

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, June 16, 2020

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

Edwin Fryer, Chairman
Karen Homiak, Vice Chair
Karl Fry
Joe Schmitt
Paul Shea

ABSENT:
Mark Strain
Patrick Dearborn
Tom Eastman, Collier County School Board Representative

ALSO PRESENT:
Raymond V. Bellows, Zoning Manager
Jeffrey Klatzkow, County Attorney
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

CHAIRMAN HOMIAK: Good morning. Welcome to the Collier County Planning Commission meeting of June 16th of 2020.

Would you all please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN HOMIAK: Can we have roll call, please.

COMMISSIONER FRYER: Yes, ma'am.

Mr. Eastman?

(No response.)

COMMISSIONER FRYER: Mr. Shea?

COMMISSIONER SHEA: Yes, here.

COMMISSIONER FRYER: Mr. Fry?

COMMISSIONER FRY: Here.

COMMISSIONER FRYER: I'm here.

Chairman Strain?

(No response.)

COMMISSIONER FRYER: Vice Chair Homiak?

CHAIRMAN HOMIAK: Here.

COMMISSIONER FRYER: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER FRYER: Mr. Dearborn?

(No response.)

COMMISSIONER FRYER: Madam Chair, we have a quorum of five.

CHAIRMAN HOMIAK: Okay. Thank you.

Addenda to the agenda, there's a request for a continuation of the boat dock extension.

MR. BELLOWS: Correct.

CHAIRMAN HOMIAK: And they want to continue it till July 16th, and that's the right date?

MR. BELLOWS: That's correct.

CHAIRMAN HOMIAK: Okay. So we'll need a motion to continue.

COMMISSIONER FRYER: I'll make that motion, and also I have a question. When will the Hearing Examiner be up and running?

MR. BELLOWS: For the record, Ray Bellows. We are working on the contract that will go back before the Board. But the plan is to have the first meetings for the HEX start in August.

COMMISSIONER FRYER: Okay. Thank you. I jumped in before there was a second.

COMMISSIONER FRY: Thank you for asking that question, Ned.

MR. KLATZKOW: You guys could continue it to the HEX hearings if you wanted. No, I'm serious, if that's what you want to do. They've asked for the continuance. If you want the HEX to hear it, just continue if for that.

COMMISSIONER FRYER: What's our August agenda look like?

MR. BELLOWS: I'll have to pull it up, but I don't know for sure right now.

CHAIRMAN HOMIAK: But they don't want to -- they would have to readvertise that.

MR. BELLOWS: Yes, they would.

COMMISSIONER FRYER: Oh, okay. Well, my motion stands.

CHAIRMAN HOMIAK: And is there a second?

COMMISSIONER SCHMITT: Second.

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

COMMISSIONER SHEA: Aye.
COMMISSIONER FRY: Aye.
COMMISSIONER FRYER: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER SCHMITT: Aye.
CHAIRMAN HOMIAK: Opposed, like sign.
(No response.)
CHAIRMAN HOMIAK: Thank you.
COMMISSIONER SCHMITT: Nobody here representing the petitioner on that, though?

No?

MR. BELLOWS: They sent in their request.
CHAIRMAN HOMIAK: They emailed.
MR. BELLOWS: I also have an addenda to the agenda.
CHAIRMAN HOMIAK: Yes, go ahead.
MR. BELLOWS: Under new business, we'd like to add a discussion item on the update for the COVID policies in dealing with public hearings.
CHAIRMAN HOMIAK: Okay. And then the next addenda is election of officers since Mr. Strain is stepping down as chair. So I'd like to nominate Ned for chair.
COMMISSIONER FRY: Second.
CHAIRMAN HOMIAK: Ooh. All those in favor, signify by saying aye.
COMMISSIONER SHEA: Aye.
COMMISSIONER FRY: Aye.
COMMISSIONER FRYER: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER SCHMITT: Aye.
CHAIRMAN HOMIAK: Oppose, like sign. Okay. There you go.
CHAIRMAN FRYER: Thank you, I think.
COMMISSIONER HOMIAK: You think?
COMMISSIONER SHEA: Thank you.
CHAIRMAN FRYER: All right. Do you want me to take over at this point, Karen, or do you want to do it?
COMMISSIONER HOMIAK: No, you can do it.
COMMISSIONER SCHMITT: You got the helm. "El capitan," you got the helm. It's all yours.
COMMISSIONER HOMIAK: We just need -- do we have to do the vice chair again?
CHAIRMAN FRYER: Oh, that's a good question.
COMMISSIONER HOMIAK: And then the secretary. We have to do the secretary.
MR. BELLOWS: Yeah, we do definitely need a new secretary.
CHAIRMAN FRYER: Are we going to have elections again in October, or do we need to --
MR. BELLOWS: This was just to replace Mark stepping down. So you don't have to do it now, all elections of all officers. You can wait till October.
CHAIRMAN FRYER: Is that when we -- is that when we have to do it according to our bylaws or tradition?
MR. KLATZKOW: You do it every year. This is the interim, but you're going to need a vice chair now.
CHAIRMAN FRYER: Yeah. Yes. Okay. Well, I nominate Karen.
COMMISSIONER SCHMITT: Karen would still remain vice chair, then, correct?
MR. KLATZKOW: Let's just --

COMMISSIONER SCHMITT: Okay.

MR. KLATZKOW: -- for certainty --

COMMISSIONER FRY: I'll nominate Karen for vice chair.

CHAIRMAN FRYER: Yes.

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further nominations? If not, all those in favor of Karen serving as vice chair, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Those opposed?

(No response.)

CHAIRMAN FRYER: Congratulations, Madam Vice.

COMMISSIONER HOMIAK: Gee, thanks.

CHAIRMAN FRYER: I'd at this point like to nominate Karl Fry to succeed me as secretary.

COMMISSIONER SCHMITT: I second.

CHAIRMAN FRYER: Any further nominations?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: All right. We've got a new slate of officers. Thank you.

Let's see. Any other addenda?

(No response.)

CHAIRMAN FRYER: That's it. Okay.

Planning Commission absences? Let's bring that one up to date, if we can. Our next meeting is going to be on the 2nd of July, I believe. Does anybody know that they will not be able to be there -- be here at that time?

(No response.)

CHAIRMAN FRYER: Good. Okay. We'll have it.

COMMISSIONER HOMIAK: Is that going to be televised or -- I know there was an issue with them doing -- the opening of the Sports Park or something? Oh, there's Jamie -- Jeremy, I mean.

MR. FRANTZ: Yeah. July 2nd will still be televised. It will be a regular meeting for you-all.

COMMISSIONER HOMIAK: Oh, okay.

COMMISSIONER FRY: Jeremy, I'd like to point out that the haircutters are open again.

MR. FRANTZ: Are they? Thanks.

COMMISSIONER HOMIAK: I think it looks good that way.

COMMISSIONER FRY: I like the look.

COMMISSIONER SCHMITT: I was almost four months. My hair was like down to

here.

MR. MULHERE: I like the look, too.

COMMISSIONER HOMIAK: Bob, what about your hair?

MR. MULHERE: I'm due for a trim.

CHAIRMAN FRYER: Okay. Approval of the minutes. And I need to be reminded what the dates of those minutes were, please. There are two of them.

COMMISSIONER HOMIAK: Oh, and, you know, I made a mistake, because I forgot the February 20th minutes were already approved on March 5th.

CHAIRMAN FRYER: Okay.

COMMISSIONER HOMIAK: So then we just have the March 5th minutes to approve.

CHAIRMAN FRYER: Okay. So it's only one set to be approved?

COMMISSIONER HOMIAK: Yeah.

CHAIRMAN FRYER: Okay. So the March 5th minutes have been distributed. Are there any corrections or changes to be made to those?

(No response.)

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

COMMISSIONER HOMIAK: Make a motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: All in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Those opposed?

(No response.)

CHAIRMAN FRYER: All right. They pass unanimously.

Okay. Chairman's report. I have nothing to say at this time.

Karen is the outgoing presider. Do you have anything to say under chairman's report?

COMMISSIONER HOMIAK: No. I just was questioning -- wanted to question the policy for the Zoom meetings and things, but that's going to be on the agenda, so...

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: I just have a comment, then. I just want to publicly thank Mark Strain for his service as chair as many years as he served as chair, and I think he's been on this committee almost, what, 18 or 19 years.

CHAIRMAN FRYER: Almost 20.

COMMISSIONER SCHMITT: So I think public recognition and public thanks should be afforded, and I would like to thank him.

CHAIRMAN FRYER: I second that, and I would ask for a round of applause on Mark's behalf from everyone.

(Applause.)

CHAIRMAN FRYER: Thank you, Joe, for bringing that up.

COMMISSIONER FRY: Will Mark be at the next meeting? He's not at this meeting.

CHAIRMAN FRYER: He, I believe, plans to call in for subsequent meetings. The reason for his absence today is a conflict.

COMMISSIONER FRY: Okay.

CHAIRMAN FRYER: All right. Let's see. Public hearings -- oh, consent agenda. We don't have anything under that.

***So the advertised public meetings. The first is a companion set, the Ventana large-scale Growth Management Plan and PUDZ. That's PL20180002668 and 2669.

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

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

CHAIMAN FRYER: Okay. Disclosures from the Planning Commission. Let's go in our usual order. Karl?

COMMISSIONER FRY: Okay. You caught me by surprise, Ned.

Conference call with Mr. Yovanovich and Mr. Mulhere, and other than that, staff materials, et cetera.

CHAIMAN FRYER: Okay. Paul?

COMMISSIONER SHEA: None.

CHAIMAN FRYER: Okay. My disclosures are the same as Commissioner Fry's. Karen?

COMMISSIONER SCHMITT: My disclosures as well, a conference call with Mr. Yovanovich and Mr. Mulhere.

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich and Mr. Mulhere.

CHAIMAN FRYER: Good. I also had a conversation with certain staff members, so I need to add that to my disclosure.

COMMISSIONER FRY: I need to add one as well. I spoke to Mr. Zuckerman on the applicant team in the hallway briefly at the last meeting just checking in. He was waiting all day for his item to be heard, and it never was. So I just was checking in with him.

CHAIMAN FRYER: Okay. Thank you.

All right. Let's see. We'll begin with the applicant's presentation. Mr. Mulhere.

MR. MULHERE: Thank you, Mr. Chairman. Bob Mulhere with Hole Montes on behalf of Zuckerman Homes. With me this morning is Ryan Zuckerman, who is the applicant; Brent Addison, who is the civil engineer on the job; Norm Trebilcock, who is our transportation engineer; and Rich Yovanovich, who is our land-use attorney.

I think I've got pretty much everything on this PowerPoint. I'll go over some things that at least four of you have seen before, but in deference to Mr. Shea, I wanted to make sure that he got the full picture as well.

So this area highlighted in blue is the subject property, 37.62 acres. You recall that it was over 40 acres, but right-of-way was acquired for the widening of Immokalee Road, which brought it down to 37.62.

It is within one mile of the urban boundary, and it is presently zoned A. You'll note that to the east the property is all zoned A, but AHMO, which is a mobile home overlay.

This is the zoning map. I pretty much just went over all of that. This is the Future Land Use Element. The property falls within the Rural Fringe Mixed Use District receiving lands. And you can see that this -- all of this blue area here is receiving. This is -- the urban boundary is right here. The yellow is urban, and there's a mixed-use activity center right here.

This exhibit shows you the proximity. The one-mile boundary is right here from the urban boundary. And this is just a slightly different perspective on the Rural Fringe Mixed Use District designations. There are three designations: Receiving, sending, and neutral. Again, this parcel is within the receiving lands.

This aerial shows you the subject property and also provides for enough to show some of the surrounding development. For example, here's Heritage Bay DRI right here. This is multifamily development right here along Immokalee Road. It also provides for the streets here, which is -- Sundance borders the property to the south, and Richards Street borders the property to the east. Those are comprised of two matching 30-foot easements; one on the subject property,

one on the property to the east. And there is a county, I think, drainage facility for the roadway right here.

I presented this at the transmittal hearing. This project was recommended for approval unanimously by the Planning Commission and by a 4-1 vote at the BCC for adoption -- or to transmit and bring back for adoption. And I just point that out because there are relatively few parcels that could be developed. This is Calusa Pines Golf Course, and you can see there is sort of urban style development surrounding that.

And so most of this has already been either developed or -- these parcels down here are in a conservation easement. So there are just a few parcels, one adjacent to the subject property, that might, in the future, be developed under the Rural Fringe Mixed Use receiving.

So our request started out at 95 units, and we had access through Richards Street. When we went to our NIM, there was concern over the density and concern over using that local roadway to access the property even though we have a 30-foot easement on our property for that purpose. And I'll get to the revised -- which you saw at the transmittal hearing, because we had made those changes to address the comments from the neighborhood information meeting, so...

So at your transmittal hearing and at the BCC hearing, we placed some provisions in the proposed GMP amendment that primary access shall be via Immokalee Road. The dwelling units are limited to single-family detached and a maximum of 77 of those, which is 2.04 units per acre.

At the BCC there were -- there was at least one change to the language about the acquisition of TDRs. The Board approved language that required the applicant to acquire those -- to enter into a contract to purchase those TDRs from a sending lands property that had not already severed their TDRs.

And my understanding of the basis for that was that the Board wished to see those TDRs be purchased from, perhaps, a smaller holder of sending lands as opposed to someone who had a larger development, perhaps a DRI or something, that had a stockpile of DRIs that they had left over from when they entitled their property, because one of the problems is that these smaller sending landowners have not -- you'll have to remember that the purpose of the TDR program, at least in great part, was to re-compensate or compensate sending landowners who had their development rights significantly reduced.

And sending lands, before the county adopted the Rural Fringe Mixed Use District, you were entitled to one unit per five acres. After they adopted it, you were entitled to one unit per 40, but you could generate TDRs, a maximum of four per five acres, from your sending lands.

And so the county is in a -- has been for some time and is still in some process to revisit the economic nature of that transaction, the demand on the receiving side, the demand on the sending side, but that restudy has not gotten through the process to get to the Planning Commission or the Board as of yet and will be coming forward sometime, I think in the future, near future.

We argued, and you agreed, that this was a reasonable incentive to develop while still providing a transition to lower density to the east. As I said, we reduced the density to 77 units, 2.04 units per acre.

If you look at this slide, under the existing provisions to entitle it at the now maximum one unit per acre, you would be required to acquire 30 TDRs. And under our provision, the -- my client will have to acquire 35 TDRs. So it actually requires him to acquire more TDRs. And because we moved the access to Immokalee Road, we also have to build a turn lane, which was -- has a cost of 250,000. It's just the cost of doing business, but, you know, I just point out that there is a cost associated with that. But there's no problem. We'll come in off of Immokalee Road.

I wanted to point out the price that the contract calls for for these TDRs. We have traditionally said the value of a TDR in the marketplace has ranged between 12- and 15,000, but in this case the price per TDR is \$19,428. Now, I'm not sure if that's a reflection of the market going

up or the availability of those TDRs from parcels that qualified under the Board's restriction, and that's just the price. But it is a little bit higher than we have typically quoted to use. So the price to purchase those TDRs is -- in total is \$680,000.

And so, again, I point out that obviously you're developing -- you have access to central sewer and water, you have access to an arterial roadway, you're within a mile of the urban boundary, you have development that's very similar to what's proposed around you, but you're going to be competing at a higher cost because of the need to acquire the TDRs.

So as I mentioned the NIM was back in -- actually, a little more than a year ago. We had 15 members of the public in attendance, and the major issues were the use of Richards Road, which we are now using Immokalee. The concern over providing adequate buffers around the perimeter of the property, particularly -- particularly where it abuts, you know, other development, not necessarily on Immokalee. But -- and so we agreed at the transmittal and hearings to provide a 25-foot-wide buffer with Type B plantings.

Now, Type B plantings are called for in the development order to be opaque within one year. So they're a pretty substantial buffer. I know most of you are familiar, but that's what a Type B landscape buffer is.

So it's a Type D in terms of the definition or a type -- adjacent to the road it's a Type D. Some of them are Type A. I think one is a Type B. But the point is, all of those buffers will be 25-foot wide and have Type B planting. So it's kind of a hybrid of a more substantial buffer.

And, again, the density was reduced to 77 units. No one spoke in opposition at the transmittal hearings.

After the NIM -- I know this is very hard to read, and I will just summarize it for you. My client -- so at the NIM we always have a sign-in sheet, and we ask folks who attend to provide us with their address and their email. Most people do. Some people don't.

In this case, there were several husband and wives in attendance. We emailed those that provided us with the email address after the NIM to let them know of the changes we had made. Well, perhaps that's why no one was here to speak in opposition. We received one letter back that said we're very appreciative of your time and effort, we believe the proposal will be a great benefit, and so on and so forth. So it was a positive response.

This exhibit is the master plan. It shows you the access in blue there off Immokalee Road, right-in, right-out. The development tract runs right here, right here, and over here, and the green shows you those perimeter buffers all the way down Richards, Sunset [sic], to the west, and adjacent to Immokalee Road.

COMMISSIONER SCHMITT: Bob, can you go back to that again while it's up.

MR. MULHERE: Sure.

COMMISSIONER SCHMITT: I guess that's to the west there. You have a triangle at the end of the road. Is that just going to be an emergency entrance?

MR. MULHERE: This -- that's -- I'm glad you raised that. It is going to be an emergency entrance access. It -- or access. It says, stabilized emergency egress; however, I -- in some conversations I had with you -- and I assume this will come up -- that it would be preferred to just make it an emergency access because you never know what might happen in the future. If this road is improved at some point in the future, you could put a gated secondary means of ingress and egress to the project.

COMMISSIONER SCHMITT: How about the other entrance on the west, then; is that going to be an interconnect?

MR. MULHERE: No. There's no interconnection there.

COMMISSIONER SCHMITT: Okay.

MR. MULHERE: Just some information. The Rural Fringe Mixed Use District requires you to preserve native vegetation that exists on the site at a rate of 40 percent, but not to exceed

25 percent of the site. So if you're 100 percent native vegetation -- we were not, but if you are, you would just multiply that times 25 percent. That would be your native vegetation retention requirement.

We are required to provide 9.63 acres, which we are providing. We also, in discussions with certain -- at the time, certain Planning Commission members wanted to see us meet the intent of the larger amount of native preservation that we would have had to provide if it was still a 40-acre site, even though the county acquired several acres for expanding Immokalee Road. And we were able to do that through those perimeter buffers and through an open-space tract, which I'll show you in just a minute.

So we -- actually, if you look at our preserve plus the open space and the perimeter buffers, we have 11.86 acres and 25.1 acres of open space -- .18 acres of open space.

There is one change I want to call to your attention. While we were getting through COVID and being delayed and -- my client had submitted a subdivision plat to try to stay ahead of the game. Of course, they won't approve it until if and when this gets approved, but staff had a comment that we needed to provide a sidewalk, a 5-foot sidewalk along Richards and Sunset, and I'll go back and just remind you that Sunset is right here, and Richards is right here. So south and east.

CHAIRMAN FRYER: Sundance?

MR. MULHERE: Sundance. Thank you. Thank you. I always say "Sunset."

And that's made up of two matching 30-foot easements. So there's a 60-foot-wide private right-of-way on the south on Sundance and a 60-foot right-of-way on the east that makes up Richards.

And the county code requires, for these types of developments, a 5-foot-wide sidewalk adjacent to those rights-of-way even though they're private, and even though they really probably will never go anywhere. Maybe they will at some point in the future, I can't say. So you have two options: Build the sidewalk, or the county has a methodology for calculating a payment in lieu, but that payment in lieu is significantly more expensive than building the sidewalk. I mean, significantly.

So we are choosing to build the sidewalk. The problem we have, if you look at this cross-section right here, this is showing you the 30-foot easement that's within our property, Richards Street 30-foot easement. That road is a gravel road with 20-foot travel lanes, but those are entirely located within this 30 feet. None of it is on the east 30 feet. That leaves 10 feet for the existing roadside drainage. So we really don't have any opportunity to put that sidewalk within that 30-foot easement.

So we discussed with staff putting it within the 25-foot-wide buffer, and they are fine with that. I spoke to Mark Templeton. Because this 25-foot-wide buffer exceeds what we would otherwise be required to have by the LDC in this location -- we would normally have a maximum of a 20-foot buffer -- he was okay with putting a sidewalk within the planting area. And the landscaping will be between the sidewalk and the development. So the folks that use the sidewalk, the folks that live next to us, will still have that landscape buffer to separate our project from the roadway.

And so I placed that language into the GMP and RPUD. You can see in red here I added with respect to the landscape buffer, "it may include a 6-foot-wide sidewalk easement to accommodate a 5-foot-wide sidewalk within the east and south perimeter buffers." And that allowed me to just simplify the PUD language. I didn't really have to say north, east, south, west; simply all perimeter buffers will be 25 feet, but a 5-foot sidewalk could be in the south and east.

I wanted to point out that 15-foot platted open-space strip, which you see here in green. So that 15-foot-wide open-space strip is located between the rear yard of these lots and the preserve providing for the required setback from the preserve and may also provide for an opportunity, if

necessary, to enhance or increase --

MS. ASHTON-CICKO: This is all new material that I've not reviewed or been provided any copy or notification that this is coming. So I would recommend that if you do recommend approval of this project, that it be contingent upon my reviewing it and making sure that it reflects what has been represented here and that it's clear and concise.

CHAIRMAN FRYER: Good point.

MR. MULHERE: The sidewalk issue?

MS. ASHTON-CICKO: All the stuff you're putting up right now.

MR. MULHERE: But there's only -- it all deals with the sidewalk.

MS. ASHTON-CICKO: Well, correct, but I need to review the language and to make sure it is correct --

MR. MULHERE: I understand.

MS. ASHTON-CICKO: -- in what you are stating that it's supposed to mean today.

MR. MULHERE: I had coordinated with staff. I apologize if you weren't on those emails.

MR. KLATZKOW: We've had this discussion before. Stop. I mean, the process is -- this is the second time you're before the Board. Every time you come back there's always a change. I'm sure there'll be a change between now in the BCC, because that's what you do. Just stop.

MR. MULHERE: It wasn't intentional.

COMMISSIONER SCHMITT: I have to ask the question, then, why staff has worked this and office counsel was not involved, and why is it on the agenda then?

MR. BELLOWS: For the record, Ray Bellows.

COMMISSIONER SCHMITT: I mean, that's the staff's responsibility to coordinate with the -- with counsel in regards to these petitions.

MR. MULHERE: I'll take the responsibility. Jeff is right. He's mentioned that to us before. I'll take the responsibility. I neglected to copy Heidi, so it's my fault.

MS. ASHTON-CICKO: I mean, I'll just point out for the record, based on the exhibit, the 30-foot easement was where the road -- he was telling you that it was existing 30-foot easement where the road is going and the gravel drive and so forth, and then the buffer is 25 feet with the 5-foot sidewalk. But if you look at the exhibit, it's within a right-of-way. So that's my first question. But I can work it out with him subject to --

MR. MULHERE: Okay.

MS. ASHTON-CICKO: -- you know, understanding what your intent is when you approve it.

CHAIRMAN FRYER: Okay. Let's talk about how that would result then with respect -- let's assume a favorable vote subject to the condition of county attorney review and approval --

MR. MULHERE: Yeah.

CHAIRMAN FRYER: -- if the County Attorney was unable to approve or unable to reach a compromise --

MR. MULHERE: Then we'd have to pay --

MS. ASHTON-CICKO: Right here. You're showing the right-of-way here, and this is where you said the road was going in the existing right-of-way. What's that?

MR. MULHERE: Okay. I can explain that. That is the right-of-way to the left. That's an internal right-of-way. If you look at this exhibit right here, see this line right-of-way? That is the internal right-of-way in the project. That's not -- it's not within the 30-foot easement.

CHAIRMAN FRYER: Well, let me ask --

MR. MULHERE: I can answer your question.

CHAIMAN FRYER: Let me ask.

MR. MULHERE: We would only have one choice. We would have to pay in lieu.

CHAIMAN FRYER: Okay. But from the -- if we make our approval conditioned upon satisfaction on the part of the County Attorney and the County Attorney does not approve, then is that going to be considered that we disapproved it?

MR. MULHERE: Well, no. We either -- well, you can either make your motion that the county approves this or the other option of payment in lieu.

CHAIMAN FRYER: County Attorney, would that be satisfactory? Is that a fair substitute for reviewing the materials?

MR. KLATZKOW: I'm tired of having this conversation with Mr. Mulhere, all right. The process is you come forward with a completed application. The Planning Commission reviews it. The Board reviews it. It gets transmitted. The State reviews it with comments. It comes back. Comments are addressed, if there are comments. You hear it again. Board hears it again, but that's not how this works with this process. The way this process works is that it comes to you; before it gets to the Board, he makes a couple changes. It goes to the Board. Comes back. Makes some more changes. Comes to you. I don't know. First time I'm hearing of this.

We'll work it out, all right, at the end of the day, but there's a certain integrity to the process that's being lost by, oh, by the way, we've got this change or, oh, by the way, we've got that change. And it's just -- it gets tiresome to me, but...

CHAIMAN FRYER: Point taken. Then, Jeff, is your office, albeit reluctantly, satisfied that this is an okay approach, or should we continue it?

MR. KLATZKOW: No, don't continue it. But sooner or later I'm going to have a conversation with the Board of County Commissioners, and one of these projects is going to be stopped.

CHAIMAN FRYER: Okay.

MR. KLATZKOW: All right. It's just, you know, the camel gets his nose in the tent, then the neck and everything else, and the project just changes during the course of the hearing process, and it's just -- it's not the intent of the hearing process. The intent is to have a completed application before you hear it first.

CHAIMAN FRYER: And this was always a big point with Mark Strain, too.

MR. KLATZKOW: It's fine. We'll take care of it with staff. We'll work it out.

COMMISSIONER SCHMITT: Again, I have to ask the question --

MR. KLATZKOW: It's just tiresome, that's all.

COMMISSIONER SCHMITT: -- why the zoning staff --

MR. BELLOWS: I wasn't copied on the email either and --

COMMISSIONER SCHMITT: -- did not coordinate with Heidi.

MR. BELLOWS: And I don't think they coordinated with Zoning either.

MR. MULHERE: I'll have to go back and look. That's okay. It's my responsibility.

MR. KLATZKOW: Ray, who's the planner on this?

MR. BELLOWS: Tim Finn.

MR. KLATZKOW: Did Tim -- you're in the room. Did you see this?

MR. FINN: Never heard.

MR. KLATZKOW: Okay. So nobody saw this. So this is the first time anybody's seen this.

MR. YOVANOVICH: Here's the reality of what happened. As Bob pointed out, we're trying to catch back up for the three months we lost because of the COVID.

We submitted the plat to basically hopefully get the PUD approved; next BCC meeting have the plat approved. The plat reviewer caught we have a sidewalk issue. There was a screwup on coordinating with all the necessary people. At the end of the day, we'll either have to build the

5-foot sidewalk as Mr. Mulhere suggested or we'll have to pay in lieu.

I apologize on behalf of our petitioner. I apologize that somehow there was a miscommunication within the internal workings of the county staff. I appreciate everybody's flexibility here. But we all are trying to get things back on track for time we lost because we couldn't have any public hearings.

I know Jeff's frustrated. Frankly, I'm frustrated because I'm just trying to get this continued to move. Because the reality is, we've spent a lot of money to get where we are today, and we're running out of time based upon our contract.

So I'm imploring you to please don't continue this. We need to keep this moving. And we'll either pay in lieu or we'll build the sidewalk as we've just described it subject to Heidi and Jeff's approval that the language works.

CHAIMAN FRYER: Is there also an issue on the part of the County Attorney's Office with respect to the specific text, or does the --

MR. YOVANOVICH: We frequently work with Heidi, because there's times with you-all where you direct us to make changes and don't make us come back for the consent. It's not unusual for us to work with Heidi to take care of whatever tweaks, and that condition is fine with us as well.

CHAIMAN FRYER: Okay. Well, here's --

MR. YOVANOVICH: And it's not unusual.

MR. KLATZKOW: The issue isn't my working with Rich or Heidi and I, because we wind up coming to an agreement on the language. The issue is having the constant changes of the language throughout the process. That's -- that is -- that is my frustration.

CHAIMAN FRYER: And these things are coming to us when they're not yet ready for prime time.

MR. YOVANOVICH: Well, you know what, the good news is it was caught, because if we didn't bring the plat forward, we would have gone through this process, and we would have done the payment in lieu. That's the reality of what would have happened. We would have done the payment in lieu, because it would have been caught after the PUD was approved, and we wouldn't have had the ability to put the sidewalk in the buffer. So this was caught because we brought another -- normally a quasi-administrative process forward at the same time.

CHAIMAN FRYER: Let me tell you where I am on this, and then I want to hear what the Planning Commission says and also be sure that the County Attorney is okay.

MR. MULHERE: I just want to add very quickly. Look, Jeff's right. I should have coordinated. This just came up in the last five or seven days. There's no excuse. I was trying to get the issue resolved with staff. I sent an email to Mark Templeton and Tim Finn, and Mark sent me an email back explaining the problem. I coordinated with him. I simply neglected to show that change, prior to this hearing, to Heidi.

CHAIMAN FRYER: Understood. Let me -- let me get out on the table where I think I would like to be on this and see if the Planning Commission agrees. It sounds to me as though there's a high degree of comfort that the County Attorney's Office and the applicant will come to an agreement on all open issues. But just to be sure that this doesn't happen again, I'm going to propose that our -- that if we do vote to approve this, that it be conditional -- that our approval be conditional upon you getting that worked out such that the result would be if you don't that would be considered a disapproval. Does anybody on the Planning Commission have a feeling about any of that?

MR. YOVANOVICH: Mr. Fryer, may I suggest one modification to that?

CHAIMAN FRYER: Yes.

MR. YOVANOVICH: If we can't reach an agreement on the language with the County Attorney, that we -- instead of your being a disapproval of the project, you require us to do the

payment in lieu. That -- because that's already in the code. So all we're asking is a mechanism to build the sidewalk on our property instead of in the road right-of-way that's reserved.

CHAIRMAN FRYER: Okay. Jeff, is that going to be acceptable to you?

MR. KLATZKOW: Yeah, that's fine.

CHAIRMAN FRYER: Okay. Then that's what we'll do.

COMMISSIONER SCHMITT: I'm fine, yeah.

COMMISSIONER FRY: That works.

CHAIRMAN FRYER: Okay. Good.

COMMISSIONER SHEA: I'm fine.

CHAIRMAN FRYER: Please continue, Mr. Mulhere.

MR. MULHERE: I certainly wouldn't want to take this beating on purpose. So I -- you know, mea culpa, mea culpa.

I don't even know where I was.

CHAIRMAN FRYER: You were apologizing.

MR. MULHERE: Thank you.

Here's another change, but hopefully I think that Heidi is aware of this one. The trip cap -- the trip cap reads 97, and when we reduced the number of units from 95 to 77, the trip cap went down to 79, and staff asked us to change that.

CHAIRMAN FRYER: That was more than a typo, then?

MR. MULHERE: I believe that, oddly enough, the 97 was the previous trip cap number, and even though they seem like they're interchanged, 79 is the current trip cap number. It's a reduction.

CHAIRMAN FRYER: Thank you.

MR. MULHERE: And staff asked us to make sure that we changed that.

CHAIRMAN FRYER: Thank you.

MR. MULHERE: So, in conclusion, we believe that the requested overlay makes sense. It's needed to generate reasonable market interest in developing the sending lands, and acquiring these TDRs will compensate sending landowners for the loss of the value. It's not precedential because anybody else that wants to do this has to come in through that same process of more than a year of public hearings.

And that concludes my presentation.

CHAIRMAN FRYER: Thank you. Are there questions from the Planning Commission for the applicant, starting with Karl?

COMMISSIONER FRY: Yes, thanks.

Hey, Bob.

MR. MULHERE: Hi.

COMMISSIONER FRY: Bob, just to paraphrase the county commissioners, the BCC's request, was -- it sounds like they are hoping that the TDRs are acquired to basically restrict development on new lands that were not already protected. So they're really trying to make sure that some new territory is protected from development?

MR. MULHERE: Yes. Yes. I mean, that's the outcome. I think the basis for that -- and this is just my opinion, having heard the Board discussion, is that they wanted to be sure that the TDRs were severed from lands that hadn't previously severed the TDRs. So, yes, you do get the result of additional lands being protected through that.

MR. YOVANOVICH: Not exactly. What they wanted us to do was either sever them from new lands or sever the third and the fourth, which is the cleanup --

MR. MULHERE: Right.

MR. YOVANOVICH: -- and the transmittal credit to the environmental agencies. They wanted to further the goal of environmental protection through either new lands having the first

couple of TDRs taken off or the third and fourth TDR being taken off the lands that already had the first two severed. So that was the intent.

COMMISSIONER FRY: Gotcha. Thank you.

MR. MULHERE: And I did work with Heidi on that language.

COMMISSIONER FRY: What is the state on the TDRs? You put a price in there, 19,000 and such. Are they required? Are they reserved? Where do they stand right now?

MR. MULHERE: Well, they're under contract.

COMMISSIONER FRY: Under contract contingent on approval?

MR. MULHERE: Yes.

COMMISSIONER FRY: Okay. Can you go back to your slide on the TDRs?

MR. MULHERE: Sure.

COMMISSIONER FRY: So what is the total plus-or-minus 1.8 million at the bottom?

MR. MULHERE: That is --

COMMISSIONER FRY: Oh, that's just adding those. I missed --

MR. MULHERE: Yes.

COMMISSIONER FRY: So 850,000 for mitigation?

MR. MULHERE: Yes. And that's just the cost of doing business. You have to mitigate; that's the cost.

I just wanted to point out that those are typical costs. The atypical costs in development in this case is the TDRs.

COMMISSIONER FRY: For those of us that aren't experts on the TDR program or this -- you've got two scenarios up there. Under GMP currently you have 30 TDRs required and now --

MR. MULHERE: Yes.

COMMISSIONER FRY: And now you double the density. You're at one unit --

MR. MULHERE: Yes.

COMMISSIONER FRY: -- for 30 TDRs, now you're at 30.04 for 35 TDRs.

MR. MULHERE: Yes.

COMMISSIONER FRY: Just explain in laymen's terms why it's not double.

MR. MULHERE: Because there's a bonus provision in the GMP amendment. For every TDR you buy, you get one bonus development unit. And so that's how it works out. If you add -- you got seven or eight base on the property at one per five, and if you acquire 35 TDRs, you'll get 35 additional units. That's 70, plus the seven basis is 77.

COMMISSIONER FRY: Okay. This question I'm not sure if this is for staff, and maybe it's inappropriate timing. But I'm curious at what points and under what circumstances do you substitute an asphalt bike path for a sidewalk? And is that something that is considered in this, you know, which would be better, because a bike path is better for biking. It doesn't have unevenness as the sidewalk panels -- the concrete panels change elevation. It also is softer if you're running. And I'm just curious if that is something that is considered by the county.

Mike, that is service.

MR. SAWYER: That certainly is. I appreciate that.

Mike Sawyer, Transportation Planning.

When it comes to multiuse paths, the definition that we've got is a 12-foot asphalt path. Multiuse, that's why you need the additional width. When you do that, you're able to reduce the sidewalk on the opposite side of the roadway to five feet instead of six.

COMMISSIONER FRY: Okay. But in this case this -- the only requirement is a 5-foot-wide concrete sidewalk.

MR. SAWYER: Correct, because these are more -- you know, these are local roads.

COMMISSIONER FRY: Okay.

MR. SAWYER: Actually, they're more rural roads --

COMMISSIONER FRY: Got it.

MR. SAWYER: -- in this case.

COMMISSIONER FRY: All right. Thanks, Mike. Appreciate it.

CHAIRMAN FRYER: Anything else, Karl?

COMMISSIONER FRY: No, I'm good. Thank you.

CHAIRMAN FRYER: Thank you. Joe.

COMMISSIONER SCHMITT: Bob -- and I know it's part of the PUD, but I'll ask it now. You talked about mitigation. Listed species, there are no listed species, but it did identify the bonneted bat, so you're impacted by USA Fish and Wildlife, I believe, for South Florida. There's an ongoing consolidated study so -- for all of South Florida for U.S. Fish and Wildlife.

But also are you -- you said that you're in the secondary zone for panthers -- panther habitat. Will you still be assessed PHUs for this --

MR. MULHERE: Yes.

COMMISSIONER SCHMITT: -- panther habitat units, so there will be a payment as well?

MR. MULHERE: Yes.

COMMISSIONER SCHMITT: Is that part of the 1.8 million? Because I know PHUs are pretty spendy.

MR. MULHERE: Estimated, yes.

COMMISSIONER SCHMITT: Okay. But other than --

MR. MULHERE: Okay.

COMMISSIONER SCHMITT: Other than that, no other listed species and, of course, getting into jurisdictional wetlands, I mean, you haven't -- have you gone that far, seeking JD, and --

MR. MULHERE: We're close to receiving our permit.

COMMISSIONER SCHMITT: Oh, you are.

MR. MULHERE: ERP.

COMMISSIONER SCHMITT: And Section 44 of the --

MR. MULHERE: And Corps.

COMMISSIONER SCHMITT: -- and the Army Corps?

MR. MULHERE: And the Corp permit, yes.

Fish and Wildlife has signed off on it.

COMMISSIONER SCHMITT: Fish and Wildlife has signed off. That's the typically long pole in the tent, quite honestly.

I have questions of staff when staff comes forward then.

CHAIRMAN FRYER: Thank you, Joe.

Karen?

COMMISSIONER HOMIAK: No.

CHAIRMAN FRYER: Paul?

COMMISSIONER SHEA: Probably a really dumb question, but I'm going to ask it anyways because I need to understand what's going on better.

If nothing happens, you can develop at one unit per acre.

MR. MULHERE: No, even to develop at one -- if nothing happens --

COMMISSIONER SHEA: Well, you still need 30 --

MR. MULHERE: Yes.

COMMISSIONER SHEA: But you wouldn't need the change that you're applying for.

MR. MULHERE: Yes, except I would add to that, at least it's our position, and I think it's an accurate position, that the cost of developing exceeds the benefit, the return at one unit per acre.

It's just not going to happen. So the sending land owners are not going to get compensated, because we're not going to buy the TDRs, and the property's not going to get developed at one unit per acre.

COMMISSIONER SHEA: But you're basically asking us to allow you to double the density?

MR. YOVANOVICH: Actually -- actually --

COMMISSIONER SHEA: However you get there.

MR. YOVANOVICH: Actually, under the current Comprehensive Plan language, the minimum acreage you need to get to one unit per acre is 40 acres, and we don't have 40 acres. We only have 37 acres. And staff has taken the position that the fact that we lost a little over -- it's 47 acres and change. The acreage we lost to the right-of-way acquisition we're not entitled to go under the current Comprehensive Planning language.

MR. KLATZKOW: Which we did pay for. You keep saying "we lost it."

MR. YOVANOVICH: Well, actually, Jeff, I've got the appraisal here. The taking occurred prior to the adoption of the Rural Fringe Mixed Use program. It was being discussed. So there was compensation given for the inability to participate in the program. So we're going through the Growth Management Plan Amendment process to do two things: One, be eligible to even get to the one unit per acre. And, you're right, then double that to two units per acre.

The reason we're asking you to do that is if you look at the history of the TDR program in Collier County, it has worked great for the big landowners both on the receiving side and on the sending side. For the smaller infill parcels such as this and the smaller sending land parcels, it has not worked at all because most of the remaining sending land parcels are in the 20-acre or less category, and it's very difficult to put enough of those 20-acre or five-acre or 10-acre sending land parcels together to get enough TDRs to actually do a project.

So what Ryan actually did -- I could go to a sending land bank, if you will -- there are -- there are bankers out here who have severed the TDRs. You could probably pay 10- to 14,000 for those already-severed TDRs.

As you've seen Ryan, because the intent of the program was to further stimulate the sending land property owner compensation process, is paying about 19,000. So he's paying at a premium for the TDRs that he's acquiring in exchange for that bonus TDR. So it's not totally free, and it's furthering the TDR sending land process.

And I know I've made this analogy earlier or discussion point earlier but, obviously, Mr. Shea, you weren't here for that and haven't been here for the whole Rural Fringe Mixed Use District program that's been around for about 20 years, and it's been, frankly -- depending on who you are, it's been floundering for the sending landowners as well as the receiving landowners. And I think the Board agreed and the Planning Commission agreed that on this smaller parcels it made sense to tinker with the program to try to further stimulate the acquisition of TDRs, and that's what we're hopefully -- we're doing, and I know it's more expensive than going to somebody who already owns the TDRs.

CHAIRMAN FRYER: Thank you.

MR. MULHERE: I did have an exhibit here which, if I can -- it shows you -- so this exhibit right here has the two options that my client has for acquiring the necessary number. So this is sending lands, and you can see that required an aggregation of parcels. There's two options there. One option is 78 acres in total to preserve through sending.

COMMISSIONER FRY: Now, the TDRs, there are four types of TDRs per property, correct?

MR. MULHERE: Yes.

COMMISSIONER FRY: So --

MR. MULHERE: Well, up to --

COMMISSIONER FRY: So what exact restrictions are there on those 70-some acres?

MR. MULHERE: Well, so I'll just go over real quickly how you acquire TDRs. There's a base TDR which you get -- first of all, there's -- well, there's a base TDR. You get one base TDR per five acres of sending lands. You also get an early entry TDR, which isn't really an early entry anymore because it's -- program's 19 years old, I think, or 18, but it's still available, an early entry TDR, so that's two of the four.

And then there are a possibility of two additional TDRs. One is an environmental restoration TDR, maintenance and restoration. So you have to go into those sending lands and clean them of exotics, and then they have to be maintained in that condition, and then the final positive TDR which, really, is very difficult to get, is to -- you get another bonus if you donate or -- presumably donate, but give the land to a conservation entity.

So, Collier County, perhaps, through Conservation Collier, the State of Florida, whatever the case may be. Whatever that conservation entity may be, you can get another bonus. So it's very difficult. And as Rich said, these smaller landowners have a five-acre parcel that they can build a house on.

And the TDRs that they can get are probably at most three, not four, because you're not going to find somebody to take that five acres in isolation, by itself. And then you have to pay the money to clear the exotics off of the land.

And so at the market rate that we have seen -- and even at the market rate that my client is paying, you know, the most that you would probably get in a return is \$60,000, 50- to 60,000 minus the cost to clear the exotics, and the cost to go through the process with the county to sever those TDRs. There's not a perceived value out there. There's just not a perceived value in that.

So by, you know, aggregating these parcels, it's easier for somebody to do the exotic removal on a larger group of parcels and let -- and there's a cost savings in an economy of scale there. Whether or not there'll ever be an opportunity to donate or give those lands to a conservation entity remains to be seen. So two or three units per acre is about the most that you're going to -- per five acres is about the most you're going to get out of sending lands.

COMMISSIONER FRY: Bottom line, this is 78 acres --

MR. MULHERE: Yes.

COMMISSIONER FRY: -- that are going to be cleared of nonnative vegetation --

MR. MULHERE: Yes.

COMMISSIONER FRY: -- and restricted from development.

MR. MULHERE: Yes.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Paul, other questions?

COMMISSIONER SHEA: Well, go back to the dumb questions.

MR. MULHERE: Okay.

COMMISSIONER SHEA: So just so I understand, if we approve this, will we have twice the density on this development piece of land -- developed piece of land than the surrounding land around it?

MR. MULHERE: Yes. Right now those lands, the maximum that they could do outside of a village is one unit per acre. This parcel would be developed at two units per acre. Single-family detached.

COMMISSIONER SHEA: And we're doing that just so it's more economical for you to develop it?

MR. YOVANOVICH: Not only for us -- the answer to your question is yes, because if you don't have enough units to recover your cost, as we've shown you, between mitigation and the turn lane and the TDRs, let alone the on-site costs, you can't make a project work at 37 units. It's just -- the math just doesn't work, and it further stimulates the TDR program. So the tradeoff is,

you'll get lands into the TDR program that you previously didn't have, yes.

COMMISSIONER SHEA: That's all I have.

CHAIRMAN FRYER: Okay. Thank you.

COMMISSIONER SCHMITT: Just to clarify on that, just so you understand, you're correct, but also it is an opportunity for those who own property in sending lands to be compensated for the loss of the development rights that they had, because now they can sell those TDRs. That's how the whole program was set up, and that's part of the process. So, yes, it's an advantage to the developer but also is an advantage to the landowner who based -- well, 20 years ago, the Rural Land Stewardship Program, when it restricted development on environmentally sensitive lands, now that property owner can get some compensation for loss of the developments when they transfer the development rights and certainly get paid for that.

COMMISSIONER SHEA: But it doesn't benefit the people that are already there under the current growth scenario.

COMMISSIONER SCHMITT: I don't understand.

COMMISSIONER SHEA: Well, the neighbors, they all moved in thinking they were going to have X number of units per acre in the neighborhood, and now you're changing it.

MR. YOVANOVICH: But most of these people have owned there prior to the Rural Fringe Mixed Use program even coming into existence.

COMMISSIONER SCHMITT: Right.

MR. YOVANOVICH: So there was a change -- again, the original layout, basically, if you developed Collier County one mile east of Collier Boulevard, that was all the rural lands. Everything else was urban except for Golden Gate Estates.

The original development pattern 20-something years ago would have been one unit per five acres of everything east of Collier Boulevard. There was -- you go back to the environmental challenge that was waged against the Comprehensive Plan. A new program came about to come up with a way to preserve those environmentally sensitive lands. In the Rural Fringe Mixed Use District, that was sending lands. In the Rural Lands Stewardship Program, that was Stewardship Sending Areas.

So you had these two concepts of acquiring and taking away development rights to preserve and then transfer that development over to receiving lands in the Rural Fringe Mixed Use District and then Stewardship Receiving Areas in the Rural Lands Stewardship Area. So there was a fundamental change to the program that was basically environmentally based, and with this project we're right on Collier -- I'm sorry -- on Immokalee Road, and your transportation impacts for the extra 40 units, or whatever the math is, are easily accommodated. And, yes, there's a change, and at the NIM the primary concerns were Richards Road, and I think we've addressed those primary -- those concerns.

COMMISSIONER SCHMITT: The follow-up in your question, it's not necessarily factual or not necessarily the facts in regards to the Rural Land Stewardship Program, when those lands were designated receiving -- and that was part of the Comprehensive Plan. Very laborious process. I was part of the staff when -- in fact, it was my division that actually shepherded that thing through.

But when that was approved and the Comprehensive Plan was changed, those folks may or may not know it, but at that time the expectation is no longer one unit per five acres because it's now a receiving land. So for all intent and purposes, the receiving lands, yes, a neighbor could say I thought, but 20 years ago when it was approved, it -- that is no longer the basis, because now it can be -- with the TDR program, it can be developed at greater than one unit per five acres or one unit per four.

MR. MULHERE: I just wanted to add, Mr. Shea, that I made this argument at the transmittal hearings and, you know, I maybe perhaps should have gone back and spent a little more

time on this item here at the adoption hearing. But if you look at the slide that's on there, we made the argument, or I made the argument, that this is a transitional density from the urban area to the lands further to the east, and that is not new in Collier County.

So south of, I think, basically, Davis, the urban area transitions into something called the Urban Residential Fringe. And this, where I'm pointing to you right there, it's similar to the transition Urban Residential Fringe. That area allows a density of 1.5 units per acre as a transition but can be increased to 2.5 units per acre with TDRs. Further to the east of that one mile, you're back down into the rural lands.

And that is where the TDRs have been consumed the most is along the Collier Boulevard corridor because of central sewer and water, arterial roadway access. So, really, we made the argument this is a very similar situation. And there are very few parcels situated in that area that might ask for the same thing. And, you know, staff is doing a restudy. Perhaps they'll consider that.

CHAIMAN FRYER: Other questions, Paul?

COMMISSIONER SHEA: I have another stupid question.

CHAIMAN FRYER: Nothing's stupid. You go right ahead.

COMMISSIONER SHEA: So if this was 42 acres, would we be here right now?

MR. MULHERE: Yes.

COMMISSIONER SCHMITT: Yes.

COMMISSIONER SHEA: So it would be the same issue. So this 40 acres isn't causing a lot of problem?

MR. MULHERE: Yes. We would still be here because of the increasing the density. If we had 40 --

COMMISSIONER SCHMITT: Right.

MR. MULHERE: -- or greater acres -- and I will point out that typically the county recognizes nonconformities created by a taking. Even if it's an acquisition, there are policies where they recognize the impacts of that, and you're allowed to go forward and ask for what you otherwise would be allowed to go forward. And I have those policies here, if you -- you know, I can go over them, but...

CHAIMAN FRYER: What else, Paul?

COMMISSIONER SHEA: I'm done.

CHAIMAN FRYER: Okay. Thank you.

This had come before the rest of us at transmittal, and in the lead-up to transmittal and in the hearing itself, I had all my concerns basically addressed. But some of the ones that you have raised were initially of concern to me as well, and so those were not stupid questions.

The one thing that remains that I think perhaps ought to be brought out and explained, the land immediately to the east has a mobile home overlay.

MR. MULHERE: Yes.

CHAIMAN FRYER: So -- and you and I talked about this, Bob, in our recent phone conversation. But it seemed to me that if mobile homes started appearing there -- as far as I can tell, there are none now -- it would be a transition of greater density to the east going less density to the west, which is sort of an anomaly.

MR. MULHERE: I guess I'd be remiss if I didn't point out you're still only allowed one unit per five acres to the east even with mobile homes.

CHAIMAN FRYER: Okay, good point. Thank you.

MR. MULHERE: I'd like to say yes, but I know that that's not the case.

CHAIMAN FRYER: Okay. I did not know that. Thank you.

Okay. And I didn't have any other concerns at this point. So if there's nothing further from the applicant, we'll ask for staff's presentation.

MR. BELLOWS: Would you like to start with the Growth Management Plan Amendment or the PUD?

CHAIRMAN FRYER: We'll start with the GMPA.

COMMISSIONER SCHMITT: GMP.

MR. BELLOWS: Okay. Then virtually we have Corby Schmidt participating.

CHAIRMAN FRYER: All right.

MR. CORBY SCHMIDT: Yes. Good morning, Commissioners.

COMMISSIONER HOMIAK: He needs to be sworn in.

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

MR. CORBY SCHMIDT: All right. Thank you.

Staff continues to not recommend approval of this. We did not recommend -- recommend approval of this proposal at transmittal. We did have an alternative recommendation. Although the Planning Commission did support it, the county board supported it on a mixed vote, we will continue not to support with a recommendation for approval, and I'll tell you why: This hole in the doughnut, as Mr. Weeks used to refer to it, does not provide any kind of transition from one kind of density to another.

Neighbors to both sides live on one -- one unit per five acres. Although what may be allowed in this area and almost a mile away, as Mr. Mulhere described, may be different, and because to one side an overlay for mobile homes may make one side or another different, there's no transition being provided by this property.

Also, this provides -- if approved, this overlay that acts as a subdistrict provides a unique opportunity for the property owner. It doesn't provide any other similar opportunities to properties or landowners in receiving lands.

This kind of density is out of character with the receiving lands in which the site is located. And keep in mind the comparisons that are being made, the two units per acre, is a net-to-gross comparison. The number of units being proposed here, the 77 units actually being built on, about 12-and-a-half acres. So your density is six units per acre. Now, that kind of density is, when compared with the neighboring areas, much more dense.

COMMISSIONER SCHMITT: I have questions.

CHAIRMAN FRYER: Go ahead, Joe.

COMMISSIONER SCHMITT: Corby, I think it's -- that was sort of a disingenuous comparison, because all developments are based on gross acreage and counting all preserves. So to just say this is only developed in those certain areas is incorrect. What is the basis for that statement? I mean, it -- I understand exactly what you said, but it's not a factual statement.

MR. CORBY SCHMIDT: Well, it's factual because some of the ideas that they'll be presenting for the Planned Unit Development in the layout, they talk about a cluster development, and the density of the planned development, the neighbors are hoping and will see something that is buffered enough, secluded enough so that this high density being proposed won't impact them. And simply to point out that it's higher density than being discussed.

COMMISSIONER SCHMITT: But all density is based on the overall acreage, is it not? It's 37 acres.

MR. CORBY SCHMIDT: Understood. But you --

COMMISSIONER SCHMITT: So you -- basically, I -- I'm annoyed at the staff position right now. What you just stated almost sounds like you're creating new rules. And what is the basis for the rules? Can you -- let's go back to the rural fringe. The rural fringe was designed to do what? To transition development from the urban area to the rural area; is that correct?

MR. CORBY SCHMIDT: Yes.

COMMISSIONER SCHMITT: And part of that Rural Fringe Mixed Use District -- I'm looking in this room, and I think there's probably maybe five of us who were around back then, six.

Even Anita, but she was on the dark side.

But the Rural Fringe Mixed Use District -- and I'm not petitioning for this. I'm just trying to understand staff's position. It was to allow for a transition, but it was also to allow, as I stated to Paul, to allow to compensate landowners who were denied development because their lands were identified as significantly -- well, what do you want to call it? It was environmental sensitivity, and it was sending lands, so they could not be developed.

And I don't understand that the -- could you explain to me how this violates the Rural Land Stewardship Program because it is an opportunity -- a small parcel. And Mr. Mulhere stated, it's not 100 acres. It's not a large parcel. But it was -- it is to allow for a development and to allow a program which has been frankly waffling for almost 20 years, but to allow for a program to compensate owners in sending lands to be compensated for the opportunity they were denied and for development and to focus development into receiving areas. Does this not do that?

MR. CORBY SCHMIDT: Oh, it does do that. In fact, we're not saying that it doesn't. What we're doing is making a recommendation that's more in line with the Rural Fringe Mixed Use District. To keep --

COMMISSIONER SCHMITT: And what rules are -- what are the -- give me the -- what defends this as far -- from staffing as far as the rules? Is this just a rule because Corby thinks it's a good idea, or is there a basis for this recommendation?

MR. CORBY SCHMIDT: It has nothing to do with me personally, Mr. Schmitt. The commissioners will have to understand that the permissions allowed by the Rural Fringe Mixed Use District, when this property was reduced from something above 40 acres to something below 40 acres, our recommendations include recognizing that diminished acreage and returning the rights as if it were now full size so that I can participate in --

COMMISSIONER SCHMITT: So, basically, staff's recommendation is to keep this at one dwelling unit per acre rather than the requested two?

MR. CORBY SCHMIDT: That's correct, so that they can have the total of 37 units for the property, not the proposed 77.

COMMISSIONER SCHMITT: And at that recommendation, how many TDRs are we talking about then? None, correct?

MR. YOVANOVICH: Thirty, 30 versus 35.

COMMISSIONER SCHMITT: Thirty versus 35.

MR. CORBY SCHMIDT: That was part of Mr. Mulhere's comparison.

COMMISSIONER SCHMITT: All right. I'll reserve the right to ask more questions, but I'll pass.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: When do I get to ask Mr. Schmitt some questions?

CHAIRMAN FRYER: How about rebuttal?

MR. YOVANOVICH: I'm going to ask him questions. Is he going to be available during rebuttal?

CHAIRMAN FRYER: Corby, will you be around during rebuttal?

MR. CORBY SCHMIDT: I'm present for that.

COMMISSIONER FRY: Mr. Chair, may I ask Corby a question; is this an appropriate time?

CHAIRMAN FRYER: Of course, yeah.

COMMISSIONER FRY: Corby, on the staff report, Page 3 of your staff report, there is another objection to it. It says, with this revision, the development -- it's the change to single-family detached residences. And it says, with this revision, the development would no longer meet the intent of FLUE Policy 7.4 which encourages new developments to provide walkable communities with a blend of densities, common open spaces, civic facilities, and a range

of housing prices and types. It sounds very much like the language that we focused on with the RLSA, with the villages. And I'm just curious, does that apply here? This is a much smaller parcel where those opportunities would be limited -- of limited use because it's just not that much acreage. So just curious the background on that statement.

MR. CORBY SCHMIDT: In their transmittal proposal, there was more mix of residential, and late in the proposal, I believe, during your hearing, it was cut back to single-family residential only, and the point being made by staff in the report here is that now they've limited themselves. That policy where things are encouraged, not required, is that they've limited themselves and no longer offer those opportunities as they could have. So Policy 7.4, they no longer offer those opportunities for the mix of housing that they did in the beginning.

COMMISSIONER FRY: Thank you. Final question. And there was -- it's language between maximum building height and zoned building height. They've asked for a zoned building height of 35 feet and an actual maximum building height of 42 feet.

There is mention of the surrounding communities such as Heritage Bay, Calusa Pines as having a max building height of 35 feet. And I just wanted to clarify, will this be taller than those surrounding communities, or it is -- in fact, do they all have a zoned building height of 35 feet with an actual building height that can be higher than that?

CHAIRMAN FRYER: I think it's the latter. I think it's 35/42.

MR. YOvanovich: It's actually 35 for your zoned, and there is no max for your actual.

COMMISSIONER FRY: In the other developments.

MR. YOvanovich: In the other developments. I mean, I don't know about Heritage Bay, but --

COMMISSIONER FRY: And yours is 35 zoned, 42 --

MR. YOvanovich: Forty-two actual. The other standard zoning districts don't define an actual height. They only define a zoned height.

COMMISSIONER FRY: So you are no higher and possibly lower.

MR. YOvanovich: Lower on an actual basis, yes.

COMMISSIONER FRY: Thank you. That's all I have.

CHAIRMAN FRYER: Other questions for staff? Comments?

(No response.)

CHAIRMAN FRYER: I have one. Ordinarily I like to defer to staff for doing the hard work and for putting in the expertise that you put in. The reason I'm inclined to, perhaps, be a little less rigid, if you will, in this case is because of the location. And in particular, am I correct that if affordable housing was added to this mix, you could get greater density? I guess I'm asking Corby.

MR. CORBY SCHMIDT: The affordable housing program works in a way where the -- it's an option at this location, and it's not being chosen by this developer.

CHAIRMAN FRYER: Oh, I understand. I'm just trying to -- you know, looking at it from the viewpoint of the developer who has to, you know, get a certain return on the investment, and also from the standpoint of what the residents -- surrounding neighbors would want or not want and the character of what is being proposed in relation to the character on either of the -- any of the four sides, it seems to me that what is being proposed is more in keeping with the character of this than if a developer had come in wanting greater density than the two -- two-plus that is being proposed if they had an affordable housing component.

And I'm just trying to identify -- you know, what if -- I mean, if we disapprove this and then a developer came in with a high-rise with affordable housing and much higher density, how would -- how would the surrounding neighbors feel in relation to compatibility and in relation to transitionness, transitionality? And -- you can take it as a question, or it's just a rhetorical question, Corby. Whatever you want to do.

MR. CORBY SCHMIDT: Well, they may feel very differently. I will take it rhetorically.

CHAIRMAN FRYER: Okay. Fair enough.

All right. Are there any other questions or comments at this time of staff?

(No response.)

CHAIRMAN FRYER: All right. Rich, do you want to do your rebuttal now or wait until we see if we have public?

COMMISSIONER HOMIAK: There's staff report.

MR. YOYANOVICH: You still need staff on the PUD.

CHAIRMAN FRYER: On the PUD. You're right. Okay. Thank you. Sorry.

MR. YOYANOVICH: Let me get out of Tim's way.

MR. FINN: Yes. Hello. For the record, I'm Tim Finn, principal planner.

Staff recommends approval of the PUD rezone petition subject to the large-scale Growth Management Plan Amendment petition, approval contingent upon County Attorney review of the new sidewalk information that was presented today.

CHAIRMAN FRYER: All right. And then if the County Attorney's Office and the applicant can't reach an agreement, then the alternate is going to be payment in lieu; is that correct?

MR. FINN: Yes, that's correct.

CHAIRMAN FRYER: Okay. Thank you. Any questions of the Planning Commission from Tim?

Karl? No.

Joe?

COMMISSIONER SCHMITT: No.

CHAIRMAN FRYER: Karen?

COMMISSIONER HOMIAK: No.

CHAIRMAN FRYER: Paul?

COMMISSIONER SHEA: I might have a question for the previous. What does "staff approval" mean? Is that the individual planners? I mean, you get diversified opinion because you have water and sewer says okay, this group says okay, that group says okay. So is this the individual person's opinion that --

CHAIRMAN FRYER: Let me take a crack at that --

COMMISSIONER SHEA: Yeah.

CHAIRMAN FRYER: -- and then to the extent that I don't get it right, it can be corrected. But, basically, we've got two things we're going to be voting on: The Growth Management Plan Amendment, which is Corby's bailiwick, and then a PUDZ, an RPUDZ, which comes from Tim and that branch of Planning and Zoning.

It's not really inconsistent for the two branches to have differing opinions. I think what Tim is saying is provided that we and the Board of County Commissioners approve the GMPA, then the PUDZ be --

COMMISSIONER SHEA: No, I understand that. I understand all that. I'm just saying, who is staff? Is it a --

MR. BELLOWS: For the record --

COMMISSIONER SHEA: -- consensus of staff, or is it one person that decides this?

MR. BELLOWS: For the record, Ray Bellows, Zoning Manager.

Each petition type has a review staff involved, and it's a team of eight to 12 individuals, depending on what type of petition it is.

They all review the project for consistency for their jurisdictional responsibility, and they provide comments to the project manager or principal planner in this case. In regards to the Growth Management Plan Amendment, they respond back to Corby as the head coordinator, and

he prepares a team review response in his staff report, and Tim will do the -- has done the same for the zoning staff and involved in reviewing the zoning application.

Now, there are going to be instances where staff may not support a Growth Management Plan Amendment but from a zoning standpoint the staff is not objecting to that, but we will not recommend approval with -- and we can't without the Growth Management Plan Amendment, so we always throw that caveat in, this is subject to the Growth Management Plan Amendment.

All zoning has to be found consistent with the Growth Management Plan, and we have correspondence indicating that should the Growth Management Plan be approved, then staff, in its entirety, will support the rezone.

COMMISSIONER SHEA: Again, I understand that. What I don't understand is when you say "staff recommending approval" --

MR. BELLOWS: Staff is the team that's reviewing the project, so...

COMMISSIONER SHEA: Do they vote? I mean --

MR. BELLOWS: No. They send comments to the planner, and he incorporates them. They work out those issues with the applicant the best they can, and hopefully we all come to a consensus and agreement.

MR. KLATZKOW: The purpose --

MR. BELLOWS: Where we can't, we outline that in the staff report.

COMMISSIONER SHEA: But it's a consensus of the team?

MR. KLATZKOW: It's not a consensus. The purpose of staff is to ensure that the petition is compliant with the LDC. So it's a -- it's sort of like a checkoff box. So they'll go through the different departments. Yes, it meets the LDC, yes -- no, this does not meet code. At that point in time, they'll get back to the applicant, changes are made. Now it meets code. So it's just a checkoff box. And so it gets to you, staff is saying, yes, they've checked all the boxes; the application before you is consistent with the LDC. That's what they're really saying.

COMMISSIONER FRY: May I add some context for Paul, my --

CHAIRMAN FRYER: Please, go ahead.

COMMISSIONER FRY: -- next most junior commissioner. So having been in your seat a year and a half ago, I had the same questions. And your questions, to me, have been excellent and right on point.

I look at staff -- and this is just so it can be corrected. I'm putting it out there for everyone so it can be corrected.

I look at staff's job to dot the I's and cross the T's, make sure the application meets the criteria of the Growth Management Plan and the Land Development Code. Their mission -- I think the line is drawn where it gets to subjective determinations. So in this case they see the management plan calls for a max density of one unit per acre, but they're asking for two. So now you have a subjective decision. I see justification for them saying we recommend denial because it does not meet what they have to work with. They have to work with the plan.

Subjective is for us to look at that. And in this case, you know -- and I will say this: On apartment complexes, we walk in and we're told -- every apartment complex applies for 300 units minimum, and we're told that's the minimum economically viable size of an apartment complex. So we up here have to decide, not really knowing, myself personally, is that accurate or not? So here we're told they'd have to buy 30 TDRs to put in one unit per acre. For an extra five TDRs, they could put in double that and make it much more economically feasible. We have to decide if that subjective decision is within what makes sense for this location.

And so, I mean, I just -- I think your questions are right along the lines of the difficulty of our job up here is the subjective side of things.

MR. KLATZKOW: Staff are administrators. You're policymakers, all right. Under the statute, you're our local planning agency, and you're responsible for the Comprehensive Plan. The

Comprehensive Plan is primarily general overlies [sic] policy planning document. But the staff is checking boxes, and your job is to make recommendations to the Board of County Commissioners for policy changes.

CHAIRMAN FRYER: I think all well said but certainly good questions.

COMMISSIONER SHEA: Thank you.

CHAIRMAN FRYER: All right.

COMMISSIONER FRY: I wish mine had been that good when I first started. I wish they were that good now.

CHAIRMAN FRYER: Tim, were you finished?

MR. FINN: Yes.

CHAIRMAN FRYER: Ray, is anybody from staff going to make a presentation?

MR. BELLOWS: We're here to answer questions. So if you have transportation questions or some other questions, we'll -- we have staff here.

CHAIRMAN FRYER: All right.

COMMISSIONER FRY: One question.

CHAIRMAN FRYER: Go ahead, Karl.

COMMISSIONER FRY: Ray -- I believe I asked this question when this came through the first time, so I ask it partly for Paul's benefit. But Bob alluded to the TDR program, and I think part of the -- part of what was discussed was that for -- in the past it's worked well when one entity owned both the sending and the receiving part of the transaction, but it hasn't worked very well when they didn't, and this is one of the cases where it doesn't -- that is not the case.

And so this, in a way, is almost a pilot of if we approve this, it gives the TDR program a chance to work integrating the smaller landowners. The BCC went a step further and said, hey, we want you to go and get these not from -- not from the banks, but from the other smaller landowners. Can you please speak to the TDR history and how this does play into that?

MR. BELLOWS: Well, I think, personally, from a zoning standpoint, this is a very good program, and it really is intended to help protect those environmentally sensitive areas by not taking property -- and not taking property rights for those if we tried to restrict their rights. So this is a way for property owners in sensitive areas to sell off some development rights through this TDR process and direct that to sites that are more suitable for that type of development.

From a zoning standpoint, its location off an arterial road, Immokalee Road, it makes it a more suitable site for a higher density, in my opinion. But it still may have some consistency problems with the GMP, and I think that's where we're seeing some disagreement or -- and it's not unusual for that to happen. If the Planning Commission feels that there's merit in the process, you can support their GMP and the rezone.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Joe.

COMMISSIONER SCHMITT: I'll wait until Rich gets through with his rebuttal, so -- and then I'll make some comments.

CHAIRMAN FRYER: Karen?

COMMISSIONER HOMIAK: I'm good.

CHAIRMAN FRYER: Paul, anything more?

COMMISSIONER SHEA: No thanks.

CHAIRMAN FRYER: Okay. I don't have anything at this time. Looking at the clock, we usually take a 10:30 court reporter break, although it's really a break for everyone.

Terri, what are your thoughts? Should we do it before rebuttal or --

THE COURT REPORTER: We can finish.

CHAIRMAN FRYER: Finish, okay.

MR. YOVANOVICH: Are there any public speakers?

CHAIRMAN FRYER: I was going to ask for that right now, yeah.
Are there any register speakers?

MR. BELLOWS: No one has registered on this item.

CHAIRMAN FRYER: Okay. Any member of the public here who would like to be heard on this matter?

(No response.)

CHAIRMAN FRYER: If not, we'll take it right to rebuttal. Go ahead, Rich.

MR. YOVANOVICH: I feel like I have to repeat just a little bit of kind of the history of why we're here, and part of it's in response to some comments that Mr. Schmidt made -- Corby Schmidt made --

COMMISSIONER SCHMITT: Thank you.

MR. YOVANOVICH: -- in his staff report. I think it was about four years ago the restudy was initiated for the Rural Fringe Mixed Use District area because tweaks to the program needed to be made because it's not working.

Your staff wrote a white paper that initially recommended increasing the density for properties like this to two units per acre. That was their original recommendation for this type of piece of property.

One of the things that Mr. Schmidt said was he was concerned that we weren't going broad enough with the application of this change because it was unique and just to our project and didn't assure a transition. That's what the restudy was supposed to do, and if you were here about a year ago when we were here the first time on the transmittal, we said we can't continue to wait for staff to finish their restudy, so we're bringing forward this proposed amendment. And, frankly, it can be a case study to see if it does stimulate some additional acquisition of TDRs from these other sending-land parcels. So that's what we came forward to do, because we couldn't continue to wait on a study that's four years in the making and, frankly, doesn't look like it's going to get changed anytime soon.

He made some comments about compatibility and how this would blend in. That is -- if you -- as you get more experienced with seeing the staff reports, you're going to see Comprehensive Planning staff usually say they leave the compatibility determination to your zoning staff to review. Your zoning staff is recommending approval of the PUD, and one of the things they're saying is our proposed PUD is compatible with what is around us based upon the buffers that we're providing, the type of density we're providing.

And then there's a couple of things that -- and I'm glad that Mr. Schmitt, who's in the room Mr. Schmitt brought up this issue of all of a sudden Corby decides to jump to a net-density calculation for this project when we don't do that in Collier County, and he didn't provide you the net densities for any other projects in the Rural Fringe Mixed Use District to see if our net density, when you take out the lakes and you take out all this other area, is out of line or not, because when you look at the La Morada project, which is our neighbor, which is the north portion of Calusa Pines, and you look at all the density and units that were taken off the golf course properties and the preserves related to the golf course properties and you apply a net density to that project, my guess is it's going to be equal to or greater than what our net density is on this project.

So I thought -- and I appreciate Mr. Schmitt bringing that out, that that was an unfair and unusual and, candidly, an improper staff comment based upon our analysis. And I just want -- I just wanted to get that on the record because I just -- I'm used to -- we're used to certain type of staff comments in response to our petition, but I can't anticipate changing the rules of analysis from a Comprehensive Planning staff.

We have worked very hard with our neighbors. And the other comment about the diversity of types of housing, we changed to detached single-family housing in response to our neighbors and, candidly, in response to comments from the Planning Commission and the Board of

County Commissioner to come back, which we promised we would do at this stage in the PUD, limit ourselves to single-family detached housing.

So to criticize us for that, I think, is not proper. And to characterize our approval from the Board of County Commissioners of the transmittal as a mixed approval -- it was 4-1. That's what the law requires at adoption, 4-1. It wasn't 3-2. It wasn't 2-3. It was 4-1, the number you would expect to get adoption to occur.

So I don't think he accurately characterized how we came out of the Board of County Commissioners at our transmittal hearing.

CHAIRMAN FRYER: Before you move on and with the greatest respect which you know I have for you --

MR. YOVANOVICH: I'm almost done.

CHAIRMAN FRYER: -- Mr. Yovanovich -- I'm not on the time. But to the extent that any rehabilitation of Corby might be necessary or desirable, I just want to say I think he does an excellent job for us, and I'm always glad when he stands up to say things that maybe are not going to be received in a popular fashion. And, of course, you had every right to rebut that, and you've rebutted it. Personally, I think effectively so. But I just want -- I want the record to show that I personally think Corby does a great job.

MR. YOVANOVICH: And I'm personally fine when Corby and I don't see eye to eye. I just want to make sure that we are doing an apples-to-apples comparison when we're presenting our position on our --

CHAIRMAN FRYER: And I think you made that point, and so did Commissioner Schmitt.

MR. YOVANOVICH: With that, we are asking that you adopt the subdistrict as we've proposed it with the modifications that were made between the -- you last saw it at the transmittal hearing in response to county commissioner comments and your comments at that transmittal hearing, so not follow your staff's recommendation on that, and we request that you transmit recommendation of approval on the Growth Management Plan Amendment and you also recommend approval of the PUD that's in front of you that is consistent with your staff's recommendation with the caveat on the sidewalk --

CHAIRMAN FRYER: You said transmit. You mean adoption?

MR. YOVANOVICH: Well, transmit a recommendation of adoption.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: Sorry. Thank you. For the Growth Management Plan Amendment, and then you make a recommendation of approval for the PUD.

And we are here to answer any -- I do want to make one other point for the record, and I think Mr. Shea was getting at that. When you look at the staff report for the Comp Plan amendment, you'll notice that the only staff members not recommending approval of what we were proposing was your Comprehensive Planning staff, because your environmental staff said we were fine. Your transportation staff said we were fine. It was just Corby and his supervisors who said we were not fine. So I think that should be considered as well in your analysis of the review. Most of the team did not see issues with what we were proposing for the Comprehensive Plan amendment.

And with that, we're available to answer any questions you may have.

CHAIRMAN FRYER: Are there any questions of the applicant?

(No response.)

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: Discussion.

CHAIRMAN FRYER: Yeah. Let's close the public section of this hearing, and then we'll have discussion.

Joe, do you want to go first?

COMMISSIONER SCHMITT: Yeah. Just a little history. And I'm going to look to Bob to make sure I give the right dates. I think, what, 1997 the state issued the consent order? Was it '97? '98?

MR. MULHERE: '99.

COMMISSIONER SCHMITT: '99. Issued a consent order, for those on the Board that weren't around here at that time but the consent order was to prevent Collier County from urban sprawl and building units -- developments of greater than one unit per five acres. I believe there was a -- Twin Eagles was sort of the straw to break the camel's back. And there's a long history on that. But regardless, not the time to describe how it was approved. But be that as it may, they issued the order at great expense, this county, and probably over a period of two years, developed both the Rural Fringe Mixed Used amendments and the --

MR. MULHERE: Rural Land Stewardship.

COMMISSIONER SCHMITT: Rural Land Stewardship, thank you. Both were programs that were designed to focus development in non-environmentally sensitive areas and to prevent sprawl and development in what are deemed sensitive and environmental areas.

Of course, to do that, the TDR process was set up, and the TDR process was set up to compensate the loss of value of the landowner who thought at some time they were going to be able to develop their property, which became then a sending area so, therefore, they were prohibited from development.

With all that said, it was a long process. It was approved. And, yes, after 18, 19 years, we went through the restudy. Still going through the restudy. There's been -- I don't recall anything coming forward yet, an amendment, if I'm not --

MR. MULHERE: No.

COMMISSIONER SCHMITT: Nothing yet.

MR. MULHERE: There's been a couple of workshops.

COMMISSIONER SCHMITT: Workshops, yeah. They had workshops. They've had over two years of workshops because of the tweaks. But all that in history, this may not be the best development, but it is a development, 37 acres. It is a development that I see was part of why this program was developed, and that was to focus development in areas of less sensitive -- environmentally sensitive areas and, of course, to compensate any property owner for the loss of development rights on their property, and this is a way to compensate them for that because of the purchasing of the TDRs.

So based on that brief history, I don't believe that two units an acre is oppressive, and I think based on the vote that we had the last time this came forward, I would -- I support the petition, and I would recommend approval based on the provisions that were stated. I would recommend approval for both the Comp Plan amendment and the PUD amendment based on the stipulation in regards to the sidewalk and the language being approved by the County Attorney's Office.

CHAIRMAN FRYER: Probably we should do this separately?

COMMISSIONER SCHMITT: Yes, we have to do it separately.

CHAIRMAN FRYER: Okay. So you want to start with a motion?

COMMISSIONER SCHMITT: Make a motion that we approve the Comp Plan amendment for adoption and forward it to the Board of County Commissioners for their review and approval.

CHAIRMAN FRYER: With the County Attorney --

COMMISSIONER SCHMITT: With the County Attorney reviewing the language, the stipulation that the petitioner and the County Attorney reach an agreement; otherwise, the petitioner would pay in lieu of for the sidewalk in regards to the development of sidewalk.

CHAIRMAN FRYER: Okay. That's a motion on the GMP.

COMMISSIONER SCHMITT: The GMP. Payment in lieu of, yes.

CHAIMAN FRYER: Is there a second?

COMMISSIONER FRY: Second.

COMMISSIONER HOMIAK: I'm confused. In the GMP you're doing the sidewalk?

MR. MULHERE: Both.

COMMISSIONER SCHMITT: Both. The GMP [sic] is in the sidewalk as well.

COMMISSIONER FRY: Second.

CHAIMAN FRYER: Okay. It's been moved and seconded. Is there any further discussion?

COMMISSIONER FRY: Yes, sir.

CHAIMAN FRYER: Please, Karl.

COMMISSIONER FRY: I definitely struggled with this one when it came through the first time, and I think it's important that people understand why we approve something that I think staff's recommendation -- I concur with what you said, Ned. I would ask staff, do not become a rubber stamp. Speak your mind. Let us know. We need that input. Whether it's unpopular or you take a beating, I would just ask you to keep doing what you're doing. It's important to us.

This is technically, I think, not in the spot where it justifies the two units per acre density, and that's why staff has recommended denial.

So in struggling with this, I look at the fact that this is two miles east of 951, and in some cases the LDC and GMP don't really match what is in reality. And I think in this case that applies. Two miles east of 951 is not way out east. Now, it's a pretty urban area. There are lots of big developments around there. So from that respect, I don't think 2.0 is an unreasonable density.

And also I think a very important point is that the TDR program, by all rights and measures, fails except for large landowners that own both sides of the equation, and this is a chance to let that program work. Spending a lot of money, preserving 78 -- 70-plus acres in more environmentally sensitive lands. And so I think we're always in a position of tradeoffs here. So for those reasons, I plan to support the amendment and the PUD.

CHAIMAN FRYER: Thank you. I'm going to jump in, if I may, and cap on to both the comments of Commissioner Fry and Commissioner Schmitt.

Karl, I think you're absolutely right that we need to encourage staff to always speak their minds, and sometimes it would be unpopular, but it's very, very helpful to us. And please continue to do what you're doing.

And, Commissioner Schmitt, Joe, I think, as you said, four years of sitting around on this RFMUD study and white papers is just awfully long.

COMMISSIONER SCHMITT: To me it's unacceptable.

CHAIMAN FRYER: Yeah. And I think we have to take definitive action, and that's why I'm going to vote to approve.

Karen, did you have anything you wanted to say?

COMMISSIONER HOMIAK: Nope.

CHAIMAN FRYER: No?

COMMISSIONER SHEA: Just appreciate the comments of the other commissioners for the new guy. I typically support staff on things. And I want to echo what Ned said is that we don't want staff to start rubber stamping things because they're going to try to guess how we're -- I want to know what they're thinking. Obviously, I was leaning more towards staff until we got into more of the history and the bigger picture discussion.

So at this point I would support it as well.

CHAIMAN FRYER: Okay. So what's before us now is action on the GMPA. There being no further discussion, it's been moved and seconded that it be approved. We don't have any voting people on the phone, so we don't have to poll, I don't think.

All those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Those opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously. All right. Now, we need action on the PUDZ.

COMMISSIONER FRY: ***Move approval on forwarding for adoption of the -- oh, I guess there's not adoption on a PUD. Just approval.

MR. BELLOWS: Just forwarding to the Board of County Commissioners.

COMMISSIONER FRY: Forwarding to the Board of County Commissioners.

CHAIRMAN FRYER: With a recommendation.

COMMISSIONER FRY: Recommendation of approval based on review by the County Attorney's Office, and payment in lieu if they're not able to come to terms on the sidewalk.

CHAIRMAN FRYER: Okay. Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: All right. It's been moved and seconded. Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor -- this is on the PUD -- please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Any opposition?

(No response.)

CHAIRMAN FRYER: Again, carries unanimously. Thank you very much, all.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: Thank you.

All right. We've gone a little late here on a break, so we'll take a -- it's 10:41. Let's take -- is 10 minutes enough, Terri?

THE COURT REPORTER: (Nods head.)

CHAIRMAN FRYER: All right. We'll take a 10-minute break. We'll be back here at 10:51. Thank you.

(A brief recess was had from 10:41 a.m. to 10:51 a.m.)

MR. BELLOWS: You have a live mic.

CHAIRMAN FRYER: Okay. So Tahiti has been continued.

MR. BELLOWS: Correct.

CHAIRMAN FRYER: ***And that's going to take us to Yahl Mulching, which is also a companion item consisting of a CU, a conditional use, and then a small-scale GMPA. And the CU is CU-PL20190000948, and the small-scale amendment is PL20190002052.

So bear with me one moment. All right. All those wishing to testify in this matter, please rise to be sworn in by the court reporter.

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

COMMISSIONER SCHMITT: Public speakers as well need to stand.

CHAIRMAN FRYER: Okay. Everybody got sworn in who wants to speak; good.

All right. Disclosures from the Planning Commission. Why don't we start with you this time, Paul.

COMMISSIONER SHEA: I have none.

CHAIRMAN FRYER: None other than materials from staff.

COMMISSIONER HOMIAK: Nothing.

COMMISSIONER SCHMITT: Nothing.

COMMISSIONER FRY: Staff materials.

CHAIRMAN FRYER: Okay. We'll begin with the applicant's presentation. Go ahead, sir.

MR. WRIGHT: Good morning, Commissioners, Mr. Chairman. I'm Jeff Wright with the Henderson Franklin law firm here on behalf of the applicant in today's hearing.

With me I have our team: Jeff Ekis, the general manager of Yahl Mulching; Jim Golden and Bruno Ferraro with Grove Scientific and Engineering; and Michael Schmidt with Air Burners, Incorporated.

We're here seeking your recommendation of approval for two things: Number 1, an amendment to the GMP, the Comp Plan, to allow an air curtain incinerator at this location; Number 2, an amendment to an existing conditional use to allow the air curtain incinerator to operate on the site. The site's been around for a long time. Since '91 they're excavating, and since '98 they've been mulching and recycling. It's currently approved for mulching, recycling, and as a collection and transfer site for resource recovery.

In summary, seeking your recommendation of approval to allow the ACI as part of the existing operation.

We've reviewed the staff reports, and we agree with their recommendations of approval. There are several conditions attached to the proposed resolution and ordinance in the case of the GMP, but the conditions are attached to the resolution, and several of those conditions were prompted by the neighbors, concerns at the neighborhood information meeting and other communications.

There are, in all, about 20 conditions attached to this, seven that would be attached to the instant resolution for the conditional use, and an additional 13 that are included by reference to the prior conditional uses.

As I mentioned, we have a team. Jim Golden will provide the bulk of the testimony relating to the requests; Bruno Ferraro will present testimony relating to air quality and other benefits of this unique technology, how it will work on site, required training, operation, and maintenance of the ACI; and Mike Schmidt will present information on the ACI and its proven record as clean, safe, efficient technology. I don't intend to call Mr. Ekis with Yahl Mulching, but he is here, and he's happy to answer any, really, operational questions that you might have.

And our experts have all been recognized in similar proceedings, and we respectfully request that you recognize them today as experts in their respective fields.

CHAIRMAN FRYER: Thank you. Without objection.

MR. WRIGHT: Okay. And today we'll make our presentation via PowerPoint. I know you guys have been stacking your agendas, and we appreciate you accommodating us on your schedule today.

At this time, I'll turn it over to Jim Golden, thank you.

MR. GOLDEN: Good morning, commissioners. Good to be here today. My name is Jim Golden with Grove Scientific and Engineering in Orlando, Florida; been working in solid waste management industry for about 30 years now in Florida, and here today to present the Yahl Mulching and recycling presentation.

So here you see before you an aerial photo of the area. The site plan is highlighted in yellow. It's about 29 acres. It's immediately adjacent to -- your Collier County Landfill is to the

west of it. There are many conservation areas to the -- also to the west and the south and the east, and then there's rural residential to the north and east, the one unit per five acres, and so we believe it's very well located and suited for the area considering the surrounding land uses.

I just wanted to go over the history. Mr. Wright touched on it some, but that this site has been operating for 22 years now, and mostly mulching and recycling of wood debris, clean screen wood debris, horticultural recycling, and it was under the sawmills category because the county at that time had really no place for recycling facility in their code or their Growth Management Plan. So that's why it says sawmills there. But really -- so it's been processing wood for a long time.

And now, in 2010, they got approval, a conditional use to expand the 29 acres for construction and demolition debris recycling, and I'm going to show you where that's located on the site. They also have an FDEP permit as a solid waste facility for recycling C&D and recycling wood waste.

This is a zoom-in of the current site plan set up. You can see that almost half the property is under conservation use. You see large green areas to the south and east of the active portions of the site. The construction demolition debris recycling is kind of the south central portion of the site.

And the area of concern that we're permitting or requesting petition adoption is in the top northeast corner, the three acres. And I'll go to the next slide and zoom in a little bit more. But that's the northeastern or the upper right-hand corner of this site. So you can see there's a lot of green space around it. Large buffer areas.

I just couldn't see the cursor. Oh, sorry. Okay, there it is. Can you all see the cursor, too, if I'm moving it? Okay. Thank you. I was looking at the wrong slide there.

So this is the area of primary concern, the northeast or the upper right-hand corner, the horticultural recycling area.

This is a zoom-in of the northern portion of the site. It just fits better in the slide this way, and the horticultural recycling area is in this upper northeast corner. The proposed location of the air curtain incinerator is right in the central portion of this area. Surrounding it are water sources, which is important. We know that fire concerns, or fire prevention concerns, we heard those from the public, and these green -- there's a water truck, wells, standpipes, which is like hydrants and sprinklers surrounding this horticultural area.

We also have agreed to add a 6-foot-high berm, soil berm along the eastern portion of the site of the three-acre area, and additional Type C buffering, a landscape buffering, and also the green -- those green screen fences. That's going to be covered around the whole northern portion of the site primarily, though, along this northern portion of the three acres, and then the eastern portion of the three acres.

So -- and also shown on here, the setbacks from the residential areas, that it's -- this says 300 feet. That's a setback from the Florida Forest Service, but that's really for open burning. We are actually about 500 feet from any local residence that's in the rural residential areas to the north and east of us.

COMMISSIONER FRY: Do you mean the structure?

MR. GOLDEN: Yes, the air curtain incinerator. The boundary of the site is about maybe 250 feet away from the nearest residence, yes, sir.

This is the zoning map. We think we're very well located. We're surrounded by agricultural lands. You can see your Collier County Landfill here, this large parcel to the west of us. Here's the 29 acres. It's been approved at that size. And we're not asking for expansion of the 29 acres. So we think it's very well suited and compatible with the surrounding land uses.

I'd like to introduce Bruno Ferraro, our Grove Scientific air curtain incinerator operator expert.

MR. FERRARO: Good morning, everyone. My name is Bruno Ferraro. I am an air

quality engineer with Grove Scientific and Engineering. Been in this business for about 40 years. Probably have done greater than 50 air curtain incinerator projects around the country and hundreds of other types of incinerators in 49 states and three territories.

So the Air Burners -- and I've done all types of manufacturers. And this tends to be one of the more superior devices on the market. It is heavily used by the divisions of forestry all over the country. USDA uses them. Many private industries and many, many landfills are using air curtain incinerators as a primary tool specifically for hurricane debris disposal; very, very important tool in that -- in that industry.

What makes Air Burners unique is its engineering design. It is well designed. It's designed so that the air curtain is directed in such a way that it maximizes the amount of time that smoke is actually contained inside of the burner. Once it comes up to temperature, which is typically about 30 minutes, air curtain incinerators will operate just about smokeless. You won't know they're running from the road. They're not loud. They don't really have a definitive plume, though you'll see some photos and some videos.

But the whole idea behind an air curtain incinerator is to avoid and substitute open burning of vegetative waste. And this is a very clean way of -- a very clean alternative.

The US EPA has designated air curtain incinerators as a minor source of air pollution. That's a very, very important distinction. The State of Florida has adopted that and has written into its own rules a set of specific parameters that air curtain incinerators must adhere to so that they're consistent from county to county, city to city, and throughout the state of Florida. And the Air Burners is a C-327 [sic] which, as proposed, meets all of those criteria.

So it's very important to understand that it is a tool to be used along with mulching and soil separation and other technologies when dealing with a large amount of biomass, especially during hurricane response.

So they'll separate out the soil, use that as a beneficial material. There's certain things that are not conducive to mulching. So a lot of that, stumps and things like that, will end up being burned in an air curtain incinerator.

Once the air curtain incinerator is regulated by the State of Florida under the air pollution rules, it takes it away from the Division of Forestry. The Division of Forestry says, yes, if you've got a refractory lined air curtain incinerator that operates in accordance with the State of Florida laws, we no longer regulate them. We'll give you a burn permit. You burn according to your schedule. The State of Florida air pollution rules basically say sunup to sundown. We usually operate sometime during the middle of that.

Their only setback requirement, once you have a refractory lined incinerator, is 50 feet, and we meet those setbacks by a considerable amount.

The refractory lined incinerator really does contain the heat and the smoke. Not to say that you don't get additional plume breakage. When you load the incinerator -- every time you load it, you're going to get sparks and stuff into the air.

The three-acre site that I've been to where they're planning on installing their air curtain incinerator is very conducive to this operation. It really fits what needs to be done for a good operating air curtain incinerator. It's safe. It's going to be managed properly with training, which the manufacturer supplies in detail, as do we. When we do the air permitting, we typically train the operators on how to comply with all the rules of the State of Florida.

Recommended wind speeds, that's a judgment call. Typically we don't ever operate these when the gusts are running 15 to 20 miles an hour. There's no rule that says when you should do it. We recommend, if it starts blowing 15 miles an hour, you should stop charging the machine. If it hits 20, just let it run. Stop charging it. You're done.

So air facility operations, 6:30 in the morning to 5:00 p.m., but it's my understanding they don't actually run trucks until after school buses are done, somewhere around 7:30, quarter to 8:00.

But the air curtain incinerator typically will start up somewhere in the morning and shut down sometime in the afternoon. It will remain hot all through the night. Just make sure you understand that. Once -- you don't shut these things off. Once it's hot, it will remain hot.

The next day they don't even need any other fuel other than throw logs on top of the old ashes, and it will start on fire again once you turn the fan on.

You'll find these things are very quiet. It's only a little 40-horsepower motor that runs this thing, or 85-horsepower motor that runs this thing. So it's not a very loud machine at all. You don't load them constantly. You're loading them 20 times an hour, 15 times an hour depending on how much material you have for the day.

The refractory box itself is designed to contain the heat. And it's really a rapid way of reducing volume of land-clearing debris or hurricane material.

This is a picture of the C-327 [sic]. I've got a little video.

(A video was played as follow:)

"Air curtain burners control the harmful smoke --"

MR. FERRARO: Whoops. I just wanted to pause it for a second here.

(A video was played as follow:)

"Air curtain burners control the harmful smoke --"

MR. FERRARO: So in this picture -- and I'll use the cursor -- this is an open burn. We were doing a comparison between 10 tons of open burning material versus 10 tons of material loaded into the air curtain incinerator. And you can see the difference. This air curtain incinerator is actually running right now, and I'll go ahead and --

(A video was played as follows:)

-- "and open pile burning, as you see on the left. By contrast our portable firebox Model S-327 in full separation is to right. See that bit of smoke rising up as wood waste is loaded inside? That's because the air curtain has been broken. But then notice how quickly the smoke stops."

MR. FERRARO: I was present at this -- at this demonstration. It was actually -- we were actually conducting a compliance test. The State of Florida requires annual testing of the air curtain incinerator to make sure it meets the rules of the State of Florida. It's about a three-and-a-half to four-hour test, and you have to demonstrate annually that you're in compliance with the rules of the state.

Here's another good slide. And what you're seeing is 20 tons of open burning to the background, and in the foreground you have two air curtain incinerators, each with about 10 tons of waste in them. And you can see the difference between the air curtain burning versus the open burning. This is where the critical nature of these come into play, especially when dealing with hurricane debris.

At this point, I'm actually going to turn over to Michael Schmidt. He can represent his equipment and answer any other questions you might have about the equipment, and I'll be around later to discuss more about air quality if anybody has any questions.

MR. MICHAEL SCHMIDT: Good morning, everyone. My name is Mike Schmidt. I'm the North American sales manager to Air Burners. We actually manufacture in Palm City, Florida.

For the last 25 years, we've been shipping the fireboxes all over the world. Thousands of fire boxes all over the world. Hundreds of fire boxes all over the United States. Probably more than 50 percent of our machines go to government facilities.

With this picture -- it's a great picture. It was done by -- the test was Environment Canada at the BC Hydro Dam [sic]. And this was a study that was done -- one of the many studies that were done through the years.

This one is a -- they burn 48 hours -- open burn 48 hours, and that smoke -- and that plume

of smoke went through the valleys for 48 hours. They burned 20 tons of wood waste.

On this side you see that there are two 327 fireboxes. Each firebox burns around 10 tons an hour. In one hour, they were able to reduce and get rid of that wood waste, provide an end solution, with little to no smoke. So open burning, 48 hours of smoke going through the valleys. In the firebox, you're able to get rid of all the wood waste in one hour with little to no smoke.

The primary purpose of our machine is controlling particulate matter, smoke, black carbon. It's an air pollution control device. It's proven technology. It's well tested in the U.S. and other countries. There are tests -- there have been many tests over the past 15 years with EPA. I'd like to mention that we are one of 40 companies in the history of the United States that EPA has partnered up with. Very proud of that. And when EPA tested our machines all over from Hurricane Sandy, Hurricane Katrina, and many other tests throughout the United States and all over the world, EPA concluded that this is the cleanest way to get rid of wood waste compared to grinding, composting, and, of course, open burning.

So wood waste is an issue throughout the United States, throughout the world, and which is the reason that we get calls four or five times a day of people not being able to get rid of wood waste.

When -- with those calls, some of the best sales reps for us are fire marshals. So fire marshals all across the United States are saying you can't have this wood waste sitting here. You can't have this pile of chips sitting here. And this goes from municipalities to private facilities. And the fire marshal will come in and say that you need to get rid of it. And it's a very costly process for government agencies, for private facilities.

You know, and then also air-quality state representatives. Air-quality state representatives, again, some of our best sales reps saying that you're not allowed to open burn, that you -- you know, there's certain areas that you have to have very clean emissions, and so they recommend -- they can't request, but they recommend an air curtain burner.

So I receive the calls on the opposite end, and I was told they were told by either air quality or the fire marshal or -- that there are regulations that the air curtain burner can and should be used. We are on FEMA's website. FEMA website, we're the best available technology when it comes to cleanup of wood waste.

You know, the Department of Defense, Department of Energy, as I mentioned, US EPA, USDA, many projects with USDA throughout the United States starting with ports and all throughout different parts of the states and the U.S. Forest Service. So that CRADA agreement that we had with EPA, we are currently under a CRADA agreement. A CRADA agreement is a Cooperative Research Agreement Development Act.

We are current with a CRADA agreement with the U.S. Forest Service. So working with them to deploy fireboxes all over the United States throughout the forest and leaving biochar behind. And biochar is a very natural product that the U.S. Forest Service wants all over the forest after they're done burning their wood waste.

Thank you very much.

MR. GOLDEN: Hello again. We are taking --

CHAIRMAN FRYER: Say your name, sir.

MR. GOLDEN: Jim Golden with Grove Scientific and Engineering.

Okay. You're going to hear that we had a neighborhood information meeting. Of course, every project like this should. And one of the primary concerns from the neighbors was fire prevention and fire danger of this unit. We heard that there was some devastating wildfires in this area about three or four years back. And so, you know, they're very concerned. And so we're taking fire prevention very, very seriously for this project.

Bruno and I talked about it, though, and over our past 20 years -- I mean, 20 years, we've worked on about 20 sites with air curtain incinerators. They're not aware of any fire that they've

ever caused. They're a contained unit, and they do a great job of containing the fire in the box.

Their only -- also, like Bruno mentioned, we'll be training the operators to operate these safely. Make sure they don't, you know, overflow it and things like that, you know. So, they will have -- an operations plan is going to be part of our permit. It's actually part of the approval, the conditional use. That adds a whole section on fire prevention. So they'll be trained.

We'll also only burn clean wood and -- because we're not going to burn any solid waste, no fencing, no pressure treated wood, no painted wood. So this is only clean wood. That's going to be in our DEP permit also.

What we also have on site is many sources of water. Like I pointed out before in the site plan, we have a water truck. We have standpipes. We've a large 16-inch draft well that the fire department had installed on site. We also had a recent inspection from the fire -- Naples fire district that the site has passed because of these water sources.

We'll continue training for fire prevention. Again, we won't be burning when the wind is gusty or over 15, 20 miles an hour, and there's going to be a constant operator on this site. It's not going to be able to walk away and just let it burn on its own. There will be a constant operator during the whole time it's operating, either in a piece of equipment or on the ground observing the ACI operation.

We also have a video camera on this area and so, you know, the office personnel will be monitoring that for any issues that could come up during the operation.

So, again, we're taking fire prevention very seriously, and we think we have a great plan in place to prevent any fires. But we don't know of any fires that have been caused by these machines in Florida.

We want to go over quickly the neighborhood information meeting. We had a good attendance. I see many of the attendees here today, so that's great. They're part of the process. And their concerns were about some of the operations of the current C&D recycling. The piles were too high. You could see them from the road. The road was kind of dangerous because of the trucks were going fast sometimes. And then, of course, the air pollution concerns and fire prevention concerns.

And some air pollution concerns from some individuals, especially Dr. Soubelet, I think, to the east of the site about a thousand feet, I think he has a daughter with respiratory issues. So we took it on ourselves to say we're not going to burn if the wind is from the west, and even though, you know, very, very little smoke is generated, we just won't burn when the wind would be blowing in his direction. So that's a condition of our conditional use.

We're going to have a weather station on site and a windsock. And so it's going to be very obvious if the wind's from the west, which is very rare, really. The prevailing winds are from the east/southeast here at the Naples area. So going to be blowing mostly towards the landfill side. But if it ever blows from the west, we will not burn that day.

Also, there's other voluntary conditions that we've agreed to do. Repair of -- originally the Yahls paved the roadway. That's a private road. They paved the road into that area, and they've agreed to maintain that road, Washburn Avenue. They added "slow down" signs on the road. We say we're going to put a sign on the road every day that we're operating so the neighborhood knows that; operating the ACI, that is.

And also other voluntary conditions like, let's say, we reduce the C&D height -- they've actually bought a power screen to process the C&D more quickly, so that lowered the piles there of the C&D so not so visible from the road. And we also are offering the use of the ACI to Collier County in a -- if there's any kind of a hurricane relief to burn wood after a hurricane.

They would be -- I was in Orlando at three or four different landfills after Hurricane Charley came through there, and the ACIs did a great job of reducing -- allowing us to clear the roadways and clear the landfills of that wood waste very, very quickly, like Mr. Schmidt

mentioned.

Okay. I want to go over this quickly a little bit that this presents the Growth Management Plan proposed language, at least part of it. We worked with Corby to design this; Corby of your staff. The first part of this photograph really describes the existing 29-acre site, so this site actually has already a modification to the growth -- or amendment to the Growth Management Plan, and here we're proposing to add the air curtain incinerator as an accessory use only on the 3-acre portion of this land. It's very specific. So it could only be operated on the 3-acre portion that I've shown you on the site plan.

Finally, why should you recommend approval of these petitions? One, both your Zoning and Planning staff and Comprehensive Planning staff recommend approval in their staff reports. We're accepting their recommended conditions of approval. We're consistent with the Future Land Use Element; transportation, conservation, and coastal management elements of your Growth Management Plan. It's an allowable accessory use in the agricultural sending lands, whatever all those mixed-use titles are, but it's an allowable use as your staff has supported.

Your staff and we agree that it's compatible with the adjacent Collier County Landfill, agricultural lands, and rural residential uses that are adjacent to the site, and we believe that we have added many voluntary conditions that address the neighborhood concerns, and that it will not be a fire hazard and it will not be an air pollution source that's significant to the area.

So, again, thank you for your time, and we think we've met the criteria for recommendation of approval of these amendments to the Board.

CHAIRMAN FRYER: Thank you. Do you have further presentations from the applicant?

MR. WRIGHT: Just a closing comment or two.

CHAIRMAN FRYER: Okay. Thank you.

MR. WRIGHT: That is our last witness, and that does -- excuse me. Pardon me.

As I said, that concludes our presentation. We believe this is a logical evolution to this site given the history. It's a green technology that, as you've heard, provides a demonstrable public benefit to the people of Collier County.

We've met the requirements for approval. Staff agrees on both petitions, and we respectfully request your recommendation of approval. Thank you.

CHAIRMAN FRYER: Thank you.

Questions from the Planning Commission?

COMMISSIONER SCHMITT: Yeah, I have.

CHAIRMAN FRYER: Joe.

COMMISSIONER SCHMITT: I'm not sure who -- Jeff, who's going to answer this. But we talked about -- I'm concerned about the quality plan. It was stated that -- is there somebody going to be segregating the various products to make sure that what was stated would not go in the burner, like pretreated lumber, some of the other types of things? There's -- is there a foreman on site, or who's on site? And what's the process -- is there some kind of a segregation, a process to separate those things that should not go in versus what's going to go in?

MR. WRIGHT: Yes, there is, and they will have a manager on site during operating hours. And what's unique, I think, about this project, is one of our conditions make reference to an operating manual, and that operating manual is in your backup. I believe it starts at Packet Page 425. But it's 20 pages of detailed procedures that are specific to this project and the uses that are on the property.

So with that, I'll turn it over to Jim, because he has a little bit more of an understanding of the operational aspects.

MR. GOLDEN: Thank you, Jeff.

Yes, sir, Mr. Schmitt. There will be trained spotters. These are FDEP approved trained spotters on site, before they even come, you know, onto the site to operate. So there'll be trained

spotters.

They'll be trained in how to recognize pressure treated wood, painted wood, construction and demolition debris, you know, things that can't go in the burner. So -- and those will be segregated out or put in reject containers. So those will not be fed in. So they'll have to be trained operators, and those -- training is updated every three years.

COMMISSIONER SCHMITT: Where does the material come from? Is that coming from construction sites, or is it -- is it material that can't go to the landfill? Where --

MR. GOLDEN: Well, it's landscaping debris, land clearing debris. So this is all mostly trees and wood waste. It's not like dimensional lumber. Likely, that dimensional lumber would go into recycling and be chipped up for mulch. It's more valuable that way. So it's clean wood. I mean, the dimensional lumber is.

COMMISSIONER SCHMITT: Okay. Other question: Very familiar with air curtains. I'm retired army engineer, and so I'm very familiar with hurricane recovery and the whole process. But, typically, when we set up an air curtain, Army Corps of Engineers on a site, but typically we always had to have -- the contractor always had to set up some kind of monitoring system for an EPA to monitor smoke and other type of air quality.

Is that required in this site? Is there any type of EPA requirement? I know you have to get a Florida license, but is there an EPA requirement as far as measuring for air quality?

MR. GOLDEN: There is not an EPA requirement, but Florida is -- has been promulgated to run the air program for the EPA in Florida. So they work under, you know -- Florida's air-quality rules have been approved by EPA.

COMMISSIONER SCHMITT: Okay.

MR. GOLDEN: Meets their rules.

COMMISSIONER SCHMITT: But there's no -- but there's not a monitoring system.

MR. GOLDEN: No monitoring system, but it's an annual test that they have to show that they're not creating smoke above the very minor levels that they have.

COMMISSIONER SCHMITT: In my experience, it's typically these things have been set up temporarily in areas, especially during hurricane recovery, for debris reduction. And I just recalled having -- the contractors having to set up separate monitoring -- air-quality monitoring instruments to at least to monitor. Not required.

MR. GOLDEN: That's not required. Once you get your FDEP permit, like that long test that Bruno was talking about.

COMMISSIONER SCHMITT: So once it's set up, then you call, and the EPA comes and actually validates?

MR. GOLDEN: Yes, sir, before they're allowed to operate fully. So there's a construction permit, and then they get tested, then there's the operation permit they get.

COMMISSIONER SCHMITT: Last question. In regards to enforcement of all of the stipulations and procedures, Ray, I have to assume that it's Code Enforcement. If there was any issues, it would be Code Enforcement?

MR. BELLOWS: For the record, Ray Bellows.

COMMISSIONER SCHMITT: But if the residents were concerned about smoke or other types of things, I mean, typically you would have to call Code Enforcement.

MR. BELLOWS: Yeah, you're correct. If the wind was blowing in the direction inconsistent with the condition, then that would be a code violation, and we could investigate. Unfortunately, by the time they get out there, the wind may have shifted again.

COMMISSIONER SCHMITT: Yeah. On the -- well, in regard to that -- and I'm just trying to figure out how to phrase this, because I'm concerned about the neighbors. But I can't just say that they can meander on site to see what's going on, because that's a safety issue and everything else. If a neighbor wanted to see what was going on, would they go to the office there

at the -- and, say, can I see how things are going? Can I -- I'd like to see exactly what's going on after six months this thing's -- the machine is in and working?

MR. GOLDEN: Yes, sir. The operator, Mr. Jeff Ekis, he's been very open to offering tours of the site, and I'm sure he'll be the same way when this is in operation. So we'd be glad to -- whoever comes on site, wants to observe the operation.

COMMISSIONER SCHMITT: And, Jeff, that probably -- the greatest concern is in the -- because of the public perception, an openness to allow the public to see what was going on and to, I guess, dispel myths or rumors or everything else going on, so they could see what is actually going on. Because, you know, we had a time for years that -- the smell and everything else that was coming from the landfill. That's long now since gone, but you recall those days. It's probably 20 years ago and -- 18, 20 years ago when there was an issue with the landfill. And you're in the same vicinity. I just want to -- be a food fight. No, that's the landfill doing that. That's not us.

MR. GOLDEN: We tried to set up another active -- a tour of an active facility with air curtain incinerator and just couldn't get it done in time for these hearings, so -- but I'm sure Mr. Ekis would be glad to invite, you know, any of the neighbors on site even before it's fully approved to operate.

COMMISSIONER SCHMITT: Why is this so much better than just a large drum debris reduction? I know they're noisy. They're dusty. They're debris reduction, but typically you have water, other types of measures you can take to reduce the dust and noise. But is this -- is this a preferred method over the large drum reduction -- debris reduction type systems?

MR. GOLDEN: Yes, we believe so. Of course, we have two other experts on this more than myself, but it's the air curtain -- it's the air curtain, that plenum of air. It's like a hurricane force air that seals off the top of the container not allowing any smoke or particulates to leave the container. So, you know, that's really the whole key to it. And that makes a hurricane inside the box. It really heats up the wood and just -- you know, just destroys it quickly.

So I'm not sure what -- the drum destructor you're talking about. Sprays water in?

COMMISSIONER SCHMITT: No. Some of the large debris reductions are typically a drum or some other type of grinder --

MR. GOLDEN: Oh, the grinder type.

COMMISSIONER SCHMITT: -- a grinder that reduces debris and grinds it rather than you burning it.

MR. GOLDEN: Well, that really just makes smaller pieces out of the wood, so you just have mulch, then, that you have to get rid of. And there's so many mulch piles around, if you've heard of some catching on fire, but --

COMMISSIONER SCHMITT: Oh, yeah. There's one this morning.

MR. GOLDEN: Yeah. You can't get rid of it, so this is a way to get rid of the wood debris. Because mulch, unless you color it and it's a perfect type of wood, it's really -- you don't really have a market for it, unfortunately, just because Florida has so much wood waste. And so -- also the drum grinders are very loud, much louder than this.

COMMISSIONER SCHMITT: Yes.

MR. GOLDEN: And throw out some dust, you know.

COMMISSIONER SCHMITT: They do.

MR. GOLDEN: So the owners have preferred not to mulch. I mean, they're approved to mulch, but they haven't mulched in a while, so we see that this would be their primary way to get rid of the excessive wood waste. But they'll probably still make mulch and sell it when they have some good wood to do it.

COMMISSIONER SCHMITT: Okay. That's all I have. Thanks.

CHAIRMAN FRYER: Thank you, Joe.

Any other Planning Commissioners? Go ahead, please, Paul.

COMMISSIONER SHEA: Just some general information. Just on the C&D site, are you crushing and screening the concrete? I know it's not -- it tells me what's going on in the air around there besides this.

MR. GOLDEN: Yeah, I can answer that. They segregate it from the C&D loads as it comes in, big chunks of concrete, and they wait, say, for, like, every quarter they'll bring in a concrete crusher. They're approved to do that under their conditional-use permit. So they do, but it's only about every three, four months that they bring in the crusher.

COMMISSIONER SHEA: The air permit, does it go with the unit or does it go with the site? You're providing a new unit, right, for this site?

MR. GOLDEN: Yes, yes. That's what we believe.

COMMISSIONER SHEA: Provided an air permit from the State for another unit. I'm assuming -- in your package, I'm assuming, to show similar requirements.

MR. GOLDEN: Yes, just as an example.

COMMISSIONER SHEA: You don't have an air permit yet. That process would happen after you obtained our approval, I guess?

MR. GOLDEN: Yes, yes.

And, Bruno, does it go with the site?

MR. FERRARO: Site specific.

MR. GOLDEN: Site specific.

COMMISSIONER SHEA: Yeah, I would think it would be. Are you bringing in any additional material that isn't brought to the site now as a result of having this new unit?

MR. GOLDEN: No, sir.

COMMISSIONER SHEA: That's all I have.

CHAIMAN FRYER: Karen, did you have anything?

COMMISSIONER HOMIAK: I just have -- in your letter to Nancy, I think it was, you said you'd be open to adding sprinklers in the north and east of that area. That might be helpful to --

MR. GOLDEN: Yes, they would. We'd be open to that. It's not in our site plan right now, but we could have sprinklers along that eastern boundary and the northern boundary, so -- and they could run periodically during the day during the operation of the ACI.

COMMISSIONER HOMIAK: That might be helpful if -- you're still going to be -- there's still going to be movement with the bucket loader or whatever you're loading with back and forth, so there'll be dust.

MR. GOLDEN: Uh-huh.

COMMISSIONER HOMIAK: All day long.

MR. GOLDEN: Uh-huh, some. But, you know, we haven't had complaints off site that we know of. But, yes, we'd be open to that, and that could be added as a condition of our conditional use.

MR. FERRARO: An air permit will require watering of those yards to prevent --

CHAIMAN FRYER: Sir, you need to be at the microphone if you're going to talk.

We can also use this middle mic, can't we?

MR. FERRARO: Thank you. I apologize. To answer your question --

CHAIMAN FRYER: Yeah.

MR. FERRARO: Your concern was the dust generated by the front-end loader or the bucket moving on the site?

COMMISSIONER HOMIAK: Yeah. I see there's sprinklers on the southern end.

MR. FERRARO: Excellent question. In the permit application, we actually have to put in a method of preventing fugitive dust on the roadways to include speed limit 10 miles an hour,

watering the yard when it's dry. That's actually a specific condition within the State of Florida air-quality permit.

COMMISSIONER HOMIAK: Okay.

MR. FERRARO: So it is a requirement.

COMMISSIONER HOMIAK: Okay. Thank you.

CHAIRMAN FRYER: Any other? Karl, please.

COMMISSIONER FRY: Building on some of the questions from the other commissioners on the logistics, I'm just trying to get my hands around them. It sounds like an amazing technology.

But I'm just curious, my impression was that horticultural waste/landscape waste all went to the landfill. So I guess I'm curious. This is a private facility. Where does this come from? I'm not quite sure I understand.

MR. WRIGHT: Maybe Jeff Ekis could have the --

COMMISSIONER FRY: Is this wood waste that's been separated from the horticultural waste at the landfill and is then brought over to this facility?

MR. WRIGHT: Jeff runs the show here. I'm going to have him respond to your question. Thank you, Commissioner.

CHAIRMAN FRYER: Sir, you had been sworn in?

MR. WRIGHT: Yes, he has.

CHAIRMAN FRYER: Yes? Okay. Thank you.

MR. EKIS: Hi. Good afternoon, Commissioners.

CHAIRMAN FRYER: Name, please.

MR. EKIS: Jeff Ekis. So to answer your question, yes, all the residential landscaping companies do bring their material to our facility. They do have options to take it to other facilities within Collier County and the landfill as well if they'd like.

COMMISSIONER FRY: So you are the recipient of the county's horticultural waste, is what you're saying?

MR. EKIS: Part of it, yes. They don't necessarily have to bring it to us. There's other options that they can use but, yes, they do bring material to our facility that's yard waste.

COMMISSIONER FRY: And then you separate through a process. And I don't know if it's hand or through equipment. You separate the wood waste or the clean wood from all of that debris, and that's what would go into the ACI?

MR. EKIS: Correct. So with the permitting, yes, we would have to separate it out. You know, if there's bags or trash cans or anything that's not actually green waste, yes, it would have to be separated and then redesignated to a different part of the facility and disposed of properly.

COMMISSIONER FRY: So are you processing wood waste currently at this facility?

MR. EKIS: No, we currently are not.

COMMISSIONER FRY: Oh, this is a new -- a new service and a new use. What was happening to the wood waste prior to now, prior to this going in?

MR. EKIS: So prior to this, it was actually getting backhauled out. So the material would come in, and the material was getting backhauled out of the facility.

COMMISSIONER FRY: Do you know where it went; what happened to it then?

MR. EKIS: Yes. It used to go to John Barry's facility off of Immokalee Road.

COMMISSIONER FRY: Okay. So this will be the first time where we have an air curtain incinerator in Collier County to help process wood waste?

MR. EKIS: Correct.

COMMISSIONER FRY: Okay. What happens to the smoke? I mean, it's -- I mean, it's very intriguing. You send a curtain of air over it, and the smoke is contained within. But doesn't the smoke have to go somewhere, or is it absorbed into the burning?

MR. EKIS: And that's a question that Bruno could answer you as far as the air-quality control goes. I'm not the expert on that.

COMMISSIONER FRY: Okay. Thank you.

MR. FERRARO: Excellent question.

So -- and I teach combustion to incinerator operators. So this is Combustion 101. There's three things that control smoke: time, temperature, and turbulence. Those are the three items that you need to reduce the amount of smoke. If you looked at the open burning pile, all it has is temperature. It does not have turbulence, wind blowing onto it, or residence time, the amount of time needed to go to complete combustion.

So the whole purpose of an air curtain incinerator, it's got one purpose and one purpose only, and that is to increase turbulence and residence time. By doing so, you increase temperature.

So typical open burn will run about 900 to 1,000 degrees depending on where you are in that fire. In the very center of that fire, it will be much hotter than that, but it quickly cools as it goes out; hence the reason for all the smoke.

An air curtain incinerator, you're forcing 100-mile-an-hour wind consistent across that whole box at the correct angle. And if you remember that one slide, you saw the circulating air. That's the turbulence part. And it also keeps that smoke particle inside that chamber exposed to very high temperatures, 13-, 14-, 1,500 degrees Fahrenheit for a certain amount of time necessary to go from smoke to carbon dioxide. So what you're doing is you're actually completing the combustion chemical process by increasing turbulence and time and temperature inside that box.

COMMISSIONER FRY: Taking the smoke out of the equation?

MR. FERRARO: Burning the smoke. Smoke is fuel.

COMMISSIONER FRY: Burning the smoke.

MR. FERRARO: When you see a diesel truck blowing black carbon out its tailpipe, that's unburned fuel. That's exactly what it is --

(Simultaneous crosstalk.)

COMMISSIONER FRY: Absolutely.

CHAIRMAN FRYER: Sorry. I apologize. May I? Because I was going to ask the same question with regard to -- and I'm certainly not a scientist, but I seem to remember something about conservation of matter that, you know, nothing ever dissipates or goes away. It just can change its form. And are you saying that smoke can become 100 percent carbon dioxide, CO₂?

MR. FERRARO: Yes.

CHAIRMAN FRYER: So there are no other byproducts?

MR. FERRARO: No, there is. Ash.

CHAIRMAN FRYER: All right. So the ash would stay in the ACI?

MR. FERRARO: That's correct.

CHAIRMAN FRYER: And the CO₂ would go into the environment.

MR. FERRARO: CO₂, carbon monoxide, other gaseous pollutants are part of that mixture, because there's nothing perfect in this world. You could take fuel, which is carbon, okay? There's only a few things that burn: carbon, sulfur, hydrogen, and phosphorus. Those are the only four elements that actually will sustain combustion that we know of. Other things burn, but -- so anything with carbon in it wants to go to CO₂, okay, wants to turn into carbon dioxide. And the hotter you burn that piece of carbon, the quicker it goes to carbon dioxide.

CHAIRMAN FRYER: Okay. How much CO will go into the atmosphere?

MR. FERRARO: It's considered a minor source of CO. It is probably a percentage, a small percentage of the total gaseous pollutants.

CHAIRMAN FRYER: Can you give us an educated estimate?

MR. FERRARO: Yeah. So you'll -- when we do a permit for this type of source, it will be somewhere around 40 tons a year of particulate matter and about one or two tons a year of

carbon monoxide.

CHAIRMAN FRYER: Okay.

MR. FERRARO: Just to put it in perspective.

CHAIRMAN FRYER: Okay. Thank you.

Karl, go ahead.

COMMISSIONER FRY: So the ash that was mentioned is what you had called biochar?

MR. FERRARO: Yes, sir.

COMMISSIONER FRY: And what happens to that? You mentioned that Forestry Service likes to spread it.

MR. FERRARO: Good question.

COMMISSIONER FRY: For what reason?

MR. FERRARO: What we do with it and what we recommend our clients do with it, if you recall in the beginning of my presentation, I said there's several things that are used for an overall wood waste management system. Chipping is one of them. Separating out the soil so that you have a commodity; you have topsoil that you can sell. Composting is another element in the toolbox. And then an air curtain incinerator. We take the ash from the air curtain incinerator, which is classified as clean, beneficial material by the EPA and by the State of Florida, take that and mix it with the topsoil, you make a soil amendment. It's an excellent fertilizer for that soil. So now they have a product, topsoil, with ash added to it that it's very beneficial for all kinds of horticultural uses.

COMMISSIONER FRY: Okay. I think you're the appropriate person for the next question also.

MR. FERRARO: Okay.

COMMISSIONER FRY: So in terms of logistics and how it impacts the neighbors, you know, I think noise, obviously, is a concern, the smoke's a concern, as we talked about.

It is fired up in the morning -- and it was mentioned that it stays hot all night. But it's fired up in the morning, and it takes 30 minutes to get to the full temperature. Has it been preloaded with material when you fire it up?

MR. FERRARO: So in the beginning of the week, they'll end -- they'll start with a clean air curtain box. The box will be emptied. The ash will be taken out. They'll load it up with material -- day one. This is day one. They'll load it up with a mixture of brush and logs. They'll add diesel fuel or kerosene; light it on fire. That's the longest time is the first day of the week to get the machine going.

Once -- and the 30 minutes is actually a rule written into the air permit. You must be up to temperature and reducing your emissions within that 30-minute period. And we typically take about 15 minutes, 20 minutes at the most to get a C-327 really fired up. So we have no trouble meeting the air pollution regulations for the quantity of smoke during startup or during the next operating sequence.

The next day -- well, they'll stop -- say they stopped loading 3:30, 4:00 in the afternoon --

COMMISSIONER FRY: Not to interrupt, but it runs all day long and they're continuously loading as it burns?

MR. FERRARO: That is correct.

COMMISSIONER FRY: Okay.

MR. FERRARO: Slowly. And as the trainer -- I do the actual training of the operators. I always train my operators to operate an air curtain incinerator to meet requirements of the permit, not to burn wood waste. Wood waste is your goal, but your primary focus as an operator is to operate the air curtain incinerator in compliance with your state permit. That's what I teach them to do, okay.

At the end of the day, this box is going to be hot. It's got -- it's been running eight hours.

You're going to have 10 tons of logs in there. All the little stuff's going to be gone. Now you're going to have that log that's persistent, just like having -- in a recreational campfire. You know, it's that big log that's always going. Well, it's going to remain hot, and you're going to keep that fan running to burn the -- you know, burn it down.

The next morning, day two, you won't need any fuel to start that fire. If you've got a good base of logs in there, you add wood waste on top of it, it will catch on fire in no time, and your startup is 10 minutes, 15 minutes at the most. With a good operator, he can have that thing -- or she can have that thing running in 10 minutes.

COMMISSIONER FRY: How much louder is it for the startup period, and how much more smoke is generated during the startup period?

MR. FERRARO: Well, the sound is low throughout the whole thing, because all you have -- you have a fan running. And you can hear it. I'm deaf, but you can hear it. But it's not a very loud -- and the engine's only an 85-horsepower tractor motor. It's not a -- it's not a thousand horsepower motor that you use on a mulch machine or on a crusher, okay.

So, typically, they'll use a grappling hook to just feed the logs in. It's -- and I'm not sure how they're going to do it here, whether they're going to have a stationary grappling hook or if they'll use a bucket truck to do it. That device is probably the noisiest of the whole thing.

So you don't have any noise difference between startup and normal routine. It's low. There's no -- no OSHA requirements for sound protection up against the machine. It meets 85 decibels, okay.

The other question -- part of your question is how much smoke? So the EPA -- and EPA wrote these rules, and the State of Florida adopted them. EPA says, you will have 35 percent opacity over 30 minutes average, and that's the amount of allowable smoke you can have. After that you're down to 10 percent opacity, okay. So the difference between 35 and 10 is your difference.

The reality is, it takes us about 15 minutes to get down close to 10 percent opacity. So we're usually in compliance with the routine running after 15, 20, 25 minutes, and then after that, I train the operators to recognize when they've got enough material in there and they stop. And once they burn that material down, they'll start adding it slowly. And as you get further during the day, the fire gets hotter and hotter and hotter to a point where it can really start consuming quite a bit of wood. And we use eight to 10 tons an hour as a reasonable number.

COMMISSIONER FRY: And then if you're a neighbor -- and I think the nearest neighbor's structure was about 500 feet from the ACI -- at 85 decibels -- and it mentioned it was only 60 decibels at the border, I believe, but what are they likely to hear, if anything, at that distance?

MR. FERRARO: They'll hear the trucks.

COMMISSIONER FRY: They'll hear the trucks. So the ACI will not be any louder than what they're already hearing at this point?

MR. FERRARO: No, sir.

COMMISSIONER FRY: Okay.

MR. FERRARO: In fact, you won't really know it's running until you get up to it.

COMMISSIONER FRY: Is there a flexibility in where the ACI's placed?

MR. FERRARO: Well, it's got to be inside that three acres. And you want to have a road around it so you can -- it's really a fire protection road. So they have an area around it to be able to access it safely, and then the piles will be around -- you know, at some distance from there.

COMMISSIONER FRY: Okay.

MR. FERRARO: So I would say where it's located that three-acre area is ideal, because it is separated from everything else. It is in its own area. It could be monitored, managed, and dealt with safely.

COMMISSIONER FRY: Initially, in looking at the site plan, I thought, well, why don't they put it farther away from the residences, but it doesn't sound like, with the noise and all the activity around it, it's actually more efficient, and it makes no difference to the neighbors that it's located somewhat centrally in that area.

MR. FERRARO: Yeah. I don't think they'll -- in fact, from the road, you won't know it's running unless you know it's running. You'll see heat waves. That will be your biggest indicator as to whether it's running or not. When I come up to a site and I look at an air curtain incinerator, the first thing I look for is the heat waves. That tells me whether it's running or not, not the noise.

COMMISSIONER FRY: Got it. Thank you very much.

MR. FERRARO: You're very welcome.

CHAIRMAN FRYER: I'd like to follow up on Commissioner Fry's question, if I may --

MR. FERRARO: Yes, sir.

CHAIRMAN FRYER: -- because it's the same question I have. You've come to us with a plan to put this on the 3-acre site that is the north -- northeast corner of your parcel. There's another one that's also labeled horticultural recycling area that's right in the center. And it would seem to me that that would be preferable to the neighbors. Was that site given consideration?

MR. FERRARO: I'm not qualified to answer that question. That would be a Jim Golden question.

CHAIRMAN FRYER: Come on up, sir. And I think you can use this center mic, too, so that we don't have to --

COMMISSIONER FRY: Should we put a site plan up on the screen?

CHAIRMAN FRYER: We have it here. What I'm talking about is to the southwest of the current site. It's right in the center of your property, and it's also called horticultural recycling area, just like your 3-acre is called. And that would be further distant from the homeowner who has a daughter with respiratory problems.

MR. GOLDEN: Yes, sir, Commissioner Fryer.

That area that's labeled horticultural recycling in the center of the site is kind of a leftover label from some of the original horticultural recycling labels when this whole site was wood recycling. That, right now, it's kind of a contained area. It doesn't have as much room around it to allow, you know, fire equipment access. It's basically used to store recycled materials from the construction and demolition debris area. So it's not really available for this use, and also we wanted to have this use where he is currently recycling the wood waste in that northeastern corner, so that's --

CHAIRMAN FRYER: Let me be sure I understand what you're saying. You're saying that from a fire safety standpoint it's better located in the northeast?

MR. GOLDEN: Yes, sir, just because we have a lot -- we can have greater setbacks from the wood piles, and also we just have more room in that area, so we can have greater setbacks from the perimeter, so -- and, also, any occupied structure, the air curtain incinerator, is supposed -- well, at least by the Florida Forest Service, which they don't regulate these units, but they like to have 300 feet from any occupied building. So we meet that setback at the location we're proposing.

CHAIRMAN FRYER: Including an occupied building that you own?

MR. GOLDEN: Yes, right.

CHAIRMAN FRYER: Okay. I understand now. Thank you.

COMMISSIONER FRY: And, Ned, there is a -- the site plan that I have on my screen is Page 840 of the package, and I believe that area in the center is entitled "recycled materials" on the site plan that I'm referring to.

CHAIRMAN FRYER: Yeah, I saw that. There's some discrepancy.

COMMISSIONER FRY: There were quite a few site plans and at least six versions of the operating plan in our packet.

CHAIMAN FRYER: I understand now.

COMMISSIONER SHEA: At least.

COMMISSIONER FRY: At least six.

CHAIMAN FRYER: I get it now. Any other questions from the Planning Commission?

COMMISSIONER SHEA: Just informational-type questions. You mentioned the opacity. You showed the video at the beginning of an open burn and this unit. What's the opacity on an open burn?

MR. FERRARO: So the opacity of the open burn runs about 85 percent.

COMMISSIONER SHEA: Okay.

MR. FERRARO: And I did -- I was there during the demonstration.

COMMISSIONER SHEA: No, that's all -- I was just looking for -- I didn't want to get sidetracked.

MR. FERRARO: Eighty-five percent versus five percent.

COMMISSIONER SHEA: But you also said that -- I thought I heard you say that the fan runs 24 hours -- you keep the curtain operable at night, which means the fan's running at night.

MR. FERRARO: You should, yes. And that -- you don't always run the fan at night. There's -- if it's going to go down and you're not smoking anymore, that fan can be shut off.

COMMISSIONER SHEA: Okay.

MR. FERRARO: And I can let Michael Schmidt talk a little bit more about that. But, typically, once -- if it's not going to smoke anymore, it's not going to smoke with or without the fan on at that point.

COMMISSIONER SHEA: Okay. That's all I have.

CHAIMAN FRYER: I had a number of questions, and perhaps half of them have been answered, but I probably have, with the dialogue that might be required, perhaps another 30 minutes. So I want to ask the Planning Commission if we should take a break now and come back and continue this or run till 12:30.

COMMISSIONER FRY: 12:30 is fine with me, but by your command.

CHAIMAN FRYER: Others?

COMMISSIONER SCHMITT: That's fine, but we still have another --

CHAIMAN FRYER: Yeah.

COMMISSIONER SCHMITT: -- item after this.

CHAIMAN FRYER: We do. That's not really a time-certain. It's not earlier than, so... What about, Karen; are you --

COMMISSIONER HOMIAK: I'm fine. It doesn't matter to me.

CHAIMAN FRYER: Okay. All right. Well, we'll continue.

And in some cases I'll ask, perhaps, for a more lengthy answer, but there's nothing wrong with a short answer either, which would enable us to dispatch through this material.

Let's see. First of all, there was a reference to fires in Florida, that there -- that ACIs have not caused fires in Florida. Is that the Air Burners' company statistics, or is that -- you can tell us as experts that there have been no fires?

MR. GOLDEN: I think you're referring to my statement, Mr. Fryer. That's just my personal experience from the many projects that Mr. Ferraro and myself have worked on across Florida that, you know, we're in touch with these facilities, because they have to be tested annually. We continue to train these facilities' operators. So that was just our personal knowledge.

CHAIMAN FRYER: Okay. All right. So, I mean, we can't -- we can't take that, then, as a certainty, but you don't have any knowledge --

MR. GOLDEN: No, we're not saying that we can concretely say there's no site that has had a fire caused, but we're not aware of --

CHAIMAN FRYER: Okay.

MR. GOLDEN: But we work on many of the sites across the state.

CHAIMAN FRYER: Thank you.

Then a question for the representative of Air Burners company who also made a statement about the absence of fires.

Are you -- is your statement based upon knowledge of your company or knowledge of ACIs generally in Florida?

And I'll say it again, but this middle microphone can also be used, and it might speed things up. Go ahead.

MR. MICHAEL SCHMIDT: Great question. And so this is something that, I guess, through the years that I really just constantly hear, including an email that was sent out, I guess, that was kind of against the unit where, in the email that was sent out from a possible gentleman running for office, you know, he mentioned a bunch of fires. And I thought it was kind of ironic how all the fires that he mentioned that he pulled out, local fires, are all mulch fires. Mulch fires, stump dumps, things of that nature -- and this is what USDA works with and air quality works with all over the United States, but a majority of the fires that you're going to find that they're going to be all public information that have been inside of a newspaper, they're all from mulch fires and spontaneous combustion.

CHAIMAN FRYER: All right. Well, let me see if I can ask that question again and be sure that we're saying the same thing. Are you saying that your company has -- that products manufactured by your company have caused no fires in the state of Florida?

MR. MICHAEL SCHMIDT: Not to my knowledge.

CHAIMAN FRYER: And how about in the United States?

MR. MICHAEL SCHMIDT: One at a pallet company.

CHAIMAN FRYER: One at a pallet company?

MR. MICHAEL SCHMIDT: Yes.

CHAIMAN FRYER: Okay. And how long have you been in business?

MR. MICHAEL SCHMIDT: Twenty-three years.

CHAIMAN FRYER: Okay. Thank you very much.

Let's see. This is a -- I'm not sure who would be best; perhaps the representative from Grove. How much water is available at the site? I heard you mention a well, but I assume you're also storing water, and I'd like to get a better idea.

MR. WRIGHT: I believe Mr. Golden's checking with the site manager.

CHAIMAN FRYER: Oh, okay.

MR. GOLDEN: We have not, to my knowledge, done a flow test on the well or the standpipes. You know, that hasn't been -- usually when you go to build a new structure or something, you need flow testing information on the hydrants. But we do have 2-inch standpipes on either side of the ACI area, 16-inch well, which you could probably pump a thousand gallons a minute out of if you had a big truck on it, and another -- I think a 4-inch well, but that supplies the site irrigation system and things like that, so...

CHAIMAN FRYER: Okay. So you don't have any water that is being stored in containers?

MR. GOLDEN: No, sir, other than the water truck is a 500-gallon water truck. So it's available. It's a container.

CHAIMAN FRYER: Okay. All right. So you get 500 gallons out of the water truck, and then you're estimating that you could get a thousand gallons a minute out of the well?

MR. GOLDEN: With a pumper truck, fire truck on that well, yes.

CHAIMAN FRYER: Okay. That brings me to my next question. How proximate to your location is the nearest pumper truck?

MR. GOLDEN: Oh, let's see. I'm not aware of where the closest Naples -- Greater

Naples Fire Department is, but -- I don't know that answer.

CHAIMAN FRYER: I think it may be about four miles.

MR. GOLDEN: Okay.

CHAIMAN FRYER: But you can get 500 gallons on the fire immediately while they're responding?

MR. GOLDEN: Yes, sir, we could. We could also smother the fire with -- there's plenty of soil on site to smother the fire with heavy equipment. So it's not just water available. It's -- you know, many times a waste fire you want to smother with soil.

CHAIMAN FRYER: Okay. Thank you. That answers that question.

Then it was mentioned, I think the citation was to the EPA, that ACI is a minor -- has been classified as a minor generator of pollution only. Do I have that correct?

MR. FERRARO: You're correct. That's a -- it's a minor source of air pollution.

CHAIMAN FRYER: All right. What are the other categories?

MR. FERRARO: Either minor, major, or PSD. So major is anything over 100 tons. Prevention of significant deterioration, PSD, is your power plants and your big chemical plants greater than 250 tons.

CHAIMAN FRYER: And so how many tons -- what's the cutoff point for minor?

MR. FERRARO: One hundred, 99.

CHAIMAN FRYER: Ninety-nine, okay.

MR. FERRARO: We're down around 40.

CHAIRMAN FRYER: Okay. Thank you.

MR. FERRARO: Half of the minor.

CHAIMAN FRYER: Thank you. You made reference to the -- that you would stop charging the ACI when the wind is 15 to 20 miles an hour. Could we just say 15?

MR. FERRARO: The short answer is yes, but wind gusts and blows and comes and goes, and it may be 15 miles an hour for a few minutes and then it goes down to five. If you know from a weather perspective -- and we do a lot of modeling -- the wind's typically five to 10 miles an hour out of the southeast. It becomes greater in the afternoon, especially during the stormy times. During those times, typically we'll tell an operator stop running, you know, you don't want to get struck by lightning and things like that.

CHAIMAN FRYER: Well, could we say 15 miles an hour for X duration of time?

MR. FERRARO: It needs to have a duration, because if it's gusting to 15 and goes back down to 12, you can't stop the machine.

CHAIMAN FRYER: As an expert, what would you recommend would be a reasonable duration of time?

MR. FERRARO: I would say 15 to 20 minutes, but I would also say between 15 and 20 miles an hour. I don't think you can really just put a cutoff on weather like that. You know, if it goes to 17 miles an hour, am I now in code violation? It's --

CHAIMAN FRYER: Well, if it goes 17 miles per hour for longer than 20 minutes --

MR. FERRARO: Well, then you should stop operating.

CHAIMAN FRYER: Yeah.

MR. FERRARO: Absolutely.

CHAIMAN FRYER: Okay. So can we say 15 miles an hour for 20 minutes?

MR. FERRARO: That's up to the operator. I say yeah, there's no --

CHAIMAN FRYER: Okay. All right.

COMMISSIONER FRY: Am I the only one that does not understand -- know exactly what you mean by "charging"?

MR. FERRARO: Charging means actually loading waste into the air curtain incinerator. That's charging. So you could stop charging, but you're never going to shut the machine off, so

you understand that. It's going to continue running. You can't just stop the fire, okay. You don't want to stop the fire. You don't want to put dirt on it, because that causes smoke and things like that. You want it contained inside that rectangle.

COMMISSIONER FRY: Ned, while you're getting your next question queued --

CHAIRMAN FRYER: Go ahead.

COMMISSIONER FRY: -- you talked about running the air all night long. Does that mean the diesel motor is running 24 hours a day?

MR. FERRARO: Yeah. It's --

COMMISSIONER FRY: So the only difference is whether you're charging wood -- dropping wood into it?

MR. FERRARO: That's correct.

COMMISSIONER FRY: Okay.

CHAIRMAN FRYER: Good point. All right. The question about how many people are on site, let's say, overnight -- and I think, having encouraged people to use the center mic, I need to -- there's a caveat that you need to come around. That's a one-way street you just went down. Sorry.

MR. EKIS: I apologize.

CHAIRMAN FRYER: No problem.

MR. EKIS: As far as personnel on site overnight, we don't. We don't have anybody on site overnight. I do have two employees that were -- one is within 10 minutes of the site, and the other one is at about 20 minutes from the site.

CHAIRMAN FRYER: Okay. What technology would you be using? You mentioned a camera, but if the -- does the -- what technology are you using to notify you of the existence of a fire?

MR. EKIS: So right now I am in contact with the IT department to find out if there is a motion detector or some kind of heat simulator camera that would notify us -- notify me, you know, through my cell phone/smart phone that there is an issue so I can alert the proper authorities if I have to.

CHAIRMAN FRYER: Okay. Is the gentleman from Grove -- sir, are you aware of any high technology that could be used to obviate the need of someone's physical presence overnight?

MR. FERRARO: Out of probably 20 facilities we have running in Florida, all of them operate the same way. They leave at night; come back in the morning. They have no monitoring on it, to the best of my knowledge.

CHAIRMAN FRYER: In your opinion as an expert, is that advisable?

MR. FERRARO: Yes.

CHAIRMAN FRYER: It is?

MR. FERRARO: I have not had a fire caused by one of our customers.

CHAIRMAN FRYER: Okay. Let's see. And someone mentioned that there -- there are in the hundreds of ACIs, different manufacturers, in use in the country; is that -- no?

MR. FERRARO: No. There's hundreds around the country. There's only a handful of actual manufacturers.

CHAIRMAN FRYER: That wasn't my question. My question is, how many ACIs are there around the country? And I think the answer was in the hundreds. Okay. That's --

MR. MICHAEL SCHMIDT: Agreed. Hundreds all over the United States. Thousands all over the world.

CHAIRMAN FRYER: Thank you. All right. In the materials that we were provided and also in the testimony today, it was mentioned that during the startup phase, the ACI produces little or no smoke. Can that be quantified a little better?

MR. FERRARO: During the startup phase, there is smoke. It's after the startup phase

that the smoke goes way.

CHAIMAN FRYER: Is there a measurement of smoke?

MR. FERRARO: Yes, sir. It's called opacity. And they're limited to 35 percent opacity average over 30 minutes. That's what the federal rule and the state rule adopted. And after that it goes down to 10 percent opacity.

CHAIMAN FRYER: Okay. And that -- so that's a rule for ACIs --

MR. FERRARO: Yes, sir.

CHAIMAN FRYER: -- as a result of federal and state government?

MR. FERRARO: Yes, sir.

CHAIMAN FRYER: Okay, thank you.

Greater Naples Fire District is, of course, your provider. Have you had sufficient contact or significant contact with them, or did they permit for this? Who have you worked with over there?

MR. FERRARO: The short answer is they don't permit this. This is a State of Florida permit, and I don't know what you've done with your local fire department.

CHAIMAN FRYER: There was a reference, so I'd like to know just a little bit more about that.

MR. EKIS: So we have -- I've had the fire department out there. They've seen the site. The only recommendation that they made to me was to put ladders on the side of the piles. But that was really the only other thing that they'd mentioned. And they did ask me to get the 16-inch well tested, which we did, and that was really their only requirements from me, from us, on the site.

CHAIMAN FRYER: Okay. All right. Thank you. Let's see. I guess my sense of things is -- I'm not a scientific person, but I'm getting an adequate level of comfort that at this point in the development or the evolution of this technology, that it would be reasonable for us to approve it recognizing that there are risks, but the technology has evolved to a point where it's reasonable to approve. Again, as an expert, maybe the gentleman from Grove -- it doesn't matter to me. But is it your opinion as an expert that the technology has evolved to a point that it would be reasonable for a group of planners like us to approve this?

MR. FERRARO: Yes, sir.

CHAIMAN FRYER: And you say that without hesitation?

MR. FERRARO: No hesitation at all. I've been involved in many of these projects. This particular device is one of the best on the market, in my opinion, because of its quality of construction and its quality of engineering design, and it's gone through so much testing; air-quality testing, mechanical testing, performance testing by all these different agencies, and it works as advertised.

CHAIMAN FRYER: Okay. The expression "demolition" -- or "construction and demolition" has been used. I understand that that would not be incinerated.

MR. FERRARO: That's correct. Clean wood waste.

CHAIMAN FRYER: Clean wood waste. And you mentioned probably not wood -- wood that had formed the infrastructure of a dwelling or a structure of some kind.

MR. FERRARO: No, sir. It's not allowed by rule.

CHAIMAN FRYER: I see. Okay. So it's largely going to be trees and vegetation.

MR. FERRARO: Yes, sir, trees. In fact, a lot of soft vegetation should be composted, and that's part of that toolbox that we talked about: Compost, chipping, air curtain incinerator, and screening soil. That makes up the whole toolbox of a horticultural recycling facility.

CHAIMAN FRYER: Okay. The ash that was referred to, is that -- is that marketable output of the process?

MR. FERRARO: Once it's put into the soil, it makes an excellent soil amendment. So it makes the soil even more marketable.

CHAIMAN FRYER: Okay. I'm curious, will that be a product that will be vended by the applicant?

MR. EKIS: That's a possibility. That's a product that we could look at in the near future, yes.

CHAIMAN FRYER: Okay. And I can see from the point of view of logic, and also there was reference in the material, that right now the business that you operate you have stuff coming in and stuff going out. So it would seem to me that this is going to reduce the number of trucks servicing your site by some number; would that be correct?

MR. EKIS: Yes, that is correct.

CHAIMAN FRYER: So it would reduce the traffic somewhat?

MR. EKIS: Correct. We wouldn't be backhauling the material out. Everything would be self-contained within the facility.

CHAIMAN FRYER: Okay. And I saw a reference that the storage pile on site will be reduced in size.

MR. EKIS: Correct.

CHAIMAN FRYER: Is that part of the ordinance? Is that part of the conditions?

MR. EKIS: As far as the C&D goes?

CHAIMAN FRYER: No. As far as the conditional use and the GMPA that you're asking for. We've got, what, 21 conditions. Is -- the site of the storage pile, is that limited in what will be the ordinance or one of its exhibits?

MR. GOLDEN: Yes, sir. It was in the original 2010/11 ordinance where the C&D piles are limited in height, yes, sir.

CHAIMAN FRYER: Had they somehow gone above the limit?

MR. GOLDEN: I don't know that for sure, but they've reduced whatever height it was that the neighbors had a concern with.

CHAIMAN FRYER: So it's now in compliance? Is it just barely in compliance, or is it in --

MR. GOLDEN: Can you answer that, Jeff?

MR. EKIS: It's in compliance to the best of our knowledge, yes. And, like I said, bringing on the other piece of equipment helped us greatly reduce the pile, and it continues to help us reduce the pile there.

MR. KLATZKOW: You may want to ask staff that question, Commissioner.

CHAIMAN FRYER: I'm sorry?

MR. KLATZKOW: You may want to ask staff that question.

CHAIMAN FRYER: Good point.

MR. WRIGHT: Commissioner, Jeff Wright again, for the record.

I'm looking at the conditions of approval for the C&D operation component of the site.

CHAIMAN FRYER: Yeah.

MR. WRIGHT: And Condition No. 4 clearly states the maximum height of piles for C&D material waste waiting to be recycled shall be 10 feet. So, obviously, it's been brought to his attention. I thought that they had already been reduced somewhat, but we'll make sure to abide by that condition.

CHAIMAN FRYER: Good. Thank you very much.

How close to the planned Collier County sports complex is this facility as the crow flies? As the smoke flows?

MR. WRIGHT: I don't want to misquote, but I think it's within a mile or two. 951 is not too far from the site, and it's a good reference marker for where that sports facility's going to be. But I'm not [sic] exactly how far it is from Yahl Mulching to the new sports complex. I would say a mile or two.

CHAIMAN FRYER: Okay. And I think the last question I have has to do with the -- what was it referred to -- the working plan that Grove prepared, the 20-page document. Is that explicitly a condition or an attachment to the ordinance that imposes conditions and regulations and prohibitions?

MR. WRIGHT: Yes, sir, it is. The condition that staff has included in the proposed conditional use resolution is Condition No. 4. -- no, I'm sorry -- Condition No. 3 where it says very clearly the property owner shall abide by the, quote, startup, shutdown, and operation plan for yard trash processing facility and air curtain incinerator dated August 19th and attached as Exhibit C-1.

CHAIMAN FRYER: Okay. And that, as I recall, was the exact name of the document, was it not?

MR. WRIGHT: Yes, it is.

CHAIMAN FRYER: I think those are all the questions I have.

Karl, please.

COMMISSIONER FRY: Follow-up to your question about the C&D piles. You mentioned a new piece of equipment. It's an 1,800 power screen to help reduce the height of those piles. Can you explain what that is?

MR. EKIS: So, basically, the power screener is a device that we'll use on the yard waste pile as well to get some of the soil out of there, so basically a huge screener, and what that screener does is it helps us separate faster or more effectively the material coming through our process facility.

COMMISSIONER FRY: Okay.

CHAIMAN FRYER: Any other questions of the applicant? Go ahead.

COMMISSIONER SHEA: Question. Would you have a problem with the condition that you have to come up with some way of getting emergency notification when no one's there that something might be out of control? Because it just seems to me, no matter what the experts say, Murphy's always around and we have a very dry area, a very difficult fire season. You know, hopefully it won't be too burdensome on you. I'd think you'd want to know also, but some way of either getting to the fire department or yourself an early notice that something's gone awry on the site. Would you have a problem with a condition like that?

MR. EKIS: Absolutely not. I think the more information that's out there -- or, you know, if something was to come up, you know, I think we should notify everyone, you know, what's going on, what happened, what's taking place. Absolutely.

CHAIMAN FRYER: Just to be sure we understand -- and I really have the same request that Commissioner Shea is asking, for basically a fire alarm to be installed there.

COMMISSIONER SHEA: Yes.

CHAIMAN FRYER: You don't have a problem with that?

MR. EKIS: No, no. Absolutely not.

COMMISSIONER SHEA: He's just not sure what it looks like yet.

CHAIMAN FRYER: Yeah. No, that's fair enough. Okay. Good. Thank you for bringing that up.

Any other questions or comments for the applicant?

COMMISSIONER FRY: One final question for the applicant from me. I got the impression from some of the conditions that you've agreed to that there were some -- possibly some ongoing issues that the neighbors have had for a period of time and that those are being addressed now.

I think there are a few people here in the public that are looking to speak. But I guess my question would be, what are we likely to hear from them and -- we will hear from them, I know. But what would you -- I think one question here is, have you been a good neighbor to the residents? Have you honored your commitments to the neighboring residents? And I would

just -- would you speak to that in advance before we hear from the public?

MR. EKIS: Yeah. And one of the questions that did come up was, you know, I haven't -- we haven't been a good neighbor since we've been there. I've asked them to elaborate on those comments. And, you know, the prior history to the facility, I'm not sure.

Obviously, we've taken -- new ownership took over in February of 2019, and I've worked hand in hand with the ownership there, and their biggest thing is, you know, make sure we are good neighbors. That came with, one, paving of the road, which is a privately maintained road.

We took that full responsibility. We did it ourself. We didn't ask for help from anyone. It's just something that we figured we would do to be a good neighbor. You know, I've put up some road signs. You know, we've done some green fencing. We've actually purchased a pretty expensive piece of machinery, the power screener, in order to reduce those piles quickly and faster to reduce the visibility so it wasn't more noticeable when they were on their way home.

So we've taken a lot of their considerations, absolutely. Because at the end of the day, they live there. That's their residence, and we're a business. But, you know, we want to be, you know, good neighbors. We want to be partners with the residents there. We're not looking to disrupt their livelihood. You know, we want to work with them. And, you know, with the ACI, it's just another piece of technology we can do to, you know, reduce some of the things that we do there and also use it off site if we need to for any kind of government facilities or agencies or anything like that.

But, yeah, I mean, at the end of the day, they do address some concerns. I've tried to answer them. I've tried to reach out to as many of them as I possibly could. And I know the biggest thing is, you know, will it cause a fire or it will cause a fire. And, you know, obviously, with the testimony here from some of the experts, you know, we are able to get a -- hopefully a clear picture of what this machine can do in reference to how we're going to use it on our facility.

And, you know, I've -- even one of the neighbors that lives directly east of me, he had no problem with it. You know, he just said, you know, that's fine, I don't have an issue with it. But I've also told him, too, the neighbor directly east of me, you know, if there's ever an issue, come ask me, come talk to me.

I do want to be an open-door, you know, facility. If someone wants to come in within six months and see what we're doing or how the operation runs, by all means, I'm not going to turn anyone away. I've had some of the neighbors come in, set up meetings with me to talk to me, and I've addressed their questions and concerns.

So as far as the facility goes, I mean, it's an open door. I mean, I'll make time to speak with them, address their concerns. Because like I say, at the end of the day, they have to live there and we, obviously, want to be good neighbors as well and not try to disrupt their livelihoods.

MR. KLATZKOW: Are you willing to put that as a condition of approval?

MR. EKIS: As far as?

MR. KLATZKOW: Having public access on certain times, concern days?

MR. EKIS: Yeah. I mean, absolutely. I mean, I have no problem with that.

CHAIRMAN FRYER: Good. Thank you.

COMMISSIONER FRY: So it would be your -- it would be your statement that some of the potential issues the neighbors have had with the facility were prior to your arrival and that you've done your best to address many of those concerns since you took over.

MR. EKIS: Correct. That is correct.

COMMISSIONER FRY: Okay. Net net, what kind of difference will this make for your neighbors? It sounds like from Ned's questions, which I've appreciated, you might -- it might reduce the truck traffic. Because less will be leaving the site, it will be taken care of. But now you've got some burning going on and a little bit of smoke and some carbon monoxide and things. Net net, what kind of a difference do you think this would make for the neighbors in the area?

MR. EKIS: Well, one, I hope they don't even know it's running. I hope it's just, you know, business as usual for us. But I don't want to disrupt anything. So, I mean, as far as that goes, I guess it would just -- you know, just an added feature that we're going to have, but I don't want to do any disruption.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Any other questions from the Planning Commission?

(No response.)

CHAIRMAN FRYER: If not, I want to raise this for our consideration.

Ray, do we have registered speakers?

MR. BELLOWS: Yes, we have five speakers.

CHAIRMAN FRYER: Five speakers. Okay. I would not like to make the speakers have to come back after lunch. How long is the staff presentation?

MR. BELLOWS: It would be very short.

CHAIRMAN FRYER: Okay. Well, why don't we do that, and then we'll go to the -- if it's all right with the Commission, we'll hear from the public. And then we'll take a break perhaps -- well, let's shoot for 1:00. Does that sound right?

(No response.)

CHAIRMAN FRYER: Okay, great.

COMMISSIONER FRY: To start lunch at 1:00?

CHAIRMAN FRYER: Yeah. Is that okay with the court reporter?

THE COURT REPORTER: (Nods head.)

CHAIRMAN FRYER: Okay. Good. Staff?

MR. BELLOWS: Do you want to start with the Comprehensive Planning item or the conditional use?

CHAIRMAN FRYER: Well, they were listed in the CU, GMPA order, but it seems to me it makes more sense to start with the GMPA.

MR. BELLOWS: And that's Corby Schmidt.

Shall we start with Nancy then?

CHAIRMAN FRYER: Yes, let's do.

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

MS. GUNDLACH: Good afternoon, Commissioners. For the record, this is Nancy Gundlach, principal planner with the Zoning Division.

And today we are recommending approval of the conditional use for Yahl Mulching subject, of course, to the approval of the Growth Management Plan Amendment.

And, as stated earlier, we do have seven conditions of approval if you'd like for me to read through them. They are contained in the staff report as well as in the conditional-use resolution. And if you have any questions of staff, it would be our pleasure to answer your questions today.

CHAIRMAN FRYER: Thank you. Does anyone need to have those seven conditions read?

COMMISSIONER HOMIAK: No.

CHAIRMAN FRYER: Okay.

(No response.)

CHAIRMAN FRYER: Thank you, Nancy.

MR. BELLOWS: I also have -- or a public -- or a speaker from -- representing the Collier County solid waste and landfill, Kari Hodgson, who would like to speak with the Planning Commission.

CHAIRMAN FRYER: All right.

I didn't ask whether any planning commissioner had questions of staff on this. Do they?

COMMISSIONER SCHMITT: No.

COMMISSIONER SHEA: No.

COMMISSIONER FRY: Yes, one quick. I just noticed that in the packet was the 2008 AUIR.

CHAIRMAN FRYER: I noticed that, too.

COMMISSIONER FRY: And I don't think traffic is a material issue here; at least it sounds like it was reduced truck traffic if anything. But is that -- why was it not looked at versus the 2019 AUIR?

CHAIRMAN FRYER: I had the very same question and came to the conclusion that it was irrelevant because it was going to reduce traffic, but I --

COMMISSIONER FRY: That's great. I'd love to hear that.

CHAIRMAN FRYER: I spotted that, too.

MS. GUNDLACH: That's a great question for transportation staff. Are the present?

MR. BELLOWS: Yeah. Mike's on his way.

COMMISSIONER SHEA: He's on his way.

CHAIRMAN FRYER: Okay. Yeah, Mike, you can use the middle. And feel free to be brief.

MR. SAWYER: My apologies. I'll do that next time. For the record, Mike Sawyer, Transportation Planning.

The reason that the TIS was not updated is that, basically, from a transportation standpoint, this is the addition of a machine for the facility and does not substantively impact transportation because of it. We have no ITE code for a machine like this. There's no identification that we can put on it from a transportation standpoint. That's why we relied on the previous approved TIS for the project.

CHAIRMAN FRYER: Thank you. Any questions for Mike?

(No response.)

CHAIRMAN FRYER: Okay.

MR. SAWYER: Thank you.

CHAIRMAN FRYER: All right. Let's go with the public speakers.

MR. BELLOWS: Kari with the county.

CHAIRMAN FRYER: Oh, I'm sorry. I'm sorry. I'm sorry. Please go ahead, yeah.

MS. HODGSDON: Commissioners, for the record, Kari Hodgson, director of Solid Waste Management, and I do need to be sworn in.

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

MS. HODGSDON: Good afternoon, Commissioners. First I'd like to address briefly someone's question about the -- where the source of the yard material comes from that the neighboring business would be manufacturing or processing. The landfill is responsible for all of the curbside collected yard waste. So anything that is commercial yard waste is a competitive industry in Collier County. So any business is welcome to go to Yahl Mulching for their processing.

COMMISSIONER SCHMITT: But they could still pay to dump at the landfill, can't they?

MS. HODGSDON: They can if they'd like.

COMMISSIONER SCHMITT: Okay. So it's a choice.

MS. HODGSDON: Yep, yep, absolutely.

Commissioners, I'd like to bring to the attention, for the record, the landfill is approximately 200 acres of decomposing waste that generates a combustible gas, predominately methane. The landfill contains 200 wells that extract this flammable gas to an on-site power plant. The power plant is located 1,900 feet west from the proposed location of the ACI, contains five cat combustion engines that convert that combustible gas to electrical that powers approximately 3,500 hundred homes in Collier County.

In part of the board -- I'm sorry -- the Board-approved integrated solid waste plan and solid waste in Collier County, we do promote recycling. We do promote reduction of -- source reduction as well. This is a volume reduction technique.

Yahl Mulching, last year their recycling of the yard materials contributed 5 percent towards our recycling numbers trying to reach the Florida mandated 75 percent goal by 2020. So we would lose that 5 percent of that number if the yard waste was now turned into ash.

And I'd like the record to also state that the ACI and its clean technology is compared to open burning, which does not occur currently at this site.

And if you have any questions, I'd be happy to answer them.

CHAIRMAN FRYER: Are you taking a position on this application?

MS. HODGSDON: We have the position of anything that imposes more of a fire risk to the landfill gas-to-energy plant is something that we are not proponents of in solid waste.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: Do you feel that 1,900 feet away that this single ACI unit would comprise a fire -- an additional fire risk to the landfill?

MS. HODGSDON: It would introduce flames where flames do not exist; however, I've never seen one in operation, to answer that factually.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Other questions or comments for this witness?

(No response.)

CHAIRMAN FRYER: If not, thank you so much.

MS. HODGSDON: Thank you.

CHAIRMAN FRYER: Now we'll go to public speakers. Ray.

MR. BELLOWS: Would you want to hear from Corby?

CHAIRMAN FRYER: If he's available. Yeah.

MR. BELLOWS: He was sworn.

CHAIRMAN FRYER: Yeah. There he is. Hi, Corby.

MR. CORBY SCHMIDT: Good afternoon. If I may, to answer one of your questions from earlier, your fire station, Station 72, is located on Beck Boulevard about three miles to the west.

CHAIRMAN FRYER: Yes, thank you. Approximately.

MR. CORBY SCHMIDT: And then -- approximately, thank you.

CHAIRMAN FRYER: Yeah. 75 is pretty close too, isn't it?

MR. CORBY SCHMIDT: It is, about the same distance, but a different direction.

CHAIRMAN FRYER: Okay, thank you.

MR. CORBY SCHMIDT: Now, staff has no counter recommendation. We do recommend approval and no changes to the language.

CHAIRMAN FRYER: Thank you, Corby.

MR. CORBY SCHMIDT: We also note that there are also additional conditions probably being recommended, but none affect the GMP.

CHAIRMAN FRYER: Thank you very much. Any questions or comments for Mr. Schmidt?

(No response.)

CHAIRMAN FRYER: If not. Thank you, Corby.

MR. CORBY SCHMIDT: Thank you.

CHAIRMAN FRYER: All right. Now, can we go to speakers?

MR. BELLOWS: Yes. Sarah Spector. To be followed by Kelly Yahl.

MS. SPECTOR: Good afternoon. Sarah Spector with Roetzel & Andress. I'm actually speaking on four fairly substantial property owners within the area, so I wanted to request

additional time as a representative.

CHAIRMAN FRYER: Any objection?

(No response.)

CHAIRMAN FRYER: Okay. We'll give you 10 minutes.

MS. SPECTOR: Thank you. I don't think I'll take that long, but thank you.

CHAIRMAN FRYER: Will you identify your clients?

MS. SPECTOR: I'm going to right now, yes. Thank you.

CHAIRMAN FRYER: Thank you.

MS. SPECTOR: I do represent Janie and Michael Yag and Shore Acres Farm, LLC, the owners of 1170, 1180, 1220, and 1243 Keane Avenue, together with two adjacent parcels with no street address; American Farms, LLC, owner of 1450, 1484, and 1620 Keane Avenue, together with 10 adjacent parcels with no street address; Steinmann Farms, LLC, owner of 1340 Keane Avenue, together with three adjacent parcels with no street address; and Hideout Golf Club, owner of 2830 and 3025 Brantley Boulevard.

These owners were not provided with notice of the neighborhood information meeting because they are outside of the 1,000-foot notification zone, but they're no less affected by this request.

As the crow flies, the southernmost point of these properties is roughly 1.5 miles away from the property that is subject of the conditional use and Growth Management Plan requests.

My clients are extremely troubled by the request being made, especially in an area that is extremely prone to wildfires, each which, at the very least, threatens property damage and irreparable harm to the businesses conducted there. Some recent fires have, in fact, caused significant damage to my clients' property.

The startup, shutdown, and operating plan for a yard trash processing facility and air curtain incinerator included with the application contains several concerning statements. While the materials are to be screened so that only 100 percent wood waste and 100 percent clean lumber is loaded into the incinerator, the plan only requires that the screeners make reasonable efforts to separate materials that do not fit this description.

Additionally, once all material has been reduced to ash, it is removed from the incinerator and used as a soil amendment to be sold as topsoil; however, the plan in bold, capital letters provides: "Do not remove hot embers, as this can start a fire."

Finally, the plan requires the operator to obtain required approvals from the Greater Naples Fire District, but it is our understanding in speaking to them prior to this hearing, that neither the fire chief nor the fire marshal have been consulted with respect to this specific proposal.

In addition to the operating plan, Mr. Ferraro, during his presentation, remarked that sparks would be present at the time of loading, and as you have also recognized, the incinerator will remain hot all throughout the night.

The approval of a device without fire district input that could cause devastating damage if not properly operated is very concerning. The environmental advantages associated with the air curtain incinerator over grinding or open burning are rendered meaningless when properties and businesses are destroyed.

The proposed conditional use is not appropriate for this area, and it's simply not compatible with the surrounding properties or those in the general vicinity that could be severely impacted by additional fires.

In addition with the concerns relative to the danger posed by the air curtain incinerator is the fact that the Land Development Code does not support the request. The application, as originally filed, sought approval of a conditional use to allow for use of an air curtain incinerator in the agricultural zoning district. The section of the LDC allows for collection and transfer sites for resource recovery as a conditional use, which is the conditional use that is already approved for this

site. It does not specifically allow for use of an incinerator at a collection and transfer site for resource recovery or as a conditional use in the agricultural zoning district. In reality, it is more akin to processing than collection and transfer.

The staff report, as originally drafted, similarly classified the request as one for conditional-use approval. It has since been amended to provide that the request is for an accessory use, the air curtain incinerator, to an already approved conditional use, the collection and transfer site, for resource recovery, with the same provisions of the LDC being cited.

There's no provision of the LDC that allows for approval of an accessory use to a conditional use. Without an LDC provision on point, it is inappropriate to apply the cite for approval of a conditional use where it is not actually a conditional use being requested; however, that is the criteria staff has used in recommending approval of the request.

There are two additional points worth mentioning. Incinerators are only permitted as a consequential use in the zoning public-use district. As a reminder, this property is zoned agricultural, and no rezoning request has been submitted.

Additionally, the Collier County Solid Waste Disposal and Resource Recovery Act, which is found in Chapter 258-26 of the LDC, allows for the use of incinerators in conjunction with solid waste disposal sites provided that they are county sites or sites operated by a licensee or franchisee of the county. Staff has confirmed that Yahl -- that the Yahl facility does not fit within either of these categories.

Accordingly, even if it were appropriate to seek approval of an accessory use to a conditional use, the ACI should not be approved so long as the facility is a private provider on land in the agricultural zoning district.

Finally, though asserted during the presentation, the request is not consistent with the Growth Management Plan. The applicant has requested a Growth Management Plan Amendment as well as given that the Growth Management Plan currently expressly prohibits incinerators in the Rural Fringe Mixed Use District sending lands. It specifically provides that this shall not be interpreted to allow for the establishment of -- or expansion of facilities for landfilling, dry filling, incinerating, or other method of on-site solid waste disposals. The proposal is to simply remove reference to incinerating, but it would seem improper to do so given that the LDC allows incinerators in so few places.

Based on the foregoing, we would respectfully request that you recommend denial of this request.

CHAIMAN FRYER: Thank you.

Go ahead, Joe.

COMMISSIONER SCHMITT: Yes. Please, don't --

MS. SPECTOR: Okay. Sorry.

COMMISSIONER SCHMITT: I have some questions. I just want -- you stated, and I just want to make sure I heard what you said. The auxiliary -- no, what did you say?

MS. SPECTOR: Accessory.

COMMISSIONER SCHMITT: Accessory use, you said, is not -- it should not relate it to the conditional use. It's not allowed. An accessory use is not allowed to a conditional use; is that what you just stated?

MS. SPECTOR: There's nothing in the code that contemplates it that --

COMMISSIONER SCHMITT: I didn't think so. I had to state that correctly in my brain. But accessory use to a conditional use, right.

MS. SPECTOR: Correct.

COMMISSIONER SCHMITT: I mean, the only way to really do that, then, would be through some kind of a zoning process with a PUD or some other type of zoning.

MS. SPECTOR: Correct.

COMMISSIONER SCHMITT: Okay. Jeff, you'll have time to respond.

CHAIRMAN FRYER: I have a few questions also, but before I ask them, do any other Planning Commissioners?

(No response.)

CHAIRMAN FRYER: Okay.

Thank you, Ms. Spector.

First of all, if the language were changed from "reasonable business efforts" to "best business efforts," would you see that as an improvement?

MS. SPECTOR: No.

CHAIRMAN FRYER: No? All right. Have you been in contact with the Greater Naples Fire protection district?

MS. SPECTOR: I have not personally. My client did speak with them yesterday to confirm. Oh, I'm sorry, the American Farms. One of the owners of American Farms spoke with them.

CHAIRMAN FRYER: And what was learned in that meeting?

MS. SPECTOR: That they were concerned that they had not been consulted and they would want additional input into the request.

CHAIRMAN FRYER: Are they -- are you telling us that they now are opposing it?

MS. SPECTOR: I cannot speak for them. I'm just relaying the conversation to you.

CHAIRMAN FRYER: Okay. Have you met with any representatives of the applicant?

MS. SPECTOR: I have not.

CHAIRMAN FRYER: Okay. We have asked for, and I think received as concessions from the applicant, several additional conditions such as the addition of sprinklers, which seems to me is a major concession: The wind blowing 15 miles an hour for 20 minutes, no charging; they're going to put a fire alarm in there; public access is going to be allowed during reasonable business hours; and then staff has seven conditions. You're not satisfied with this?

MS. SPECTOR: Well, it is concerning that they're not going to have anybody monitoring overnight. I don't -- with someone 10 minutes, 20 minutes I think -- I think 20 minutes away is what was stated. That's a significant amount of time for someone to respond. But even aside from the fact, I don't know how this request can be approved under the current Land Development Code provisions.

CHAIRMAN FRYER: If there were a requirement that there be someone physically present on site, would you still be opposed?

MS. SPECTOR: My clients would not like to see an incinerator at this --

CHAIRMAN FRYER: Okay. That's all the questions I have. Anybody else have questions for Ms. Spector?

(No response.)

CHAIRMAN FRYER: Thank you.

MS. SPECTOR: Thank you.

CHAIRMAN FRYER: Next public speaker.

MR. BELLOWS: Kelly Yahl.

MS. YAHL: Good morning. Good afternoon. My name is Kelly Yahl. I live at 2221 Washburn Avenue. I don't have prepared statements. I live directly across the street from the mulch yard.

I heard earlier reference to some fires that gave us some concerns three or four years ago. It wasn't three or four years ago; it was three or four weeks ago. We were under a mandatory evacuation order for four days because of a fire that started eight miles away from us.

CHAIRMAN FRYER: Excuse me. Did I understand you to say that your last name is Yahl, Y-a-h-l?

MS. YAHL: It is.

CHAIRMAN FRYER: What is your relationship to the applicant?

MS. YAHL: I have no relationship to the current owner. The previous owner was my sister-in-law.

CHAIRMAN FRYER: I see. Okay. Please proceed. Thank you.

MS. YAHL: Now I lost my train of thought.

CHAIRMAN FRYER: Sorry.

COMMISSIONER SCHMITT: Fire.

MS. YAHL: We were under a mandatory evacuation order for four days for a fire that started eight miles away. That's how fast these things move.

If you don't have somebody monitoring a fire overnight, I don't care how close they are; you're not going to stop anything too soon.

And the comparison between open burning and the air curtain burning that was presented extensively is irrelevant because there is no open burning currently going on on that facility. You're producing a flame, like the lady from the landfill mentioned, where none currently exists. When you introduce that, you introduce risk.

I've read the operator's manual for this particular unit. I don't have it with me; I'm sorry. But as an operator, it lists very specific clothing that you have to wear within 100 feet of the incinerator because, I quote, embers can fly up to 100 feet from the incinerator when they are being loaded, okay. If an ember can fly, a fire can start. And it not starting depends on proper operation of this incinerator.

While I will admit that the current owners have made improvements on that property that weren't taking place before they owned, there has been no significant reduction in the construction -- in the C&D pile. It's still higher than the building, and they were dumping more there today.

The trucks -- somebody said something about the trucks don't come in until after the school buses. I don't know where they're getting that from, because I've had to pass on the wrong side of the road with trucks lined up on the wrong side of the road waiting to get in the facility.

And that brings me to our last point. That is our exit. That's our only exit. If a fire starts there, and you've got people in there, nobody's getting out because there's nowhere else to go.

So I think it's foolish to even consider burning anything in that spot, air incinerator or otherwise. And I'm asking you to vote no on this proposal.

CHAIRMAN FRYER: Thank you.

Next registered speaker, please.

MR. BELLOWS: Ricardo Soubelet -- Soubelet.

MR. RICARDO SOUBELET: Good morning, Commissioners. Well, today I come to you --

CHAIRMAN FRYER: State your name, sir.

MR. RICARDO SOUBELET: Sorry. Ricardo Soubelet. I live --

CHAIRMAN FRYER: Spell the last name.

MR. RICARDO SOUBELET: S-o-u-b-e-l-e-t.

I live in 2112 Washburn Avenue. It's the property not adjacent to Yahl's but the one right next to it, so the next neighbors.

Come here today to petition against the establishment of the air curtain and the Yahl Mulching.

A couple of points that I wanted to review. The health hazards that this proposes as a pollution in the air. My sister is -- as was mentioned was the person with respiratory issues. She has cerebral palsy, and so this, obviously, proposing a big concern to my family.

Well, one of the points that Commissioner Schmitt -- his very first concern was that sorting

out all these woods that are coming in from landscaping. We don't know if they have -- are covered with insecticide, pesticides, all these things that the sorters are going to be able to sort out. Well, I think it's something that's an invisible thing that we're not looking at, and these are things that we're going to be burning.

We're loading the -- well, they are loading the burner 20 times an hour, and every time it's loaded, it's going to break the curtain, and we're going to be releasing smoke into the air; smoke and pollution.

As the presenter said in his presentation, even though the incinerator might be located in the middle of the facility, there is no cover on the machine. At night, I think it was a little bit shady with the presentation when they said that it might be on or it might not be on at night. And so I was wondering that if at one night there is a gust of wind when the machine isn't on, we can have ashes flying in the area. So that's a concern that we have.

What else? Well, another thing that I had, while I was listening to everything is, they stated they there had to be 500 feet from any actual residential building. Well, just to give you an idea, the dimensions are 600 by 300. The neighbors very next door are located in the middle of the property, so I think 500 feet is a skewed number, so I'd like some more clarification on that.

Well, that's it.

CHAIMAN FRYER: Okay.

MR. RICARDO SOUBELET: Thank you for your time.

CHAIMAN FRYER: Thank you very much.

Our fourth speaker, Ray?

MR. BELLOWS: Richard Soubelet.

CHAIMAN FRYER: He just spoke.

MR. BELLOWS: That's his brother [sic].

CHAIMAN FRYER: Oh, sorry.

DR. RICHARD SOUBELET: Yeah, it was my son.

CHAIMAN FRYER: Okay. All right. Go ahead.

DR. RICHARD SOUBELET: Just to clarify the measures that we are from the northeast corner, the measures, we are 300 feet, and we, in between, have a neighbor who is close, at least, say, 200 feet from the structural corner of where they're going to put the machine. So they are a lot less than 500 feet.

They say also the bus is not coming -- my little girl come at 1:00 p.m. in the middle of the process with the school bus.

And I hear the terms "slowly operate," "little smoke," "not very loud." So it comes to me as a doctor -- I'm retired right now. When one patient tells me that I'm a little pregnant, I'd say, okay, you are or you are not.

So we're going to have smoke, we are going to have a machine loud, and these things is going to change our environment 100 percent. That's all.

Thank you very much. We are against.

CHAIMAN FRYER: Thank you, sir.

MR. BELLOWS: The last speaker is Shannon Crawford.

MS. CRAWFORD: My name is Shannon Crawford. I don't have prepared statements, but I have lived -- live at 2002 Crawford Avenue. I've lived there -- I first moved there 35 years ago. Yahls have been my neighbors all that time. Yahl Mulching is not Yahl Mulching anymore. They kept the name, but it's not a neighborhood-run business.

I like to open up my windows in the morning. Like the fresh air. I like the smell of the fresh air. I have five acres. Everyone living out there has at least five acres. It takes a lot time out in the yard doing yardwork there. I'm outside. I love living there. I have always loved living there, and I think this is going to significantly impact my quality of life, and I -- I resent that,

and I don't want you to allow it.

I think it's a fire hazard. We just had -- we had, actually, upstairs -- I didn't see -- we had people from south of 75, because this affects us and it affects them. The last times we had fires in 2017 and just a few weeks ago, the fires jumped 75. So it doesn't really matter, like, where it originates, because it jumps. And the facility abuts 75 at around Mile Marker 99.

You have huge county infrastructure. You mentioned the Sports Parks. I mean, that is a huge investment infrastructure. We have the landfill there. That is -- that is -- Google landfill fires. Do you want to get scared? You know, seriously. Do you really want to take that chance? You talk about less truck traffic. If they burn 10 to 20 tons an hour, trust me, they're there to make money. They're going to burn, and there's going to have to be a lot of trucks coming in in order to feed that machine.

I'm sorry. I'm hungry, too, so I don't do well when I'm hungry. I wished I'd eaten a bigger breakfast.

So -- let me see. My air quality, my standard of living, my sister's, you know, who lives next to me -- well, you know, in that neighborhood -- next is 660 feet away. In all of our -- you know, we live there. We work in our yards. We open our windows. We want fresh air.

The landfill situation has been very well resolved. I mean, they are not an issue at all anymore. I went through that, and I went through that where I step out on my deck at night and it's like, whoa, go back inside. I don't want that. We all are old enough to know what a wet ashtray smells like. Seriously. I mean, it's going to be one great big wet ashtray, and I don't want to smell it. And it's not safe. And there's too much valuable infrastructure that is at risk. Every time, 20 times an hour, they're going to be breaking that and particulates and hot embers --

CHAIRMAN FRYER: Can you wrap it up, please, ma'am.

MS. CRAWFORD: -- could escape all of those, so yes.

CHAIRMAN FRYER: Thank you.

MS. CRAWFORD: I do better on a full stomach.

CHAIRMAN FRYER: Okay. Have a good lunch.

MS. CRAWFORD: Yes, I'm asking you to deny it, by the way.

CHAIRMAN FRYER: We gathered.

COMMISSIONER SCHMITT: We gathered that.

CHAIRMAN FRYER: Thank you. That's all the registered speakers we have?

MR. BELLOWS: Correct.

CHAIRMAN FRYER: Anybody else in the room who hasn't registered wish to speak on this matter?

MS. SKUFCA: I do, please.

CHAIRMAN FRYER: Please come forward. And I take it you have not yet been sworn in.

MS. SKUFCA: I have not.

CHAIRMAN FRYER: Okay. We'll take care of that.

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

MS. SKUFCA: My name is Candy Skufca. I am the owner of Panthers Walk RV Resort on the south side of 75.

We have had to evacuate twice in three years, and the last evacuation came at 10:30 at night. Imagine having to get 100 homes evacuated in hours. You don't know how far away the fire is. The fire did jump 75 the next day, and it was very scary sitting outside of my business and my home waiting to see it burn away.

In 2017, that March 7th fire, was at Mile Marker 98, and we were evacuated at 11:00 in the morning. By 2:00 in the afternoon, I was sitting outside across the street from the toll booth waiting as I heard "boom, boom, boom," thinking that the propane tanks were blowing up. The

fire was raging across the property, and I was crying because I thought I lost my home and my business.

They move fast. The reason I'm telling you this is because we have a lot more people to think about than just the north side of 75. You have Forest Glen. You have the horse barns. You have Picayune Strand. We have all of the people down the buff that have just built their new homes, the ones on Bentley that have built their homes, and we have Club Naples RV Resort.

So please consider all of our residents on the south side, our time to be able to evacuate in the middle of the night if it has to be, and we really don't want this to be there.

Thank you very much for your time.

CHAIRMAN FRYER: Thank you. Any other member of the public wish to speak?

(No response.)

CHAIRMAN FRYER: If not, what I propose to the Planning Commission is that we recess for lunch to return at 2:00 and then allow for rebuttal and questions and see if we can't wrap this matter up, and then after that we'll turn to the golf course. Does that sound reasonable?

(No response.)

CHAIRMAN FRYER: Okay. Then that's what we'll do. Stand in recess till 2:00.

(A brief recess was had from 12:56 p.m. to 2:00 p.m.)

CHAIRMAN FRYER: Ladies and gentlemen, we're going to reconvene, and we had completed public speakers. So I believe the next thing would be for rebuttal.

MR. WRIGHT: Good afternoon, Commissioners, Jeff Wright again.

I wanted to point something out that -- Corby Schmitt, I'm not sure that he ever got his testimony on the record this morning.

CHAIRMAN FRYER: He did.

COMMISSIONER SCHMITT: He did.

MR. WRIGHT: He did? Okay. It was brought to my attention.

CHAIRMAN FRYER: You know, Jeff, perhaps -- based upon a conversation I had with Ray before lunch, in order for you to have a full opportunity of rebuttal, maybe we need to turn this back to staff and see if staff's recommendation has changed.

MR. BELLOWS: For the record, Ray Bellows. The presentation provided by Kari -- I can't remember her name now.

CHAIRMAN FRYER: Hodgson.

MR. BELLOWS: Hodgson -- I think raised a lot of concerns that staff hadn't evaluated as part of the review of the conditional use or the Growth Management Plan Amendment.

While the concern of the proximity to the energy-to-gas is definitely an issue that needs to be addressed, one is, do we recommend denial as staff, or can there be conditions of approval -- additional conditions of approval to ensure that the gas-to-energy facility is adequately protected?

And in my conversations with Jamie French between -- in the break, during the break, he had indicated that, because this will require a Site Development Plan approval for this intensification of this site, we do additional fire prevention reviews on this particular site that could look at that safety aspect in regards to the gas to energy.

So while I'm not prepared to say we're changing to recommendation of denial, I'm saying we need to look at additional safeguards.

MR. KLATZKOW: Did you need a continuance on this item so you can look at that?

MR. BELLOWS: That might be advisable.

MR. KLATZKOW: Is that your recommendation?

MR. BELLOWS: Yes.

CHAIRMAN FRYER: Anything from the Planning Commission on the recommendation for a continuance? And we'll -- Jeff, we'll give you a chance to talk.

COMMISSIONER FRY: Yes. I guess I'd also -- it didn't sound like the fire department had been consulted and brought into this equation either.

MR. BELLOWS: Well, staff has fire reviewers on the team, but not the District, so maybe we should do that as well.

COMMISSIONER SCHMITT: Yeah. That was my recommendation. I would prefer that the applicant contact the North Naples Fire District or -- is it --

CHAIRMAN FRYER: Greater.

COMMISSIONER SCHMITT: Greater Naples Fire District, thank you -- because I certainly think it's --

MR. BELLOWS: Yeah.

COMMISSIONER SCHMITT: -- of very much importance that we hear what they have to say --

MR. BELLOWS: It definitely is.

COMMISSIONER SCHMITT: -- because I mean, if -- I was going to have a discussion, but if we're going to recommend to continue, then I think, frankly, from my position, that is the best approach right now for the applicant.

MR. BELLOWS: I agree.

CHAIRMAN FRYER: I'd like to ask that we ask Greater Naples to send an official to testify before us if and when this comes back, because it is very, very important.

Other comments before we ask Mr. Wright to speak?

COMMISSIONER FRY: Just that I think the fire aspect of it, the risk of fire, which was raised, I think eloquently, by the neighbors and how fire sensitive an area this is, you know, I feel a great sense of responsibility to only approve this if we are very much assured of fire safety and every precaution's been taken and that they -- that those risks are mitigated or eliminated. I don't know if they can totally be eliminated --

MR. BELLOWS: Yeah.

COMMISSIONER FRY: -- but definitely would like to see that addressed.

MR. BELLOWS: Definitely, and we can clarify some of the issues raised by the public in our re-submittal.

(Simultaneous crosstalk.)

MR. KLATZKOW: And, Jeff, you may want to get what the current trip count is.

CHAIRMAN FRYER: Yeah. That's a good idea, current trip count, AUIR.

Mr. Wright?

MR. WRIGHT: Yes, thank you. I understand the prudent approach, and I don't have any problem with it.

I did have a chance to talk to Solid Waste, because it was a surprise to me that they showed up, because they were at the pre-application meeting and didn't express any concerns all the way through, and they showed up at the last minute. So I said, what gives? What exactly? And she basically -- I don't want to put words in my mouth -- in her mouth, but she said, you're a competitor. So I just would ask that as we go along --

CHAIRMAN FRYER: I didn't hear what you said, Jeff.

MR. WRIGHT: You're a competitor of ours.

CHAIRMAN FRYER: Oh.

MR. WRIGHT: And so, I mean, I obviously didn't cross-examine her, but we also had Sarah Spector getting up here listing a number of entities. And I'm not sure that she's been registered properly for. But we don't know who they are or where they are. And I suspect that those are also competitors.

So I wanted to get that on the record. It's probably going to linger with this case as it moves along. So -- but we don't have any problem with your request. We'll get in touch with the

fire district and Solid Waste and make sure we're good.

CHAIMAN FRYER: Perfect. Good. Entertain a motion then.

COMMISSIONER SCHMITT: Oh, I just want to add to the staff. When this comes back, what I would like from the staff -- probably going to have to coordinate with the folks -- well, the landfill, basically, Public Utilities --

MR. BELLOWS: Yep.

COMMISSIONER SCHMITT: -- for the history in this county, for this history, the long-standing history that this county was not going to ever allow for open burning or any type of burning.

So there's a long history of that at the landfill, and I would like to hear some of -- some of that background as well.

MR. BELLOWS: Okay. Make sure I understand where -- you want as part of the backup information additional research as to open fire permits?

COMMISSIONER SCHMITT: Yeah, open burning --

MR. BELLOWS: Open burning.

COMMISSIONER SCHMITT: -- that this county many, many years has never approved any type of incineration type -- incinerator or any other type of device at the landfill --

MR. BELLOWS: Okay.

COMMISSIONER SCHMITT: -- because of the public concern.

COMMISSIONER FRY: Well, the quote that I heard was that incinerators are specifically prohibited except in, quote, public-use areas.

MR. BELLOWS: Well, our zoning code lists that as a permitted use in the -- in the public-use zoning district, and it doesn't list it as a conditional use in the ag district or in the zoning overlay. But staff's opinion is that the activities that are currently occurring on site, the resource recycling, this is an additional intensification activity of that process. So we're not seeking a conditional use for an incinerator. We're expanding the role of that type of facility to include that. We felt that, rightly so, that that should go through a public hearing process and not just deem it an accessory use permitted by right. So we wanted to make sure it came through a public hearing process to deal with it as an expanded activity to a resource recovery recycling facility.

COMMISSIONER FRY: Thank you.

CHAIMAN FRYER: Any other questions or, perhaps, a motion? Oh, should it be indefinite continuance or continuance?

MR. BELLOWS: It's up to the applicant, but I think staff would need more time than just the four-week continuance.

CHAIMAN FRYER: Okay.

COMMISSIONER SCHMITT: Ray, also the issues that were raised regarding the accessory uses, conditional use, all those other kind of uses --

MR. BELLOWS: Yeah, that kind of was my last answer, but we can put that into a supplemental staff report how we came to the decision that this was an expansion of the activities on the site.

COMMISSIONER SCHMITT: Okay.

CHAIMAN FRYER: Paul?

COMMISSIONER SHEA: That was my question. I wanted to hear the rebuttal that we would have as staff to the first speaker. Obviously, there's two sides to everything, but it made it sound like we were actually going through the wrong process, at least in her opinion.

MR. BELLOWS: Yeah. If we were dealing with it as a permitted use, it's not allowed. It would have to be a rezone. But if we're dealing with it as an additional activity that's allowed as part of a resource recycling facility, it was my opinion that it could be requested for that. Obviously, she has a different opinion.

CHAIRMAN FRYER: There are two companion items that are before us right now, the CU and the small-scale GMPA. I'd entertain a motion to continue --

MR. KLATZKOW: Just before that, just to save the applicant the readvertising --

MR. BELLOWS: Just go to four weeks?

MR. KLATZKOW: Well, I'm just -- do we have -- my calendar has a meeting on July 16th; is that correct?

MR. BELLOWS: Correct.

MR. KLATZKOW: Do you want to just continue it to then? If for some reason you need more time, we can re-continue it; otherwise, he has to advertise again.

MR. BELLOWS: That would be fair.

CHAIRMAN FRYER: Okay. Is there a motion to that effect?

COMMISSIONER FRY: So moved.

CHAIRMAN FRYER: Second?

COMMISSIONER HOMIAK: Second.

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: Okay. It's been moved and seconded that we continue both of these items to the 16th?

MR. KLATZKOW: July 16th.

CHAIRMAN FRYER: July 16th meeting. Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Any opposed?

(No response.)

CHAIRMAN FRYER: Carries unanimously. Thank you.

Thank you, Mr. Wright.

***All right. Are we ready for the golf course? That had been not to be heard until -- not to be heard before 1:00 p.m., but we're at 2:10 p.m., so I guess -- I assume everybody's ready to go on that?

MR. FRANTZ: We are.

CHAIRMAN FRYER: Okay.

MR. FRANTZ: Jeremy Frantz, for the record.

CHAIRMAN FRYER: Let me just call this. This is -- this is an LDC amendment to the -- to the -- what's it called -- something facility? I'm blocking on the word. Community facility provisions of the LDC to provide for unlimited seating and an extension of hours of operation to midnight, and it is PL20190002545.

And we don't -- we don't need to swear in witnesses, do we, or do we?

MR. FRANTZ: No, we don't.

COMMISSIONER HOMIAK: No.

CHAIRMAN FRYER: Okay. And we don't need to make disclosures, or do we?

MR. FRANTZ: You do not.

CHAIRMAN FRYER: Okay. So please proceed.

MR. FRANTZ: Jeremy Frantz, for the record. I'm just going to be brief and mention that, you know, you-all have seen this amendment. Back in December it went to the Board briefly, and they asked for you-all to rereview.

We've got a few additional staff members that are going to actually make the presentation for this amendment, so I'm going to turn it over to them now. The first is Geoff Willig with the County Manager's Office.

CHAIRMAN FRYER: Okay.

MR. WILLIG: Good afternoon, Commissioners.

CHAIRMAN FRYER: In the interest of time, why don't we alternate between mics, and so the lady's who's cleaning one won't hold up someone speaking from the other one.

MR. WILLIG: Sure. And I'm going to pull up this presentation as well.

Good afternoon, Commissioners. My name is Geoff Willig, project manager for the Golden Gate Golf Course redevelopment piece.

As Jeremy mentioned, you saw this item in December, and then it went to the -- it went to the Board of County Commissioners, and the County Commissioners had asked us to bring this back to you-all to -- once we had selected a partner. If I could invite Commissioner Saunders up to the mic to say a few words about this project.

CHAIRMAN FRYER: We'd be honored, Mr. Chairman.

COMMISSIONER SAUNDERS: Thank you very much. And just for the record, Burt Saunders, and I do have my mask, but I feel pretty comfortable right here.

I want to thank all of you for your service. These are difficult times, and I really appreciate your effort.

When I ran for the County Commission -- and I'll be very quick as well. When I ran for the County Commission, one of my goals was to pay a lot of attention to the Golden Gate City area. I felt that that was a community -- 25,000 people live there -- it really didn't get much attention for many, many years.

And so we created an Economic Development Zone so tax dollars raised in that community over and above the 2014 base will stay in that community. We have a new road program that's being put together to make Golden Gate Parkway a pedestrian and bicycle-friendly thoroughfare, give it more of a community feel.

We acquired the water and sewer service there. Golden Gate City had some of the most expensive water and sewer rates in the state. They got a 30 percent reduction just by the county acquiring their system.

And we are working on an overlay zoning district that you'll see that deals with the whole commercial corridor there, which also includes this particular area.

One of the things that -- and a couple of you may remember this, but going back to 1983/84 when I was the county attorney, big issue was, can we get golf in Collier County? And, of course, that fell apart, and now we're some 30 years, 35 years later, and we're still talking about how can we get a community golf course in this county.

We have four commissioners, including myself, that have steadfastly said we're not going to spend county money to build a golf course and operate a golf course, but we were able to purchase this property recognizing that it was the last large parcel of property in the urban area that we could reserve for open space and for future generations.

Now, we have the ClubCorp proposal where they will build the golf course using their money. They will operate this golf course as a first-class golf course. This will not be a rundown community golf course. It will be a first-class operation.

In order for them to make that capital investment -- and they'll explain what that is. For them to make capital investment, they have to have some revenue source to offset the losses that they will experience at this community golf course where Collier County residents will have a deeply discounted price to play golf.

How do they do that? Well, they have the BigShots facility. I have visited their BigShots facility. It is extraordinarily well run, and they will explain all of that. But in order for that to be

cost effective, they have to have a really nice restaurant operation going on there, a good food and beverage operation.

The current PUD limits restaurants to 150 seats. We all know that that's not an economically viable alternative for this type of a facility. So that's number one; we need to get the number of seats increased.

Number 2, hours of operation. I think the PUD calls for everything to be shut down by 10:00 p.m. Well, that's not going to work either, and they'll explain what their hours of operation will be.

The issue becomes noise and light. Those are really the only two issues. Noise will not be a problem because of where this is located and the way it's situated on the parcel that will be dedicated for that. Lighting, as you all know, with new technology, will be directed only onto their parcel. That will not be a problem. There'll be sufficient buffering to prevent any negative neighborhood impacts. And the project is placed on this parcel in a way to minimize any potential impacts.

I will say this is the one and only opportunity that we'll have for a long time to have community golf in this county. The economic situation with the coronavirus certainly will make the County Commission going forward very, very cautious, and we already have four commissioners that have said we're not going to spend county money on this type of facility. So this is the one and only opportunity for that. Plus I think this will be an incredibly positive economic benefit for that part of Collier County.

So I'm urging you to consider an affirmative vote on those two issues.

CHAIRMAN FRYER: Thank you, Chairman Saunders.

COMMISSIONER SAUNDERS: If there are any questions, I'll be here.

MR. WILLIG: As the Commissioner stated, the LDC currently allows for 150 seats by right. This was only asking for 200 seats, or increasing that to 200 seats, and increasing the hours of operation from 10:00 to midnight.

Really, it comes down to, why is this necessary? Well, in order for us to go through this process and in order for, as the Commissioner said, BigShots to be able to -- or ClubCorp/BigShots to come in and develop this property, we need to have those things now so we can move forward in advance.

We could -- as was mentioned in December, we could go through the PUD process; however, that would add a significant amount of time to developing this property, probably six to 12 months of additional time before we could get this property moving again and provide golf, as the Commissioner said, to the community. So that's really the reason that we are asking for this --

CHAIRMAN FRYER: Mr. Willig, would you mind if I interrupted you just to get a couple of points of clarification?

MR. WILLIG: Sure.

CHAIRMAN FRYER: Thank you. First of all, did you -- did I hear you say that instead of an unlimited number of additional seats, it's going to go from 150 to 200?

MR. WILLIG: Yes, that's correct.

CHAIRMAN FRYER: Okay. And let's see. The second thing, with respect to the PUD, I understand that the Board of County Commissioners -- I'm not sure where we are -- well, come to us first, of course -- that there would be a PUD for affordable housing; is that the plan, or essential services personnel?

MR. WILLIG: Can you repeat that? Sorry. I was looking at a note.

CHAIRMAN FRYER: The central core of this parcel would -- is it planned that it would become affordable housing or essential services personnel housing?

MR. WILLIG: Let me throw this on the visualizer. Are we not --

MR. BELLOWS: It's not working.

MR. WILLIG: Never mind.

At the Board meeting last week we had a -- when we had the housing piece on the agenda there, we had included a draft plan that showed we've done a fit study that has golf courses around -- or golf holes around the Par 1 community in the middle, surrounding that community and along the edge. We've allocated the southernmost portion of the golf course, which is along 951 almost to the canal, as the area for the housing piece, the essential services housing, and then to the north -- northwest and straight north part of the property would be left aside for the potential VA nursing home facility.

CHAIRMAN FRYER: I got it. And so this is going to be coming back to us in the form of a PUD, or at least those two pieces?

MR. WILLIG: Yes.

CHAIRMAN FRYER: Okay. Thank you. Sorry to interrupt.

MR. WILLIG: No, that's all right. So, anyway, I have three individuals from ClubCorp here. I've got Randall Cousins, Jeremy Parish, and Devin -- Birch, that's it. I knew it was nothing simple.

They're here to speak in regards to the BigShots facility, and I have a presentation that they can run through as well.

So, Randall.

CHAIRMAN FRYER: You can use the middle mic. It's been cleaned.

MR. WILLIG: You can just tell me to advance, I'll advance.

MR. COUSINS: Good afternoon. My name is Randall Cousins, and I'm with ClubCorp and BigShots. And, again, I'll just echo, thank you for your time and your consideration in this. And thank you to staff who's been a very helpful group for us to work with as we've been working with this project over the last months.

So this deck is actually a derivative presentation of what we presented in this room back in February, and it's really meant to give you some context and some overview of why we're here and why we're excited about this project.

And so what we had originally presented was the combination of ClubCorp, which is a 60-year-old golf management and ownership company, with BigShots Golf, which is a new concept which we, ClubCorp, acquired in late 2018, and Golden Gate Golf Course. So to do that, I'll give you a little bit of overview of ClubCorp.

We operate in three distinct integrated divisions. One is with private golf and country clubs. We have more than 170 golf clubs across the country, and then we also have business and sports and alumni clubs which are -- think of dining clubs at the top of office towers and then stadium clubs, for instance, in Baylor, University of Texas, Texas Tech things like that.

So we have a very strong pedigree both in golf as well as in hospitality and food and beverage, which we think really gives us a unique position to service a community like this with a concept like BigShots Golf.

So that's our third division, and we acquired it in late 2018. The goal was really to bring people to golf who had never swung a golf club before. It is -- it is most cynical [sic]. It is a restaurant with a driving range attached to it where you can come in and play a digitally enhanced golf game where you hit a ball that's tracked with a Doppler radar technology and overlaid into a digital environment. So it's extremely accessible to the nongolfer.

And we think Golden Gate presents a very unique opportunity to marry that high-tech experience with low-barriered entry, for someone to come to a golf course and then immediately get onto green grass golf very quickly if they so want to.

So ClubCorp, as I said, we're a leading owner/operator of private golf and country clubs all across North America. We have a portfolio of more than 200 properties in 27 states, including District of Columbia as well as two foreign countries, in Mexico and in Canada.

We have iconic clubs such as Firestone Country Club, Mission Hills, Indian Wells, and the Woodlands Country Club in Houston if you're familiar with those. We regularly host events with the PGA Tour, the LPGA, and the Champions tour. So we think we have a very strong background when it comes to golf.

Just to give you a little bit of overview, as I said, it's a 60-year-old company. We were founded in 1957 by the Dedman family in Dallas, Texas, and their goal at the time was to really take golf, which had been a not-for-profit endeavor -- typically clubs were owned by members -- and to step in and say that these could be run professionally to really bring standards around the hospitality and the food and beverage, and then to really open up golf for everyone, allow anyone to be members as opposed to, you know, a very select group in these markets. And so that very first acquisition of Brookhaven Country Club in 1957 is really what started our company.

In 2006, the Dedmans sold to KSL Private Equity out of Denver. In 2013, we were then taken public under MYCC. And then in 2017, we were acquired by certain funds of Apollo Management, taken private again.

And at that time the mandate was really that we needed to do something different. At that time we had been public for quite a while. We told our story to the analysts on Wall Street, and they understood we were a membership company. We were focused on golf, but how are we -- and what were we doing to grow the game of golf and bring people in as new members?

And so when we looked at the marketplace of opportunity, that's how we found BigShots. With the ability to bring people who'd never swung a golf club into a facility where they could, with very low effort -- all you have to do is show up with a credit card. We provide clubs. You can hit the ball. We are hopeful to turn those people into ClubCorp members very quickly.

So BigShots Golf, as I've alluded to, is a high-tech golf entertainment concept. It features indoor/outdoor seating, a bar area, a patio, private event spaces. It's really meant to be a central focal point of a community where families can come play games, where the seven-year-old who's never swung a golf club before can beat his grandfather who's a scratch golfer and plays every weekend. Really, the goal is to be welcoming and accessible to everyone who'd like to swing a golf club.

There's one store that's open right now in Vero Beach which was opened in late 2018. We have six additional sites that we're working on, including two that are under construction, one in Fort Worth, Texas, and one in Springfield, Mississippi, and we're hoping to get under construction with this project here in Naples pretty quickly as well.

So, as I said, we really want this to be accessible. We believe that BigShots needs to be a place for fun for families to come together, create memorable experiences and for the community to be able to use these private event meeting spaces and these patios where they can come and have a good meal, play a fun game of golf and, you know, that it can really be a central point of the community.

As I said, it's a high-performance golf technology. It's tracked with Doppler radar, and so every golf shot is tracked. So even if you dribble it off the end of the second floor, that shot will be relayed into our game. You can still score points with it. So even if you're terrible at golf, like I am, you can still get points, and it's still a pretty good time.

And then what we do best, this really is how BigShots is going to rely on the expertise of ClubCorp and rely on that 60 years of expertise in food and beverage hospitality and in running the golf. We think that we -- when you combine technology along with those family-driven experiences in these communities, you really have something special.

Again, with the ball tracking -- oh, and what I didn't mention is we have a live play features which allows for the bays to play competitively against each other or against other facilities. So we'd love to see tournaments between the BigShots at Golden Gate and the BigShots

at Vero Beach, and we'll see who the better golfers are.

We also have a very extensive library of practice modes and games. So some of the games are virtual golf courses where you can take shots, overlay them on an existing true golf course and play golf that way. One of them is called Knockout, which includes targets that you can hit balls at that correspond with, basically, colored greens that you can see out on the field in front of you but then correspond to the game. And as you hit those targets, you accrue points.

Another one is called Islands, which is a target green game, if you're familiar with those kind of games. And then another one is called Pinball, which is if you dribble the ball off the second floor, it will bounce around just like a pinball machine and score lots of points and give that nongolfer an edge.

So, ultimately, we think that this is a -- sits at the intersection of a hospitality, food and beverage, and a golf experience, and we really think that by bringing state-of-the-art technology from a tracking perspective and an elevated food and beverage experience, that it's really going to be a "one plus one equals five" kind of scenario where -- this is where people are going to want to be, want to spend a lot of time, and we're going to be a central part of this community as well.

So what we had proposed was to take the existing 18-hole Golden Gate Golf Course and transition it into something smaller, into a 12-hole course, and incorporate portions of the existing layout in a way that allows for the BigShots facility to serve as the clubhouse. So rounds could start in that parking lot and then return on those two six-hole loops.

What we had proposed was a reduced, heavily discounted greens fees to the existing residents with published pricing for nonresidents, and then preferred access and partnership with the First Tee here in town which, if you're not familiar with that organization, takes basically at-risk and underprivileged youth and introduces them to the game of golf while delivering life lessons in discipline. And so we would do that by giving them access to both the golf course and to the BigShots on some sort of preferred basis.

And then, obviously, by redesigning from 18 to 12 holes, that frees up land for some of these alternative uses that have been identified and proposed by staff.

The BigShots golf facility, which I'll walk you through pictures here momentarily, includes -- it's two stories. It includes 60 hitting bays, which are about 14 feet wide. It includes more than 200 televisions; more than 200 food and beverage seats; a high-tech design. It has a very unique design; 160-foot net poles that ring the driving range so that we can capture all of those -- the people who can hit a golf ball very far, it will capture those balls; includes private dining on the first floor; flexible private event space and a secondary dining space on the second floor; food and beverage service in the bays; and then patio and a nine-hole putting course in the front of the building.

So this was one of the proposed layouts that we had evaluated back in February. We've continued to iterate on these designs but, as you can see, this takes the current 18-hole layout and was one of the proposed 12-hole alternatives. We're still continuing to work through this with our consultant. So this is, by no means, final.

This is an exterior shot of the building. And so what you can take away from this is we're using natural finishes on the exterior. It is a two-story design with a sunshade structure in the front, and then that putting course, a turf putting course in the front, which we use for overflow and the wait is where we expect a lot of people to hang out.

This is an interior shot of the second floor looking out towards the bays, so you can see that there's a food and beverage area, lots of televisions. This will be a great place to come and watch any sports game. And then some sort of flexible area. We have foosball tables in this rendering but, you know, we've thought about potentially bocce ball or ping pong or something like that.

Again, an exterior shot looking at the front. You can see that shade structure as we try to mitigate this Florida sun off of that southernmost edge of the building.

This is an overview of sitting in the bay. So this is a picture of the Vero Beach facility which we think is, at least from this perspective, is going to look very similar to what we've proposed for Golden Gate. And so what you can see is these have very comfortable seating. They're spaced to bring your own clubs or to rent clubs when you arrive. There's an automatic ball dispenser. So, you know, just wave your club in front of it, and it will spit out a ball for you.

There's a gaming terminal, which is a touchscreen which I've had it described as -- just like visiting for bowling. So this is where you would input your player names, where you would select your game. You could set up a competition between bays.

And then there are two TVs, basically, for each bay where you can adjust to a specific channel, if you want to watch tennis and somebody else is watching baseball, and then climate adjusted, which I was told we do need heaters here for January, which I was thinking we would just need misters. But something so that we can help to mitigate some of the outdoor temperature because this is -- you know, it is a three-walled building, so we will be outside.

These are some shots of our games. So you can see Pinball, Knockout, and Islands there along the left-hand side, and these are games that we continue to iterate on. We continue to invest our technology and like to bring new games to bear.

The top right is a picture of Vero Beach. This is an interior shot of the Bunker restaurant that the owner there has built, and then in the bottom right you can see we have some much better golfers than I who are obviously celebrating a pretty good shot.

These are, again, some exterior shots at the Vero Beach location. So this is -- to give you an idea of scale, what we've proposed is 60 bays and two stories. This is 30 bays and two stories, so basically half the size.

And the first -- the top left shot is a shot down the T line, so you can see all the ball dispensers and the safety nets so that people -- you know, so that we have some safety there. And then you can see the bays in the top right, an exterior shot of some of the signage in the bottom left, and then a shot of the putting green on the bottom right.

Again, some additional shots of both the restaurants and the bays at night for Vero Beach, and then a closeup of some of the technology and of the games.

So with that, that concludes my portion of the presentation. Happy for any of your questions.

CHAIRMAN FRYER: Thank you. Are there questions? Joe.

COMMISSIONER SCHMITT: I have some questions, but some kind of more related to zoning. But you -- let me just ask about -- you have a project in Fort Worth. Very familiar with it. Champion Circle.

MR. COUSINS: Yes, sir.

COMMISSIONER SCHMITT: Okay. Haven't been there in about -- probably last time about March. Has it started coming out of the ground yet?

MR. COUSINS: It has, yes, sir.

COMMISSIONER SCHMITT: All right. Now, you took over part of the golf course there, and they re-routed the holes, but they still have 18 holes.

MR. COUSINS: They do. I will say -- so that store is with one of our territory holders, a franchisee --

COMMISSIONER SCHMITT: Yeah.

MR. COUSINS: -- which is with O'Reilly Hospitality Management.

COMMISSIONER SCHMITT: They own the hotel.

MR. COUSINS: They own the hotel and the golf course and the BigShots project. So our role there is a little bit arm's length but, yes, sir, that's correct.

COMMISSIONER SCHMITT: Oh, okay. Is the venue there an accessory use to the golf course or is it a principal use and was it -- so how was it zoned in Fort Worth?

MR. BIRCH: Accessory to the golf course.

COMMISSIONER SCHMITT: It was deemed an accessory to the golf course?

MR. BIRCH: Yes.

COMMISSIONER SCHMITT: Because I tried to look that up yesterday and I couldn't find it.

CHAIRMAN FRYER: We're going to need speakers coming to the microphone.

MR. BIRCH: Sorry.

COMMISSIONER SCHMITT: So if you don't know, bring the other speaker up. If he knows, I'm going to ask him. Because I'm very interested in -- I got to -- I just want to really understand this which comes first, the chicken or the egg type of thing, because I look at this -- and I'm a big fan of golf, so make sure you understand that. And I'd love to see this facility in Collier County, but I'm trying to understand, which -- how these are treated, because I -- we see this more as an entertainment center than a golf course, and it's currently zoned golf course. So I don't understand how I can put an entertainment center into an area -- I have no problem with the LDC amendment. The language can be -- it's generic as far as the restaurant or whatever else. We can discuss that. But somehow I'm -- again, got this picture that if we approve the LDC amendment, it automatically green flags this for the development?

MR. WILLIG: So to answer your question, in order to get the golf course portion underway --

COMMISSIONER SCHMITT: Yeah.

MR. WILLIG: -- they have to have the BigShots facility there, and it's a companion -- they're companions. So we're going to bring back the lease agreement with BigShots and ClubCorp to the Board in September, and in order for them to operate the BigShots facility, they also have to operate the golf course.

COMMISSIONER SCHMITT: I look at BigShots like a bowling alley. It's an entertainment center. It's not -- it's not a driving range or a practice range at a golf course. I know you all think it is, but it is not. And I've played a lot of golf all over the world. But -- it's an entertainment center. Could I build a bowling alley on that site today?

MR. WILLIG: No. That would not be an accessory use to a golf course.

COMMISSIONER SCHMITT: So this is an entertainment center. So how is this allowed and not a bowling alley?

MR. BELLOWS: For the record, Ray Bellows.

I think what it boils down to is if you look under the permitted uses in the golf course zoning district, it doesn't say anything about driving ranges. Why is that? It's because it's deemed to be an accessory use to a golf course.

COMMISSIONER SCHMITT: Well, it's a driving -- it's a practice range. Let's be clear. A driving range is basically --

(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: -- a practice area for the golf course.

MR. BELLOWS: A driving range is specifically listed as a conditional use.

COMMISSIONER SCHMITT: Okay.

MR. BELLOWS: In the GC zoning district, it's not listed at all as a permitted or as a conditional use, because driving ranges are historically an accessory activity to a golf course. Same with pitch and put and putting greens and the like. Restaurants are allowed in the golf course, clubhouses, same with pro shops. All those are allowed in there.

What isn't specified is how big, other than the square footage of a restaurant, or what accessory activities the restaurant can have. A lot of restaurants have similar arcade-like things. I understand your point taken together, and if it wasn't associated with an existing golf course, it would be deemed something else, and we would go through the appropriate zoning process.

But since there is an existing golf course that this will be a part of, I think a case could be made that it is accessory to those golf course activities.

COMMISSIONER SCHMITT: Was there a zoning verification letter for this determination?

MR. BELLOWS: No.

COMMISSIONER SCHMITT: So there was nothing requested for this --

MR. BELLOWS: I think there was some discussions amongst staff, but I don't think we did an official letter of that kind.

MR. KLATZKOW: It's my understanding that staff's interpretation is that this is accessory and that no zoning action will be needed.

MR. BELLOWS: Correct.

COMMISSIONER SCHMITT: But most -- we'll call it what it is, a driving range or a practice area. Most golf courses do not have -- after dark they're not out there practicing. This is going to be -- how high are the fences around that? 50 feet? 40 feet? Must be.

MR. COUSINS: One hundred sixty feet.

COMMISSIONER SCHMITT: One-hundred-sixty foot, the poles. And certainly under flood lights, so it's going to be well lit for nighttime use, which is probably going to be the most important.

And I'm trying to think -- a year ago we went through a pretty exhaustive review of the Land Development Code to create codes that would control the redevelopment of golf courses. This is -- is this at all impacted by any of those LDC amendments?

MR. BELLOWS: Well, we do -- out of that process, we developed the intent to convert golf courses.

COMMISSIONER SCHMITT: Yes. So this is not deemed any type of conversion then?

MR. BELLOWS: This part of it. There's part of a greater whole of other changes occurring that will come back as part of the PUD, and that will require, before the PUD is submitted, the intent-to-convert process be followed. There are other aspects to this development than just BigShots.

COMMISSIONER SCHMITT: So to go back to the -- staff believes this is an accessory use to the golf course. If the language is approved, it green lights for this to go. There's no other PUD process or any other type of instrument coming back to the Planning Commission or to the Board?

MR. BELLOWS: There will be a PUD, but it's not incorporating BigShots.

COMMISSIONER SCHMITT: All right. How many 12-hole golf courses are there in the world?

MR. COUSINS: I can certainly get you that answer. I don't know off the top of my head.

COMMISSIONER SCHMITT: Are you going to -- is there going to be two sixes?

MR. COUSINS: That's what we proposed initially.

COMMISSIONER SCHMITT: Well, see if you can find out how many 12-hole golf courses. I could probably guess. None. It's either nine or 18.

(Simultaneous crosstalk.)

MR. COUSINS: There are several, yeah.

COMMISSIONER HOMIAK: They're starting to change them now.

COMMISSIONER SCHMITT: I mean, I just -- I just got the sense that this is somehow -- I'll put it on the record: Because the county is doing this, we're trying to go around the rules to try and allow the county to build this. If I were a private investor trying to do this, what would I have to do to get this built? Probably go through a PUD process. But somehow I feel the county is doing this through the county staff, amending the LDC, and allowing this

structure to go in.

Have there been any public hearings on -- public meetings as far as advising the folks in Golden Gate? Are they receptive to this? I haven't heard any opposition.

MR. WILLIG: In terms of public meetings, there was one held before the December meeting with you guys, and I know the Commissioner's been to several community meetings as well.

COMMISSIONER SCHMITT: I apologize for being so blunt, but I just really want to know these answers and put them on the record.

COMMISSIONER SAUNDERS: We had a community meeting at the Pars Condominium. There were probably 200 people there. By the time we were finished, people were coming up saying this sounds great for that community. I don't know if there's anybody in the audience that's opposed to this.

My understanding is there may be a couple, but the vast majority of the people -- I've been to Golden Gate Civic Association meetings, several of them, where the Pars folks have been there. Everyone is -- as far as I can tell, is supportive of this because of the potential impact on that overall community.

COMMISSIONER SCHMITT: I mean, that's great.

COMMISSIONER SAUNDERS: There's been plenty -- there's been a lot of public meetings on it.

COMMISSIONER SCHMITT: So BigShots is going to come in, build the facility, and redo the golf course?

MR. COUSINS: Yes, sir.

COMMISSIONER SCHMITT: So who's the current architect of the golf course? I don't remember. That goes back, hell, to the Gene Sorenson days or something. I mean, that goes back.

MR. WILLIG: Yeah. I don't remember the name.

COMMISSIONER SCHMITT: I mean, you won't even have -- you'll have to lose the name of the current architect, the golf course. I mean, that will be gone.

MR. COUSINS: That's right.

COMMISSIONER SCHMITT: So it will basically be redesigned in BigShots?

MR. WILLIG: And as Randall mentioned, they're trying to incorporate the elements that are already existing, because it just makes sense to use what's there and use what they can in that re-map of the golf course as well.

COMMISSIONER SCHMITT: The gentleman that's familiar with the Fort Worth site, if he wants to come up, because I'm going to ask him just another question just so folks understand. And state your name for the record.

MR. BIRCH: Hello. I'm Devin Birch. I'm with Austin Engineering, and I'm also the lead civil engineer for all the BigShots sites across the country, with the exception of Vero, which I wasn't involved with on that one.

But I was not in attendance at some of the -- at all of the city meetings for Fort Worth, but I do know with certainty that we did not go through any sort of rezoning process or special use. We did have to overcome some ordinance restrictions from the standpoint of the height of the netting for that particular zoning that they wanted us to come through. If I remember right, that was the only thing. And a lighting -- there was a corridor, a pretty substantial highway there that had a lighting corridor that we had to meet.

COMMISSIONER SCHMITT: Yeah, 35.

MR. BIRCH: And we're able to do that now with all of the lighting technology LED-wise and all the controls that are available remotely to be able to really hone that lighting in on right where we want it and not create a nuisance to the neighborhood, so -- we're right next to apartments

there.

COMMISSIONER SCHMITT: Yeah. I was just going to -- that was my question. I mean, you've got to be 50 feet --

MR. BIRCH: Yeah.

COMMISSIONER SCHMITT: -- from five-story apartment buildings. How many -- I mean, there's --

MR. BIRCH: There's a bunch of units, and they're still building them there.

COMMISSIONER SCHMITT: They're still building them. Oh, yeah. I haven't been -- I guess I haven't been there since March, I think.

MR. BIRCH: So you have -- the steel is all up there, and the range is substantially completed. The netting and poles are up now.

COMMISSIONER SCHMITT: You're able to direct light?

MR. BIRCH: Very precisely, yeah.

COMMISSIONER SCHMITT: I mean, it's not going to flood that apartment complex?

MR. BIRCH: No. I mean, and we --

COMMISSIONER SCHMITT: I mean, I'm thinking about the same thing here.

MR. BIRCH: We can meet the ordinances that you have in place now, you know, from a standpoint of light spill, cutoff structures, this -- the LED technology that's, you know, available now is just incredible from a standpoint of control. So, yeah, I'm very confident that we'll be a great neighbor to the community.

COMMISSIONER SCHMITT: Okay. I'll reserve to hear other questions.

CHAIRMAN FRYER: Okay. Mr. Willig, you want to continue?

MR. WILLIG: And I also wanted to make this other point that when you guys heard this in December, we hadn't yet selected ClubCorp/BigShots to be our partners. So at that point in time, it was kind of ambiguous of what this would look like. But now with having BigShots and ClubCorp on our team, we have a more definite -- as you can see with this rendering, it's actually fairly close to the draft plan that we have worked together with Davidson to put together on a site fit plan, so --

COMMISSIONER SHEA: Can I ask, since he's back up?

CHAIRMAN FRYER: Of course. By all means.

COMMISSIONER SHEA: Just informational. Apollo, the ultimate money behind this, are they the private-equity Apollo or is --

MR. COUSINS: Yes, sir.

COMMISSIONER SHEA: So what's their long-range plan in terms of ownership of ClubCorp?

MR. COUSINS: They have not --

COMMISSIONER SHEA: They usually don't hang around too long.

MR. COUSINS: Yeah. They have not shared that with me in specifics, but obviously they're very enthusiastic about BigShots and, you know, the goal is to build several of these stores. So we think that this really transforms ClubCorp and expands its offering. So very important to them.

CHAIRMAN FRYER: Anything else?

COMMISSIONER SHEA: No.

CHAIRMAN FRYER: Any other questions at this time? Karl?

COMMISSIONER FRY: Sorry, Karen. You're next.

COMMISSIONER HOMIAK: Where will all these bays be facing?

MR. COUSINS: North/northeast.

MR. WILLIG: Yeah, I'll zoom in on this -- oops. Hopefully zoom in on the graphic here. Like I said, the draft fit plan that we've worked with Davidson Engineering, it's pretty close

to this alignment. Based on ClubCorp and BigShots' requirements, they have to face a certain direction. And, currently, where the mouse cursor is here is where the hitting bays are, and they would be facing going north; north/northeast.

COMMISSIONER SCHMITT: Other way around, okay.

COMMISSIONER HOMIAK: And there's going to be 60 of them?

MR. COUSINS: Yes, ma'am.

COMMISSIONER SCHMITT: Sixty or 30?

MR. WILLIG: Sixty.

MR. COUSINS: Sixty total. So it's two stories; 30 each story.

COMMISSIONER HOMIAK: And this is part of the extended hours, or is the restaurant somewhere else?

MR. WILLIG: The restaurant would be the southern portion of that building behind the hitting bays. And so the extended hours would result in the driving range as well as the restaurant being able to operate till midnight.

CHAIRMAN FRYER: Anything else, Karen?

COMMISSIONER HOMIAK: No.

CHAIRMAN FRYER: Karl?

COMMISSIONER FRY: Thanks.

So I thought the name TopGolf came up at one point also. Is that a competitor?

MR. COUSINS: TopGolf is a competitor.

COMMISSIONER FRY: What are the differences between TopGolf and BigShots?

MR. COUSINS: We think they're numerous. We would say from a facilities standpoint, our facility is smaller. We are two stories and 60 bays. TopGolf, several of their facilities are three stories and 103 bays, so much larger from a footprint standpoint.

We use a different type of tracking technology. TopGolf uses an RFID chip inside of a golf ball which hits very differently. We use a standard golf ball. So for the golfers who are looking to practice, they can come hit real golf balls on a driving range.

And then we really believe that one of our central tent poles is on the food and beverage and the hospitality experience. And so we've emphasized a very elevated food and beverage menu. So we think this is going to be a place that a lot of people are going to be excited to come have dinner and maybe never pick up a golf club, which we think is a differentiator between our competitors.

COMMISSIONER FRY: Okay. Thank you.

So you had mentioned over 200 properties that you own or operate. Out of the golf courses, what percentage do you own versus operate?

MR. COUSINS: We have management agreements -- it's less than 20 right now that we're managing. I want to say it's 17. So the vast majority we own outright.

COMMISSIONER FRY: But in this case, you would be operating this golf course; it's still owned by Collier County.

MR. WILLIG: That's correct.

MR. COUSINS: Correct. We would lease the land.

COMMISSIONER FRY: You would lease the land. And then -- so what is the relative skin in the game of you versus the county? Are you paying for the construction of the BigShots --

MR. COUSINS: That's right.

COMMISSIONER FRY: -- facility and for the renovation of the golf course and the maintenance and operation of the golf course?

MR. COUSINS: Correct.

COMMISSIONER FRY: Okay. And the county is basically just providing the land and approving the project?

MR. WILLIG: That's correct. And in order for them to have the BigShots, they have to operate the golf course.

COMMISSIONER FRY: Gotcha. So that's kind of a big question. Building on what Joe mentioned about 12-hole golf courses. I grew up a golfer, and I'm just curious, how does -- how does ClubCorp view the golf course, a 12-hole golf course, whether it's two sixes or one 12, in this equation? Is it a loss leader in order to be subsidized by the revenue from the BigShots facility, or is it a possible revenue source for you?

MR. COUSINS: We have it modeled as a revenue and a bottom-line contributor. So the interesting thing is, is there's still a bit of a philosophical debate on, with 12 holes, whether it's two six-hole loops, whether it's a nine-hole plus a three-hole practice facility. You know, nine-hole would be nice, because then at least you could record a handicap off of it.

So there's still -- we've engaged several architects to help us think through this. So I certainly won't speak for the experts, but we -- our wheelhouse, ClubCorp's wheelhouse, is in the golf. So the new part of this for us is in the BigShots piece.

You know, we have expertise with food and beverage and with the hospitality. We think this is going to be the high-tech clubhouse of the future for these kind of golf clubs.

Where we evaluated other BigShots across the country, this one is unique aside for an opportunity we're looking at at Firestone Country Club where we're doing something similar where there's a golf course tied to the existing driving range that we're talking about converting to a BigShots. And so this -- we think that this kind of an application, there can be an opportunity for many more of these, so we're very excited about it.

COMMISSIONER FRY: That's an interesting twist with a nine-hole and then a three-hole practice course. That actually sounds intriguing to me.

So it was mentioned early on that this would be a top-notch or, you know, very nice golf course rather than just a normal kind of public course. What kind of renovations and improvements are you planning and are you committing to regarding the golf course?

MR. COUSINS: I'm not really prepared to discuss that. I will just say that we are engaging with some very well-known, prestigious designers and architects in order to evaluate all those options.

COMMISSIONER FRY: Okay. So it's working with the designer, redesigning the course, and then incorporating that design.

MR. COUSINS: That's right.

COMMISSIONER FRY: And then maintaining that design. Okay.

How consistent are BigShots in terms of -- if you go from one to the next to the next in terms of the design and the amenities that are provided?

MR. COUSINS: The hope is that they become very consistent. Right now it is not. So Vero Beach was built prior to our involvement with BigShots Golf. And so their building is -- I would say it's materially different than what we've proposed for this site. It is a much smaller footprint. It's only 30 bays. It is two stories. But from the renders, you know, we have -- this is a much larger building. It's basically twice the size. What they're building at Fort Worth and in Springfield, which is under construction right now, is similar. I'd say it's 85 percent of what we've proposed here. But in terms of our pipeline of ClubCorp owned and operated stores, we intend for them all to look materially similar to what we proposed here.

COMMISSIONER FRY: Moving toward that?

MR. COUSINS: Correct.

COMMISSIONER FRY: You mentioned the putting range in the front. You mentioned the term "turf," and I didn't -- is that AstroTurf or is it natural -- is it a putting green natural grass or is it --

MR. COUSINS: It is not natural grass. It is artificial turf.

COMMISSIONER FRY: AstroTurf. And so it's really not a -- where you pay like you would go to a miniature golf course and play. It's more of just a practice area where you go and kill time waiting for your --

MR. COUSINS: We think it could be both. We think it can be used as an overflow, for instance, when the building is on a wait. If people show up and it's an hour-and-a-half wait to get into a bay, then there's an opportunity to use that as a way to keep them engaged and in the building while they wait for that bay to free up.

In times when the building is not busy, you know, we may charge to be able to use that putting experience, and then we think it can be a great practice facility, for instance, with our partnership with First Tee where they want to come and be able to use that as well. So a little bit of everything.

COMMISSIONER FRY: So not with windmills and --

MR. COUSINS: Not windmills, no. King Kong will not be in our front lawn.

COMMISSIONER FRY: Or like real putting?

MR. COUSINS: Real putting, that's right.

COMMISSIONER FRY: Real putting situations with angles and elevations and that kind of thing.

MR. COUSINS: Yes, sir.

COMMISSIONER FRY: With slight curves to the putts and things.

MR. COUSINS: Yes, that's the intent.

COMMISSIONER FRY: Will there be a clubhouse? You mentioned that the BigShots facility would serve as the clubhouse or where you would start your golf -- your actual golf experience. Is that just inside the lobby of the BigShots, or is it a separate building that would be a clubhouse?

MR. COUSINS: No. We intend to use the BigShots building as the starting point for the golf.

COMMISSIONER FRY: So everybody comes into that BigShots facility?

MR. COUSINS: That's right. So they would check in in the lobby and start their game of golf from --

COMMISSIONER FRY: Okay. Final question. So you've got three walls and a giant open wall out under this golf course. You know, weather here gets a little bit intense in the summer, not so much in the wintertime. But you mentioned, you know, we have thunderstorms and -- how do you keep it comfortable? Do you have special technology to keep it comfortable and kind of shield the people in the bays from what's happening outside?

MR. COUSINS: Yeah. So there is a fairly significant overhang to --

COMMISSIONER FRY: I was thinking an air curtain type of a technology would be helpful.

MR. COUSINS: That might be helpful.

MR. WILLIG: That might affect the ball flight.

MR. COUSINS: I can blame the air curtain when I do poorly. It's certainly something we could consider. It's not something that we had baked into the plan just yet.

COMMISSIONER FRY: So you just really -- you're just running the air conditioner and just -- but you know you're getting a mix of --

MR. COUSINS: Yeah. And we're evaluating misters and blowers into the bays to try and -- to help with the temperature at well.

MR. BIRCH: That's why north facing is important.

MR. COUSINS: Yeah. That's a good point. It's one of the reasons why facing the direction that we are is so important, the north to northeast, because that helps manage the direct sunlight into those bays.

COMMISSIONER FRY: Thank you. Appreciate it.

CHAIRMAN FRYER: Any other questions?

COMMISSIONER HOMIAK: So --

CHAIRMAN FRYER: Go ahead.

COMMISSIONER SHEA: More information. You say you're leasing it. Does that mean the county gets a payment from you?

MR. COUSINS: Yes, sir.

COMMISSIONER SHEA: Okay. I probably couldn't ask you what that is, right?

MR. WILLIG: That's to be determined. We're currently in negotiations on the lease agreement, and we'll be bringing that back to the Board in September.

COMMISSIONER SHEA: Okay. Thank you.

CHAIRMAN FRYER: This board or the BCC?

MR. WILLIG: BCC.

CHAIRMAN FRYER: Okay. Karen, did you have something?

COMMISSIONER HOMIAK: So this is -- this -- these bays would be a regular driving range during the day and video games at night --

MR. COUSINS: It could be either. So you can just hit balls without engaging any of the games at any time, or you can access the games and use the Doppler technology for tracking at any time.

COMMISSIONER HOMIAK: Oh, okay.

COMMISSIONER FRY: Is that a different price?

MR. COUSINS: No, sir.

COMMISSIONER FRY: You rent the bay?

MR. COUSINS: Rent the bay, and then it's your prerogative whether you want to use the technology.

COMMISSIONER SCHMITT: A driving range.

COMMISSIONER HOMIAK: Yeah.

COMMISSIONER FRY: Do you pay by the bay or by the person within the bay?

MR. COUSINS: By the bay.

CHAIRMAN FRYER: All right. Go ahead, Joe.

COMMISSIONER SCHMITT: And it's probably Commissioner Saunders. He may know. But I -- the members -- are they members? The current membership of the golf course, or are they -- I would call them the diehard patrons that go there, are they in favor of this? I would think they would be.

COMMISSIONER SAUNDERS: Again, this is my assessment of the meetings, and that is that the general public out there is supportive of this, the golfers are supportive of this. We had those meetings at the Pars Condominium. They were the diehard golfers; they were supportive of this.

And, you know, the issue of 12 holes came up, and if you Google 12-hole golf courses, the first thing you see on your search will be a Jack Nicholas championship 12-hole golf course. So they do exist. And what I've been told is that with millennials not wanting to play all day, play 18 holes, that this is actually kind of a wave of the future. But this will be a very nicely-run course.

COMMISSIONER SCHMITT: Yeah. Another option would be, like, two nines where you have two different T boxes or sets when you play if you want to play 18. I'm just thinking for maintaining a handicap.

COMMISSIONER SAUNDERS: That's all being designed now.

COMMISSIONER SCHMITT: I can't think of anything else. It's --

CHAIRMAN FRYER: Are you finished, Joe?

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: Okay. Chairman Saunders, if I may follow up a little bit.

When this was in front of us last, there were 57 people who were saying, yeah, we want a golf course, but we don't want all of this entertainment, et cetera, because of things like noise and light and possibly also traffic issues.

You're an expert on what the people of the Third District want. And I take it, at large, they're in favor -- your assessment would be they're in favor of this. My question is: Do you have the same level of confidence with respect to the immediate neighbors --

COMMISSIONER SAUNDERS: Yes.

CHAIRMAN FRYER: -- that they're in favor of it?

COMMISSIONER SAUNDERS: Because that's one of the reasons why we had the public meeting at the Pars Condominium, because those are the people that are most directly affected by all of this.

And like I said, there were about 200 people there. And at first there was a lot of concern about noise and light. By the time we were finished, people were coming up afterwards saying, you know, this sounds really great. I haven't gotten any emails opposed to this. I don't think there's anybody here opposed to it.

Now, when this came up the first time, that was my bad. I wanted to move this along because I thought ClubCorp, or whoever we came up with, that was going to be our one shot at getting golf in this county, and I moved that forward more quickly than I should have because we didn't have a ClubCorp on board, we didn't have an engineering firm on board, and we hadn't gone through a significant amount of public input. We had all of that, and I think I can say with some confidence -- and I'm sure I'll get emails if I'm wrong -- that the general public out there is very supportive of this project.

CHAIRMAN FRYER: Okay. Ray, did -- is it fair to say that all the neighbors were adequately noticed of this meeting? Was something posted, perhaps or --

MR. BELLOWS: Well, LDCs are advertised, and I'll let Jeremy explain exactly the full extent.

CHAIRMAN FRYER: Was there signage?

MR. FRANTZ: LDC amendments just get an advertisement in the newspaper.

CHAIRMAN FRYER: Okay. All right. Well, I must say, I didn't get any emails recently about this either. And so I think my inclination is is to -- well, let me ask this question first. Are there any registered speakers?

MR. BELLOWS: No, no one has registered.

CHAIRMAN FRYER: Is anybody going to want to speak when the time comes?
(No response.)

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: I have one more question.

CHAIRMAN FRYER: Yeah. Please go ahead, Joe.

COMMISSIONER SCHMITT: You mentioned this -- this is -- or course the county purchased it. The county taxpayers, essentially, purchased it. But there was something about the county residents, that there would be a different rate for county residents. Is that what we --

COMMISSIONER SAUNDERS: Yeah. The way this would be structured, as far as I know at this point, one of the conditions is that county residents have to have a deeply discounted rate, so this truly will be a course that county residents can afford to play on, so yes. And the County Commission will be in charge of approving those rates. So they'll have to be very consistent with what rates are charged in other community-owned and operated golf course.

COMMISSIONER SCHMITT: Yeah. Well, I'm sure the ClubCorp relayed what it costs to maintain a golf course. It's not cheap.

COMMISSIONER SAUNDERS: Absolutely. And I will tell you, one of the things that I

think makes this really attractive is the connection with First Tee. ClubCorp didn't go through an explanation of their relationship with First Tee on a national basis, but this will be a really nice facility for young potential golfers to come in and learn all the things that First Tee teaches, plus there will be actually a meeting facility where they could actually meet indoors and, as was indicated, they'll have that putting green. So this will be a really nice addition to that First Tee operation that's been very successful out at that golf course.

Thank you.

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

COMMISSIONER FRY: Commissioner Saunders, I'm sorry, you're almost -- over here.

COMMISSIONER SAUNDERS: I haven't touched anything yet, so...

COMMISSIONER FRY: Just wondering. So it was an 18-hole golf course that was purchased by the county. Has the conclusion been reached that it's not viable or nobody would come in and operate it at a net neutral or financial neutral position for the county or --

COMMISSIONER SAUNDERS: The County Commission, on numerous occasions, since I've been on the board, has taken up the issue of whether we would open up a golf course and run it as a county golf course. The vote has always been 4-1. Commissioner Fiala has always said I want an 18-hole golf course; it's been a 4-1 vote.

That was before the pandemic. Now our economic situation is a whole lot worse than it was, you know, six months or a year ago. That's why I say this is our first and really best chance of having that kind of a golf course.

I think the community has come to accept the fact that it's not going to be 18 holes because we have to have some other facilities. The work force housing is going to be a great project. That's a partnership with the --

MR. WILLIG: Rural Neighborhoods.

COMMISSIONER SAUNDERS: Yeah. There's three different partners, and the Moorings is putting in money, the Foundation is putting in money. Their contribution is \$10 million to that housing project.

So it's a great public/private partnership. That was the reason why we purchased that land. It wasn't because we wanted to have a golf course. We purchased that land because we knew that there were going to be some very important public facilities that would be needed in that area. Going to a 12-hole golf course gives us that ability to do some very important things in that community.

COMMISSIONER FRY: So is it your opinion, then, that this plan overall lets us keep golf in some capacity n that site where otherwise it might not have been possible at all?

COMMISSIONER SAUNDERS: That is absolutely the case, without question.

CHAIRMAN FRYER: Anything else, Karl?

COMMISSIONER SAUNDERS: Thank you.

CHAIRMAN FRYER: Commissioner, one more thing. I'm sorry.

And I know it's not part of what we're being asked to consider today, but could you tell us a little bit more about the affordable housing. For instance, how will it measure up with respect to what teachers and EMTs and firefighters and sheriff's deputies --

COMMISSIONER SAUNDERS: I'll give you sort of my best guess at this point. We have the county putting in the land, which reduces the cost. We have \$10 million going in through philanthropy which, obviously, will be a very significant contribution to that. We think that the cost will be about 50 to 60 percent of market. So if you're renting a two-bedroom apartment, we're probably talking about maybe \$1,000 month, maybe a little bit less. If it's three bedrooms, maybe 1,200 instead of 1,800. A very substantial reduction to what the market is.

Now, these units will be deed restricted so that only firefighters, police officers, schoolteachers, nurses, certain defined essential service personnel will be able to rent those units.

So, for example, a firefighter comes in and rents the unit, and let's say that 12 months later that firefighter is no longer a firefighter, well, he can't renew the lease because it's going to be deed restricted to a certain class of people.

Interestingly enough, they've made it clear that they don't want county employees in there unless they happen to be firefighters, EMS, and --

CHAIRMAN FRYER: And the deed restrictions are in perpetuity.

COMMISSIONER SAUNDERS: That's correct; yes.

COMMISSIONER SHEA: How many units are there?

COMMISSIONER SAUNDERS: We're looking at 400 and maybe a few more, but 400, and that's going to be in that very southern eastern corner along 951, and so they'll be designed so there will be no impact on the neighbors as well.

CHAIRMAN FRYER: Thank you. Anybody else have questions for the chairman?

COMMISSIONER FRY: Yeah. The north -- the northwest corner which has golf holes on it currently, is that where a VA -- potential VA facility might go?

COMMISSIONER SAUNDERS: Yeah. That would be the northeast.

COMMISSIONER FRY: Isn't this in the northeast --

(Simultaneous crosstalk.)

COMMISSIONER SAUNDERS: That whole northeastern quadrant there.

COMMISSIONER FRY: So there's still room for -- okay.

MR. WILLIG: This portion right here or this portion right here. Either one of those are viable options.

COMMISSIONER FRY: Okay. So we could have the possibility of affordable housing and a VA facility and the golf course and the --

COMMISSIONER SCHMITT: So when I go to the VA, I have a short walk for a beer and golf. Okay, thank you.

COMMISSIONER SAUNDERS: I will tell you with full disclosure, the federal government may be getting out of the nursing home business.

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER SAUNDERS: And so there are other types of veterans facilities. There are veterans daycare facilities. So my goal would be to have some kind of a veterans services facility there. It may not be a nursing home.

CHAIRMAN FRYER: Sounds good.

COMMISSIONER SAUNDERS: Thank you.

CHAIRMAN FRYER: Anything else for the chairman?

(No response.)

CHAIRMAN FRYER: All right. Anything else from staff?

MR. KLATZKOW: No, sir.

CHAIRMAN FRYER: I guess it's time, then, for us to close the public portion of this, public speaking portion of this, and have our discussion.

COMMISSIONER HOMIAK: Well --

CHAIRMAN FRYER: I'm sorry.

COMMISSIONER HOMIAK: I have a -- on the wording of the --

CHAIRMAN FRYER: Please go ahead.

COMMISSIONER HOMIAK: On the wording.

CHAIRMAN FRYER: Go right ahead.

COMMISSIONER HOMIAK: I'm just -- what is it -- on your draft under the Conditional Use C-1, regarding the language, outside the Golden Gate City Economic Development Zone. That's not in the -- that's not -- does that apply to every golf course now in Collier County?

MR. FRANTZ: Jeremy Frantz, for the record. Let me pull up that language on the

screen, and we can walk through that.

So there's two sections that we're making a change to. Here we're in the accessory uses section. It's exempting the Golden Gate City Economic Development Zone. That's the Economic Development Zone that Commissioner Saunders referenced earlier from -- we're exempting them from the hours of operation and the seating capacity there. In the conditional uses section, it was basically saying anything above that restriction in the accessory uses section would go through commercial -- sorry, conditional use -- the conditional-use process. So here we're just stating that you only have to go through the CU process if you're outside of the Economic Development Zone.

COMMISSIONER SCHMITT: Yeah, that's right.

COMMISSIONER HOMIAK: Oh, okay.

CHAIRMAN FRYER: Okay. Are we ready to close the public speaking portion?

(No response.)

CHAIRMAN FRYER: Consider it closed.

Who would like to make comments or start the discussion up here at the daises? Go ahead, Paul. No?

COMMISSIONER SHEA: I don't have anything.

CHAIRMAN FRYER: You don't? Okay.

Karl?

COMMISSIONER FRY: Was that -- are those -- that tiny bit of language is the only thing that we're voting on --

COMMISSIONER SCHMITT: Yes.

COMMISSIONER FRY: -- today?

MR. FRANTZ: That's right.

COMMISSIONER SCHMITT: Yeah. I -- based on staff's position that this is deemed a -- accessory to the golf course, because this does open the door, so when I --

MR. BELLOWS: That was a concern of staff as well. We weighed that as an issue. But being tied and linked together with the golf course made it clear that it was accessory.

CHAIRMAN FRYER: I'm going to ask the mover -- I believe -- I think it's your intent, rather than what was before us, also the limitation of 200 seating as opposed to unlimited seating. Was that your intent?

COMMISSIONER FRY: Yes.

CHAIRMAN FRYER: Okay. And the second also.

COMMISSIONER SCHMITT: Second. Was 200 -- I mean, 200's a -- that's a pretty good --

CHAIRMAN FRYER: Well, when the material was sent out to us, it was unlimited.

COMMISSIONER SCHMITT: Unlimited. I second.

CHAIRMAN FRYER: Okay. Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It carries unanimously. Thank you. Thank you.

COMMISSIONER SAUNDERS: Thank you.

MR. FRANTZ: And you've made your motion already, but I just want to put on your

screen what that change looks like.

CHAIRMAN FRYER: Yeah. Good. Good.

MR. FRANTZ: We're removing that "shall not apply" and it shall be limited to 200 seats there.

CHAIRMAN FRYER: All right. Thank you, all.

***Now, the next item is new business and, Ray, I think you have something.

MR. BELLOWS: Yes. We were going to have a discussion on the -- how we proceed future -- in the future with our public hearings, and, Jeremy, are you --

MR. FRANTZ: Sure. So the executive order that -- the allowance for a quorum to be found when commissioners are attending virtually, that expires on June 30th. So, you know, for your-all benefit, after June 30th, really, your next meeting, we'll need our quorum to be here in person. Based on your previous discussions of attendance, we do anticipate a quorum, so it shouldn't cause a problem for you-all.

CHAIRMAN FRYER: Do we -- has there been any inquiry of or statement made by the Governor that perhaps would be extended or --

MR. KLATZKOW: We don't know.

CHAIRMAN FRYER: We don't know?

MR. KLATZKOW: We don't know.

MR. FRANTZ: I'm not sure. It doesn't prevent us from continuing to hold these meetings virtually for members of the public, so we'll continue to make it available for people to make public comments to register to public speak -- to speak virtually, but in terms of getting a quorum from you-all, we'll need that to be here.

CHAIRMAN FRYER: Be physical. Okay. Here's a -- well, a question I have here then. Let's say that a Planning Commissioner can attend electronically but not physically. We don't need that person for a quorum. Can that person still attend electronically?

MR. FRANTZ: They can still attend electronically. I think that it may require a majority of you-all to indicate that allowance for the participation to occur virtually. It doesn't -- it's not a part of the calculation towards quorum, though.

CHAIRMAN FRYER: Is that right?

MR. KLATZKOW: We put together a set of rules based on the Governor's orders. When the Governor's orders expire, the rules expire.

I was speaking with Len Golden Price. Her thought process is to go back to the Board and see what the Board wants to do after the eventual expiration of the rules. So to answer your question, I have no idea, but we are working on it.

CHAIRMAN FRYER: My concern --

COMMISSIONER SCHMITT: To be determined.

CHAIRMAN FRYER: Yeah, my concern has to do with Commissioner Strain who --

MR. KLATZKOW: No. We're very -- we're very cognizant that especially some of our other boards have older people on them who are in the vulnerable class. We're very cognizant of that. And as long as we can get a quorum physically present, I think we'll be fine. But, again, ultimately, that's a Board determination.

CHAIRMAN FRYER: Thank you.

MR. FRANTZ: And from a staff perspective, some of our future CCPC meetings have already or within, like, the next couple of days are going to be noticed, and we have been including those in those notifications that they can be held virtually. So at least for those first couple, we'll continue to make the virtual participation available.

CHAIRMAN FRYER: Okay. Very good.

COMMISSIONER FRY: Jeremy, what if more than five of us show up here in person; does the social distancing --

MR. FRANTZ: We'll continue to --

COMMISSIONER FRY: -- guidelines, do they change June 30th?

MR. FRANTZ: We'll try and maintain social distancing as long as we're still doing that and trying to, you know, look at the situation now. We'll probably come back with a little bit different layout if we have all of the Planning Commission in the building.

CHAIRMAN FRYER: The number would be six as opposed to seven, but it will still would be a little bit more crowded up here.

MR. FRANTZ: We do have six voting members, and we also have Tom Eastman, a nonvoting member.

CHAIRMAN FRYER: Oh, that's right. Yeah. So it would be seven people sitting up here.

COMMISSIONER FRY: We have seven.

CHAIRMAN FRYER: And Commissioner Strain dialing in.

COMMISSIONER FRY: Seven plus Tom, Mr. Eastman, correct?

CHAIRMAN FRYER: Well, Commissioner Strain is not going to be showing up physically. He's made that clear.

COMMISSIONER FRY: Oh, physically.

CHAIRMAN FRYER: Physically. But I want to be -- I mean, I'm hoping that he's going to be able to continue.

COMMISSIONER SCHMITT: He said he's not going to show up until the ban is lifted.

CHAIRMAN FRYER: Yeah.

MR. FRANTZ: We'll have a plan in place for, you know, any eventuality of whether everyone's coming or just some people are not.

CHAIRMAN FRYER: Okay. Well, I hope it has people in Commissioner Strain's position in mind. We don't want to lose his participation.

MR. KLATZKOW: We could always do this at Horseshoe if that becomes an issue. There's more room there.

CHAIRMAN FRYER: Got it. All right. Anything else under new business?

MR. BELLOWS: Yes. We have our department head.

CHAIRMAN FRYER: Mr. Cohen.

MR. COHEN: Yes.

CHAIRMAN FRYER: Welcome.

MR. COHEN: Thank you. I just wanted to make an announcement that, for the Commission, that I've appointed Anita Jenkins to be the interim planning director, and it was effective Monday. So this is her second day. As you know, Anita has enjoyed a career in both public and private sector working for Regional Planning Council, MPO, as well as being a planning director for a consulting firm.

So I have not worked with you often, but I'm looking forward to working with you as you support her in her new role. It's an exciting time. We have changes on the Commission and we've got an interim director. So we've got a lot of things that we're thinking about being able to move forward on, and I look forward to it.

That was it. Thank you.

CHAIRMAN FRYER: Thank you, Mr. Cohen. And congratulations, Anita, and we look forward to working with you.

COMMISSIONER SCHMITT: Our condolences, Anita.

CHAIRMAN FRYER: Yes, depending upon how you look at it.

COMMISSIONER SCHMITT: It was much easier staying in Immokalee and doing the --

CHAIRMAN FRYER: Ray, anything else under new?

MR. BELLOWS: That's it.

CHAIRMAN FRYER: Okay. Any old business?

(No response.)

CHAIRMAN FRYER: All right. I think I know the answer to this one already, but is there any public comment that someone would like to make that doesn't concern an item we had on the agenda?

(No response.)

CHAIRMAN FRYER: Seeing no hands raised, I'll assume that there is no public comment.

And without objection, I'm going to declare the meeting adjourned.

COMMISSIONER SCHMITT: So noted. Approved.

CHAIRMAN FRYER: And we're out of here.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 3:16 p.m.

COLLIER COUNTY PLANNING COMMISSION

EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on _____, as presented _____ or as corrected _____.

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