

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, June 11, 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:

Karen Homiak, Acting Chairman
Mark Strain (remotely)
Edwin Fryer
Karl Fry (remotely)
Joe Schmitt (not present for roll call)
Paul Shea

ABSENT:
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
Sally Ashkar, Assistant County Attorney

PROCEEDINGS

MR. BELLOWS: You have a live mic.

CHAIRMAN HOMIAK: Good morning, everyone. This is the June 11th meeting of the Collier County Planning Commission.

Would you all please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

THE COURT REPORTER: I can't hear you.

CHAIRMAN HOMIAK: Would you like to give roll call?

COMMISSIONER FRYER: I would be happy to.

CHAIRMAN HOMIAK: Oh. Can you hear me now?

THE COURT REPORTER: Yes.

COMMISSIONER FRYER: I'm going to call the role in the same order that I usually do even though it's a little different today.

Mr. Eastman.

(No response.)

COMMISSIONER FRYER: Mr. Shea?

COMMISSIONER SHEA: Here?

COMMISSIONER FRYER: Mr. Fry?

COMMISSIONER FRY: Here.

COMMISSIONER FRYER: I'm here.

Chairman Strain?

COMMISSIONER STRAIN: I'm out in the netherworld somewhere.

COMMISSIONER FRYER: All right. Good.

Vice Chairman Homiak?

CHAIRMAN HOMIAK: Here.

COMMISSIONER FRYER: Mr. Schmitt?

(No response.)

CHAIRMAN HOMIAK: Mr. Dearborn?

(No response.)

COMMISSIONER FRYER: I wasn't counting. What kind of a -- do we have a quorum? One, two, three, four -- yeah, we have a quorum of five?

COMMISSIONER STRAIN: No, four is our quorum, so we have a quorum.

COMMISSIONER FRYER: Yeah, but I'm trying to let Karen know how many --

MR. KLATZKOW: Five.

COMMISSIONER FRYER: Five. I'm sure you're right. We have a quorum of five, Madam Chair.

CHAIRMAN HOMIAK: So Patrick --

COMMISSIONER FRYER: Patrick is not here and Joe is not here.

CHAIRMAN HOMIAK: Is Patrick going to be on virtual or --

MR. BELLOWS: I talked to Patrick yesterday, and he indicated he was going to participate. He would be one of the virtual participants.

CHAIRMAN HOMIAK: Okay. Okay. Addenda to the agenda. We have to end the meeting by 2:00 because there's a -- someone else is using the room later on. So if we don't get through everything, then it will just be scheduled for the next meeting, but I don't see that we would want to take a lunch. Would you --

COMMISSIONER FRYER: Madam Chair, I --

CHAIRMAN HOMIAK: Would you want to take a break at 12:00 and --

COMMISSIONER FRYER: Based upon my expectation of our agenda, I would think we could get done by 1:00, if not sooner.

CHAIRMAN HOMIAK: Okay.

COMMISSIONER FRYER: That would be my preference as well.

CHAIRMAN HOMIAK: Break at 10:30 and then at 12:00 for 15 minutes. Would that be all right with you? Can you hear me? So it that a plan?

COMMISSIONER STRAIN: Can I add -- could I make some suggestions that add to the agenda? This is Mark.

CHAIRMAN HOMIAK: To add to the agenda?

COMMISSIONER STRAIN: Yes.

CHAIRMAN HOMIAK: Yeah. What?

COMMISSIONER STRAIN: Well, under new business, I'd like to add elections of officers, and if -- and I'd like to add an item to discuss the fees that Paul Shea was charged for being a Planning Commission member, if he still was charged those. In the beginning it was controversial, and it dropped out of sight, and I'm not sure he got reimbursed or it got straightened out. Is that okay with the rest of you?

COMMISSIONER FRYER: Mark, I don't understand what you just said.

COMMISSIONER STRAIN: Okay. I'd like to add two items under new business. Number one, election of officers. I'm stepping down as chairman. It's not going to work with me being chairman not attending the meetings, and I won't be attending the meetings until the social distancing and mask issues are resolved, and that isn't going to happen between now and the end of year, so I'm going to be attending virtually, and I can't run a meeting this way, and I don't think it's fair for the rest of you for me to do. So that's what I'd like to do is --

CHAIRMAN HOMIAK: Well, you're not -- I'm sorry. But you're not going to be -- I'm running the meetings from here. Somebody has to be in the room.

COMMISSIONER STRAIN: Right. So I'm suggesting we -- I don't -- I'm chairman. You're vice chair. Why don't we just do an election and elect a new chairman, and I haven't got to -- because I'm dealing still with staff on agendas and things like that, and it's not -- I shouldn't be doing that. Whoever's sitting in that room ought to be doing that. So I'm suggesting I'd like to step down as chairman and let someone else take over going forward, and why don't we just do an election of officers to get that accomplished?

CHAIRMAN HOMIAK: Well, I think we should wait till Tuesday when all the board members are aware of it. Anybody else?

COMMISSIONER STRAIN: Okay. What's Tuesday? Okay.

COMMISSIONER FRYER: I understood your first point, but I didn't understand the second point that you made, Mark. You had two new --

COMMISSIONER STRAIN: When Paul Shea was -- yeah. When Paul Shea was in process to become a Planning Commission member, he was told he had to do a background check and he had to pay \$40 for it.

COMMISSIONER FRYER: Oh, oh, okay.

COMMISSIONER STRAIN: And I had called staff and said, why are we charging a Planning Commission member something like this when he's a volunteer? It isn't right. And originally there was going to be an effort to resolve it and pay it out of Developmental Services. I never got a -- then Paul, of course, got more involved, and I never heard after that if it got resolved. Out of fairness to him, I think it should be.

(Simultaneous crosstalk.)

MR. BELLOWS: For the record, this is Ray Bellows, Zoning Manager. I will follow up with Paul and inform the Planning Commission if there were fees charged. I don't believe, at the end, they were charged. But we will resolve that and report back at a later date.

COMMISSIONER STRAIN: Okay. That's all I was asking is just to get it resolved so Paul gets reimbursed if he had to pay it out of pocket, so...

MR. BELLOWS: Yeah, I will report back --

COMMISSIONER STRAIN: That needs to be added to the agenda.

MR. BELLOWS: I'll report back at the next meeting.

(Simultaneous crosstalk.)

COMMISSIONER STRAIN: Well, then the only thing that needs to be added to the agenda, then, is the elections question that I have, and, Karen, I understand your position. I don't know if everybody feels the same way, but at least I'd like to get it resolved, because it's not going to work the way it's set up right now.

CHAIRMAN HOMIAK: The next meeting is Tuesday. I'd rather -- I think we should have it on the agenda and --

COMMISSIONER FRY: This is Commissioner Fry. I agree with Commissioner Homiak. It could wait until Tuesday. We could all give it some thought.

MR. BELLOWS: Again, for the record, we could put that on the agenda for the next Tuesday meeting.

(Commissioner Schmitt is now present in the boardroom.)

CHAIRMAN HOMIAK: That would be great. Is that all right with everybody?

COMMISSIONER FRYER: It's okay by me.

COMMISSIONER STRAIN: That's fine.

CHAIRMAN HOMIAK: Election of officers for next meeting because Mark's stepping down as chair because he's not -- he won't be attending.

COMMISSIONER SCHMITT: Okay.

COMMISSIONER STRAIN: And, Ray, for staff to have agenda reviews and things like that and stuff I've been doing, go to Karen now until the election next Tuesday is resolved. So whatever Tuesday's needs to be done, she should be doing it, not me.

MR. BELLOWS: Understood.

CHAIRMAN HOMIAK: The packet's already out for next week, so...

MR. BELLOWS: We can do addenda to the agenda.

CHAIRMAN HOMIAK: Okay.

COMMISSIONER STRAIN: I'm just saying --

CHAIRMAN HOMIAK: Okay.

COMMISSIONER SCHMITT: Stepping down in total or just as chair?

CHAIRMAN HOMIAK: No, no, chair.

COMMISSIONER FRYER: Madam Chair.

CHAIRMAN HOMIAK: Yeah.

COMMISSIONER FRYER: Since we can't discuss these things outside of a public meeting, awkward as it may be, I'd nonetheless like to know whether you would be interested in becoming chair.

MR. KLATZKOW: Aren't we putting it on -- this is regular.

CHAIRMAN HOMIAK: It's going to be on the agenda for next time.

COMMISSIONER FRYER: Yeah. But we're going to be -- we're going to be thinking about it next time. I'd just like to know what your intentions might be.

CHAIRMAN HOMIAK: Oh, I don't know. I was thinking you. I have to think about it.

COMMISSIONER STRAIN: Well, that's the direction I was going, too, Karen. Ned's pretty much stepped to the plate on all this stuff. He shows up for every meeting. He's there all the time, and he's certainly got the knowledge to do it. So, I mean, that's why I thought it would have been a simple thing to resolve today.

MR. BELLOWS: Again, for the record, can we just save this for the next Tuesday meeting?

CHAIRMAN HOMIAK: Yes, please. So we'll just put it on the agenda.

COMMISSIONER FRYER: The only reason I mention that is because we're going to be thinking about it, and that was something that would be first and foremost in my mind is what Karen had wanted.

MR. BELLOWS: Yeah, understood.

COMMISSIONER FRYER: Okay. But, of course, yeah, next Tuesday's fine.

CHAIRMAN HOMIAK: Okay. And Planning Commission absences. Next meeting is Tuesday, the 16th. Will anybody not be able to attend --

COMMISSIONER FRYER: I'll be here.

CHAIRMAN HOMIAK: -- either here or virtually?

(No response.)

MR. BELLOWS: Can we do a roll call.

CHAIRMAN HOMIAK: Okay. That's right. I have to have a roll call for everything I ask you.

So, Mr. Shea?

COMMISSIONER SHEA: I'll be here.

CHAIRMAN HOMIAK: Ned?

COMMISSIONER FRYER: I'll be here.

CHAIRMAN HOMIAK: And I'll be here.

Joe?

COMMISSIONER SCHMITT: I plan on being here.

CHAIRMAN HOMIAK: And, Mark, will --

COMMISSIONER STRAIN: I don't know. I had a commitment made. Because the 18th was supposed to be the regular meeting. It got bumped to the 16th. If I can break my commitment that starts on Monday, then -- and it was supposed to carry over into Tuesday, then I won't need to -- then I'll be there. If I can't, I'll have to do what I've got committed to do.

CHAIRMAN HOMIAK: Okay. Karl?

COMMISSIONER FRY: I will be there Tuesday. In fact, I'd like to be there in person on Tuesday if there's room for me. Looking ahead, I will not be at either the July 16th or the August 6th meeting. Some kind of vacation plans yet to be determined.

CHAIRMAN HOMIAK: Okay. Patrick, are you on there at all?

(No response.)

CHAIRMAN HOMIAK: No. Is his name up? No.

MR. BELLOWS: I don't see him.

CHAIRMAN HOMIAK: Okay. We'll have a quorum for the -- there's no June 18th meeting.

So -- and July 2nd.

MR. BELLOWS: Correct, that's the next meeting after the Tuesday meeting.

CHAIRMAN HOMIAK: Mr. Shea, will you be here on July 2nd?

COMMISSIONER SHEA: Yes.

CHAIRMAN HOMIAK: Ned?

COMMISSIONER FRYER: I'll either be here or here electronically.

CHAIRMAN HOMIAK: Okay. I would be here.

Joe?

COMMISSIONER SCHMITT: Likewise as Ned, I'm not sure of my schedule, because I'm committed in several other endeavors, but I'll try and be here in person. If not, I'll be here electronically.

CHAIRMAN HOMIAK: And, Mark.

COMMISSIONER STRAIN: What date are you on?

CHAIRMAN HOMIAK: July 2nd.

COMMISSIONER STRAIN: At this point I don't know why I wouldn't be, so, yes, I'll be tying in electronically.

CHAIRMAN HOMIAK: And, Karl.

COMMISSIONER FRY: I should be there in person.

CHAIRMAN HOMIAK: Okay.

COMMISSIONER SCHMITT: Karl, we have room in the hallway, I think.

COMMISSIONER FRY: Very good. As long as I'm close.

COMMISSIONER SCHMITT: No, we have room.

CHAIRMAN HOMIAK: Okay. So we will have a meeting on July 2nd.

And so July 16th? Mr. Shea?

COMMISSIONER SHEA: Yes.

CHAIRMAN HOMIAK: Ned?

COMMISSIONER FRYER: Same answer as before, physically or electronically.

CHAIRMAN HOMIAK: Okay. And I'll be here.

Joe?

COMMISSIONER SCHMITT: Not sure. I don't know. Still looking at my schedule coming up.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: Same answer as before for the remainder of the year.

CHAIRMAN HOMIAK: Okay. Karl, you said no?

COMMISSIONER FRY: July 16th I most likely will be on vacation.

CHAIRMAN HOMIAK: Okay. So we would still have a quorum then.

MR. BELLOWS: Yes.

CHAIRMAN HOMIAK: Okay. August 6th.

MR. BELLOWS: I don't think we have to go too much further.

CHAIRMAN HOMIAK: No? We're good. Well, you have them on here. I'm reading. So we're good --

MR. BELLOWS: Yeah.

CHAIRMAN HOMIAK: -- to stop now. Okay.

COMMISSIONER FRYER: Ray, I have a question. Is July 2nd a certainty?

MR. BELLOWS: Yes, it is.

COMMISSIONER FRYER: Okay, thank you.

CHAIRMAN HOMIAK: Okay. There are no minutes to approve. And BCC recaps.

MR. BELLOWS: Yes. On June 16th [sic], the Board of County Commissioners heard and approved the --

COMMISSIONER FRYER: Probably a different date.

MR. BELLOWS: Yeah, it was a different date. It was just last Tuesday.

CHAIRMAN HOMIAK: The 9th?

MR. BELLOWS: Yes. And the Board heard the ShadowWood PUD amendment. That was approved 5-0 subject to the Planning Commission recommendation and an additional condition to eliminate one of the access points into Tract E, which was Atkins. That access point was eliminated. The SRA for Hyde Park was also heard by the Board. That was approved 4-1 subject to Planning Commission recommendation other than -- there were two modifications. The applicant eliminated the lifestyle sign deviation or the attempt to reclassify it as a real estate sign. And then they also approved it without the staff recommendations for the affordable housing provisions that were noted as conditions of approval. And that's all that was heard last Tuesday.

CHAIRMAN HOMIAK: Oh, okay.

Okay. Chairman's report, I don't have one.

There's nothing on the consent agenda.

Ray, you were going to review the public hearing procedures or --

MR. BELLOWS: No, we're fine.

CHAIRMAN HOMIAK: You're --

MR. BELLOWS: Yes. Now the first item.

CHAIRMAN HOMIAK: ***Okay. So the first item would be PDI-PL20190000740, Falling Waters.

Would everybody that wants to speak on this item please rise to be sworn in by the court reporter. (The speakers were duly sworn and indicated in the affirmative.)

CHAIRMAN HOMIAK: Okay. Disclosures. Joe?

COMMISSIONER SCHMITT: No disclosures on this one. But first, when I was part of staff -- this has a long history when I was the Community Development Administrator, so I'm well aware of the history, but I'm going to ask some questions about that. But other than that, I have no ex parte disclosures.

CHAIRMAN HOMIAK: Okay. I have nothing.

Ned?

COMMISSIONER FRYER: Nothing ex parte, just materials from staff.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: Nothing.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: I don't recall any.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: Staff materials only.

CHAIRMAN HOMIAK: Okay. Go ahead. You can go.

MR. GALLANDER: Thank you, Madam Chair. My name is Ken Gallander. I'm on -- here on behalf of Mr. Patrick Vanasse who was originally going to be here, but I am in his stead.

I'm here on behalf of the owner/applicant Falling Waters Beach Resort Master Association. I do have a brief presentation for you, so I'll proceed with that.

The subject property is just east/northeast of the intersection of U.S. 41/Collier Boulevard, and it was a Planned Unit Development that was rezoned to a PUD in 2001 per the ordinance 01-68. It was originally approved for a variety of commercial and multifamily uses.

Now, specific to this request, I want to identify that there's existing access points. The primary is off of Collier Boulevard, and there is a restricted emergency access only to U.S. 41, and that's on Mondago Lane.

This is the project location map. I don't know if you can see this is the Mondago Lane access point, and the other access point is off Collier Boulevard.

So to provide -- to move on, simply the request is to amend the Falling Waters Beach Resort PUD to convert the existing restricted access onto U.S. 41 via Mondago Lane from emergency access only to an emergency access only for ingress and then right-out only for egress.

This is the amended master plan identifying the areas that have been amended, the right-out only egress to U.S. 41, right-out only, and then the emergency access only ingress from U.S. 41.

Additionally, we needed to amend the language within the ordinance, specifically adding Conditions 4 and 5, ingress from U.S. 41 shall be emergency access only. Number 5, egress to U.S. 41 shall only allow the right-out turning movement.

The basis for the request: Over the last, obviously, almost two decades, significant traffic impacts on Collier Boulevard has really impacted the residents and guests' ability to easily access and get out of the development. And so through this, the opportunity to utilize the Mondago Lane egress was identified.

We had a neighborhood information meeting. There was no opposition voiced at the meeting. We have satisfied the insubstantial change evaluation criteria. Professional opinion, we are consistent with Growth Management Plan and the LDC. We, obviously, concur with the staff report analysis and recommendation of approval to the Planning Commission.

So we respectfully request a motion of approval and be happy to answer any questions.

CHAIRMAN HOMIAK: Okay. I'm going to ask each one of you if you have questions. So, Joe.

COMMISSIONER SCHMITT: Yeah. I'm going to have questions of staff, because I probably -- maybe Mike Sawyer, because I'm just curious about the history of this interconnect. Maybe you know.

MR. GALLANDER: I don't know the history behind it.

COMMISSIONER SCHMITT: Because when this was first zoned, it was prohibited access even though there was an indication by the plat that it could be. And I'm just curious as to why it wasn't approved years ago as a -- either right-in, right-out, and now it appears that staff is moving forward to allow it when, in fact, it didn't. I believe there was -- it was because of the distance to the intersection. There was some other prohibiting factor, and I don't know if staff has the history of that, but that's what I'm curious of.

CHAIRMAN HOMIAK: Well, we'll wait till the staff.

COMMISSIONER SCHMITT: Yeah, wait till staff.

CHAIRMAN HOMIAK: Okay. I don't have any questions of you.

Ned.

COMMISSIONER FRYER: Just a procedural one. It's my understanding that this would have been a HEX matter.

MR. GALLANDER: Yes.

COMMISSIONER FRYER: And that the action that we take is not recommendatory to the BCC. It's the action that would be final unless somebody wanted to appeal to the BCC; is that correct?

MR. BELLOWS: That is correct.

COMMISSIONER FRYER: Okay. That's the only question I had.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: I'm new, so I'm not sure if this is the right place to ask the question. But how do you ensure that it's only used for emergency in and residential out? The only reason I say that is I was out there, and the gate was constantly wide open. Cars were coming in and going out both directions. So the -- I'm not sure what the purpose is of this.

MR. GALLANDER: In terms of the management of the gate, that would be the responsibility of the association. During the NIM they identified that they will ensure that that gate is utilized as appropriate. So we'll have to bring that up with the association. I'll be happy to -- but per their statements at the NIM, that gate is to remain closed and then, for access for emergency vehicles, they have the appropriate means to enter in.

MR. KLATZKOW: And we're amending the PUD to reflect that, correct?

MR. GALLANDER: Yes.

MR. KLATZKOW: So that any violation would be a code violation. That's how we would enforce it.

COMMISSIONER FRYER: So there's a gate that is wide up right now?

COMMISSIONER SHEA: Well, it was the one time that I went there, and I saw vehicles coming in, making a right turn in and making the right turn out as well --

COMMISSIONER FRYER: So --

COMMISSIONER SHEA: -- routinely.

COMMISSIONER FRYER: So the gate will open as a result of sensing a car on the inside or being remote controlled by an emergency vehicle from the outside?

MR. GALLANDER: That's correct.

COMMISSIONER FRYER: Okay. Thank you.

COMMISSIONER SCHMITT: I have a question, then. What's the time frame for making sure that happens after the approval? Are you going to wait until this gets approved by the Board before corrective action is taken?

MR. BELLOWS: Joe, for the record, Ray Bellows. The Planning Commission is authorized to approve an insubstantial change.

COMMISSIONER SCHMITT: Yeah, okay, for this one, because it's not going to hearing examiner. All right.

MR. BELLOWS: Yeah.

CHAIRMAN HOMIAK: Mark, do you have any questions?

COMMISSIONER STRAIN: No, no comments.

CHAIRMAN HOMIAK: And, Karl, do you have any questions?

COMMISSIONER FRY: I've got a clarification, Ken, just to make sure I understand completely. I'm looking at a satellite image of Beach Resort Boulevard, which is the ingress and egress point onto Collier Boulevard. So it appears that residents can easily take right out to go north on Collier, but if they want to go south to get down to U.S. 41, they go across, without a light, into a separated northbound road that then turns into a U-turn a little bit further up Collier Boulevard; is that accurate?

CHAIRMAN HOMIAK: Yes.

MR. GALLANDER: That's correct, and that's part of the concerns is the conflict points of an

unsignalized -- and the movements. We have known of some accidents at this intersection. A lot of them did indicate during the NIM that they do turn right to make the U-turn to go south, and this just add another opportunity for the residents to utilize an access point.

COMMISSIONER FRY: But you have a lot of traffic that is going across three lanes of traffic in order to go north in order to go south.

MR. GALLANDER: Can you repeat that?

CHAIRMAN HOMIAK: Yes, that's right.

COMMISSIONER FRY: A lot of traffic crossing (unintelligible) lanes of northbound Collier Boulevard to get -- in an effort to eventually go south.

MR. GALLANDER: That's correct.

COMMISSIONER FRY: So (unintelligible) of this change would mitigate/reduce that risk of accidents at that intersection.

MR. GALLANDER: That is correct, Commissioner.

COMMISSIONER FRY: Thank you.

CHAIRMAN HOMIAK: Okay. If we could have the staff report now?

MR. BELLOWS: Yes. Mr. Finn is on his way.

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

The project is compliant with the GMP and the rezoning criteria within the LDC; therefore, staff recommends approval.

CHAIRMAN HOMIAK: Okay. Thank you.

Joe, you had a question of staff?

COMMISSIONER SCHMITT: Yeah. I don't know if Mike Sawyer has the history on this, because I was just curious, when this was first approved, this was prohibited from an entry point and it was due, I believe, to the proximity of the intersection and also the development, I guess, to the south, the shopping center, whatever was going in at that time, and now we're in a position where we're going to approve it. So do you have any -- are you aware of the history?

MR. SAWYER: For the record, Mike Sawyer, Transportation Planning.

I briefly checked with Trinity also. Obviously, neither one of us were in transportation planning when this was originally approved; however, 41, you know, is the jurisdiction of FDOT --

COMMISSIONER SCHMITT: Yeah.

MR. SAWYER: -- Number 1. Number 2, this was at a time when 41 wasn't in its current state. It was probably more likely just a two-lane road at that time.

COMMISSIONER SCHMITT: Yeah, you're probably -- yep.

MR. SAWYER: So there would have been concerns from FDOT for having this open to the public. Certainly having it as an emergency exit or -- exit or ingress certainly wouldn't have been a problem for them for emergency purposes.

What we're looking at now is FDOT's taken a second look now because of the improvements that have been made, and the issue is the trips from the development are already on the system, and what this will likely do is make those trips easier to manage. You'll have another ingress point for the residents to get out onto 41. There will not be as many conflicts just using the one single access.

COMMISSIONER SCHMITT: All right, okay. Makes sense. And I believe you're right, because that was prior to the widening of 41 all the way down almost to the Fiddler's Creek entrance there.

MR. SAWYER: Yeah.

COMMISSIONER SCHMITT: So, yeah, that probably was only maybe a four-lane intersection at that time.

MR. SAWYER: At best, quite honestly. And, you know, I was in Zoning when this was, you know, originally discussed a couple of different times. And that's my recollection. But, again, I wasn't in Transportation Planning.

COMMISSIONER SCHMITT: Your fault.

MR. SAWYER: Yes, indeed. It always is, sir.

COMMISSIONER SCHMITT: All right, thanks.

MR. SAWYER: Thank you.

CHAIRMAN HOMIAK: Okay. I have no questions.

Ned, do you have questions of staff?

COMMISSIONER FRYER: No, ma'am.

Paul?

(No response.)

CHAIRMAN HOMIAK: Mark, do you have questions of staff?

COMMISSIONER STRAIN: No questions.

CHAIRMAN HOMIAK: Karl, do you?

COMMISSIONER FRY: One quickie. It looks like if you turn right from Mondago Lane onto Tamiami Trail, you're not turning into a merge lane or a ramp-up speed lane. You're turning right into a full-speed lane; is that correct?

MR. GALLANDER: Uh-huh.

COMMISSIONER FRY: Okay. And then there's a turn lane just beyond that intersection that pulls into the next egress point off of 41. Are there any safety concerns traffic-size in terms of people making that right turn into full-speed traffic with a turn lane that's just where people are trying to cross and get into that turn lane just past that intersection? Are there any safety concerns among staff?

MR. BELLOWS: For the record, Ray Bellows. We have reviewed this with Transportation, and there was no concerns raised by Transportation, and if you want further, we can have Mike come back. Mike's coming back.

COMMISSIONER FRY: Okay.

MR. SAWYER: Again, for the record, Mike Sawyer, Transportation Planning.

Honestly, in situations like this, it's actually safer to have traffic come out at a 90-degree angle as opposed to an acceleration lane, only because you've got better visibility looking out towards where the traffic is actually coming from.

COMMISSIONER FRY: Thank you. Appreciate that.

MR. SAWYER: Sure. No problem.

CHAIRMAN HOMIAK: Okay. Are there any public speakers on this item?

MR. BELLOWS: No registered speakers on this item.

CHAIRMAN HOMIAK: So no virtual? Is there anybody in here that wanted to speak? I thought -- did you? I thought -- I saw you stand up and get sworn in, so I thought maybe you --

MR. BELLOWS: You can -- either one.

MR. BEYRENT: For the record, I'm Garret FX Beyrent. I actually purchased that property for my development corporation many years ago. I purchased it from the Lely Corporation. It was very complicated. And Joe mentioned that he wanted to know the history of the property. It's even -- it would be -- I couldn't do it in three minutes, okay.

COMMISSIONER SCHMITT: Well aware of the --

MR. BEYRENT: The whole thing was very convoluted. It was in the middle of the change to commercial nodes, access. And the only reason I'm here is because I was concerned about the safety issue, because we saw that coming. Nobody realized all the traffic lanes that are out there now coming off of Marco Island. We were only a two-lane road going into Falling Waters Beach Resort.

And long and short is, I purchased that other odd piece of property there specifically as another alternate access for safety reasons, because the -- I was -- at that time, Norm Feder was the transportation director, and he was working with Nick Casalanguida, and I was working with George Archibald, and the bottom line is, nobody stays in one place very long.

And that's -- basically, it's a safety issue. Those people in that subdivision are all different ages. They have to go out and in, and you gut out to that intersection, and there's like seven lanes across in one direction. It's confusing because it's a lot larger than we ever anticipated it would be.

So if it's a safety issue, that's why I was here. I'm concerned about the people getting in and out of the subdivision. Emergency ambulances have got to get in there and get the people out to the hospital down the road, and that's really what I was only interested in is making sure that the project we put

together many years ago is still going to be a safe place for people to live. And you need emergency access wherever you can get it, and that's why that oddball five acres was added on the map there. There's no map there.

And also, I'm learning how to do this technology thing. I was supposed to be in court, apparently, last week, but it was one of those virtual courtrooms, and I wasn't there. I was getting this mask on, getting some cuts off of my face for Agent Orange.

So thank you very much, and I hope I did something.

COMMISSIONER SCHMITT: Just curious about the developer who was developing some of the lots directly to the south. Mario owned -- was the developer?

MR. BEYRENT: The tractor guy.

COMMISSIONER SCHMITT: Yeah. Before that, though.

MR. BEYRENT: We're trying to work with everything, because it's always going to be an issue of access related to safety, and the safety --

COMMISSIONER SCHMITT: Yeah. But there was no issue with the developer then, which is now Tractor --

MR. BEYRENT: No, not that time. My issue was I had an environmental issue. That's why whatever the name of the road is now --

COMMISSIONER SCHMITT: Yeah.

MR. BEYRENT: -- that was actually a swamp area, and I was having environmental battles figuring out where I could put it to access the people in and out safely without going through a hard -- it's very hard wetland in there. That was the issue. Okay. Is that pretty much it?

COMMISSIONER SCHMITT: Yep.

MR. BEYRENT: Thank you.

CHAIRMAN HOMIAK: Okay.

COMMISSIONER FRYER: Madam Chair, I have a resolution at the appropriate time, or motion.

CHAIRMAN HOMIAK: It's time.

COMMISSIONER FRYER: Okay. I move approval of this PUDI, 20190000740.

COMMISSIONER SCHMITT: I would like to add to that, though, that we impose a time frame for the mechanisms to be put in place by the developer. What I don't want is a continuation of just an open gate for the next year.

COMMISSIONER FRYER: I'll accept that.

COMMISSIONER SCHMITT: So I have no idea what time frame to impose upon it, though, but if the petitioner wants to make a recommendation of when they think they would be able to meet the requirements.

I know of another PUD that we allowed for emergency access, and it was -- it's now almost a year and a half later and nothing has been done. Right off of 41. Same thing, so...

COMMISSIONER FRYER: I have a suggestion.

MR. GALLANDER: I can't speak exactly. I know that they are under the times, too, with contractors trying to get -- they want to have sensors put in. And so, unfortunately, I'm at a little conundrum to know exact points of time. But I'm more than welcome to --

COMMISSIONER FRYER: Madam Chair, I think Commissioner Schmitt's point is well taken. I think a way of ensuring that this gets done with -- without unnecessary delay would be to say that the gate should be closed immediately and not open until it has been set up with the ingress and egress provisions in the application.

COMMISSIONER SCHMITT: Well, my only concern there is a safety access, because the emergency vehicles would have a clicker of some sort to bypass a gate. And --

COMMISSIONER FRYER: Do they not have it now? Is that why the gate --

COMMISSIONER SCHMITT: I don't know. I don't think they would. Do they have emergency access now?

MR. GALLANDER: That's how they get in, yes. They can --

COMMISSIONER SCHMITT: So it can be opened automatically. Okay. That answers that question. I think a period of 90 days would be more than sufficient.

COMMISSIONER FRYER: Would you rather do it that way or just ask that it closed for egress purposes until --

COMMISSIONER SCHMITT: Either way, that's fine. I think that's probably the preferable solution.

COMMISSIONER FRYER: Then, Madam Chair, that's my motion, that it be closed for egress purposes until it can be set up -- until the gate can be closed at all times.

CHAIRMAN HOMIAK: Okay. And you were -- did you second?

COMMISSIONER SCHMITT: I second.

CHAIRMAN HOMIAK: Okay. I'm going to ask each --

COMMISSIONER FRY: Closed for egress purposes or ingress purposes?

COMMISSIONER FRYER: No, ingress is only going to be emergency vehicles because the gate's going to be closed, and only fire apparatus and EMS apparatus and police vehicles will have the clicker.

MR. GALLANDER: Able to gain --

COMMISSIONER FRYER: So the residents will benefit as soon as the thing's established, and that should be an incentive for the residents to get it established.

MR. GALLANDER: So just to clarify --

COMMISSIONER FRY: And by "established" do you mean a sensor that opens the gate when somebody's trying to leave?

COMMISSIONER FRYER: Yes.

COMMISSIONER FRY: And that is not already in place?

COMMISSIONER FRYER: Well, all we know right now is that the gate, when Commissioner Shea drove by, was open, and that's not a situation that we want.

COMMISSIONER FRY: Ken, do we know if the gate does already have a sensor so it could be closed now and already be fully operational according to what has been proposed?

MR. GALLANDER: My understanding is it should be functioning as it was originally intended. So it is -- egress out should not be a utilized function at this time. And what the intent is is to provide the proper devices, once this is approved, to be able to do that.

CHAIRMAN HOMIAK: Okay.

MR. GALLANDER: So, I mean, we have code enforcement procedures, as the County Attorney mentioned. The intent is to create a safe opportunity for the residents and guests to leave the property.

CHAIRMAN HOMIAK: Okay. Well, the motion's been made and seconded. I'm going to ask each one -- each commissioner to say either yes or no if you approve this motion.

Joe?

COMMISSIONER SCHMITT: I approve.

CHAIRMAN HOMIAK: And it's a "yes" for me.

Ned?

COMMISSIONER FRYER: Yes.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: Yes.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: Yes.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: Yes.

CHAIRMAN HOMIAK: Okay. It passes unanimously.

COMMISSIONER SCHMITT: I want to check and see if Patrick's on the line, because I thought Patrick was trying to --

CHAIRMAN HOMIAK: Well, his name's not up there, so...

COMMISSIONER SCHMITT: He was trying to link in. I think they were trying to give him

instructions on how to do it. No?

CHAIRMAN HOMIAK: Well, he's not there yet.

MR. BELLOWS: We'll see if we can work with him, but at the present he's not online.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN HOMIAK: ***Okay. So the next item on the agenda is 7-Foodmart. It's CPUD PL20190000683 and -- oh, they are. Hi. We heard this the last meeting in March, so I'm --

MS. HARRELSON: No.

MR. BELLOWS: Madam Chair, we need to be sworn in, too.

CHAIRMAN HOMIAK: Oh. Anybody wishing to speak on this item, could you please rise to be sworn in by the court reporter.

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

CHAIRMAN HOMIAK: Disclosures. Joe?

COMMISSIONER SCHMITT: No, none.

CHAIRMAN HOMIAK: I exchanged email, I think last -- it's been so long. I'm pretty sure I did with you.

MS. HARRELSON: February.

CHAIRMAN HOMIAK: Yes.

Ned?

COMMISSIONER FRYER: Recently, just materials from staff. Frankly, I can't recall back in March.

CHAIRMAN HOMIAK: I know.

Paul?

COMMISSIONER SHEA: Just materials from staff.

CHAIRMAN HOMIAK: Mark, disclosures?

COMMISSIONER STRAIN: Yes. I'm trying to figure out how to give you a disclosure, because I don't find this on my packet that was downloaded. The second item on the packet is for an NUA for 92nd Avenue North. Where was this one?

CHAIRMAN HOMIAK: This is 7-Foodmart.

COMMISSIONER STRAIN: Well, I know what it is, but I don't have any information on it, so I don't even know what to tell you. I'm trying to figure out -- I'll give you disclosure. I didn't even -- I haven't -- it's not on -- it's not in the packet. The second thing in my packet it says 92nd Avenue North NUA --

(Simultaneous crosstalk.)

MR. BELLOWS: For the record, this is Ray Bellows. I believe you may have received the packet from an earlier meeting where this was continued from.

CHAIRMAN HOMIAK: Yeah, that would -- that would -- that's where I got my thing from March.

COMMISSIONER STRAIN: The packet for when?

CHAIRMAN HOMIAK: March 19.

(Simultaneous crosstalk.)

COMMISSIONER STRAIN: Oh, we were supposed to drag that forward from two or three months ago? Oh, well, okay. I'll just go back and pull that up. Okay. I don't -- I wouldn't have any disclosures that I can recall at this time.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRYER: Staff materials and conference call with Jessica Harrelson of Davidson Engineering on March 4th and one other participant, but I can't remember the name, on her team.

COMMISSIONER FRYER: Madam Chair.

CHAIRMAN HOMIAK: Yes.

COMMISSIONER FRYER: Ms. Harrelson, did you and I speak?

MS. HARRELSON: Yes, we did over the phone.

COMMISSIONER FRYER: Okay. Then that disclosure.

CHAIRMAN HOMIAK: Okay. Go ahead. I'm sorry.

MS. HARRELSON: Good morning. I'm Jessica Harrelson, certified planner with Davidson Engineering here representing the applicants in the 7-Foodmart PUD rezoning. I have a brief presentation that I'll run through and then take questions.

7-Foodmart is an existing PUD, and it's located on the east side of Santa Barbara Boulevard just north of Golden Gate Parkway. The existing PUD is just over one-acre in size.

The key purpose of the rezoning that has been submitted is the request to add 1.09 acres to the 7-Foodmart PUD. This will allow a proposed building expansion and reconfiguration and expansion of the existing parking lot. We are requesting to increase the maximum square feet of gross floor area from 10,000 square feet to 15,000 square feet.

The hatched area here defines the existing PUD boundary. The unhatched areas are the three lots that are being added to the PUD. They are currently zoned RMF-12 and are located within the Santa Barbara commercial overlay district. The intent of this overlay is to provide commercial development within the subject area.

Additional changes to the PUD include updating the minimum building setback along the alley -- along the east for the cooler addition only from 15 feet to 12.2 feet. You can see the cooler addition highlighted here in yellow.

We are retaining Deviations 1 through 4 from the existing PUD.

Deviation No. 5 is being requested to allow a total of 16 parking spaces along the alley for public use. The LDC currently restricts and allows a maximum of 10 spaces to be accessed from the alley for the exclusive use of employees and services vehicles. This will open to the public. Parking for this site is very problematic, so this will just help solve some issues here.

Deviation No. 6 has been added requesting to allow a 12-and-a-half-foot encroachment within the 15-foot Type B buffer along the alley. A compensating landscape area will be provided along the same buffer so the required plantings will still be required or provided. This deviation will allow for the cooler addition to remain in its existing location.

We have updated the required tree preservation on the site. There's now eight trees that are required to be preserved. We are also requesting to retain the maximum 262 p.m. peak-hour two-way trips within the updated PUD. The previous traffic study that was prepared utilized the ninth edition ITE Manual and land-use code specialty retail center. That land-use code was eliminated within the updated ITE manual. And through coordination with staff, we're using land-use code supermarket, which was deemed most appropriate. And, as you can see, utilizing supermarket at 15,000 square feet generates 189 p.m. peak-hour two-way trips, which is less than what's in the existing PUD.

The traffic consultant prepared a memo containing an updated concurrency analysis using the 2019 AUIR. It concludes there is sufficient capacity to support the proposed expansion on the roadway, and he is here today if you have any specific traffic-related questions.

We have updated Transportation Commitment No. 1 by requiring a loading space be constructed to accommodate full-size delivery trucks. Typically, only box-size trucks are making deliveries to the site, roughly about 26 feet in length. But on occasion larger trucks are making deliveries.

So we simply want to make needed site improvements to keep those larger trucks off the alley when unloading.

A miscellaneous developer commitment has been added at the request of staff. Due to the overlapping drainage easement within the 10-foot-wide landscape buffer along Santa Barbara, there could be no vehicular overhang or encroachment.

A stormwater commitment has been added at the request of staff also. This just states that any stormwater improvements or updates will be routed or relocated as necessary within new or existing drainage easements.

We have added the standard PUD monitoring language.

And the PUD master plan has also been updated to address the text changes we've made. We've also added a northbound right-turn lane, which is now warranted for construction. We've extended the sidewalk, relocated water management and the drain field, one additional access into the site from the

alley, and then one direct access into the loading bay from the alley.

The NIM was held on January 23rd, and there was only one attendee that came. He expressed some issues about delivery trucks running over some grass and some fruit trees. We have coordinated with him. The applicants have replaced the grass, fruit trees, and they've also installed metal reflectors to keep those trucks from continuing to drive on the property.

This is a picture that was taken right after the NIM was held just to show you the damage to the grass. This is facing north in the alley.

I've coordinated with that property owner back in March and again at the end of May. He's happy, no more issues, and everything's good there. And that concludes my presentation.

CHAIRMAN HOMIAK: Okay. Any questions? Joe?

COMMISSIONER SCHMITT: No questions.

CHAIRMAN HOMIAK: I have none.

Ned?

COMMISSIONER FRYER: Just a couple. First of all, there's a refrigeration area that is going to be in about the center of the structure; is that correct, against the alley?

MR. HARRISON: I'll show you. It's right behind the building.

COMMISSIONER FRYER: Yeah. My question is is whether that will generate more noise than is presently experienced at that point.

MS. HARRELSON: No. The cooler is about -- no louder than an air conditioning unit, and, actually, the traffic is louder.

COMMISSIONER FRYER: Okay. And my second and I believe last question has to do with, again, the alley, and having tractor trailers turning in there. I understand you're putting a mirror in, which should be helpful, but probably -- I mean, it's possible that this could happen again and again and again. And my first thought was why not put a hard barrier in there?

MS. HARRELSON: I don't believe the property owner would -- wanted that. He specifically requested the metal reflectors.

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

CHAIRMAN HOMIAK: Paul, any questions?

COMMISSIONER SHEA: No questions.

CHAIRMAN HOMIAK: Mark, do you have any questions?

COMMISSIONER STRAIN: Yeah, about your buffers, your Deviation No. 2. The Type B buffer exclusive of a 6-foot-high hedge where residential zoning occurs in the north and south perimeter boundaries of the subject property. There are building -- there are people living on those sections now? That's a question. I mean, are there occupied residential facilities on the north and south property lines?

MS. HARRELSON: Yes. The new PUD boundary, is that what we're referring to?

COMMISSIONER STRAIN: Yes.

MS. HARRELSON: Yes, there are people residing in those homes.

COMMISSIONER STRAIN: Okay. So instead of a masonry wall, which would provide them some noise attenuation or visual until the hedge gets built or filled in by opacity, how are you going to protect their compatibility issues that they would have with the additional activity on this commercial site while they're still legally allowed to have residential there and they occupy -- apparently occupy those units?

MS. HARRELSON: Well, the deviation is existing now, and we haven't had any issues. I've coordinated with this property owner. He is aware. He came to the NIM, knows what we're doing. Notices went out. Nobody had any complaints about what we're doing.

COMMISSIONER STRAIN: The property owner who owns the -- are they rental units or owner occupied; do you know?

MS. HARRELSON: I'm not sure. I know the gentleman that came to the NIM that we were coordinating with is the property owner here.

COMMISSIONER STRAIN: On both sides?

MS. HARRELSON: No, the corner of 22nd and Santa Barbara.

COMMISSIONER STRAIN: Okay. What about the other side?

MS. HARRELSON: No, I haven't heard from that property owner.

COMMISSIONER STRAIN: Okay. I'm just going through my notes from back then. The loading space -- loading space to accommodate full-size tractor trailers?

MS. HARRELSON: Right. There are, on occasion, larger --

COMMISSIONER STRAIN: How's that going to --

MS. HARRELSON: Sorry.

COMMISSIONER STRAIN: Larger tractor trailers?

MS. HARRELSON: I'm sorry?

COMMISSIONER STRAIN: They'd have to come in from one direction, and they'll back into it; is that how it works?

MS. HARRELSON: We haven't gone through the full engineering design. We may make it parallel from the alley to accommodate those larger trucks.

COMMISSIONER STRAIN: That won't take up any needed parking spaces that aren't already there; is that correct? Are there any parking spaces that have to be -- that are currently there that are going to be used for this loading area?

MS. HARRELSON: Right. So I think you're looking at the four spaces on the very south end. Is that what you're referring to?

COMMISSIONER STRAIN: Yes.

MS. HARRELSON: We may convert that to a loading space when it goes to SDP permitting if we can't get the turning radius to work for the larger trucks into the loading bay behind the building that's shown on the plan now.

COMMISSIONER STRAIN: Since you've prefaced some of this is as a need because of -- I shouldn't say "a need." Previously said parking's been a challenge on the site. I think that was -- I don't know how you stated it.

MS. HARRELSON: Right.

THE WITNESS: Are you going to be looking to get any administrative parking reductions?

MS. HARRELSON: No. We want to maximum parking on the site.

COMMISSIONER STRAIN: Okay. So -- right. So, when you go through SDP, if all this additional square footage or any of the computations in taking out -- changing loading spaces creates a need for more parking, you're not going to come in for an administrative parking reduction then?

MS. HARRELSON: No. No, sir.

COMMISSIONER STRAIN: You wouldn't mind that as a stipulation, would you?

MS. HARRELSON: No, I would not mind.

COMMISSIONER STRAIN: Okay. That's what I needed to know. Thank you.

That's all the questions I have.

CHAIRMAN HOMIAK: Karl, do you have any questions?

COMMISSIONER FRY: No questions.

CHAIRMAN HOMIAK: Okay. Thank you.

Have the staff report, please.

MR. BELLOWS: Yes. We have a virtual staff presentation.

CHAIRMAN HOMIAK: And she needs to be sworn in?

MS. GUNDLACH: That's correct.

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

MS. GUNDLACH: For the record, I'm Nancy Gundlach, principal planner with the Zoning Division, and staff is recommending approval of the 7-Mart petition as it is consistent with the Growth Management Plan and the Collier County Land Development Code.

CHAIRMAN HOMIAK: Okay. Thank you.

Are there any questions for staff? Joe?

COMMISSIONER SCHMITT: No questions. Thank you.

CHAIRMAN HOMIAK: I have none.

Ned?

COMMISSIONER FRYER: No.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: No.

CHAIRMAN HOMIAK: Mark? Mark, do you have questions for staff?

(No response.)

COMMISSIONER SCHMITT: He's probably on mute.

CHAIRMAN HOMIAK: Okay. Well, Karl, do you have questions for staff?

COMMISSIONER FRY: No questions.

CHAIRMAN HOMIAK: Mark, are you there?

(No response.)

CHAIRMAN HOMIAK: I'm going to take that as a no. He's off? Okay. Okay.

MR. BELLOWS: Well, we do seem to have an issue with losing a participant. Do we need to take a break to reconnect or --

CHAIRMAN HOMIAK: Did he disconnect himself or -- just keep going?

MR. BELLOWS: Just keep going.

MR. KLATZKOW: Just keep going.

CHAIRMAN HOMIAK: Do we have public speakers on this item?

MR. BELLOWS: No registered speakers.

CHAIRMAN HOMIAK: Okay.

COMMISSIONER FRYER: Madam Chair, I'll have a resolution when the time is right.

CHAIRMAN HOMIAK: Okay. The public hearing -- whoop.

Oh. Mark, do you have any questions for staff?

COMMISSIONER STRAIN: No. I didn't hear -- I couldn't -- I'm not going to ask them to repeat it. I keep getting cut off. You guys don't even know it, but it goes dead, and I've got to dial all the numbers. There's, like, four numbers to get back in. I didn't hear any of Nancy's thing.

The only thing I wanted to ask is the buffer in lieu of the wall. If I'm not mistaken, in one year's time they've got to have opacity up to 80 percent; is that correct?

MS. GUNDLACH: That's correct.

COMMISSIONER STRAIN: So if a wall was there and it was built, opacity would be instantaneous. So for this period of time, the operation to the north and south with people living there would -- could probably count on a decent opacity up to six feet high but it probably could take up to a year, and that's all I'm just trying to understand. Okay.

Thank you. That's all I've got, Karen.

CHAIRMAN HOMIAK: Okay. Thank you.

Is everybody all set with the -- no questions, right?

(No response.)

CHAIRMAN HOMIAK: Nothing? Okay. We can close the public hearing and entertain a motion.

COMMISSIONER FRYER: Madam Chair, I'd make a motion to approve with Chairman Strain's stipulation added.

COMMISSIONER SCHMITT: I second.

CHAIRMAN HOMIAK: What stipulation is that?

COMMISSIONER FRYER: I'd ask him to restate it, please.

COMMISSIONER STRAIN: That the applicant will not be applying for any administrative parking reductions for this project.

CHAIRMAN HOMIAK: Okay. So there's a motion and a second. I'm going to ask each one of you to say yes or no whether you approve or not.

Joe?

COMMISSIONER SCHMITT: Approve.

CHAIRMAN HOMIAK: And it's a yes for me.

Ned?

COMMISSIONER FRYER: Yes.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: Yes.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: Yes.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: Yes.

CHAIRMAN HOMIAK: Okay. It passes unanimously. Thank you.

Okay. The next item on the agenda is PL20190002862. There's a setback for a pool. Could everybody -- anybody who wishes to speak on this item, please rise and be sworn in by the court reporter.

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

CHAIRMAN HOMIAK: Okay. Disclosures. Joe?

COMMISSIONER SCHMITT: No disclosures.

CHAIRMAN HOMIAK: Nothing from me.

Ned?

COMMISSIONER FRYER: Nothing except materials from staff.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: Nothing except materials from staff.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: Nothing that I recall other than the same.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: Staff materials.

CHAIRMAN HOMIAK: Okay.

MR. LOMBARDO: One moment. I need to locate my slide show. Is there a different folder?

COMMISSIONER FRYER: Madam Chair, while we're waiting, I have a procedural question I'd like to ask, I guess, of the County Attorney. I assume this would have been a HEX matter?

MR. KLATZKOW: I believe so, yes.

MR. BELLOWS: Correct.

COMMISSIONER FRYER: In that case, then, is our action final subject to BCC approval or we recommend --

MR. KLATZKOW: Your action's final.

COMMISSIONER FRYER: Thank you.

MR. BELLOWS: For the record, Ray Bellows. I just wanted to clarify, a nonconforming use alteration is similar to a variance in many ways, so you would be a recommending body in this case, and it goes to Board of Zoning Appeals for a final hearing.

COMMISSIONER FRYER: Thank you.

MR. LOMBARDO: Good morning. My name is Zach Lombardo. I, along with Tony Pires, represent the Spevaceks, who are the owners and applicants for this nonconforming use application.

What is leading to this is the enclosure of a lanai. Staff has determined that increases the habitable space of the unit and, therefore, nonconforming use application would need to be applied for because, as you'll see as we go through this, the setback closest to that enclosure is less than the amount currently allowed for by the zoning code.

To give you a little bit of background, this is the location of the unit, and we're talking about the east side, which is the blue circle. That's where the enclosure happened. This is in Naples Park, specifically, in Unit No. 4. This is a 1988 structure.

Here's -- and all of these things are excerpts from what has already been presented to you. So, for example, this is on Page 15 of Exhibit C that accompanied the staff report. This shows the enclosure of the lanai. As you can see, it doesn't change the dimensions of the structure, and it also does not change the roofline.

Here is a recent survey that was done for this process. If we can get in a little closer here, what

we're talking about is this corner where it is actually 5.3 feet from the lot line. The actual setback requirements in this area are 7.5 feet currently.

The structure, however, is a legal nonconformity. These lots were recorded in the 1950s, and the governing ordinance at the time when the structure was recorded that the -- allowed the setbacks to be five feet at the time. So we are well within that line.

This was sent to and specifically addressed by the Building Department when it was approved. The setbacks were approved at five feet. The -- and then the drawing, the setbacks were again approved as permissible.

The roofline was also submitted in the initial packet. Again, all of these documents are included in Exhibit C, which you received, and the building permit was issued and the CO was issued.

The NUA factors -- this is under 9.03.00 or specifically 9.03.03.B. -- have all been per staff approved, so we can kind of run through those quickly. This is in the staff report. If you turn to Pages 5 and 6, every single one was met with approval. And the primary reason for the first couple of factors, the density is not increased. The roofline is not adjusted. It will not change the building footprint at all. And, in fact, in the later factors it's found that this -- because there's hurricane glass going into the lanai, would actually increase the resiliency of the structure and improve privacy for the surrounding neighbors because as an enclosed structure it will be quieter.

It's comparable to the nearby homes in Naples Park. There's a good amount of redevelopment. This is not the structure. This is two doors down. Considerably larger structure than what we're talking about here.

So if there's any questions, I can go into that further, but staff is recommending approval, and we concur with that. All the notice provisions were followed.

CHAIRMAN HOMIAK: Okay. Thank you. Are there any questions? Joe?

COMMISSIONER SCHMITT: No questions.

CHAIRMAN HOMIAK: I have none.

Ned?

COMMISSIONER FRYER: It seems to me that the neighbors would, indeed, be glad to have this. It doesn't change the footprint at all, and it should make things quieter.

Did you consult with -- looks like there's a neighbor to the east and then to the north. Did you talk to both of those?

MR. LOMBARDO: Yes. And you have letters of no objection specifically from the neighbor to the east, and then there's a neighbor across the street to the south that has submitted a letter of no objection, and then during the notice period, no other letters were received.

COMMISSIONER FRYER: Okay. So a notice was sent to the owner to the north, and he didn't respond?

MR. LOMBARDO: Yes. A notice was sent to all units within 500 feet --

COMMISSIONER FRYER: Yeah, I understand. Thank you.

MR. LOMBARDO: -- but specifically have no objection.

CHAIRMAN HOMIAK: Paul, any questions?

COMMISSIONER SHEA: No questions.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: No questions.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: No questions.

CHAIRMAN HOMIAK: Okay. Thank you. And staff report, John?

MR. KELLY: Good morning. John Kelly, senior planner.

Just to correct the record, we did receive a letter of objection; however, it was withdrawn upon explanation of the project.

So with that, we were able to establish that the structure was constructed in 1987. They exercised a provision of the then current zoning code to allow a five-foot setback, so that is factual.

With that, staff reviewed the petition utilizing the criteria contained within Section 9.03.03.B.5 A

through F, and recommends to the Planning Commission that you forward NUA-PL20190002862 to the Board of Zoning Appeals with a recommendation of approval.

CHAIRMAN HOMIAK: Okay. Thank you.

Any questions for staff, Joe?

COMMISSIONER SCHMITT: No questions.

CHAIRMAN HOMIAK: I have none.

Ned?

COMMISSIONER FRYER: No questions.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: No questions.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: Yeah, I have a whole bunch of them for John. John, I'm just kidding. No, I don't have any.

COMMISSIONER SCHMITT: Hey, I could have piled on, too, but -- Naples Park brings a lot of posttraumatic stress.

COMMISSIONER STRAIN: John, it was a good writeup. Thank you.

MR. KELLY: You're welcome, Mark.

CHAIRMAN HOMIAK: Karl, any questions?

COMMISSIONER SCHMITT: And John and Ray know what I'm talking about.

CHAIRMAN HOMIAK: I'm sorry, Karl. I didn't hear.

COMMISSIONER FRY: I wish I had some, but I don't.

CHAIRMAN HOMIAK: Oh, thanks. Okay. We'll close the public hearing and entertain a motion.

MR. BELLOWS: Yeah, we don't have any registered speakers.

CHAIRMAN HOMIAK: Oh, I'm sorry. I didn't see anybody. That's right, I didn't ask.

COMMISSIONER SCHMITT: Of course, Jeff has -- also recalls Naples Park issues.

MR. KLATZKOW: It's a nice place to live.

CHAIRMAN HOMIAK: Okay. Is there a motion?

COMMISSIONER FRYER: Madam Chair, I'll make a motion that we approve a positive recommendation to the BZA on this nonconforming use.

CHAIRMAN HOMIAK: Second anyone?

COMMISSIONER SHEA: Second.

CHAIRMAN HOMIAK: Paul, okay.

And yes or no whether you approve or not.

Joe?

COMMISSIONER SCHMITT: Approve.

CHAIRMAN HOMIAK: It's a yes for me.

Ned?

COMMISSIONER FRYER: Yes.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: Yes.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: Yes.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: Yes.

CHAIRMAN HOMIAK: Okay. It passes unanimously. Thank you.

COMMISSIONER FRY: Madam Chairman?

CHAIRMAN HOMIAK: Yeah? Madam Chairman. Is that me?

COMMISSIONER FRY: Yes, it is.

I wanted to ask a question of staff, of Ray, perhaps. I don't see him in the room, but if he's around. I'm curious what the progress is on the search for a new HEX.

COMMISSIONER SCHMITT: It was an item on the Board. I think they have two letters of interest. It sounds like it's going to be a part-time job. Maybe Jeff could fill us in.

MR. KLATZKOW: I'm sorry. I just walked in the room.

COMMISSIONER SCHMITT: On the HEX.

MR. KLATZKOW: The Board has chosen a HEX officer.

COMMISSIONER SCHMITT: Oh, they did. Part time?

MR. KLATZKOW: Andrew Dickman.

COMMISSIONER SCHMITT: Oh, Andrew?

MR. KLATZKOW: Uh-huh. I'm sure you know him well.

COMMISSIONER SCHMITT: Oh, yeah.

MR. KLATZKOW: It's part time -- well, it's as much time as it takes, I guess.

COMMISSIONER SCHMITT: Yeah. But from the letter of interest, is it an actual -- is it a contracted --

MR. KLATZKOW: Yes. He'll be a contracted employee of the Board of County Commissioners.

COMMISSIONER SCHMITT: Okay.

COMMISSIONER FRY: Do we know when they will start their duties?

MR. KLATZKOW: I think Mr. French and Mr. Dickman are working out with the Clerk the final details of the contract, and it should be shortly.

COMMISSIONER FRY: Great. Thank you.

CHAIRMAN HOMIAK: ***Okay. The next item is Moody boat dock extension, and there's a companion item with that. I think we would take them both at the same time and vote on them separately.

MR. BELLOWS: That's correct.

CHAIRMAN HOMIAK: Okay. So the first would be BDE-PL20190001962, and that's for the boat dock extension, and the next companion item is VA-PL20190002360.

Anybody wishing to speak on this item, would you please rise and be sworn in by the court reporter.

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

CHAIRMAN HOMIAK: Okay. Disclosures, Joe?

COMMISSIONER SCHMITT: No disclosures on this.

CHAIRMAN HOMIAK: Nothing for me.

Ned?

COMMISSIONER FRYER: Just materials from staff, but also -- well, I'll do it after we go through this.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: Just staff materials.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: None that I recall.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: Staff materials only.

CHAIRMAN HOMIAK: Okay. Go ahead.

COMMISSIONER FRYER: Madam Chair, before we start. Again, on the procedure, I take it that the -- on the dock extension, our action is final subject to BCC approval, and on the variance our action is recommendatory to the BZA. Ray?

MR. BELLOWS: Yes, on the variance.

COMMISSIONER FRYER: On the variance it's recommendatory, yeah.

MR. BELLOWS: On the boat dock, you are the approving authority.

COMMISSIONER FRYER: Got it. Thank you.

COMMISSIONER FRY: Madam Chair.

CHAIRMAN HOMIAK: Yes.

COMMISSIONER FRY: I was just curious -- I wanted to ask staff, why in this case are there two actions? Why is there a separate boat dock extension rather than just a variance? Why is it --

MR. BELLOWS: For the record, Ray Bellows.

There are two petitions before you. They're companion items, technically, because they deal with the same property, but they're two different applications. The boat dock extension application only requires HEX or Collier County Planning Commission approval. Variances could -- could have been heard by the HEX with this and would have been approved by the HEX or ruled upon by the HEX. But if it's not going to the HEX, a variance is required; Planning Commission recommendation and Board of Zoning Appeals approval.

COMMISSIONER FRY: Thank you.

COMMISSIONER FRYER: And the variance has to do with a setback, right?

MR. BELLOWS: Correct.

CHAIRMAN HOMIAK: Okay. Go ahead.

MR. ROGERS: Good morning. For the record, Jeff Rogers with Turrell, Hall & Associates.

I'm here in front of you today for a boat dock extension. It's on a boat dock lot that is just south of Bonita Beach Road on the north ends of Collier County in an area that is -- 3rd Street is a -- there's some single-family homes as well as other boat dock lots on it. So, basically, it's a lot that's made for parking your car and getting onto a dock for your boats.

We're here today -- basically, this is the lot. Small little -- like I said, it's just a small upland lot. And as you can see on the aerial, there's other docks all along the shoreline that have also gone through the same process that I'm going through here today with you.

This is the proposed dock currently right now. As you can see, it's just a five-foot-wide finger dock basically going straight out from the shoreline with two lifts on either side.

The dock has been designed to accommodate two vessels up to 38 feet max. As you can see, that's the biggest vessels that they could put there, as well as not protrude out past any other of the existing docks there. We're requesting a 27-foot extension from the allowed 47-foot.

This area is, again, a boat dock lot, so setbacks are not -- we're not able to meet the required setbacks, which would be seven-and-a-half feet here in this case because we're less than, you know, 60-foot requirement of that.

So there is some history here that staff's going to talk to you about in regards to all the other lots. This particular lot did not go through the variance process approval for all of these lots back in the day. I'm not sure why the owner back then didn't want to do it. But we are here in front of you today, as staff has told you and Ray's told you, to do a BDE for the 27-foot protrusion as well as side-yard setbacks to basically reduce them down to zero, which is also consistent with all the other docks along this shoreline.

Here's an aerial view of the shoreline and all the other docks basically extending out the same distance as we are proposing. Myself, I've done at least three or four BDEs for this area. So we are not proposing anything outside of the norm there.

So if you guys have any questions, I could touch on the -- whoops, sorry -- on the variances, but we're basically requesting a zero-foot setback requirement.

We are providing a minor setback on most of the pilings just so you guys know, so we are not going right to zero, except for on one piling we will be touching the riparian line.

Happy to answer any questions you guys might have.

CHAIRMAN HOMIAK: Okay. Joe, any questions?

COMMISSIONER SCHMITT: No questions.

CHAIRMAN HOMIAK: I have nothing.

Ned?

COMMISSIONER FRYER: Just an observation. The thing that was most persuasive to me was an image, a visual on Page 519 of 1345 of the materials that shows that the proposed dock extension -- when you look at it in relation to the other dock extensions, it does not extend out any farther. And, as you say, the setbacks are conforming with what the other owners have in place. So based on that visual, I'm very comfortable with it.

MR. ROGERS: Sure. Thank you.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: No questions.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: No questions.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: Well, I would just echo Commissioner Fryer's observations. I have no issues with it.

CHAIRMAN HOMIAK: Okay. Thank you.

Okay. Staff report?

MR. KELLY: Good morning, John Kelly, senior planner.

To provide a little history on this, the subject lot is one of 23 on the north side of 3rd Street West that was platted with insufficient lot area to accommodate a principal structure.

In 1987 the Board of County Commissioners directed the -- what was the community development division to pursue a provisional use authorization to allow those 23 lots to be used as noncommercial boat launch facilities. That is how they became boat dock lots.

That was done by PU87-17C, as in Charlie, was presented to the Planning Commission and subsequently approved by means of Resolution 87-260 by the Board of Zoning Appeals.

The petitioner presently seeks a 27-foot boat dock extension over the maximum 20 feet allowed for a total protrusion of 47 feet. Staff analysis finds that project satisfies five of five of the primary criteria and four of six of the secondary review criteria. And, therefore, staff recommends the Planning Commission approve BDE-PL20190001962 in accordance with the plan attached to the CCPC resolution as Attachment A with the four conditions noted as Attachment B.

With respect to the variance, if I may proceed into the second action here --

CHAIRMAN HOMIAK: Yes, please.

MR. KELLY: -- as the petitioner informed you, there are a number of docks within that area that enjoy that zero side setback, and that was done by V9926, Resolution 2000-51 which was adopted by the BZA, or the Board of Zoning Appeals, on February 8, 2000. That petition was presented on behalf of 11 of 23 of the boat dock lot owners within Block G of the Hickory Shores Unit 3 subdivision and reduced the side-yard setback from 7.5 feet to zero for Lots 4, 5, 9 thru 12, 14, and 17 through 20. Presumably, had the petitioner owned the property at the time, they could have joined in with that zoning action.

So staff has analyzed the subject petition, and utilizing the criteria set forth within Section 9.04.03 A through H herewith recommends the Planning Commission forward Petition VA-PL2019000194 -- sorry -- 2360 to the Board of Zoning Appeals with recommendation of approval.

CHAIRMAN HOMIAK: Thank you. Do you have any questions, Joe?

COMMISSIONER SCHMITT: No questions.

CHAIRMAN HOMIAK: I have none.

Ned?

COMMISSIONER FRYER: No questions.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: No questions.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: No questions on either application.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: No questions.

CHAIRMAN HOMIAK: Okay.

MR. KLATZKOW: Could we take this by two motions?

CHAIRMAN HOMIAK: Yes. Do we have any speakers?

MR. BELLOWS: No speakers.

MR. KLATZKOW: Sally, you want to run the Board through the two motions? It's just a little wrinkle, that's all.

MS. ASHKAR: Good morning, Commissioners. Sally Ashkar, Assistant County Attorney, for the record.

The first motion you're going to be making is a vote of approval for the boat dock extension with the condition that the Board also adopt the variance. It's going to be conditional on the Board's approval of the variance; otherwise, the boat dock extension is not going to be valid.

The second motion you're going to make is a recommendation for the Board to approve the variance, and that's it.

CHAIRMAN HOMIAK: Okay. Is there a motion for --

COMMISSIONER FRYER: I'll move approval of the boat dock extension along the lines as just read to us by the Assistant County Attorney.

COMMISSIONER SCHMITT: I second.

CHAIRMAN HOMIAK: Okay. I'm going to ask you each to respond yes or no in favor or not of the motion. Joe?

COMMISSIONER SCHMITT: Approve.

CHAIRMAN HOMIAK: It's yes from me.
Ned?

COMMISSIONER FRYER: Yes.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: Yes.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: Yes.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: Yes.

CHAIRMAN HOMIAK: Okay. It passes unanimously. The next motion?

COMMISSIONER FRYER: I will also move that the variance for setback, and that's 20190002360, be approved as a recommendation to the Board of Zoning Appeals for their approval.

COMMISSIONER SCHMITT: Recommend approval or support, approve.

CHAIRMAN HOMIAK: Is that a second?

COMMISSIONER SCHMITT: Second. Thank you.

CHAIRMAN HOMIAK: Okay.

COMMISSIONER SCHMITT: Whatever.

CHAIRMAN HOMIAK: I'm going to ask you yes or no again. Joe?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN HOMIAK: Yes from me.
Ned?

COMMISSIONER FRYER: Yes.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: Yes.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: Yes.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: Yes.

CHAIRMAN HOMIAK: Okay. Another pass unanimously for the second motion.

***Do you want to keep going, Terri, or do you want to break now? Break now?

THE COURT REPORTER: Sure.

CHAIRMAN HOMIAK: Okay. We'll take -- woo, that's going to be -- 15 minutes, five and nine is --

Take away the original number you started with.

COMMISSIONER FRY: Carry the three.

CHAIRMAN HOMIAK: We're going to take a 15-minute break.

COMMISSIONER FRYER: 10:35?

CHAIRMAN HOMIAK: Oh, okay. There's the 20. Yeah, 10:35.

(A brief recess was had from 10:20 a.m. to 10:35 a.m.)

MR. BELLOWS: You have a live mic.

CHAIRMAN HOMIAK: Thank you.

***Okay. We're onto -- the next item is the 7-Eleven, and it's PL20180001785. Is everybody in the room for that?

Would you all please rise to be sworn in by the court reporter if you wish to speak on this item.

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

CHAIRMAN HOMIAK: Okay. Disclosures. Joe?

COMMISSIONER SCHMITT: For 7-Eleven?

CHAIRMAN HOMIAK: Yeah.

COMMISSIONER SCHMITT: No.

CHAIRMAN HOMIAK: I have nothing.

Ned?

COMMISSIONER FRYER: Just materials from staff.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: Just materials from staff.

CHAIRMAN HOMIAK: Mark?

(No response.)

COMMISSIONER FRYER: We lost him again.

CHAIRMAN HOMIAK: Mark, do you have any disclosures?

(No response.)

COMMISSIONER FRYER: He's probably redialing in.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: Staff materials.

CHAIRMAN HOMIAK: And Patrick was on there before. Is he on there now?

COMMISSIONER STRAIN: Hello. I'm here now. This is Mark. Can you hear me now?

CHAIRMAN HOMIAK: Yup, can hear you now. Do you have any disclosures?

COMMISSIONER STRAIN: I don't know what's going -- yeah, I keep losing connection.

No, I do not, not that I recall.

COMMISSIONER SCHMITT: Well, if you'd pay your bills, Mark, you know. Come on.

CHAIRMAN HOMIAK: Yeah. They're going to shut it off.

COMMISSIONER STRAIN: Good point. Good point.

COMMISSIONER FRY: Mark, you could also invest in a computer and then join us on Zoom.

COMMISSIONER STRAIN: I like to use my toes and fingers. That's as much as I need to count, so...

COMMISSIONER FRYER: Madam Chair, may I ask the County Attorney what our role is in an SPD?

MR. KLATZKOW: Looks like here you're making a recommendation.

COMMISSIONER FRYER: Thank you.

CHAIRMAN HOMIAK: Okay. Can we hear from the petitioner?

MR. CORNELISON: Good morning. Craig Cornelison here on behalf of 7-Eleven seeking a recommendation of approval of a site plan with deviations for a 7-Eleven.

Basically what we've got is an existing 7-Eleven north of Radio Road, West of Santa Barbara. And we're looking at tearing down the existing building. What it is is kind of an acquisition site for 7-Eleven. It was an old Mobil, kind of one of the small buildings underneath the canopy. And what they want to do is tear that building down and push -- kind of replace the building and push it back.

The canopy, basically most of the parking, the existing car wash, pretty much all of the existing infrastructure will remain. So what we're doing is rebuilding a new building. And along with the site plan, we've got several deviations that are related to existing conditions.

This site was built, I believe, back in the '90s and approved, and all of the site conditions were -- I

guess, were -- under the old code were acceptable, and now, as we look at today's, some of these are -- will require deviations to remain as they are.

They're probably in your staff report, but I can go through them real quick. The first one was a deviation for a 10-foot buffer kind of on the -- on the north side. I don't know -- if James is on, he can --

MR. SABO: Madam Chair, this is James Sabo. Is it possible to put the -- have Kevin Summers put the Attachment A and Attachment B up as well as --

MR. CORNELISON: That's the one.

MR. SABO: I think those two will work for now. That's Attachment A. Attachment B is the actual site plan. There you go.

MR. CORNELISON: So Deviation 1, which is the one circled right there, it's just a small deviation where you can see where the existing curve kind of protrudes out into the landscape buffer, so we're just requesting No. 1, that remain.

Number 6, which is right next to it, is the existing canopy. It's in the building setback. We're requesting that remain.

Two is a landscape buffer. The -- under the -- what the site was built with what was required a 15-foot landscape buffer, I believe, and now the code says 25. We're requesting that remain as it was. It's already landscaped. The landscaping's established.

Number 3 in the new code requires an undulating berm. Again, the landscaping is existing. There's oak trees and things in that. It didn't make sense to us to tear down established landscaping and oak trees to put in a berm, so we're requesting that remain.

Same thing with No. 4, I believe it's the same -- it's the tree spacing. It just didn't make sense, again, to tear down established trees that are pretty good-sized to put trees back in just at a little different spacing.

Number 5 was sidewalk and other impervious area can't be in the buffer. Again, existing is a car wash that's in the buffer. It was acceptable at the time it was built and now requires a deviation.

Six we discussed earlier. It was the one where the canopy intruded into the buffer.

And then 7 is pretty much the same thing. We have a 40-foot yard setback, and we're requesting a deviation to do smaller than that for the existing car wash.

So pretty much everything that we're requesting is existing conditions. We're not changing anything or trying to ask for anything that's different than what's out there now.

CHAIRMAN HOMIAK: Okay.

MR. CORNELISON: And I have a picture to show you, but if I can't then -- if you've got any questions, I can show them to you, but...

CHAIRMAN HOMIAK: Okay. Are there any questions? Joe?

COMMISSIONER SCHMITT: I have a question on the site in the aerial, and I noted on Google Maps or one of the other map sites. I'm trying to get -- I guess this is oriented correctly. So it would be to the east. So behind the store there was parking. It looked like kind of haphazard parking of storing vehicles. What -- who owned that or what was that?

MR. CORNELISON: It is part of what 7-Eleven owns. It's just dilapidated parking. I mean, you're just kind of parking -- or it's really just pavement that's there now that's -- the striping is all worn off that really no one's using.

COMMISSIONER SCHMITT: But it's just where people park, then.

MR. CORNELISON: Correct.

COMMISSIONER SCHMITT: So it wasn't any type of storage or anything --

MR. CORNELISON: Nothing like that.

COMMISSIONER SCHMITT: -- where they were storing vehicles?

MR. CORNELISON: What we're planning on doing is actually removing some of that. The building will go on there, and a lot of that will become landscaping.

COMMISSIONER SCHMITT: Anything is an improvement over what it looks like now.

MR. CORNELISON: Yeah.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN HOMIAK: I have no questions.
Ned?

COMMISSIONER FRYER: No questions.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: No questions.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: No questions.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: No questions.

CHAIRMAN HOMIAK: Oh, that's unusual.

Okay. Could we have the staff report?

MR. BELLOWS: Yes. We have a virtual presentation from James Sabo.

CHAIRMAN HOMIAK: Okay. Does he have to be sworn in again? I saw him raise his hand with everybody else, but he has to do it separately, right?

MR. BELLOWS: I believe for each petition type, but...

CHAIRMAN HOMIAK: You need to be sworn in.

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

CHAIRMAN HOMIAK: Okay.

MR. SABO: Good morning, Commissioners.

CHAIRMAN HOMIAK: Good morning.

MR. SABO: James Sabo, principal planner for the county.

If Kevin could put up the Prop App 1, it's an aerial, it will help explain.

All right. So the parking area directly behind the current Mobil gas station to the west, you can see that the pavement is a different color, and there's a trapezoid-shaped parcel there. That is the entire parcel owned by the applicant. They only -- and only have developed the eastern portion of it. So the proposal is to develop the entire site. So it's Outparcel E and Outparcel E1, so that just explains that.

The recommendation from the Zoning Division is a recommendation that the Collier County Planning Commission recommend approval to the Board of County Commissioners for the site plan with deviations request PL2018...1785 for the 7-Eleven Mobil Gas.

I'll entertain any other questions.

CHAIRMAN HOMIAK: Okay. Joe, do you have any questions?

COMMISSIONER SCHMITT: No other questions. Thank you.

CHAIRMAN HOMIAK: I have none.

Ned?

COMMISSIONER FRYER: I have none.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: No questions.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: No questions.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: Madam Chair, I consider your last comment a challenge. I have one question.

The 15-foot buffer that is now supposed to be a 25-foot buffer, I'm looking at the aerial that's up on the display, and it looks like a very thick tree cover.

Does the existing buffer meet the intent of the buffer requirement in terms of opacity and spacing of the specimens and all that? Is it enough, sufficient -- I'm assuming it's sufficient in staff's eyes.

MR. SABO: I would say yes. I'm satisfied with it.

COMMISSIONER FRY: Well, that is my question. Thank you.

CHAIRMAN HOMIAK: Thank you.

Any public speakers?

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

CHAIRMAN HOMIAK: Is there anybody out there that's not registered that wishes to speak?
Okay.
(No response.)

CHAIRMAN HOMIAK: We'll close the public hearing and entertain a motion. Anybody?

COMMISSIONER FRYER: I'll make a motion to approve as a recommendation to -- is it the BZA or the BCC?

MR. SABO: The BCC in this case.

COMMISSIONER FRYER: Okay. Recommendation to the BCC of approval of this site plan with deviations.

CHAIRMAN HOMIAK: And is there a second?

COMMISSIONER SCHMITT: I second.

COMMISSIONER FRY: Sorry.

CHAIRMAN HOMIAK: You have to be faster.

Okay. I'm going to ask again yes or no if you're in favor of the motion. Joe?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN HOMIAK: Yes from me.

Ned?

COMMISSIONER FRYER: Yes.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: Yes.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: Yes.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: Yes.

CHAIRMAN HOMIAK: Okay. It passes unanimously. Thank you.

MR. SABO: Thank you very much.

COMMISSIONER FRY: Madam Chair?

CHAIRMAN HOMIAK: Yes.

COMMISSIONER FRY: It's Karl here. Before our last item I just wanted to welcome Paul Shea to the Planning Commission, and it's very good not to be the most junior member on the commission anymore. So the abuse that I've taken can now roll your way, and for that I'm thankful.

COMMISSIONER FRYER: Madam Chair, I would like to suggest for consideration by the BCC that Karl Fry's name be placed in the hopper as Hearing Examiner, because I can tell how much he loves these matters.

MR. KLATZKOW: I could bring a Wheel of Fortune board with me next time. You could just spin it if you'd like. Or Wheel of Misfortune, depending on how you look at it.

CHAIRMAN HOMIAK: ***Okay. The next item is PL20180003708. And this is a Growth Management Plan Amendment for Temple Shalom. Anybody wishing to speak on this item, could you please rise and be sworn in by the court reporter.

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

CHAIRMAN HOMIAK: Okay. Disclosures. Joe?

COMMISSIONER SCHMITT: I spoke to Rich Yovanovich about this petition.

CHAIRMAN HOMIAK: Okay. And I spoke to Mr. Yovanovich and Mr. Arnold, and I have emails.

Ned?

COMMISSIONER FRYER: I have emails and materials from and meetings with staff and also the public and a telephone conversation with Mr. Arnold.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: Just county materials.

CHAIRMAN HOMIAK: Okay. Mark?

COMMISSIONER STRAIN: I don't recall any.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: Staff materials, a deluge of emails, and a conference call with Rich Yovanovich and Wayne Arnold.

COMMISSIONER SCHMITT: Yeah. I want to correct the record. It was a conference call for me with Rich and Ray both -- or Wayne, I'm sorry. No, wait. No, it was --

MR. YOVANOVICH: Wayne was not on it.

COMMISSIONER SCHMITT: Wayne was not on it. Thank you. He was not. That was for the next petition we carried over, yes.

COMMISSIONER SHEA: Question for the newest -- from the newest member. I've had a deluge of emails, but I didn't respond to them. So don't I need to declare that?

COMMISSIONER SCHMITT: No, those are all part of the public record.

CHAIRMAN HOMIAK: They're all public record, but we usually say you get emails either way.

COMMISSIONER STRAIN: And I was going to say the same thing. My emails have some -- I was told I got -- everything I've got to send to Ray. So Ray gets them all instead of the individual staff members I used to distribute to. And so I don't have any ex parte for those, I believe, because Ray put them all in public record, so --

(Simultaneous crosstalk.)

MR. BELLOWS: That's correct. Any correspondence sent directly to a commissioner, if you forward it to staff or me, we'll make sure it gets part of the record.

CHAIRMAN HOMIAK: Someone made a nice list of all the -- who did this?

MS. FALKNER: I did. Sue Faulkner.

CHAIRMAN HOMIAK: Sue, that's you?

MS. FALKNER: Yup, that's me.

CHAIRMAN HOMIAK: Well, that's like your --

MS. FALKNER: Yeah. Because of the volume of the number of correspondence we received, I wanted to try to consolidate it as much as I could and make it easy to look up one of the individual emails or letters.

CHAIRMAN HOMIAK: Nice work.

MS. FALKNER: Thank you.

CHAIRMAN HOMIAK: Okay. Rich.

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

I want to introduce the project team. It depends on whether you'll want to ask them direct questions. You may hear from all, or you may hear from just a few of us.

But with me today are Daryl Sissman, who's the recent president of the Temple Shalom; Jane Schiff is the chairman for the Jewish Federation of Greater Naples; Marc Saperstein is the vice chair and has been our primary contact with the Jewish Federation; me; Wayne Arnold; Michael Herrera is the professional engineer for the project; Jim Banks is our transportation engineer and consultant; Marco Espinar is our environmental consultant; and James Knafo is our architect, if you have questions.

This is the transmittal hearing for an approximately 13.5-acre parcel of property that is fronting Pine Ridge Road. It's between Collier Boulevard and Pine Ridge Road. It is the existing site for Temple Shalom and its sanctuary as well as the school and other building facilities. And up on your visualizer is the existing property.

You'll have two -- there are two petitions that are related to the land-use entitlements we will be seeking on this property. The first for a Growth Management Plan Amendment to create a subdistrict for the property to allow the existing temple and school to continue in operation but also provide an opportunity for the Jewish Federation to construct a 22,000-square-foot building on Tract 64, when is the current vacant parcel owned by the Temple. So they are coordinating efforts to bring the Jewish Federation to that site, construct a 22,000-square-foot facility.

We are also updating the request to allow for 200 children to attend the school that's currently operating. As a way of confession, we learned the original conditional use was approved for 70 students.

There was -- there were changes made to the site. Site Development Plan was approved for the building in which the school is located. The Temple identified that there would be more than 70 students there.

Unfortunately, nobody at the county or anybody at the Temple understood there was a 70-student limitation, and they've been operating anywhere between 170 to 190 students for many, many years at that site. And when we were going through this process to go ahead and start the Comp Plan Amendment process, we advised that we probably should go ahead and update the PUD -- convert the existing conditional use to a PUD and update the number of students that are allowed.

So although it appears we're going from 70 to 200, we are on paper, but in the real world we're pretty close to that 200 right now. So the traffic impacts of that school have already been absorbed onto Pine Ridge Road in the road system, and so it's really not a big deal from a practical standpoint. It's mainly just to correct the paperwork.

As I mentioned, the existing zoning on the property is "E" Estates. We're in the Estates mixed-use residential subdistrict.

There's been a change over time from when the original conditional use was approved back in 1990. The original request was for the full 13.5 acres; however, when it ultimately got approved, Commissioner Volpe, who brought the motion to approve, basically said, since you're not -- you don't have plans for what you're going to develop on that vacant piece yet, the approval was only for what they knew they were going to build at the time when the intent would be to come back and amend the conditional use when future plans were known.

Unfortunately, between when the conditional use was originally approved and where we are today, the Growth Management Plan was changed to now require us to do a Growth Management Plan Amendment to do Phase 2 of the Temple that was always intended to be developed when they had this property. So that's why we're back here in front of you for a Comprehensive Plan Amendment for property to allow for the Temple use as well as the Jewish Federation's use on the property.

These are the meeting minutes. I'm not going to read them to you, but that's what Commissioner Volpe essentially said at the time.

What I want to do is now turn this over to Daryl Sissman to give you an overview of the Temple's operations, then Jane Schiff will follow her to talk about the Jewish Federation, and then Wayne will take you through some of the -- some of the specifics, and then we'll wind up our presentation and be open to any conversations.

But what I do want to point out before Daryl comes up is we, the Temple -- and as you know, I always seem to refer to my clients as "we" because I'm personally invested in all the petitions that I bring forward to you.

Before we even submitted the Growth Management Plan Amendment, we reached out to our neighbors to explain to them what we were proposing to do on the property and what the operations were going to be.

We even made some changes to the original submittal based upon those meetings. We've had that meeting together with a neighborhood information meeting to let people know what we're doing. The Temple's been there for almost 30 years and has been a good neighbor.

And with that, I'll introduce Daryl. There you are. Sorry.

MS. SISSMAN: Good morning. Thank you very much for giving me the opportunity to speak.

As it was mentioned, I am the current president of Temple Shalom. And while I have only been president a few months, I have lived in Collier County and been a member of Temple Shalom for almost 10 years. I strongly support the Federation building on the Temple Shalom campus.

Temple Shalom has been a part of the Collier County community for 50 years and in this current site for almost 30. We've enjoyed good relations with both our neighbors and the broader community. Temple Shalom currently has 780 member families. We have -- but we have an award-winning preschool that is highly thought of that is predominantly non-Jewish.

Every year we do a day of helping where our members create over 50,000 meals for -- 50,000 meals for Meals of Hope. This year we collected toiletry for foster children for Collier County Public Schools, and we also did school supplies collection and packed them for the Guadalupe Center.

During Hurricane Irma, Temple Shalom answered the Red Cross's call to provide a safe environment and afterwards we opened our doors to the neighbors and the broader community for a cooling center, a place to charge their phones, and to take a break from the elements.

Temple and Federation has enjoyed a good relationship for almost 20 years. We were on complementary programming and sponsor each other's programs. Having Federation build on our campus not only strengthens our relationship, but it gives us the opportunity for expanded and shared parking and facilities.

Again, I cannot tell you how strongly that I and the rest of the lay leadership at Temple Shalom support this product. Thank you.

COMMISSIONER FRYER: Quick identity question.

MS. SISSMAN: Yes.

COMMISSIONER FRYER: Sorry. You're the chief lay officer of the congregation?

MS. SISSMAN: Yes, yes.

COMMISSIONER FRYER: I see. And would you tell me your last name again.

MS. SISSMAN: Sissman, S-i-s-s-m-a-n.

COMMISSIONER FRYER: Thank you. And you'll be here for further questions, right?

MS. SISSMAN: Yes.

COMMISSIONER FRYER: Thank you.

MS. SCHIFF: Good morning still. Thank you for inviting us here today. We've been looking forward to this for many months, all of us have, and it's good to be together.

I'm Jane Schiff. I am the board chair for the Jewish Federation of Greater Naples.

What is a federation? A federation in our case is we are an umbrella organization similar to the United Way in that we raise money and we give out grants to non-profit organizations; however, we do more than just that. We also do programming. And I'm not -- if you want to see them, we can show you. This is our Connections magazine with all of the different programming that we do all year-round. We do a book festival which has 4,000 people show up over about 15 different sessions of authors coming in to speak to us.

This is our impact report of where we give the money and how we give it. This is a special issue, it says right on the top. Normally it's a monthly issue, but because of COVID-19, we moved two months together.

We represent -- our members are about 2,500 members, and those 2,500 members come to all sorts of programming. We do programming such as churches would do or fraternal organizations. Canasta, bridge, yoga, book groups, foreign language instruction, discussion groups, documentary films, foreign films, cooking classes, Tai Chi, bridge, a whole bunch of other programs.

We offer financial support, some of our grants. Temple Shalom is one of our grantees, and we actually help support some of their religious education that they do. BBYO, which is a community-wide youth group. We also support the Jewish and non-Jewish organizations with our grants, such as the Naples Senior Center and the Holocaust Museum.

We give monetary awards to Collier County teachers for anti-bullying and kindness programs that they do. We offer special monetary assistance to special community programs such as Laces of Love and things.

We fund and started the Shop with the Sheriff program in Collier County. This program allows needy children from Golden Gate to buy over \$100 of presents for Christmas for themselves or for their families. They work with the Sheriff. They go into a Target, and they make a relationship with a sheriff that actually has been proven to be very helpful for those children and the sheriffs.

We work with the Catholic/Jewish dialogue, and we work with the Evangelicals on all sorts of nights for Israel and for other programs together of the -- create understanding in the community.

We need this building because our programs have completely outgrown the 3,500 square feet we have. We're all over homes and hotels and throughout the county, and we are spending so much money on rent that we figure having our own space would also enhance the community in that we can have space that we would be able to rent for programs, and I'm sure that our consultants will tell you more about that.

But we plan to be a good neighbor in terms of having rental space for gatherings up to 400 people. So thank you.

COMMISSIONER FRY: Thank you.

CHAIRMAN HOMIAK: Thank you.

MR. ARNOLD: Hi. Good morning. I'm Wayne Arnold with Grady Minor & Associates, professional certified planner.

And welcome, Mr. Shea. I haven't had a chance to meet you yet, but looking forward to working with you in the future.

So I'll pick up where Jane left off. And the image that's on your screen is -- we called it an activities comparison, and it sort of is the reason that there's a collocate opportunity going on here, because on the left column it's things that the Jewish Federation does, on the right is what the Temple currently does on their site, and the functions that most churches and temples would do in terms of their community outreach and community support.

But until you get to the bottom, the two things that don't concur at the Federation site are worship services and the daycare/religious school activities. Now, there's a library-type system where the students can come in and utilize library space for learning, but there's not a school activity there. Those are going to be relegated to the existing improved portions of the site.

But it shows how related the activities are that are currently occurring on the site and why collocating them at this location also makes sense. And you heard both Jane and Daryl indicate, you know, obviously, the support and why it's needed in the community.

The subdistrict we're creating, it's a fairly short subdistrict change to the Golden Gate Master Plan, because it obviously authorizes the current 302-seat sanctuary facility, increases the childcare to 200 seats as part of this, and then we've identified what is known as Tract 64, which is the westernmost vacant parcel that the Temple owns, would be allowed to have 22,000 square feet of floor area for these, you know, nonchurch, non-preschool-related uses.

As Rich mentioned, there's a companion PUD that's tracking with this. You will see this, presuming that you and the Board of County Commissioners agree to transmit this to the State of Florida. The PUD would come back and show you many more of the details. And I'm going to show you in a moment at least the schedule of uses that were proposed and the master plan. Some of those images were in the backup material that were shown at the neighborhood information meeting, so you have seen those, but I'll walk you through those, and we'll talk a little bit more about that.

Just the map image that's being changed. To the right in that image you see a small square that represents the subdistrict map we're required to create as part of your Future Land Use Map series.

The companion rezoning. And as I'll just -- you know, before I go through the list of uses, I'll build on what Rich said. You know, we did some community outreach early on. We've helped the Federation look at numerous sites around the county and, ultimately, coming together with the Temple made a lot of sense. They had a vacant parcel that was unknown, back when they developed the site, what it would be used for, and they do know today what they would like that to be. So it's timely that we're back before you.

We did meet with our most immediate neighbors before we filed for the project, and we did modify our original master plan. We modified the location of our proposed preserve area and our water management areas and the building location to address some of the early comments we heard from those neighbors.

The uses, as we've indicated from the start, were going to be to allow the current uses to remain, which were the childcare and the religious facility temple, and then we're adding the civic, social, and fraternal associations type uses by SIC code, another SIC code for religious organizations, and then we have the standard language about any other use that the Hearing Examiner or the BZA may deem to be comparable. So the list of uses proposed are fairly short.

We're also including a list that prohibits certain uses. This seems to be something that we're headed toward. But it's one that -- it's not a soup kitchen environment. We're not having a homeless shelter. No offender rehabilitation agencies. It's not a public welfare office. No self-help

organizations.

And, as Mr. Fryer pointed out yesterday, we're not sure if we really have refugee or refugee services, maybe we need to add both when we get back here for the PUD.

So those are the uses we're proposing. Fairly straightforward and I think, obviously, consistent with what you've heard both the Federation and the Temple's mission to be.

This is our proposed zoning master plan, and I'll try to walk you through this. So to the right of your screen, the L-shaped building represents the existing temple facility and its educational wing that's to the south. It's labeled preschool on that plan.

So they have those existing facilities. There's a series of grass parking and paved parking that serves the existing facility. There's a lot of crosshatching going on here, and I'll just briefly explain what that is. There's an area we call preserves, which you're accustomed to seeing. There's another that's called out as preserve tract that was part of the original Site Development Plan approval because it predated your current preservation standards.

So in looking back at the original plans, what was called out as existing native vegetation to retain versus what was landscape buffering, the only real other area on the existing improved portion of this site is an oak hammock that, if you've made a site visit there, it's sort of central to the site. They have a pathway that goes through it. Parking around it. And that area was called out as preserve originally, so we're reflecting that on our master plan.

So on the west side of the project, which is known as Tract 64, that's where the Federation would propose to build its up to 22,000-square-foot building, some parking for which, as Jane mentioned, would be an opportunity to share parking between these two facilities. It makes a lot of sense. The Temple, on high holidays, has a demand for parking beyond what they can accommodate today. So that would be parking that could be utilized on those high holiday days when they have high parking demand and for the Federation when they have guest lecturer that's a popular guest lecturer, they have the parking available that would be utilized by the Temple normally for their parking facilities as well.

The building area we've shown, it's central to that tract. In fact, it's on the easternmost side of Tract 64, and that gives us the advantage of being able to share parking close to the building. We put our parking field adjacent to Pine Ridge Road. And then the changes that we made most significantly for the most immediate neighbor to the west were we originally had our preserve area wrapping along the southern portion of our site where we now currently show a septic tank on that drawing. And based on comments from our neighbor who enjoyed both the trees that were on the site as well as some proposed benefit that they believe they had during Hurricane Irma from protection for their own residence, we agreed to move our preserve area and work with staff to accommodate a preserve that's on our western boundary, and then we show a dry detention water management area east of that which automatically built in further separation from our neighbor.

And then you had some communications from the neighbor, and there were some issues that were raised that, you know, from our perspective, are very detailed site-engineering type issues that we normally don't get into in heavy detail at the time of especially Comprehensive Planning, but even for PUD zoning, but we've gone through an effort to try to address some of those issues. For instance, the water management, you know, that's an issue that we design to criteria that the Water Management District itself imposes through a state rule, and we have to abide by those, and we do commonly on every project.

The other issue was the septic tank, and we've gone through iterations to demonstrate that the septic system has been designed according to standard by the state statute, and then Mr. Herrera, our engineer, has also worked with a third-party engineer to also evaluate that system and determine that we have more than adequate room and separation for a septic tank. And so we feel very comfortable and confident that we've designed a system here that will work appropriately. And I think those were some of the primary issues.

Jim Banks did our traffic analysis and, yes, we are adding a new access point on the Temple, What the minutes also reflect -- and it was long a question for people until you found the minutes -- the Temple was always designed to have two access points, and even the motion reflects that. So they will

now have their second access point located just east of our Tract 64.

It's spaced appropriately to be separated from the nearest driveway to the west and separate from the main entrance that will still remain for the Temple proper. But this will give us an opportunity to share facilities, share parking, and have ingress and egress at two locations to help disperse traffic during major events.

We've been working with staff. There are probably going to be some design changes to some of the medians, et cetera, along Pine Ridge Road as we move through this process. We've proposed a condition in the PUD that's pending today that reflects having law enforcement control of those intersections during any event that it would exceed 400 people. So normally for the church, if it seats 302 people plus maybe their incidental children that are in the daycare during church, the 400 number was selected for that purpose because they don't typically need and mandated a law enforcement presence for that daily activity. But if we exceed the 400, we would propose that as part of our PUD.

We've also been working with James Knafo, the project architect, and he's developed a conceptual rendering of what that building is going to be. It's going to be -- a portion of it would be two-story building which, preliminarily, would be allowing the Federation to have some of its office components upstairs with then downstairs having areas where there would be event space and lecture series space, et cetera, with probably expandable walls, et cetera, to accommodate whatever size crowd or crowds they may have.

So in a nutshell, that's what we're proposing. And our team is here and happy to answer any questions you may have. Again, before you is really the Comprehensive Plan Amendment transmittal and whether or not this makes sense to transmit to the State. We and staff obviously feel that it's met the test of -- you know, it makes sense, it's compatible. We've met the criteria for achieving a Comprehensive Plan Amendment and would urge you to support the transmittal to State.

CHAIRMAN HOMIAK: Okay. Thank you. Questions for the petitioner? Joe?

COMMISSIONER SCHMITT: I have none right now. Wait for the -- for any public speakers.

CHAIRMAN HOMIAK: I have nothing.

Ned?

COMMISSIONER FRYER: I have several. First of all, I want to compliment Wayne Arnold for doing an excellent job at the NIM. Really, it was a first-class operation. Everyone identified themselves. The applicant's representatives identified themselves. So thank you very much. It is a great assistance to us.

MR. ARNOLD: Thank you.

COMMISSIONER FRYER: And also I want to extend sincere compliments and thanks both to the Federation and the Temple for the highly valued very significant contribution that they make to Collier County and Southwest Florida, and we all appreciate the work that they do.

Now, with respect to my comments or questions, most of them, I think, have to do with matters that are most properly going to come before us at the PUD time. But I wanted to -- as I said to Mr. Arnold yesterday, I want to give everybody a heads-up of what my concerns are so that they can be addressed and perhaps also to get a signal from the applicant's representatives to indicate that they would be interested in working towards some kind of a compromise on these issues. I'm not asking for that to be worked out in advance of the PUD but just that they would be open to trying to deal with some of the concerns that I'm going to express.

The first one has to do with what I'll call social organization uses and this, again, being a use it's going to come up at PUD time, but to me, that is too broad. And it, I think, would allow for potentially too many attendees coming at times unregulated with respect to weekends, peak p.m.s, weekdays, et cetera and also the nature of the social organization uses. Anything that remotely has to do with church or religious activities I think are entirely proper, but when you get into leasing, you become -- you, the Federation and the Temple, become at least one step removed from controlling the kinds of uses that would be made of that property and one step removed directly or indirectly religious uses. So that's a point of concern to me that I'm going to want to see tightened up.

I understand that there is no county sewer available there, and so it would be unreasonable to

request, in my judgment at least, the organizations to be on county sewer when the neighbors themselves are relying on septic systems as well.

And I understand that the residents along Golden Gate are -- can avail themselves of public water but that I guess if you get north or south of Golden Gate then you'd have to depend upon a well. So there is a concern, you know, about potential contamination of the well. But as you mentioned, that is all highly regulated and is not something that, I don't think, we as a Planning Commission at least now need to worry about.

There was an unfortunate word used at the NIM by one of the representatives of the applicant, and that unfortunate word was "monetizing," and I know what the speaker meant, but it suggests an effort on the part of the Federation to perhaps open the door to, let's say, less than 100 percent religious organizations or organizations that might not necessarily put that property to the same kind of use that the Federation itself would or that the Temple would. So that is of concern to me.

I also expressed concern yesterday to Mr. Arnold that in my judgment, since this property is surrounded on four sides by single-family residences in the "E" Estates zoning, that 8 p.m. for amplified music is, to me, too late. I think unamplified music -- or unamplified sound, rather, should -- that's one thing, but when you electronically amplify it, it's going to be audible to the neighbors, and I just don't think that's consistent with what our expectations are for -- and I know this is the Urban Estates not the Rural Estates, but still, it's a point of concern for me.

And so the special events, there's -- again, this gets back to uses in the PUD. There's talk of occasional special events either hosted by the Federation itself or by a lessee of the Federation, and I'm not sure what "occasional" would mean. I don't know how often that would be. I'd like to see some limitations put on that. The AUIR remaining capacity for 2019 was 853 for Segment 125 for that segment of Golden Gate Parkway, 853, and in Table B of the traffic TIS, it shows that special events could have 891 people attending, and that right there would exceed -- if it happened at p.m. peak would exceed the capacity for that segment.

Also, the -- and I'll ask the traffic consultant when he comes up, but just to put all this out on the table right now. Looking at the Federation as an office use, I think, is -- and even though you've adjusted to account for the other potential uses, I'm not sure that that -- that the adjustment that you're proposing is adequate to address the kinds of uses which would be permitted under what you've put in front of us, at least so far.

And refuge services. The refuge was used in one place, and that actually, I found out, has a meaning, and it has to do with things like spousal abuse. So maybe what is intended would be to prohibit both of those. And, as I have said before -- and I understand why you specify prohibited uses, because that mollifies the concerns of people. And I know that the ordinance says any use not explicitly provided for is prohibited but, personally, I just prefer to see when you have prohibited uses that the last one listed be "any other use not expressly permitted."

Oh, one of the speakers at the NIM took exception to language that -- in one of the exhibits -- is it F? -- that I believe is boilerplate that was furnished by probably the County Attorney's Office, but I don't believe it is apt in this case. It talks about as owners and developers sell off tracts. And I know you were just picking up the boilerplate, but unless there's a substantive reason why that needs to be kept in this situation, I think it misleads, and it misled me at first and it misled the speaker at the NIM. It seems to me that ought to be removed.

And the last point that I want to raise is a safety issue that was raised at the NIM by a gentleman who indicated he was a retired Naples firefighter. And 50 miles an hour is the speed limit on Golden Gate Parkway there, and to have people doing a U-turn in order to go back west, this speaker indicated he believed it was a safety issue, so I'd like that to be addressed.

And with that, Madam Chair, those are the issues that I have and concerns that I have and would like the applicant to address.

MR. ARNOLD: Would you like us to have --

MR. YOVANOVICH: When we come back?

COMMISSIONER FRYER: Whenever you wish.

MR. ARNOLD: Well, you had specific questions about the traffic. Did you want those to be answered today? Mr. Banks is here.

COMMISSIONER FRYER: Only if you're prepared to. My main desire here was to signal the concerns I had so when you come back, you can. If there is anything that you can say such as a willingness on the part of the Federation and the Temple to discuss tightening up or clarifying the limitations on uses without committing, without being specific, I'd like to hear that.

MR. ARNOLD: Well, I think we're more than happy to have further dialogue with you and, obviously, go back to talk to the Temple and Federation about how to address your expressed concerns.

COMMISSIONER FRYER: Thank you. Thank you.

CHAIRMAN HOMIAK: Paul, do you have any questions?

COMMISSIONER SHEA: I have one question. Probably summarized in one question a lot of the concerns that Ned had is what is the likelihood that all three of the major uses could have a major activity at the same time? Because I'm very worried, having driven through there, with the traffic, the access in and out. And it would be nice to have some information on whether you could have a 400-person activity at the new facility, preschool going on, and a temple activity going on at the same time. Because we're relying heavily on shared parking. Well, that's assumed you're not all having an activity at the same time.

MR. ARNOLD: That's absolutely correct, and that is their intent, to make sure that they have a calendar that's retained so that they don't have events that are cross purpose with each other.

COMMISSIONER SHEA: A question probably, I don't know, for Ray or Jeff. Is there something that could be put in any kinds of approval to ensure that there's some teeth that they can't schedule three events?

MR. KLATZKOW: It's a two-step process. We're amending the Comprehensive Plan now. Mr. Yovanovich and his group will be coming back with a PUD amendment on this, and at that point in time, that's the ordinance that you would put in these so-called teeth that can be enforced by Code Enforcement.

COMMISSIONER SHEA: Okay.

CHAIRMAN HOMIAK: Anything else?

COMMISSIONER SHEA: That's it. Thank you.

CHAIRMAN HOMIAK: Okay. Mark, do you have any questions?

COMMISSIONER STRAIN: Yes, I do. Did you hear that? I can't tell if I'm connected or not.

CHAIRMAN HOMIAK: Yeah.

COMMISSIONER STRAIN: Hello? Okay.

CHAIRMAN HOMIAK: Yeah, you're all right.

COMMISSIONER STRAIN: Yes, I do.

The language in the Growth Management Plan changed. I have a question about Item 5C. It says, Tract 64 summons [sic] the nonchurch and nonschool uses with a maximum of 22,000 square feet of floor area. The previous paragraph to that, Tract B allowed uses are church and religious organization services and activities: Childcare, preschool center, religious teaching, and related religious philanthropic and community service and events.

So if you take out all those that are related to the religious operations and the fact that Mr. Yovanovich said this is Phase 2 of the Temple, Tract 64 can only have nonchurch and nonschool uses. What is Tract 64 actually going to have? What's your intentions so that we make sure it's consistent with the GMP when we come and consider it for the PUD?

MR. ARNOLD: Mr. Strain, this is Wayne Arnold, and I would just respond to that by saying we specified the nonreligious, non-preschool to make sure it's understood that we're not migrating to have another sanctuary facility here nor another preschool on the site. That tract is going to be identified as that more philanthropic arm of what the Federation and possibly the Temple do, because they will co-share those facilities over time. And we certainly are happy to --

COMMISSIONER STRAIN: So it's going to be a --

MR. ARNOLD: I'm sorry. I didn't mean to interrupt you.

COMMISSIONER STRAIN: It's going to be a -- your Description B said related religious philanthropic. So it's going to be somehow tied to the church then, right?

MR. ARNOLD: Well, I think largely, as a religious organization would be. I mean, the Temple currently hosts events, for instance, that's not a Jewish event. The Sheriff has held events there. There have been other community events there over time, but that's pretty common with almost any church function in the community.

COMMISSIONER STRAIN: Well, I just wanted to make sure that whatever you end up proposing in the PUD, assuming everything works out and it's compatible and all that stuff, that it doesn't end up conflicting in some way with the GMP, and that's why I'm raising the question is because C almost seems to contradict B, and you might want to make sure it's clarified in the tighter language in the GMP. It's broad in the GMP, and it should be, so -- but you might want to make sure it's tightened up a little bit to cover everything.

MR. ARNOLD: Okay, thank you.

COMMISSIONER STRAIN: That's all I was trying to get to, Wayne. I don't have any other questions. I do have questions of staff when we get to that point, so...

MR. ARNOLD: Thank you.

CHAIRMAN HOMIAK: Karl, do you have any questions?

COMMISSIONER FRY: Just a few for Mr. Arnold.

Wayne, are you adding any square footage to the existing Temple Shalom facility?

MR. ARNOLD: We have made provisions at staff's request to put a square footage in our PUD that identifies how large it would be. The Temple's building and preschool wing today are around 45,000 square feet. We've put a number of 5,000 [sic] square feet in there so that if we decided to come back and make some modification or expansion of the Temple's existing facility, we wouldn't be back in here having to do a PUD amendment, per se, for that small expansion.

COMMISSIONER FRY: When you say you made a -- 5,000 square feet, you mean 50,000 square feet allowing you to grow by 5,000?

MR. ARNOLD: Yes, I'm sorry if I misspoke. Yes, that is the case.

COMMISSIONER FRY: In reviewing the NIM, the NIM minutes and the objection letters from Mr. Loewer, the western neighbor -- yeah, the western neighbor, one of his main concerns was the water -- the wastewater generated by food preparation activities. And I just wondered if you could speak to current food preparation, kitchen facilities and uses in the current Temple Shalom facility and also what is planned in the new facility for the Jewish Federation of Greater Naples.

MR. ARNOLD: The current facility at the Temple does not have a full commercial-type kitchen. It, like many places, has some warming services, and they don't prepare school meals, for instance, for the children.

The Federation building that's proposed will have catering space available. I know they try to do some teaching for cooking, et cetera.

Rich, do you have anything to add?

MR. YOVANOVICH: Mr. Fry, it's good to see you.

COMMISSIONER FRY: It's good to see you.

MR. YOVANOVICH: It's basically -- it's a catering kitchen, so the food already comes prepared, so it's just being warmed up, so it's not a commercial kitchen in the -- I think in the context of what Mr. Loewer was thinking was occurring. He can -- he's here to speak, so -- but, it's not -- it's not a big commercial kitchen.

COMMISSIONER FRY: All right. Thank you.

Next question: I was reading that the Jewish Federation of Greater Naples is currently above a pet store -- a pet products store at Vanderbilt and Airport, and 3,800 square feet, and now we're proposing a 22,000-square-foot facility, which is about six times what they have currently. I know they are -- you know, they're out of space, but how is the building area of 22,000 square feet arrived at? And I ask that partly because of sensitivity to traffic on a very, you know, challenged segment and several challenged segments of roadway, the traffic generated with that much square footage.

MR. ARNOLD: So their current facility, Mr. Fry, is largely their office space for the Federation. They have a small library and some other space where school-aged kids can come and use that as a resource. But currently when they have a guest lecturer that they sponsor or they have a book reading, they have to lease out space like the Hilton or another hotel space or another sanctuary, at the Temple, for instance, to host those events. So this would be an opportunity for them to collocate not only their office space but those other spaces to accommodate the things that they sponsor during the course of their year.

COMMISSIONER FRY: Okay. So they could have it all on one site rather than having to lease?

MR. ARNOLD: That is the intent, yes, sir.

COMMISSIONER FRY: Okay. Just in terms of basically -- and I know that Jim Banks may speak. But in terms of ingress and egress, you have an existing entrance where you can go right-out, right-in, but you can also exit the Temple Shalom facility and make a left going through a cut in the median; is that correct?

MR. ARNOLD: That's correct.

COMMISSIONER FRY: And that will remain?

MR. ARNOLD: I believe that is to remain, and that would remain, I think, consistent with county access policy until the road gets six-laned in the future, at which point that would go away, and we'd be forced into a right-out and then a U-turn movement somewhere east of that entrance to make a westbound U-turn.

COMMISSIONER FRY: Gotcha. And then the second entrance that you've added, I know there was some controversy about where it was located, but that's a right-in, right-out only?

MR. ARNOLD: That's correct.

COMMISSIONER FRY: Okay. All right. That's all I've got. Thank you very much.

MR. ARNOLD: Thank you.

CHAIRMAN HOMIAK: Okay. Are you done?

MR. ARNOLD: I think that's our presentation. Like I said, any of our team members are here if there are any questions that arise.

CHAIRMAN HOMIAK: Okay. Can we have the staff report now, please.

MR. BELLOWS: Yes, we have virtual presentation by Sue Faulkner.

CHAIRMAN HOMIAK: Hi, Sue. You going to have to -- you have to be sworn in.

MS. FAULKNER: Good morning.

THE COURT REPORTER: I have to swear you in.

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

CHAIRMAN HOMIAK: Okay.

MS. FALKNER: Okay. So staff recommends this project for approval to the Board of County Commissioners in order for them to direct staff to transmit this to the state agencies that are required by law. This is a large-scale GMPA, and that means that this will come through for a second round of public hearings. And so at this time this is the transmittal hearing, and we're asking you to recommend to the BCC that they go ahead and approve for transmittal.

I wanted to mention to you and apologize that we had so many late, late correspondence that came into us, but I wanted to make sure that we were able to share those with you, because it was very important to get all of those public comments in to you. And, so, sorry for the last minute on that, but that is the way in which I received them, and I wanted to make sure you had an opportunity to see them.

If anybody needs to review any of that at this time, I'm available, and we have a way to pull these up on the monitors if you wanted to look at any of those or anything else related to this project.

CHAIRMAN HOMIAK: Okay. Thank you.

Questions for Sue or staff, Joe?

COMMISSIONER SCHMITT: No questions. Thank you.

CHAIRMAN HOMIAK: I have nothing.

Ned?

COMMISSIONER FRYER: No questions.

COMMISSIONER SHEA: No questions.

CHAIRMAN HOMIAK: Paul? Sorry.

Mark?

COMMISSIONER STRAIN: Yes, I've got at least one of Sue and one of Ray.

Sue, the CF districts are not allowed in Golden Gate Estates area of the master plan. Is there a reason this has to be called a CF PUD?

MS. FAULKNER: Well, it is the most correct language we knew to use for this project because it truly fits the community facilities with the church uses and religious uses. And to our way of thinking, that meant that that should be a CF PUD, but I'm open to suggestions. Do you --

COMMISSIONER STRAIN: Well, I was -- the only thing is CF -- it says in the Land Development Code, the CF district is limited to properties within the urban mixed-use land-use designation as identified in the Future Land Use Map. Then Section 1.5 of the GMP doesn't list the Golden Gate Estates area as one of these areas designated in the mixed-use section, nor does it show up that way in the FLUE. I just didn't want it to be misleading in the future. And that's kind of like the question I asked of Wayne in regards to what B and C meant.

MS. FAULKNER: Yeah.

COMMISSIONER STRAIN: If you guys think it's clear, then I won't take it any further. I just thought I'd question it. I thought it was odd that we would use a district designation that isn't allowed there in Estates from what I can tell of the GMP, so -- but if that's -- if everybody's on the same page, I'm not going to hold anything up for that reason. I just wanted to make that point.

MS. FAULKNER: Okay.

COMMISSIONER STRAIN: And my next question is for Ray. Ray, you know, I know Ned had a lot of specific concerns, but most of them are wrapped up into what we've been doing since 2008 when Susan Murray initiated that memo listing all the things that we need to include when we describe a conditional-use approval or request for approval for churches.

MR. BELLOWS: Correct.

COMMISSIONER STRAIN: It would be handy if you took that memo, and it's been revised a little bit since then, and just answered those questions for this facility because it's basically functioning as a church does in other parts of our county. And, in fact, it's not even as big as some of them. So why don't we approach it that way, and that may help with a lot of people's questions that I heard brought up a while ago. Just a recommendation or a suggestion.

MR. BELLOWS: Understood, and James Sabo is listening in. He's the principal planner for the PUD that will come. We'll discuss that issue and make sure we cover it.

COMMISSIONER STRAIN: Okay. That would be great. Those are the only two things I had. Thank you.

MR. BELLOWS: You're welcome.

CHAIRMAN HOMIAK: Karl, do you have any questions of staff?

COMMISSIONER FRY: Just one. I just wanted to understand the pros and cons of grass parking. It was an issue raised at the NIM, and to me it looks like potentially a benefit in that it's not paved. It becomes pervious to allow better rainwater absorption. But I just wanted to ask staff how grass parking is evaluated in terms of positive, negative, neutral, how you look at it.

MR. BELLOWS: Yes, we'll have Chris Scott answer that.

MR. SCOTT: I haven't been sworn in, so...

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

MR. SCOTT: For the record, Chris Scott, planning manager with Development Review Services. The code does currently allow for grass parking for all kinds of uses, including houses of worship, churches, synagogues.

The grass parking spaces would need to be compacted to where they remain dust free and are serviced. There's provisions in the code that staff will monitor so if they become a sandpit that they get brought up to a typical standard. I hope that addressed the question. I'm not sure whose question that was.

CHAIRMAN HOMIAK: It was Karl. Does that answer your question?

COMMISSIONER FRY: It does. So there's really no concern with grass parking lots as long as they are -- as long as they meet the criteria and are maintained?

MR. SCOTT: Yeah, they'd need a stabilized subgrade and are maintained in a dust-free manner.

COMMISSIONER FRY: Okay. Thank you.

MR. SCOTT: Thank you. That's all I had.

CHAIRMAN HOMIAK: Okay. Thanks.

Okay. Next will be the public speakers. Are there any? They have three minutes to speak.

MR. BELLOWS: We have two speakers. They're present today. They're not virtual. Douglas Loewer followed by Beverly Loewer. I hope I got your name right.

MR. LOEWER: Yes, you did. I'm a neophyte here, so you'll have to help me through.

MR. BELLOWS: Sure. I'll be glad to.

MR. LOEWER: This is my wife Bev. She's in the back in a wheelchair. And we live on the westerly side of the project, and -- well, we do not object to the project. We think the Federation would be an advantage to the area. We think that the synagogue and Temple Shalom has been a good neighbor, and hopefully we've been a good neighbor to them. We take an awful lot of their mail up to them. Postman can't seem to get the mailboxes straight.

But, anyhow, my wife is going to donate her three or five minutes to me, and I'll curtail a lot of what I wanted to say here.

But I wanted to point out that we are for the project. We're not objecting. I guess the biggest problem comes in here is that I'm a professional engineer. I'm registered in six states. Got my first license in 1980. 1983 I became registered in Florida. I also hold licenses as waterworks and wastewater works, superintendent and operator, which means I can do -- operate any facility in Maryland. I also helped write most of the stormwater management code for my area back in the 1980s.

And I'm not objecting to what has been put forth as this text amendment today, and I will try to only address text amendment issues today.

They're -- obviously, I'm very concerned about the sewage. I compute the sewage as 18,000 gallons a day. Grady Minor does the sewage at 9,000 gallons a day. If these three lots had homes on them, they would have 350 gallons per day of usage or 2,100 gallons per day for all of the lots.

So, basically, by approving the sewer that's going here, you're approving, in my opinion, 51 houses to go on these three lots; in their opinion, 25 houses to go on these lots. Now, the reason I'm here talking about that today is that your Statute 163.3177.68.8C [sic] states Future Land Use Map amendments shall be based upon the following, an analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

My well is 275 feet from their -- from where they're proposing to put this sewage in the ground. They are not proposing any kind of package plant or anything of those sorts. And the reason you can tell that is they have -- well, it's gone. They have two spots that they're putting septic fields in. If you're putting a package plant in, you'd have one spot. You're not going to put two package plants in for this sewage.

I can guarantee that with only 275 feet, 18,000 gallons is going to contaminate my well. And okay, I'm one -- I could be attached to public water, but from a geohydrology point of view, I'm right in -- my well is right in the river over to the canal, and I have sprinkler systems. When the sprinkler comes on, it draws 20,000 gallons out of the ground, and that puts a big hole for all that sewage to run toward me in.

Now, what is approved is a 75-foot minimum dimension between a residential well and a residential septic system. Now, 9,000, 18,000 gallons is far in excess of that.

The reason I'm here is to suggest an additional or something to do with -- to the additional text amendment. I think that they can very well come up with a plan for the sewage in which only 2,100 gallons, which is what would have been there if we had six houses, be permitted to go into the groundwater. Twenty-one hundred gallons is -- they're currently using between 6- and 700 because they only have a 1,500-gallon septic tank on what's there, and that would -- it would be in excess of what was

permitted.

So I would hope that you-all would add an amendment to this text that would rely on them being limited to 2,100 gallons of residential sewage. They can put in a package plant to get there. They can put in gray water things. They can reuse water. They can put it into sprinkler system, but I don't think that anybody in my area deserves to have 51 houses built in that area and put up with that much sewage. There's a lot of ways it can be done, but I would hope that there would be a text amendment to limit it to the six houses that would normally be built there.

As a second item, there's a lot of things that aren't shown on their site plan. The site plan doesn't show enough parking. Now, they're going to have -- they say they're going to have mixed parking, but every jurisdiction that I have been to -- and, believe me, I've made thousands and thousands of these presentations up in my area.

Shared parking doesn't work. You end up with people out on the road. You end up with people out on the road with big events now. The parking would normally be required at 230 spaces. They've got 110.

The sewage they have there would go up at least three times even if it were a septic tank. Probably five times the size.

The stormwater that's on the existing properties is not shown on the new property. In fact, where the stormwater -- one of the stormwater ditches is it's no longer shown at all. And the stormwater was approved in 1991. If we go by 2020 standards, there's going to be a lot more stormwater, and there's no provision for it on the existing -- on the existing two lots.

The third -- the stormwater on the -- on what's on the new section is nowhere near large enough.

So there's -- in accordance with this section of your statute, they just don't have enough land to do what they're trying to do. And to prove that, they have two lots there now for a 300-person assembly area, and they're planning on a 392-person assembly area in the new structure. They have roughly 40,000 square feet of additional building in the existing. They're planning 22,000 square foot on the other side in the new building. There just is not enough room.

If they're going to put in a parking garage, plenty of room. But I'm worried about those two items. And I'm not here as an objector. I'm here to try to mold the project into something that makes sense, because if that building fails, somebody's going to be back in here five, 10 years from now asking for that to be split off from the Jewish facility.

And the other jurisdictions that I've been in don't permit that. They make sure each project that can be sold off separately can be sold off and not have to come back.

Okay. Well, those are my two requests. I think the second one has to do with where they put things. Right now, if they would simply take the assembly area out of the second building, all the numbers would line up with what they have. But there isn't a 400-person assembly area in there.

And those are the two items that would have to do with the text revisions.

COMMISSIONER FRYER: Madam Chair, I'm going to have a question of the speaker.

CHAIRMAN HOMIAK: Okay. Go ahead. Go ahead, Ned.

COMMISSIONER FRYER: Sir, thank you for being here and speaking to us.

Two questions: First of all, what would be the approximate cost of attaching to the public water to you?

MR. LOEWER: Well, public water isn't the only problem. I have a sprinkler system, and if they contaminate my well, I'm going to be putting that contaminated water on my grass, and that's just -- that's just as bad as drinking it. And, no, I have not checked to see what tying into the water would be.

COMMISSIONER FRYER: Okay.

MR. LOEWER: But it wouldn't only be me. People along the road behind us also have wells, and they don't have the facility of public water.

COMMISSIONER FRYER: So the answer is that we don't know.

MR. LOEWER: We don't know.

COMMISSIONER FRYER: Okay. And then your second -- well, you also make a point about a packaging system.

MR. LOEWER: Package plant.

COMMISSIONER FRYER: Package plant. Could you please tell me what that is?

MR. LOEWER: It's basically a small sewage plant.

COMMISSIONER FRYER: How does it work?

COMMISSIONER SCHMITT: Sewage treatment plant.

MR. LOEWER: Well, I put one in on a -- I put a -- the largest septic field ever put in Maryland. I installed it, I designed it, and I maintained it. And when I say I installed it, I'm the one on the excavator and the loader pulling the levers.

I put a 100,000-gallon package plant on that to service 11,000 gallons a day in sewage. Package plant basically -- the extended the aeration one -- basically just takes the sewage, put it in a tank, and boils water through it, because when you -- you increase the deterioration of the sewage when it's -- when you add water.

The sewage comes in with bacteria on it, and when you put it into a plant and you add air to it -- well, you've seen in the yard where a dog does his business, and three weeks later it's white and it's gone. Same thing in the plant, only it happens in a day rather than three weeks because you've added the air. You've added the oxygen; the bacteria acts more quickly. And that's -- there's all kinds of extended aeration plants. There's all kinds of stirrers that you can put on your septic tank. I made suggestions to this effect and was met with "it's not being considered."

COMMISSIONER FRYER: All right. I'm going to just ask a follow-up question of you, then. Do you have an estimate of what it would cost the applicants to put in a package plant?

MR. LOEWER: Well, a package plant is just one of the points that they could address. They could use their --

COMMISSIONER FRYER: Sir, if you don't mind, please answer my question. Do you have an idea of how much it would cost?

MR. LOEWER: Not in Florida.

COMMISSIONER FRYER: Thank you. That's all the questions I have.

CHAIRMAN HOMIAK: Joe?

COMMISSIONER SCHMITT: Yeah, questions regarding providing water service. There is -- is there water service along that area? And when you're --

MR. LOEWER: There's water service along Pine Ridge Road, but there's not any water service to the roads behind us.

COMMISSIONER SCHMITT: But, typically -- I'm here. If we run water service then, typically, it requires homeowners along that stretch to connect. It's a forced connection. It's typically a forced impact fee unless the Board chooses otherwise. Are you on -- are you on --

MR. LOEWER: I'm on well.

COMMISSIONER SCHMITT: You're on well.

MR. LOEWER: But everybody in my neighborhood's on well, and we have the water running right by our front door.

COMMISSIONER SCHMITT: But you're asking them to go on water; is that what I heard you say?

MR. LOEWER: No, no. They are on public water.

COMMISSIONER SCHMITT: They're on public water.

MR. LOEWER: I'm looking for how they're going to treat the public sewage -- the sewage because there is no public sewage.

COMMISSIONER SCHMITT: All right. The second thing about sewage. I mean, I hear what you're saying, and you're asking us to put something into the Comp Plan but, typically, at this level we do not deal with designing of a sewage plant or designing of the septic system. That is a permitting issue that the county reviews during the review process. You can object to it during the review process, but it is not our job to impose that kind of requirement during the Comp Plan Amendment process. At least I don't ever really it being --

MR. BELLOWS: Yeah. For the record, Ray Bellows. Those issues will be represented in

more detail when the PUD comes back.

COMMISSIONER SCHMITT: Right.

MR. BELLOWS: And if you have some general questions now, we have Erik Fey available virtually.

MR. LOEWER: Would you permit 51 houses to go on those two, three lots? Because that's what you're doing with the sewage.

COMMISSIONER SCHMITT: Well, I appreciate your professional opinion. I'm an engineer as well, so I understand --

MR. LOEWER: Even 9,000, which is what they say, is 25 houses.

COMMISSIONER SCHMITT: The third thing you addressed was stormwater runoff. Now, we handle stormwater runoff in this county one of two ways. Either through the -- again, through the permitting and review process or the South Florida Water Management District, which I'm sure you're familiar with. And --

MR. LOEWER: Well, the stormwater I only brought up from the point of view of it -- by the time you added it in --

COMMISSIONER SCHMITT: Yes.

MR. LOEWER: -- there was not enough area on the lot. I agree that it's designed by them, but there won't be enough room for everything they're trying to do on this lot.

COMMISSIONER SCHMITT: So -- but I detect we have a dispute between your professional opinion and Grady Minor?

MR. LOEWER: So Grady Minor has come right out and told me that they -- that all this stuff will be taken up after this meeting and after it's taken care of, and my point is, if you don't have enough land to start with, that's a problem.

COMMISSIONER SCHMITT: So, in other words, you object to the proposal?

MR. LOEWER: No, I don't object to -- I object to the site plan.

COMMISSIONER SCHMITT: Okay.

MR. LOEWER: I want -- I would like to see the Federation get their building. I would like to see the land be used. I think it's all in the best interest of the community. I just don't know what -- I just -- I'm just not real sure if I want the groundwater to be contaminated --

COMMISSIONER SCHMITT: Right.

MR. LOEWER: -- as part of it.

COMMISSIONER SCHMITT: Well, I think, for the record, you noted such, and that we can deal with that issue, and I would encourage Mark Minor or somebody else from the firm to be here and to address those kind of issues at the PUD process if it comes up during the PUD -- oh, I'm sorry. There he is. We have a representative from the engineering firm here. So I think, for the record, it's noted, but it is really not a matter for this board to consider during the Comp Plan Amendment process.

MR. LOEWER: Well, I wasn't going to come until I read this section that said here, because it would appear that by approving the 110-space parking area and not requiring a 230-space parking area, which is what an existing new building by itself would require, that you're giving them a 55 percent reduction in parking.

COMMISSIONER SCHMITT: The parking is on impervious surface, or is it --

MR. LOEWER: If you take the one lot that the Federation is putting their building on, with the -- and you compute the parking on it, it would come up to 230 spaces. What they put is they've done 110 spaces there, and they've said that they're going to somehow work it out with the Temple Shalom area.

COMMISSIONER SCHMITT: Okay.

MR. LOEWER: And if they have to have 230 spaces, they've got to have a parking garage.

COMMISSIONER SCHMITT: All right. Well, I don't have any other questions. I mean, we're getting into a debate on site design, and I think --

CHAIRMAN HOMIAK: This is not the time.

COMMISSIONER SCHMITT: -- and this is not the place or time.

MR. BELLOWS: And that petition will be coming in the coming months, and we'll be better

prepared to answer those questions.

COMMISSIONER SCHMITT: I do appreciate your professional assessment and opinion. I think it's important.

MR. LOEWER: Well, I wish that I could have just sat down with them and molded something that worked.

MR. KLATZKOW: No. The issue you're having here is that you have objections that are appropriate but not appropriate for the Comprehensive Plan Amendment.

MR. LOEWER: Sorry.

MR. KLATZKOW: The Comprehensive Plan is a very broad, these are the uses you're allowed to do in this district, and then what will happen is the applicant will come back with a more detailed plan, all right, usually it's using a PUD amendment, all right. And in that ordinance, staff gets with the applicant, and that's where these details are ironed out.

And so think of it like the Comp Plan is the Constitution, and then our ordinances are like the statutes. And it's the statutes that have the detail that you're looking for. And this will come back to the Planning Commission, and at that time the issues can be addressed. Staff will be able to address their opinion whether it's sufficient. You'll be able to address your opinion, the applicant. You've got objections that we understand. It's just not the right time in the process. That's all.

MR. LOEWER: All right. I'd like to close by offering to Grady Minor and the rest -- and Temple Shalom that I'm not objecting to it. I'd like to sit down with them and talk to them so we can reach a middle ground on the design.

CHAIRMAN HOMIAK: Okay. Thank you.

COMMISSIONER SHEA: Question, can I? Just a question, when is the right time? I share many of the same concerns. And you're really talking about the criteria that somebody decides for that use how much -- how many gallons it's going to develop. When is the time that he would get another opportunity?

MR. LOEWER: I met with -- after the neighborhood meeting I went over to --

CHAIRMAN HOMIAK: Okay. Sir --

COMMISSIONER FRYER: Sir, let the County Attorney answer the question.

CHAIRMAN HOMIAK: Would you please. You're done now. You've had enough time.

Thank you.

MR. YOVANOVICH: May I answer the question? And Jeff will correct me if I am wrong. The details that he's asking you for are actually the details that are addressed through the Site Development Plan review process. That's when the hard engineering is actually done for the project. It's not done at the Growth Management Plan stage because, one, we don't know if we have a project. It's really not even done at the PUD stage because still -- we get the general parameters of what we're allowed to ask for in a Site Development Plan, but then when we do the Site Development Plan we go through an extensive engineering review from Collier County staff.

We have had -- that's the process that we will go through, and that process is an administrative process, but it doesn't stop Mr. Loewer from interjecting himself in the Site Development Plan review process and giving his professional opinion as to why my professional engineer is wrong.

I think what you've gotten a little bit of a flavor of is there is a professional disagreement between Mr. Loewer and Grady Minor as to what the parameters are for designing this sewer treatment system. The numbers he has thrown out to you as 18,000 gallons a day are -- I don't know how to -- I'm not an engineer, but I -- they're wrong.

The number is closer to 3,000 gallons per day. He may be talking about the area. There's a 9,000-square-foot area for the drainfield. Maybe that -- I don't even know where he got the 9,000 from, because we've not done an actual submittal to the county.

I can assure you that my clients have gone through the analysis of a fit analysis with Grady Minor to determine that the 22,000-square-foot building with the necessary parking, with the necessary water management, with the necessary septic system will, in fact, fit on this property, because we wouldn't be going through this process and spending the kind of money and time to go through this process.

We've had discussions with Mr. Loewer. We just don't agree. Honestly, I don't think we ever will agree. We're going to let the county break the tie. And as I said at the neighborhood information meeting, if we're wrong, we will not achieve a 22,000-square-foot building. It will be something smaller. We don't think we're wrong. We'll go through the appropriate review process.

But this isn't the date and time. I've never actually designed the engineering at a Comp Plan stage, and I'm pretty sure I've never designed the engineering at a PUD rezone stage either, subject to being corrected by anybody else. But that's the normal process, and that's the process we're asking you to put us through; not make that decision today.

MR. KLATZKOW: Well, we can handle some of these issues during the PUD process as well, but clearly it's not -- this is not the time. That's all.

MR. BELLOWS: Correct. And some of them are deviations from code that -- based on their fitting.

MR. KLATZKOW: I mean, I sort of disagree a little with Rich that everything has to be handled at Site Development. No, we'll handle it in public process. We could put limitations on them, but that will be for the next meeting that we have here, not this meeting.

MR. YOVANOVICH: And my guess is we'll be further along in the process and may even have a Site Development Plan in by the time we get back to the PUD stage. I don't know. But we'll be far enough along to answer questions specifically about what's the real number.

MR. KLATZKOW: Yeah. It might be a good idea to do them sort of simultaneously.

MR. YOVANOVICH: We can do that. And, frankly, I could put my engineer up here to answer every one of those questions, but I don't want to do that.

MR. KLATZKOW: This isn't the time and place.

CHAIRMAN HOMIAK: No. Okay.

MR. BELLOWS: We have no other speakers.

CHAIRMAN HOMIAK: Okay. Thank you.

MR. YOVANOVICH: Well, you heard my rebuttal. We hope you'll -- we hope you'll recommend transmittal to the Board of County Commissioners of our proposed Growth Management Plan Amendment, and hopefully we'll be back with a MUD to address the comments that we've heard from both Mr. Strain and Mr. Fryer and others during this process as part of the PUD for the property.

CHAIRMAN HOMIAK: Okay. Thank you. So we'll close the public hearing and entertain a motion for transmittal or not.

COMMISSIONER FRYER: I'll move that we accept the recommendation of staff to recommend to the Board of County Commissioners transmittal to the State of Florida of this GMPA.

CHAIRMAN HOMIAK: And is there a second?

COMMISSIONER SCHMITT: I second.

CHAIRMAN HOMIAK: Okay. I'm going to ask again for a yes or no.

COMMISSIONER FRY: What happened to discussion?

CHAIRMAN HOMIAK: Oh, okay. Discussion.

COMMISSIONER FRY: As a matter of fact, I have a little bit to discuss.

I'm curious how many -- I didn't get -- there was no real opportunity prior to ask this, but how many attendees or how many people can visit the site based on the parking? Commissioner Fryer expressed -- or Commissioner Shea, I believe, all three entities having an event at the same time and having a tremendous amount of traffic to the location. I'm just curious how many attendees does the parking support, and could we put a cap on --

CHAIRMAN HOMIAK: We're not at that point now. This is just a transmittal for the Growth Management Plan Amendment, and the PUD and all of that will come back to us. So it's not the time for the -- for that discussion. They said before that they were going to schedule -- there will be scheduling for all three buildings.

COMMISSIONER FRY: Okay.

CHAIRMAN HOMIAK: Okay. I'm going to ask a yes or no vote for the motion. Joe?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN HOMIAK: It's a yes from me.

Ned?

COMMISSIONER FRYER: Yes.

CHAIRMAN HOMIAK: Paul?

COMMISSIONER SHEA: Yes.

CHAIRMAN HOMIAK: Mark?

COMMISSIONER STRAIN: Yes.

CHAIRMAN HOMIAK: Karl?

COMMISSIONER FRY: Yes.

CHAIRMAN HOMIAK: Thank you. It passes unanimously. Thanks.

And there's no new business or old business. Is there any public comment?

(No response.)

CHAIRMAN HOMIAK: And with no public comment, there will be a motion to adjourn.

COMMISSIONER FRYER: So moved.

CHAIRMAN HOMIAK: Second?

COMMISSIONER SCHMITT: Second.

CHAIRMAN HOMIAK: I'm just going to not ask everybody and just say we're adjourned.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 12:07 p.m.

COLLIER COUNTY PLANNING COMMISSION


KAREN HOMIAK, ACTING CHAIRMAN

These minutes approved by the Board on 7/2/20, as presented ✓ or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF U.S. LEGAL SUPPORT, INC., BY TERRI LEWIS,
COURT REPORTER AND NOTARY PUBLIC.