happen.

When I asked, they said, well, if there is that much traffic problems, we'll have cops there. After the fact? After the fact? Whose life is expendable in this experiment? Whose safety is expendable? Whose back can be broken? Whose properties can be destroyed?

Mr. Hancock said in the neighborhood meeting that property values won't go down. How does he know? Did anybody do a study? How can he, pointblank, categorically say, nope, property values don't go down? How do you know?

He didn't know what he was going to say today in 1998, how vehemently he's fighting for this as he vehemently fought for the exact opposite.

And I want to just clarify a couple of statements. Several times the first gentleman -- I believe you're the attorney for these organizations -- kept referring to us as Napa Way. Napa Way Boulevard. They don't even know our street name, and they're trying to decide what's good for us.

And you can reference back to how our street was named. Our street was named Napa Woods Way. It is a little, little country road, and we prefer to live in the woods, and that's why we are there. We do not want this mammoth building where there's only going to be trees in the perimeter, from what I see, with the big concrete building there, even if it has a nice pink tiled roof. That's the only difference.

And we cannot say -- they're saying we won't extend it. We won't go to the next property. That's not going to happen, okay. The very same individual back in 1998 said the only way as a county commissioner I'm going to allow this is if a promise is made that the next property will not be transitional.

So what we say today ends today, and tomorrow it's a whole different story. How can we live like that? Our lives are going to be transitional, not this property, if this goes through.

I had an opportunity at the last neighborhood information meeting -- by the way, we were told two days ahead of time. All of us have children. We have plans. Marc's little boy was playing soccer. And I love kids. He's four. He's the cutest boy on earth. He was going to play soccer at the Vineyards elementary school, and I wanted to go watch it with him and his wife. Instead, we had to go to the neighborhood information. We weren't given choices. We were told what to do with an iron fist. Show up there two days before the meeting.

We -- my husband and I were going to drive to Orlando -- that was our second option -- to see our granddaughter, who's one, but we couldn't go till the next day because we had to go to this neighborhood information meeting.

They're trying to assure us they're going to be good neighbors. They're treating us poorly before they come into our home. How are we going to be treated once they are there? Even if this is legal to go through, which I don't think it is.

During that meeting --

CHAIRPERSON HOMIAK: You have to finish up pretty soon, please.

MS. BOLLA: During this meeting, two things came out. Mr. Hancock said he agreed with us, with our concern. That's the only thing we had in common, our concern that churches are being built in order to subsequently be sold as commercial properties. He told us that that's happening now. I don't know where. I don't know which property is doing that.

And also, when I talked to the wonderful pastor, Pastor Johnny, when I asked him, how late will you be there, he said -- and I'm not quoting him; I'm just paraphrasing. He said, I'm a pastor. I would prefer to be there every day all day. That's my concern.

And I thank everyone here for your time and attention. I appreciate it.

Oh, can I show just one overhead, and I'm done.

Can you make it smaller, please. I want everything.

COMMISSIONER ROMAN: Put the whole page in.

MS. BOLLA: I don't know if anybody in this room would categorize -- the top block or the second block, which one is bigger? I don't know -- for a show of hands, is anyone going to say that the top picture is bigger than the bottom one?

Is there a -- it's a silly question. But the point is, that represents the number of parking spaces and people at any given point in Dr. Peza's office. I'm a doctor. I know how many people exist in that building at any one time. You can't put 400 people there, not 300, not 200; 100 is a squeeze. That's Summit Church with 400 people. And if you cut off that part, 200 parking spots. How can that be more intense than this? It is that simple.

Thank you.

MR. REISCHL: Elizabeth Hill is the final speaker.

MS. HILL: Hello. I'm not a speaker, but I do want to voice my opinion here. I am a mother. I bought that house three years ago. I knocked on the door to buy that house. It wasn't even for sale.

It's a beautiful neighborhood. I'm raising my daughter there. I love the school there. You have my daughter; three houses down there's her little friend; two houses down the other way there's three kids; two houses from there, four kids, one of which is a foster child -- throw that in there like you did with your cute video, a foster child. All of these kids I want safe.

It's true that traffic gets ridiculous. People do cross through there. People -- the support groups that you're going to have, yes, the AA, those people are on bicycles. They're going to be going through. The sexual addiction, I don't want my child there. I don't want anyone near my child or any other child. And I would not let my daughter go to somebody's house if right down the street there was something going on with sexual addiction, people having, you know, whatever goes on there with their meetings.

And I think it's great what they're doing, don't get me wrong, but not next to my child, not in the beautiful neighborhood that I want to raise my child. And I just think that it's important that you know there's kids all over the place there, and it's not fair to put these children at risk, because they are being put at risk, either which way you look at it.

And that's all. I just wanted to let you know that.

CHAIRPERSON HOMIAK: Thank you.

MR. REISCHL: No more registered speakers.

MR. DAVID MONK: I have a question. May I ask a question?

CHAIRPERSON HOMIAK: No. Public speaking is done.

MR. DAVID MONK: Okay.

MR. REISCHL: No more registered speakers.

CHAIRPERSON HOMIAK: Okay. Thank you.

MR. YOVANOVICH: Do you want to take a break? It's your call.

CHAIRPERSON HOMIAK: Do you want to take a break, a 15-minute break, and then we can finish up?

MR. YOVANOVICH: Okay.

COMMISSIONER CHRZANOWSKI: Are we going to -- I don't mind staying through, you know, I don't mind missing lunch or dinner or whatever, but --

CHAIRPERSON HOMIAK: I thought we would just finish.

COMMISSIONER EBERT: We'll finish, but we're just going to take a 15-minute break.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRPERSON HOMIAK: Fifteen-minute break.

COMMISSIONER CHRZANOWSKI: Because I don't think this is going to be quick.

CHAIRPERSON HOMIAK: Well --

COMMISSIONER CHRZANOWSKI: That's okay. I'm with you. I'd rather finish up.

COMMISSIONER EBERT: Okay.

(A brief recess was had.)

CHAIRPERSON HOMIAK: Okay. Rich?

MR. YOVANOVICH: Thank you.

I want to respond to some of the generalized comments that were made by the public, and then I want to focus back on what the law says and what the standards are by which this petition is judged.

I'm trying to not fight fire with fire and get down to the level of some comments that were made by some of the speakers, but I find myself in a position that I, frankly, think I have to because some of the misrepresentations that were made by some of the speakers at the end have to be addressed.

So I'll start my way -- most recent speaker back to the beginning. The doctor -- and I apologize for not saying Napa Woods Way and saying Napa Boulevard. Sorry I didn't get the street name right, but what she said happened at that neighborhood information meeting and what Johnny said and what Tim said are pure fiction. We have a tape. We'll be happy to transcribe it.

But I can assure you Johnny never said that I want to be there all the time, 24/7. What Johnny said was, they don't pay me enough to be there 24/7. That's what he said. So I could assure you that he's not anxious to be running a church 24/7.

And, candidly, the comment from -- and was it Huling? Is that the correct pronunciation of your name? Mr. Huling's comment that we're going to be operating a 24/7 operation was the comment that a typical litigator would make in a closing argument, because Mr. Huling is a litigator. He's also the president of the Collier County Bar Association, and he's also a partner at Roetzel & Andress, things that he didn't feel necessary to disclose to you in making his comments but instead made it sound like the community couldn't afford to hire a lawyer to discuss this and make a presentation when he, himself, is, in fact --

MR. HULING: I'm not being paid, Rich.

MR. YOVANOVICH: -- an attorney. I'm glad. I did appreciate the comment that they did hire the best in town, though. I did enjoy that.

But he is skilled, and he is a skilled trial lawyer, and he made some very skilled trial lawyer arguments. I think that needs to be pointed out.

Likewise, Mr. -- I'm going to butcher your last name --

MR. SPERTOLI: Spertoli.

MR. YOVANOVICH: -- Spertoli played a little fast and loose with some of the facts during his presentation and, frankly, was caught because he didn't provide to you the actual square footages of a lot of the examples he gave you when he wanted to prove how, quote, intense we are.

And I'll put up one of his exhibits. You won't be able to read the math, but that's Covenant Presbyterian Church. You look to the right, you'll see some handwriting with square footages on it that, you know, I'm just guesstimating, you know, is well over 70 -- is about -- probably has 70,000 square feet, when I think he represented that we were somewhere around 31,000 square feet-ish on that particular piece of property.

Now, I am intimately familiar with that petition because I did it. We went through the rezone process that has way more criteria that we have to go through than for a conditional use. And I could tell you Pine Ridge, the community, is no different than the neighborhood.

And I respect their neighborhood. It's very nice. I drove by it. The church is not interested in hurting their neighborhood any more than Covenant Presbyterian Church was interested in hurting the Pine Ridge community. And there are some very similar aspects of the Pine Ridge community to what you have in front of you today.

You've heard me on many occasions mention to you that there are a lot of children that grow up in Pine Ridge, including my two children and several other people's children. We have no sidewalks, just like their neighborhood. We -- and it's an issue between me and others about whether you really need sidewalks or don't you need sidewalks in a community for the community to be safe.

You don't need sidewalks for the community to be safe. Kids are playing all the time riding their bicycles; moms, dads, walking with their kids throughout the Pine Ridge community, much like their neighborhood.

The difference between the Covenant Presbyterian Church petition and the petition in front of you today is people can drive Pine Ridge to get to Covenant Presbyterian Church. Our petition you can't. We have prevented access off of Napa Woods Way -- I hope I got it right that time -- because the residents asked us to do that.

We have limited access to Pine Ridge Road with a decel lane that has been reviewed and approved by your professional transportation staff and said it's safe. You have people giving their lay opinion as to whether our access is safe or not. Your professional staff, along with Mr. Perry, have opined that this is safe access, and we went that way out of respect for and concern for our neighbors.

I can also assure you that there is absolutely no evidence that the market value of your homes will go down, and I will tell you the living testimony of that is the Pine Ridge community. I can assure you nobody's taken a haircut on their house that lives next to Covenant Presbyterian Church, like I can assure you on St. Monica's -- which I'll put up. That's the Oaks community, if I'm remembering correctly, and I will tell you I've had many or a few petitions approved in the Oaks community, and we have always been able to work it out with our neighbors. And I've done churches in the Oaks community.

The issue for the Oaks community, just like it is for this neighborhood, was as long as -- I think this is Autumn Woods Lane. I can't read it; it's too small. As long as you don't come off of Autumn Woods Lane, we, as a community, can accept some other uses on what is also zoned Estates property, and it's also just as residential as this neighborhood.

Their concern has always been traffic on their street as a result of allowing institutional-type uses as well as commercial-type uses, and I believe the Planning Commission just recently heard an application on Immokalee Road in the Oaks community that involved a Comprehensive Plan amendment, which is a two-step process, versus what we have before you today, and the Oaks community supported it.

There was dialogue. People went back and forth, and there was dialogue and there was compromise.

For us to be criticized because we sent out a letter -- we sent out notice, just the same type of notice requirements for a regular NIM -- and not contact these people first before we decided to speak to them as a group to show how we addressed the concerns that were raised at the Planning Commission meeting is unfair and not accurate as to what happened at that meeting.

What happened at that meeting was, thank you very much. We're not opposed to churches. Please don't paint us in the picture that we're opposed to churches. We just don't want a church on that piece of property.

There was no, in my opinion -- and I was there. I didn't say a word. I was in the back. And you know how hard it is for me not to speak. I sat in the back. I listened --

COMMISSIONER SOLIS: I'll vouch for that.

MR. YOVANOVICH: I sat in the back, and I listened, something that sometimes my kids say I don't do. But I did listen to what was being said, and there was no way we were coming out of that meeting with a compromise.

What we were told was, we don't hate churches. Tim, quit telling us we hate churches. We just don't

want a church on that piece of property.

I think it was -- is it Mr. Monk; is that right, the younger Mr. -- do I have the last name correct? Is he here still? Did he leave?

UNIDENTIFIED SPEAKER: He had to leave.

MR. YOVANOVICH: I think he said -- I think he told you guys this. He goes, I realize that I might be a little hypocritical here because I go to Center Point Church -- I think I have the right person -- which is, I believe, off of Immokalee Road, in a residential neighborhood or leads into a residential neighborhood.

MR. REISCHL: Golden Gate Parkway.

MR. YOVANOVICH: Golden Gate Parkway? Okay.

He said -- he goes, I realize that I'm probably being a little hypocritical in opposing this church when I also go to a church that has residential neighbors. And I think there were a few people that, today, mentioned that they go to churches that are in residential neighborhoods.

I don't think they truly believe their church is hurting that residential neighborhood. I really don't. I don't think anybody would go to a church that they think is a bad neighbor. I hope they wouldn't.

Now, I understand that the neighborhood doesn't want a church on this piece of property. I will tell you -- and I've been doing this for a while, and most of you know me -- that no matter where we go now we have neighbors, whether I go on this piece of property and ask for a conditional use or I go on another Estates piece of property and ask for a conditional use or I go anywhere else where there's residential around it, I'm not going to be welcome. It's a fact. It's true.

We believe we meet the criteria, and I'll take you through that. We are no different than the examples that were brought up. Covenant Presbyterian Church, you saw the houses around it; streets had no sidewalks. St. Monica's, residential around it; streets have no sidewalks.

The recently approved project by the Planning Commission or recommended approval project by the Planning Commission up off of -- in the Oaks community, that was commercial. Correct? No access to Autumn Woods Lane; no sidewalks on that street. It was approved because there was dialogue and a willingness to compromise.

What I showed you today as far as the conditions that we agreed to are taken from the conditions that were also imposed on the commercial project up on Autumn Woods Lane.

Now the Greek church.

I'm sure Mr. Chrzanowski knows where the Greek church is because -- you still live in Lakeside?

COMMISSIONER CHRZANOWSKI: I can see the --

MR. YOVANOVICH: I think Lakeside's a residential community, and I think that, if you look -- right here. Part of Lakeside, I believe. I believe those are residential.

So the examples that they showed are examples of churches that have not harmed residential communities, and we will not harm the residential community either.

Now, the one that I thought was the most incorrect statement of the many that were made was when the doctor got up there and said that Tim Hancock said at the neighborhood information meeting that churches are being built and being converted to commercial and that everybody knows that's what's happening. That is not what's happening.

Now, I will be honest with you. I'm sure I've told you my wife's the dean of students at Florida Gulf Coast University. My kids have grown up on that campus before they even had students. I've been there a lot. I remember when Summit Church was built there, and I've told my clients that, you know, I'm not really crazy about the architecture of that building, and in response to that, they've changed the architecture to make it more like a church and more like a home that would be in that neighborhood.

We're not building that modern-looking structure that's up by the FGCU campus. We are building a structure that I believe -- if we could put it back up. But I'll give you the site plan in a second -- is consistent with the architecture of the neighborhood and is not being simply built to be converted someday to office, as one of the speakers said was the ultimate game plan.

Can you switch over, Fred, to the --

That is not the type of structure that's going to convert to an office building with the hope that we're going to come through and rezone the property, change the Comprehensive Plan to now convert this church

to a commercial use.

Now, I can't -- I can't address people's fears of the unknown, but those fears are not based in fact, and that's all we can deal with is facts that exist today and conditions and rules and regulations that exist today.

What are the facts? The facts, if we scan in, is that our property does, in fact, qualify as a transitional conditional use.

You're too high up, Fred.

We went through that earlier. The transitional conditional use criteria apply to this property. We meet and satisfy every one of those criteria. That's the first step we've got to prove.

David Weeks said, you meet them. The second step is, you look at the actual conditional use we're requesting and you apply the conditional use criteria for whether or not it should be approved. Your planning staff has reviewed that and said we meet each of the individual conditional use criteria in your Land Development Code.

Your staff have always been deemed as experts, and you have expert planning testimony, expert transportation testimony, all from the government saying we meet the criteria.

So you can ignore the professionals that I've put up and just simply rely on your own staff who also agreed we meet each of the legal criteria. And I stand by my statement that if we meet the criteria, we're entitled to the use because, as you all know, zoning is not a popularity contest because, if it were, we'd never get anything done now because we're near somebody. We're always dealing with neighbors who usually are not happy with change.

And that's what we're here about. We're here about change. And people don't want change. All we're asking for is to have the rules applied. We meet the rules. Your -- here's the table again summarizing all of the zoning districts in which churches are allowed as conditional uses. That means, by definition, including the Estates, churches are compatible with residential uses. Now, you look at each individual church on its own.

Now, a couple things -- I could bring Jeff Perry up here if you want to hear from Jeff about traffic safety. There are no traffic-safety issues. That's been reviewed and vetted by your own staff. But we have no access onto Napa Woods Way for our project. And to -- that's the site plan with the trees on it, with the water management on it, and you can see Napa Woods Way to the south on this particular piece of property.

Now, people are saying when we get a really busy Sunday, people are going to somehow park on Napa Woods Way to get access to the church. Now, keep in mind, as part of the project, we will have a wall from here to here; we will have a wall from here to here. So if you park here, you're going to have to go through the native vegetation, go through the preserve, hop the wall, go through the water management to get to church. I'm pretty sure you're -- as much as I want to get there on Christmas, I don't think I'm going to do that to go to church. I'll find someplace else to go.

So I really am sure that we're not going to create a parking problem on Napa Woods Way on Sunday when we have services.

I also am going to tell you we're not going to be open 24/7. And I said at the beginning we are not -- we are not going to be having the recovery ministry on this campus. And we'll -- we will go ahead and stipulate to that and say, these are the things -- we'll take the exhibit that was presented to you, these things shall not happen on this property. They're up at the Estero campus where it kind of makes sense.

It's central, and it's also the university and, you know, a lot of those issues that are on that recovery are relevant issues. They are important social issues that need to be addressed, but they need to be addressed at the Estero campus, not at this local campus, and it will not be addressed here at this campus.

Now, we have not tried to impose our will on people, but we're also not going to be told, we're not going to listen to you. Just go away. This is a good location for a church. The way the church has been designed fits into the neighborhood, will not harm the neighborhood. Frankly -- part of me just -- I can't help myself sometimes. As far as the accusation that we're going to nuke and clear this piece of property, there's our master plan when it's built and done. That's our site plan. You can see all the trees along the sides as well as along Napa Woods Way.

I will make you a copy so I don't have to leave my iPad, because you can't really -- the exhibit that was shown, the aerial exhibit really doesn't do it justice, because it's a little bit far out.

One of your early speakers, I'm assuming they're husband and wife, said that's their house.

COMMISSIONER ROMAN: He's got to use the mike.

MR. YOVANOVICH: Looks to me pretty sparse and that they cleared probably more than what code allows on that site.

We will respect the environment. We will have more vegetation -- we will have more vegetation and then some, and what is require, and we will have appropriate buffers.

And from a compatibility and an intensity standpoint, this church is not intense. It has services on Sunday where there will be people in the chairs or pews that worship. That will be your busy time on a Sunday. All other times it will be low use. I think it's five peak hour trips is what the study says, because I don't care, even on Sundays during season, driving around Naples is not that bad. I've been here 25 years. It's not hard to go to church and come home at normal church hours.

So we respectfully request that you look at the facts, you apply the code standards to this project, and you follow what your staff says is appropriate, because they've got a ringing endorsement from the good doctor as far as their quickness and the quality of their work, and your staff is, in fact, recommending approval.

And I thank you for your time. It's been a long day. And I thank you for your deliberations, and we are available to answer any questions that you may have.

CHAIRPERSON HOMIAK: Okay. Questions?

COMMISSIONER EBERT: Oh, yeah. With some extra things in there, you have said you will not have recovery meetings?

MR. YOVANOVICH: Correct.

COMMISSIONER EBERT: That is in Estero.

MR. YOVANOVICH: I said that at the beginning.

COMMISSIONER EBERT: No flea market type?

MR. YOVANOVICH: Correct.

COMMISSIONER EBERT: And no Pe±a parking.

MR. YOVANOVICH: You remind -- I did. That was one of the first notes was we will not have any parking at Dr. Pe±a's property.

COMMISSIONER EBERT: Okay.

MR. YOVANOVICH: Or exit through his property. We'll have no connection to his property.

COMMISSIONER EBERT: Well, you have a buffer there also, correct?

MR. YOVANOVICH: We do. I just want everybody to understand we have nothing to do with Dr. Pe±a's property in any way, shape, or form.

COMMISSIONER EBERT: Well, yeah. In front of Dr. Pe±a's property is also a cancer specialist of Southwest Florida. He's also in front there.

MR. YOVANOVICH: A dentist there as well.

COMMISSIONER EBERT: Yeah. It's almost impossible to even get in that area.

I can probably sympathize with these people more than anybody here because I happen to live on Immokalee Road and Logan Boulevard. We have four churches in the Estates area on the south side of Immokalee Road within one mile. I do not see a traffic problem there at all. Traffic is not good on Immokalee Road. Traffic is not good on Pine Ridge.

We just also had commercial come in, and they have five acres, and they are putting a 40,000-square-foot building for doctors and that type commercial building. And the reason they're doing that is they are saying that -- in fact, it's true -- on 951 and Immokalee Road, we're going to have an emergency center there, part of NCH hospital, and that doctors need to be in the area.

The people on Autumn Woods Lane are like you are on Napa Woods Way. They did not want anything with this commercial at the beginning. And what they did -- because there's no sidewalks either there in the Estates, and they also have a church right on Autumn Woods Lane down further. They do not have access to Logan Boulevard, so there's kind of only one way in and one way out.

As far as traffic, my big concern for you is the commercial PUD, this Ashton. That's in an activity center. This church is going to be a drop in the bucket compared to what is going to happen right there.

And I had -- when that goes -- I mean, these activity centers -- you have to understand, I live by the Target, the Walmart, all those huge places down there. That is an activity center.

On Collier Boulevard and Immokalee is also another what they call activity center. This is where the traffic is supposed to go. And I said, how can they? It's already dead.

I moved on Immokalee Road when it was one lane each way, for 10 years; 10 years. They widened the road to two lanes, then finally to three lanes. And, I mean, it took 10 years to do this.

The big thing is -- to me is the activity center. And across the street -- it's really like Immokalee Road because across the street you have the Publix. You have all the other commercial property, and that's the way it is on Immokalee Road also.

We are a little more fortunate because on some of the northern portion we do have Longshore Lakes and some other places there. Where the four churches are are in the Estates, and small areas. St. Monica's was one. You have the Eagle's Nest, you have the congregational church, and you have a Bible-based church all within one mile. Now we just -- now they just added -- and it was all green, just like yours is and -- but nobody wants to build a house right on Immokalee Road.

What they have done is what you have done. They go in Autumn Woods Lane, like you go in Napa Way, and they build it so they can keep the greenery on your place like Pine Ridge and on -- ours was Immokalee.

I have to sympathize with you but, to me, if they can follow some of these extra things that we're asking them to do, I don't really see a problem as far as the church itself, because in reading your letters, a lot of you are saying Pine Ridge acts as a buffer. Well, you're right, it does. It acts as a buffer if you come in and you go to Napa Woods Way, but now they have reversed this. Because originally I believe they were asking to come in Napa Woods Way to get to the church, and they did take that out of there because of the resistance.

I just found out in asking the traffic people, the short distance between Napa Boulevard, that was put in for the commercial site that's going to be there. If you think there's traffic now, it's not going to get better. It is going to be much worse when that center goes.

But I just want to let you know I know exactly where you're coming from because we have the same problem on Immokalee Road and Autumn Woods Lane as you do on Napa Woods and Pine Ridge.

Thank you.

CHAIRPERSON HOMIAK: Charlette?

COMMISSIONER ROMAN: Yes. Thank you, Madam Chair.

I agree with Commissioner Ebert that at Astron Plaza PUD is certainly going to add an intensity to that intersection in that location, but it highlights also the fact that the Pe±a medical center is, for me, the parcel of transition because with that PUD and then moving onto that C1/T at the time, Pe±a medical center was the trans -- seemed to be the transition between the commercial and the residential.

I agree with the Board of Commissioners and Commissioner Hancock back in 1998 that the board intent was clear that the Pe±a property was the transitional property.

Also, I think that churches may be noncommercial, but they have -- they can have the potential for commercial intensity. And I know this petitioner has gone a couple of steps beyond to make sure that this is planned to fit into the community, but I still have concerns about the use in this particular location.

As I disclosed last hearing, I did a site visit to the property. And this is a special place. And I -- in looking at the Pe±a property, every effort was made for that to blend in and to fit in and to transition to the residential use.

I think that this particular product in this particular location would affect the property owners in the neighborhood and the neighborhood community.

Although Summit Church seems like a very fine organization serving a need in our community, I feel that maybe this location isn't best suited for that, and I think the transitional use with the Pe±a medical center is already there.

Thank you.

CHAIRPERSON HOMIAK: Stan?

COMMISSIONER CHRZANOWSKI: Yeah. I was asking one of the staff members during the

break whether -- because I'd heard the claim made that Pe±a was more -- not as intense as Summit Church but yet Pe±a is on a much smaller piece of property, and to me the use looks more intense than Summit Church, but I guess it's a matter of how you define intense.

I was looking at the size of the structure to the overall property, and Pe±a does seem to be more intense than Summit Church is. So, to me this is kind of a transition.

Just -- and the other comment I had was about parking, and I think Rich might have mentioned that. I don't think people are going to park on Napa Woods Way because you have to walk through the swale in high heels, you know, if you're a woman, or, you know, in Gucci shoes if you're a guy, I guess. I don't know. Nobody's going to walk through the swale and then through the woods and then through the retention area under all the cypress trees. I just don't see that happening, so I don't think that's an issue.

And Napa -- that Astron Plaza, like Ms. Ebert said, that's the elephant in the room. I mean, that's just going to -- because people are not going to want -- if the people here think that people are going to take a shortcut across Logan and then come down Napa Woods Way to get -- and then make a right and then make another right, well, they're going to do even worse on Astron Plaza. You might as well put a speed hump in front of every house. I don't see the traffic being -- I don't see this being the problem, but --

CHAIRPERSON HOMIAK: I agree. Go ahead. Do you want to -- Andy?

COMMISSIONER SOLIS: Stan, are you done?

COMMISSIONER CHRZANOWSKI: Yeah.

COMMISSIONER SOLIS: Okay. I have a few observations and, one -- and I want to -- maybe this is a question for staff, but I want to make sure that I'm clear that after the point in time that the Pe±a property was rezoned, there was a change to the plan that then incorporated this transitional use definition, transitional conditional use. That was the chronology that -- of the way that happened.

MR. REISCHL: Let me refer to -- defer to David Weeks on that. I'm not sure the chronology of the GMP.

COMMISSIONER SOLIS: And I say that just because, in my mind, obviously, if -- one, we can never say never. And if at some point in time the Growth Management Plan was changed to then allow for these transitional conditional uses, then the "never say never" actually occurred, I guess, and we have the code that we have to live by and apply.

So I just want to -- if, however, that transitional conditional use definition was in there before the Pe±a property was rezoned, then, in my mind, that makes a difference, because of -- because of the discussions at the County Commission when that was rezoned.

MR. WEEKS: David Weeks, again, of the Comprehensive Planning section.

And, Mr. Commissioner, I can't answer that question. I simply don't know. I was taking a look at my Golden Gate Area Master Plan and, from the amendments page, I simply cannot tell whether -- there's one reference to a 2003 date, which would be five years after the plan amendment and rezoning for that Pe±a property, but I would have to do more research. I'm sorry. I just didn't anticipate that question.

COMMISSIONER SOLIS: Okay. And my understanding is that transportation staff have no concerns -- well, I shouldn't say no concerns, but that given the fact that there will be a deceleration lane and the number of trips generated by a church, that the proximity to the intersection of Napa Boulevard and Pine Ridge Road is not significant, at least, to recommend a denial by staff. I probably should have waited till you got there. Sorry.

MR. SAWYER: That's not a problem. Again, for the record, Mike Sawyer, Transportation Planning.

I actually do have the language. If you want to, I can read it but, basically, the provisions of our access management actually directs us to require 660 from the intersection. That is for -- and this particular section of Pine Ridge is 45 miles an hour. That's where the 660 comes from. Forty-five miles an hour is also the cutoff between requiring 440 and 660. We use 660 because of the preference to be safer than sorry. So, basically, that's where the 440 or the 660 comes in. We're looking at 660.

We do -- we are required to provide reasonable access to any parcel, so that goes without saying. In this case, the reasonable, you know, expectation is we don't necessarily want to have traffic directed onto local streets also when they're neighborhood streets. Hence -- you know, and we also heard that, obviously,

from the neighborhood itself.

So the only alternative that we've got for reasonable access is on Pine Ridge. We have taken that Pine Ridge access and pushed it as far east as we can reasonably locate it. We also have a decel, which is required when you have a divided roadway. We've got six lanes in this particular road section.

We do have the ability, as staff, to allow access points when they don't fully meet the access management plan.

So I'll answer any other questions you might have as well.

COMMISSIONER SOLIS: So, essentially, staff, you've weighed the concerns of the community and made the recommendation that you feel is appropriate, okay.

MR. SAWYER: Correct.

MR. REISCHL: Commissioner, if I can give you a little bit of the history of that, too. You see the final product here, but there were several others. I think the first one was the access would be through Dr. Peñ'a's property. They couldn't reach an agreement with him.

The second in carnation was access from Napa Woods Way. That went away after the first neighborhood information meeting, and that left the only other alternative as Pine Ridge.

COMMISSIONER SOLIS: Okay.

COMMISSIONER ROMAN: Were you through, Andy?

COMMISSIONER SOLIS: No. I've just got a -- let me run through. I've got a --

COMMISSIONER ROMAN: Oh, sure. No problem. I just had a question for Mike.

COMMISSIONER SOLIS: And as far as Napa Boulevard -- so, as I understand it, that's going to be the only entrance, or the entrance to the Astron PUD is going to be from Napa Boulevard?

MR. SAWYER: Honestly, Commissioner, I have not looked at that particular PUD. So I would have to look at that PUD and the master plan that goes with that.

MR. REISCHL: We're getting that right now.

COMMISSIONER SOLIS: Okay. And --

MR. SAWYER: We can actually find that out to confirm.

COMMISSIONER SOLIS: Okay. I'd like to know.

And is there -- then I'm assuming that Napa Boulevard, there's some plan to -- or there's going to be some requirement to improve Napa Boulevard once that PUD builds out?

MR. SAWYER: Sure. A couple of things, too. We -- you know, churches don't generate traffic in the way that we normally look at uses, because we look at weekday traffic and we look at, you know, p.m. peak hour trips. Those are the -- you know, that's the greatest amount of trips that could possibly go onto the system. That's the way we look at do we have, in fact, capacity on particular road sections -- segments, sorry.

This particular segment we do have capacity. Last year -- I'm sorry. 2014 we were looking at approximately, I believe, it's about 270 -- or I'm sorry -- 790 trips that we have available. I believe they came down about 20 trips or -- I'm sorry, about 70 trips or so, so I think we're now at about 719, 720 with 2015, so we do have capacity.

With a church, we're putting trips on Sunday mornings principally, and those trips really, honestly, don't get onto the system in the same manner as we look at weekday traffic. That's what we really need to look at is weekday traffic, peak hour.

As far as the other PUD goes, that's going to be -- it will be looked at when it comes in.

COMMISSIONER SOLIS: Okay.

MR. SAWYER: I'm sure it was looked at at the time. We are in a TCMA, so we are able to -- even if you wind up with a lot of traffic that eats up all of the capacity that we've got, we still have the ability to have projects come in, but they have to do mitigation for those. And I think we talked about that last time when we talked about the last project that came in on Pine Ridge on the other side of 75.

COMMISSIONER SOLIS: Okay. And that was really -- that's not really necessarily all that relevant to this application, but --

MR. REISCHL: We do have the Astron Plaza Master Plan, but it's on the screen, so I'll try to impose it on the visualizer.

COMMISSIONER SOLIS: Okay.

MR. REISCHL: And that's the only access off Napa Boulevard.

COMMISSIONER SOLIS: Okay.

COMMISSIONER CHRZANOWSKI: Fred, anybody know what the Napa Boulevard right-of-way width is?

MR. SAWYER: I apologize. I do not know. I would have to check.

COMMISSIONER CHRZANOWSKI: Okay.

COMMISSIONER SOLIS: Okay. I've got just a few more. And let me try and run through these. Now, as I understand it, Rich, you were saying that there's going to be a wall along -- parallel to Napa Woods Way, and then along the -- the entire -- what is that? The entire southerly boundary and the entire easterly boundary of the property there's going to be a wall.

MR. YOVANOVICH: Yes.

COMMISSIONER SOLIS: Okay. I want to make sure that I understand that, although the size of the building has been reduced from 30- or -- 30,000 square feet to 19- --

MR. YOVANOVICH: Correct.

COMMISSIONER SOLIS: -- the number of seats that you're planning to have in the building has not changed.

MR. YOVANOVICH: That's correct.

COMMISSIONER SOLIS: Okay. So the -- for want of a better way of thinking of it, the number of people that are going to be using the property hasn't been reduced?

MR. YOVANOVICH: Correct. On Sundays.

COMMISSIONER SOLIS: Well, I mean, anytime. Because if you're going to have 400 seats there, you're going to have 400 seats there all week, not just Sunday.

MR. YOVANOVICH: You're right. And what I'm saying is, you know, realistically churches --

COMMISSIONER SOLIS: I understand.

MR. YOVANOVICH: -- don't operate 24 hours, seven days a week. And we've also committed that we're not going to lease this church out to anybody. So I think if you were to look at typical operations of a church, Sunday is going to be your busy day except if Christmas is on Monday through Saturday.

Other than that, I don't know that there's a whole lot of busy time at the property. There's less auxiliary space, if you will, for classrooms, et cetera, in this configuration, than what you could have in the other format.

COMMISSIONER SOLIS: And for whatever it's worth, I also lived in Pine Ridge for about 20 years and -- before and after the expansion of the church on Trail Boulevard and, you know, I was at one of the busiest intersections in Pine Ridge, and it really didn't affect the traffic, at least where I was anyway.

My last question is for staff, and I just want to be clear that in the definitions of a transitional conditional use there isn't anything that requires a decrease in intensity from the commercial use that it's going to be adjacent to. Does that make sense?

MR. REISCHL: That makes sense.

COMMISSIONER SOLIS: Okay.

MR. REISCHL: And, no, there's not. There are specific uses.

COMMISSIONER SOLIS: Uses.

MR. REISCHL: Yes.

COMMISSIONER SOLIS: But there's nothing in there that says the use in the transitional conditional use has to be in some way less intense than the commercial use adjacent to it?

MR. REISCHL: Correct.

COMMISSIONER SOLIS: Is there anything that would be applicable in the Land Development Code in that regard that would be applicable to this situation? I'm not aware of one, but -- no?

MR. REISCHL: Not that we are aware of either.

And, Commissioner Solis, if you're done, I have a question based on one of your comments for the County Attorney. Since a conditional use can't -- and this is zoning on the fly again, since we didn't get a chance to review this. But since they're proposing a wall on the south side and the adjacent to residential is a 6-foot wall, however, in the front -- oh, my question just went away because Estates doesn't have a limitation

on walls. So that will work. Okay.

COMMISSIONER SOLIS: Okay.

MR. BELLOWS: You answered your own question.

COMMISSIONER SOLIS: Yeah, there you go. That's the best way to do it.

MR. YOVANOVICH: Just so you know, we're not -- we're not proposing -- we're required to have a wall. Previously there was a discussion about a deviation for the wall along the eastern boundary.

COMMISSIONER SOLIS: Right.

MR. YOVANOVICH: So we're meeting code by having that wall.

COMMISSIONER SOLIS: Okay. I was just looking at the diagram you have up on the visualizer, and I can see one along the easterly boundary, but across the southerly boundary I wasn't clear. I just want to make sure.

MR. YOVANOVICH: That's because the trees are hugging it.

COMMISSIONER SOLIS: Okay. You know, unfortunately, it seems to me that there was a change in the Growth Management Plan, and we have to apply the Land Development Code in the way that it's written, and maybe that's an issue that needs to come up in the future if -- in defining what transition means.

There should be a definition of -- if transition and intensity means it needs to go down, then -- but I don't see that in the code at this point in time. That's all I have.

MR. WEEKS: Commissioners, I would like to respond to that point and the earlier question about the transitional conditional use.

That transitional conditional use provision in the Golden Gate Master Plan is not limited solely to a property that's abutting commercial. It also applies to certain types of other nonresidential uses. Prime example will be a fire station, because in the area along Immokalee Road, which was discussed some earlier, in the Estates -- Commissioner Ebert, you mentioned four churches in that area. Two of those churches are abutting a fire station. They got there because of this very provision, this transitional conditional use provision.

And from a standpoint of traffic, certainly a fire station will be a low traffic generator as compared to those churches just on an even comparison. I don't know about peak p.m. traffic or necessarily -- but simply in the number of vehicles coming and going from the site, I would posit that the churches generate more traffic.

Noise standpoint, hours of operation, those other types of characteristics that are also considered when we talk about use intensity, certainly those could vary from an institutional use such as a fire station versus a commercial land use. And then one of the eligible transitional conditional uses such as churches, childcare centers, nursing homes, et cetera, those intensities could vary, certainly.

COMMISSIONER SOLIS: Okay.

COMMISSIONER ROMAN: I have a question for David.

David, let me ask you a question regarding transitional conditional use. It's -- if the Pe±a property wasn't currently developed as a C1, would this property be eligible as a transitional conditional use? The way I look at it is, is that this parcel would have to be adjacent to existing nonresidential, and that's what the Pe±a property provides, that if it didn't exist, that would be zoned residential or Golden Gate Estates.

MR. WEEKS: Well, actually, the very first criterion -- and I'll read it. It's the site shall be directly adjacent to a nonresidential use, parenthetically, zoned or developed. So even if the Pe±a property was undeveloped, if it was already zoned commercial, this site would qualify. It would meet that criteria.

COMMISSIONER ROMAN: But in 1998, as I understand the documents, it was rezoned to commercial.

MR. WEEKS: Correct.

COMMISSIONER ROMAN: So without that rezoning and its development, we wouldn't be having this discussion about this parcel being a transitional conditional use eligible property?

MR. WEEKS: Correct. I may have misunderstood your question. But, right, if it were not zoned commercial, this property would not be eligible.

COMMISSIONER ROMAN: Thank you.

COMMISSIONER EBERT: David, as long as you're there. This would then have to go through a

Growth Management Plan first if it were this property? I just ask the question because if Pe±a wasn't there but if they wanted a church there and it wasn't right on the corner, it would have to go through a GMP amendment first; is that correct?

MR. WEEKS: Right. But if the property to the west, the Pe±a property, were not zoned commercial, then, correct, this property would have to do a -- go through a Comprehensive Plan amendment change.

COMMISSIONER EBERT: First. So it would be a two-step process rather than just a one-step?

COMMISSIONER ROMAN: Just like the Pe±a property had to go through, right --

MR. WEEKS: Correct.

COMMISSIONER ROMAN: -- two-step?

COMMISSIONER SOLIS: And that would be the same for the property to the east of the Summit Church property? If somebody wanted to try to put something on that property other than residential, they would have to go through a plan amendment, because it would then -- the transitional use criteria wouldn't apply because it's adjacent to an Estates zoned property.

MR. WEEKS: Correct. Whether this property gets approved, this conditional use gets approved or not, the property to the east is not eligible for a conditional use and would need a Comprehensive Plan amendment.

COMMISSIONER SOLIS: Absent a Comp Plan amendment.

MR. WEEKS: That's correct. The only uses allowed in these Estate properties that don't qualify for a conditional use under the Estates zoning district is going to be a single-family home, a family care facility which is still operating in a single-family home, or an essential service. There are certain types of essential services that are allowed within the Estates without locational restriction. Again, a use such as a fire station or police station does not have to meet locational criteria.

But putting that aside, for a church or other types of conditional uses of the Estates zoning district, you have to have a Comprehensive Plan amendment first.

COMMISSIONER ROMAN: And this could be -- in my understanding, this could be maybe what that creep was that the Board of County Commissioners back in 1998 were concerned about where you can go from parcel to parcel.

MR. WEEKS: Possibly.

CHAIRPERSON HOMIAK: Okay. Any more questions or? No.

MR. SAWYER: Just -- again, Mike Sawyer, transportation planning. Just to answer your question on the right-of-ways. I just found out that Napa Boulevard south of Pine Ridge is 100 feet, and Napa Woods Way is also 100 feet. So we've got a pretty good amount of right-of-way.

COMMISSIONER EBERT: Yeah, that's good.

CHAIRPERSON HOMIAK: So you're agreeing to all the exhibit -- that was in Exhibit C from the original staff recommendations or stipulations? Some of them you already have, the vehicular access is not on Napa Woods Way, but there's a few others with the relocating of the --

MR. REISCHL: I think we can remove the preserve since they're agreeing to -- preserve on site. You can remove those conditions --

CHAIRPERSON HOMIAK: The master plan, yeah.

MR. REISCHL: -- that say if the preserve is off site.

COMMISSIONER ROMAN: Are you on these 14 things or --

CHAIRPERSON HOMIAK: I'm on the --

MR. REISCHL: Staff recommendations.

MR. YOVANOVICH: So I'm assuming -- yeah. You have -- in the staff report you have seven recommendations, then you have, to the extent they're not duplicative, the 12 I handed out earlier today, and then, furthermore, we had agreed to attach as an exhibit of prohibited uses the handout from the woman who said these are things that are happening up at Estero as far as the recovery ministry. Those would be specifically excluded as uses --

CHAIRPERSON HOMIAK: No recovery.

MR. YOVANOVICH: -- as part of the resolution. That's my understanding of, you know, what

we've proposed and agreed. Oh, also we need to add the no access to the Pe±a property and no leasing of parking spaces to the Pe±a property.

COMMISSIONER SOLIS: And no flea markets or farmers markets.

MR. YOVANOVICH: No flea markets, yes, or rummage sales. It's hard for a Presbyterian to get rid of a rummage sale, but we will.

MR. REISCHL: In your discussion on September 17th, there was also a concern about the dumpster location. This master plan does show the dumpster location on it. Is that still something you want to see in there?

CHAIRPERSON HOMIAK: Yes. Oh, no. You mean written -- because it's on the master plan.

MR. REISCHL: It's on the master plan.

CHAIRPERSON HOMIAK: We should have it, right.

So the only other thing -- and I'm going to ask again, is that -- from the September 17th meeting, the hours of operation.

MR. YOVANOVICH: To be honest with you, I think it's a non -- it's a nonissue, and I don't know how to define it, because what happens when you do have a youth group that wants to do a lock-in and they stay past 10 o'clock at night? I mean, I'd be in violation of the conditional use.

Let's just say there's -- and God forbid this ever happens -- there's a local catastrophe that happens, and they want to have a service that goes past 10 o'clock. Churches have historically not been an issue with hours of operation, and I've -- I've done a few, and I don't think I've ever had to agree to hours of operation, especially since we've agreed that the doors will be closed; the windows will be closed. You're just going to have to, you know, kind of trust us on that because every other church is the same way. It hasn't been a problem.

CHAIRPERSON HOMIAK: I think we have limited the hours on some churches, though.

COMMISSIONER EBERT: I don't remember.

CHAIRPERSON HOMIAK: Have we, Heidi.

MS. ASHTON-CICKO: You have. There have been a number of them. I can't think of the most recent ones. I do believe we had hours of operation for the Heavenly Church.

MR. YOVANOVICH: I can tell you we did not.

MS. ASHTON-CICKO: And there are a number of them along Immokalee Road. There are a number of them along Immokalee Road.

MR. YOVANOVICH: I mean, I know for a fact there are no hours of operation in the Heavenly PUD because that -- my client said it is improper for the government to tell us how we worship and when we worship, and that has been -- and I think, frankly, would be illegal to do that and impose hours of operation on that type of activity.

MS. ASHTON-CICKO: Well, the requirement regarding RLIUPA is that you don't have hours of operation or other issues that you're not requiring of other types of properties, and we have the example of Mr. Pe±a's being right next door with his hours being limited. So if you so choose to limit this church, I think you have a basis and you have an example of another type of use where you've restricted it.

CHAIRPERSON HOMIAK: Okay. Well, that's up to -- does anybody have a problem with it not having hours of operation or --

COMMISSIONER CHRZANOWSKI: I say we leave it up to the Board.

CHAIRPERSON HOMIAK: The Board?

COMMISSIONER CHRZANOWSKI: The Board of County Commissioners may not like that, but I've never seen a church with hours of operation.

CHAIRPERSON HOMIAK: Okay.

COMMISSIONER CHRZANOWSKI: Back in my day, though, all the churches left their doors open all the time.

CHAIRPERSON HOMIAK: Yeah.

Okay. So then we'll just go with the list that we had today with the additions of the no flea market, no recovery meetings, no access to the Pe±a property.

COMMISSIONER SOLIS: Why don't I make a motion. Should I make a motion then?

CHAIRPERSON HOMIAK: Yes.

COMMISSIONER SOLIS: Okay. So I make a motion that the application -- and if someone has the actual number --

COMMISSIONER CHRZANOWSKI: Conditional use PL-20140000543.

COMMISSIONER SOLIS: -- Summit Church conditional use be approved with the conditions requested or recommended by the staff, the 12 additional items that have been agreed to by the applicant, the addition of the list of rehab activities that were agreed to be added to the prohibitive activities, also that there would be no parking or access through the Pe±a property, no flea markets or rummage sales, and no leasing, but I think that's already in the number --

MR. YOVANOVICH: We already have that.

COMMISSIONER SOLIS: -- in the 12 that were -- so with those conditions added to them, I'd make the motion for approval.

CHAIRPERSON HOMIAK: Is there a second?

COMMISSIONER CHRZANOWSKI: Second.

CHAIRPERSON HOMIAK: Stan.

All those in favor, signify by saying.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRPERSON HOMIAK: Aye.

Opposed, like sign?

COMMISSIONER ROMAN: Aye.

MS. ASHTON-CICKO: Madam Chair, there are a number of changes here, and the master plan is difficult for us to read because it's so small, so would you be voting to bring this back on consent so we can make sure it reflects what you --

CHAIRPERSON HOMIAK: Yes, I think it should come back on consent.

COMMISSIONER ROMAN: So moved to bring it back on consent.

COMMISSIONER EBERT: I'll second.

CHAIRPERSON HOMIAK: All those in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRPERSON HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRPERSON HOMIAK: Opposed, like sign?

(No response.)

CHAIRPERSON HOMIAK: Okay.

MR. YOVANOVICH: Thank you for your time and patience.

CHAIRPERSON HOMIAK: Okay. So we have no old business, no new business. Public comment?

(No response.)

CHAIRPERSON HOMIAK: Is there a motion to adjourn?

COMMISSIONER EBERT: I make a motion to adjourn.

COMMISSIONER SOLIS: Second.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRPERSON HOMIAK: All those in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRPERSON HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRPERSON HOMIAK: Anybody opposed?
(No response.)
CHAIRPERSON HOMIAK: Okay.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 2:30 p.m

COLLIER COUNTY PLANNING COMMISSION


KAREN HOMIAK, CHAIRPERSON

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 12/3/15, as presented or as corrected .

TRANSCRIPT PREPARED ON BEHALF OF
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