

August 6, 2020

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, August 6, 2020

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

Edwin Fryer, Chairman
Karen Homiak, Vice Chair
Patrick Dearborn
Karl Fry
Joe Schmitt
Paul Shea
Tom Eastman, Collier County School Board Representative

ALSO PRESENT:

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

PROCEEDINGS

CHAIRMAN FRYER: Good morning, everyone, and welcome to the August 6th, 2020, meeting of the Collier County Planning Commission.

Would everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Will the secretary please call the roll.

COMMISSIONER FRY: Mr. Shea?

COMMISSIONER SHEA: Present.

COMMISSIONER FRY: I'm here.

Chairman Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER FRY: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRY: Mr. Schmitt?

COMMISSIONER SCHMITT: I'm here.

COMMISSIONER FRY: Mr. Dearborn?

COMMISSIONER DEARBORN: Present.

COMMISSIONER FRY: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER FRY: Mr. Chairman, we have a quorum of six.

CHAIRMAN FRYER: Thank you, Mr. Secretary.

Ray, are there any addenda to the agenda?

MR. BELLOWS: For the record, Ray Bellows.

We do have several changes to make or note on the agenda.

The items listed on the agenda, Items 9A7, 9A8, 9A9, 9A10, 9A11, and 9A12 are all being continued to the August 20th CCPC meeting. These were holdovers from an earlier meeting that was canceled, and we couldn't fit them on today's agenda, so they're going on the 20th.

CHAIRMAN FRYER: And we need to take action on that.

MR. BELLOWS: Yes. Just officially note that.

CHAIRMAN FRYER: Will do. Thank you.

MR. BELLOWS: And also, we'd like to, if this is the appropriate time, talk about what we're doing in regards to creating a standard operating procedure for agenda creation.

CHAIRMAN FRYER: Please do.

MR. BELLOWS: Yeah. I think what we were trying to do is standardize the process a little more so the Chairman can review the agenda and sign off on the order and note any changes he would like to see, and then we will use that to help create the agenda packets.

CHAIRMAN FRYER: Appreciate that very much.

MR. BELLOWS: Yeah.

CHAIRMAN FRYER: There were some snafus.

MR. BELLOWS: Yes.

CHAIRMAN FRYER: But partly a learning curve and, certainly, I've had a full conversation with Anita about it, and I'm confident that things are going to go smoothly going forward, so thank you for that.

Before moving too much farther, since we do have a full house today, I wanted to note about unexcused and excused absences, and just to remind my fellow Planning Commissioners that if it turns out they are not going to be able to attend a meeting, please send me a one-way email -- I won't respond to it -- just letting me know that you're not going to be here and providing me with some kind of a reason, general business reasons, it doesn't have to be specific at all, so that I and excuse the absences and keep everybody's record clean, okay.

Now, right into the subject of Planning Commission absences. Our next meeting is August 20 of

2020. Does anyone know if he or she will not be able to participate in that meeting? It looks like we're going to have a full house again. That's good. Same question with respect to the September 3rd, 2020, meeting, which will be the meeting after the August 20; anybody know they won't be here?

(No response.)

CHAIRMAN FRYER: Excellent.

COMMISSIONER SCHMITT: I believe I will be missing that. Let me check my calendar.

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: The 3rd? I'll be here.

CHAIRMAN FRYER: Good, perfect. All right.

COMMISSIONER HOMIAK: I'm sorry. Did we need to vote on those continued?

CHAIRMAN FRYER: Well, we can take them now, or take them in order.

MR. BELLOWS: No. I think you can do them all now at once.

CHAIRMAN FRYER: All right. Can we do them in one motion?

MR. BELLOWS: Yes.

CHAIRMAN FRYER: All right. So you've seen the revised agenda with -- I don't have it directly in front of me. How many items to be continued, Ray?

MR. BELLOWS: It starts from agenda Item 9A7 through 9A12.

CHAIRMAN FRYER: Okay.

MR. BELLOWS: They're all being continued to -- as listed on the agenda, they're all being continued to August 20th.

CHAIRMAN FRYER: All right. Is there a motion?

COMMISSIONER HOMIAK: I'll make a motion to continue all those petitions.

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: All those. Thank you. It's been moved and seconded. Any discussion on this?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Any opposed?

(No response.)

CHAIRMAN FRYER: That carries, and they have been continued. Thank you, Ray.

With respect to the minutes of June 11 and June 16, we actually have already acted upon these. We acted upon them. We approved them unanimously at our July 2 meeting, so it's really not necessary for us to approve them again. I understand that they're referenced in the agenda packet for administrative purposes to create a paper trail. So that's what the purpose of that was.

The Chairman's report, I have none at this time.

The consent agenda, I believe we have none of that, so we should go right into public hearings, and the first is 9A1.

***This is PL2016000221. It is a petition to add the Immokalee Road Estates Commercial Subdistrict to the Estates Commercial District. It's a large-scale Growth Management Plan Amendment, and it is here before us at this time for transmittal.

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

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

CHAIRMAN FRYER: Thank you. Let's do ex parte disclosures from the Planning Commission starting down with Commissioner Shea, and let's just move up automatically.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER FRY: Staff materials, in-person meeting with the applicant and their planner -- attorney and their planner.

CHAIRMAN FRYER: Thank you. I've -- materials from staff, meetings with staff, and communications with the applicant's agents.

COMMISSIONER HOMIAK: I had nothing.

COMMISSIONER SCHMITT: Communication with the agents, both Noel and Wayne.

CHAIRMAN FRYER: Okay. Thank you.

MR. EASTMAN: No disclosures outside of the public record.

CHAIRMAN FRYER: Thank you. And is Patrick dialed in yet?

(No response.)

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: I need to add a brief communication with staff.

CHAIRMAN FRYER: Okay, good. Thank you.

All right. We'll begin with the applicant's presentation. Mr. Davies, please proceed.

MR. DAVIES: Okay, Mr. Chairman. Good morning, Commissioners. For the record, Noel Davies with the law firm of Quarles & Brady. I'm here today on behalf of Barron Collier Companies, specifically the petitioner BCHD Partners 1, LLC.

This is our petition for an amendment to your Growth Management Plan. And we're here today for the transmittal hearing on the GMPA only. We do also have a companion rezoning application to PUD which would be heard as a companion item at the time of the adoption hearing, provided transmittal is approved.

The subject property is located just north of the county-owned property, the Randall Curve property. We're just over 19 acres immediately west of Immokalee Road after it turns north and directly across Immokalee from the Orangetree neighborhood.

There is no residential component to this project. We're proposing a total of 200,000 square feet of commercial uses, specifically all permitted and conditional uses in the C-4 zoning district.

We did commission a market study from economist Russ Weyer, who's here today, which provides the requisite data and analysis to support our request. The proposed development will have no adverse impacts on the applicable levels-of-service standards and public facilities, no concurrency concerns, all of which was agreed to and confirmed by your staff.

We held a neighborhood information meeting. There were some comments about access on 4th Street, all of which have been resolved in our PUD application. We eliminated any access on 4th Street. That area will be used only for open space and water management, so our only planned access point will be at the existing signal at Immokalee Road and Orangetree Boulevard.

I do have the full project team with me here. Austin Howell is here from Barron Collier. Wayne Arnold with Grady Minor is our professional planner. I'll turn it over to Wayne shortly. Norm Trebilcock with Trebilcock Consulting Solutions is our traffic engineer. Bruce Layman with Peninsula Engineering is our ecologist/environmental expert. And, as I mentioned, Russ Weyer with Real Estate Econometrics is our economist.

And with that, Mr. Chairman, I'm happy to answer any questions you have for me now or, with your lead, Mr. Chairman, I will turn it over to Wayne Arnold.

CHAIRMAN FRYER: Does anyone have any questions right now of Mr. Davies? I am going to have a considerable amount of questions, but I think it would be easier for you, your presenters, if I wait until everything's been presented. But if any Planning Commissioners want to ask something now, please go ahead.

COMMISSIONER FRY: One question.

MR. DAVIES: Yes, sir.

COMMISSIONER FRY: Mr. Davies, just clarify the buffering. I know that the portion, the thin

portion that abuts 4th Street is now going to be water management --

MR. DAVIES: Right.

COMMISSIONER FRY: -- so it won't be accessible. What is the buffering on the north and south of the commercial parcel buffering the adjacent parcels?

MR. DAVIES: Sure. So with respect to the buffering, all of that is a more specific PUD question, and that's something that we're going through the process currently now. That PUD application is not at issue at today's hearing, so today is only the transmittal hearing for the GMPA. I believe that we're still trying to figure that out. To the extent that -- you know, I believe Mr. Arnold can show you the master concept plan in its current iteration, which is part of the PUD application, so he would be happy to do that. But at this time the buffering specific site development standards is not at issue today.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: I'd like to make a clarification as well before you proceed. In my judgment, anything that is properly before us or has been presented to us at transmittal is fair game to be talked about and considered and, from my perspective, if there's something fundamentally wrong with the proposal that technically isn't going to come back to us until PUD, it's going to influence my decision-making at transmittal. Also because when it does -- if it comes back for adoption, I don't like to re-tread old ground on something that had been before us at transmittal.

MR. DAVIES: Absolutely. Thank you, Mr. Chairman. We'll do our best to answer those questions to the extent we know those answers at this time.

CHAIRMAN FRYER: Thank you.

MR. DAVIES: Thank you, sir.

MR. ARNOLD: Good morning, Mr. Chairman and Planning Commission members. I'm Wayne Arnold, certified planner with Q. Grady Minor & Associates, and I'm going to take you through a little bit more of the details of the proposed GMP amendment. It is an amendment to your Golden Gate Area Master Plan.

And we are creating a new subdistrict. It's not a new concept to you. There are many subdistricts that have been created both in the Golden Gate Master Plan as well as the urban area Growth Management Plan.

It's a little over 19 acres, currently zoned Estates. And as Noel indicated, our sole point of access is going to be the signalized intersection at Orangetree Boulevard and Immokalee Road. And that's part of the reason that we think this is an appropriate location for commercial.

The subdistrict language, I think there's one clarification we would like to make for the pending materials that are before you, and I don't think staff's going to have an issue with it. But it's shown as strikethrough and underline here, and this is our proposed subdistrict language that allows us to have the commercial uses of C-4 intensity at 200,000 square feet.

We would like to modify this slightly to strike "retail" and "office" and put "commercial land uses" as being appropriate, because whether it's the C-3 plus list, as I call it, that staff has proposed, or our C-4 use, it contains uses that are not just retail or office. So it's probably more appropriate to just call it commercial or retail/office commercial or something to that effect. But, anyway, we would propose to change that to commercial.

This is the PUD master plan. And this is the one that's pending before staff. We've received our first round of review comments from them.

And, Mr. Fry, to answer your question, the buffers to the north and south of the development area are shown as 15-foot-wide Type B buffers on that. They could be a different buffer depending -- there's an application pending to the property south of this property. It's proposed as a mixed-use project, and depending on where their residential component is in relationship to ours, we may be required to put in a more extensive buffer than shown. So we've shown it as an alternate type buffering depending on where their residential component settles down, but it will have appropriate buffering.

You can see the finger parcel that is the little narrow piece that goes west of 4th Street Northeast.

We're showing that as all buffer and water management area, so we're having a natural separation from the street and proposing no access to it.

You can see the three larger commercial tracts and a preserve area are largely the area that would be our development envelope adjacent to Immokalee Road.

We've depicted the signal there. We're also depicting an interconnection to the south into that property that's currently owned by Collier County Government. And that property is under contract, as many of you probably are aware, under the -- it's called the Randall Curve Property that the county has owned for years. It was going to be the bus barn at one time and a maintenance facility, and the community didn't really care for those ideas, so the county put it out as surplus land, and it's under contract, and their application's pending for that.

We think this makes a lot of sense to have a commercial development on this property. Again, it's a little bit unique for Golden Gate. I know that many of you were around for the restudy program, but the restudy didn't get into parcel-specific details, but we attended a lot of those meetings. And there were a lot of comments made that people really -- in this part of the community really want access to commercial, whether it's restaurants, gasoline, car washes, a lot of services that they currently have to drive all the way to Collier Boulevard to get.

And this is a unique parcel in the sense that it's on the six-lane segment of Immokalee Road. It's across the street from the commercial tract at Orangetree. It has signalized intersection access to Immokalee Road. It has access to water and sewer, which is also unique. And from a planning perspective, I think we and staff agree that the only use that's permitted today under your plan is to put in one unit per two-and-a-quarter acres with individual access points to Immokalee Road, which probably doesn't, long term, see to be the appropriate use for this corridor to have skinny, narrow single-family homes on this property abutting Immokalee Road. Actually, I should probably go back to the -- whoops, I'm sorry. Go back to the aerial photograph to just get you the better orientation.

So immediately east of us across the street there are tracts of land. Those are commercial tracts in the Orangetree community. Farther south down at Randall Boulevard, there's a newer Publix that's been developed, and I think that in this particular case, I can't imagine that people are going to develop individual single-family homes. But this site doesn't even qualify for conditional uses under your Golden Gate Area Master Plan. So it's not like you could put in a church campus or a daycare center or something like that. This is -- the only use permitted is the low-density residential. So for those reasons, we think that it is an appropriate use.

The couple of items that we have a disagreement with staff is -- one of the conditions was talking about the westerly 4th Street access, which we have no problem with. They've indicated emergency vehicle access only. We proposed none. Anyway, it says it can be used for that or native vegetation or buffers. We would prefer to reference it native vegetation, open space, and water management and buffer areas, because in our iteration, the better quality preserve area happens to be the area noted on our plan, which is in the northern section of the site, not on the 4th Street parcel, as I call it.

The other change is staff's recommending approval with 178,000 square feet, and that goes to some of Mr. Weyer's analysis with regard to the market demand. We think the market demand figures that we've presented clearly support the 200,000 square feet. And the distinction on the uses I want to talk about. The limitation that staff has, I call it C-3 plus, because they've said, we agree with you that commercial is appropriate. A little bit different number in square footage. But we've said we really want C-4 conditional and permitted uses, and they've said C-3 permitted, conditional, plus certain C-4 uses.

One of the uses we think is a very viable use here -- and our client has extensive experience with commercial development in Collier County -- is something like an indoor storage facility. You don't get to that use until you get to C-4. So from a conceptual standpoint, we would like transmittal at C-4, but I think we acknowledge that through our PUD process and maybe the language that comes back for adoption would and could be the pared down C-3 plus list. But I think it needs to reflect some of the uses we think truly are critical end-users there. We're not sure that's the debate today, but we do think that the C-4 uses

have merit and would encourage you to support the transmittal at C-4.

But, I think, Mr. Fryer, I know that you have questions of our economist with regard to some of the demand and supply analysis, but we do have a disagreement with staff on that, albeit it's 25,000 square feet. But when you come to a use like indoor self-storage that it's easy to put 100,000 square feet on three acres because that's typically about the number. It's 80- to 100,000 square feet for these, and you get those on such small acreages. We think it's important that we have the full 200,000 square feet to accommodate uses like that that are sort of high-volume square-foot users but low-intensity uses.

So with that, that's my summation of where we are today, and happy to answer any questions that you may have.

CHAIRMAN FRYER: Okay. Thank you. Questions from the Planning Commission. We don't have our electronic system. It's not working today. So we're going to have to go back to the old-fashioned system.

COMMISSIONER FRY: Finger -- the raised-finger system.

CHAIRMAN FRYER: Yes, please. Go ahead, Commissioner.

COMMISSIONER FRY: It doesn't matter who answers this, but where are -- you mentioned that a very likely use, if approved, would be an inside mini-storage unit -- a facility which, as I understand, is approximately 100,000 square feet on average.

MR. DAVIES: Correct.

COMMISSIONER FRY: Where are the other like facilities in proximity to this unit? Are there some that are farther east? Are they -- what distance are they from this location? And how would you justify the need for one of those in this location?

MR. DAVIES: I'm going to let Mr. Arnold answer that.

MR. ARNOLD: Wayne Arnold, for the record.

Mr. Fry, the closest one that's existing today is a small one that's been constructed in Ave Maria, and that's probably, what, five to seven miles away. It's in the town center area of the community. There are other facilities that can be planned along the Collier Boulevard corridor, but those, again, are about five miles away. This area is growing. It's -- you know, I think with communities like Orangetree, Orange Blossom Ranch, those are newer suburban-style homes. Those aren't Estate places, so you don't typically have storage. So we see this as a very viable use for this part of the community.

COMMISSIONER FRY: And this is across the street from Orangetree, correct --

MR. ARNOLD: That is correct.

COMMISSIONER FRY: -- so it would be the closest facility to serve them.

MR. ARNOLD: Yes.

COMMISSIONER FRY: Okay. You made a comment that the preserve area you have shown on your conceptual master plan is superior to the westerly portion. I was just curious why. Is that the nature of the vegetation that is present there?

MR. ARNOLD: That's correct, it is. Bruce Layman is an ecologist who worked with staff to determine that this was probably the best location. I'm not sure this will be the final. This is -- it's been through one round of comments with staff, but I think we're all in agreement that generally that is where the preserve would be, not in the skinny portion of the western portion.

MR. KLATZKOW: My understanding in speaking with staff was that it was going to be an interconnect with the northern parcel, which is, in all probability, going to go commercial as well. You can't do that interconnect if that's where the preserve is.

MR. ARNOLD: We're depicting an interconnection to the south. The parcels to the north, Mr. Klatzkow, are still designated Estates.

MR. KLATZKOW: I understand that. So it's -- and yours as well. That's why we do rezonings. My understanding is that, from our planning standpoint, we're expecting those parcels to go commercial as well. My understanding is staff spoke with the applicant about an interconnect to the north. If I'm mistaken, let me know.

MR. DAVIES: I don't recall that.

MR. ARNOLD: I honestly don't recall that conversation, but I'm -- we're happy to entertain that. I'm sure we can be creative in our shaping of the preserve area to accommodate an interconnection. I know that the county staff likes them to be completely connected within a site, so that's what this plan does. I mean, there might be some reshaping that we could do to accommodate that, or the connection point could potentially be closer --

MR. KLATZKOW: Well, the problem is the traffic light is right in the middle. If you don't interconnect the north and the south to hit that traffic light, you're going to have to have direct egress and ingress onto Immokalee Road, and that's not going to work.

I mean, your market analysis has 100,000 people there in 20 years. I don't know where the traffic is going to -- I don't know where the traffic's going to, but without these interconnects, I don't know how it works. I'm just telling the Planning Commission, I don't think that's what the preserve's going to ultimately look like.

MR. ARNOLD: I think duly noted. We're going to continue to work with --

COMMISSIONER FRY: And you said the parcel to the south most likely will be commercial as well?

MR. ARNOLD: It's in right now pending a rezoning and a plan amendment as a --

MR. KLATZKOW: It will all be commercial. You're not going to want to build your house right over there. I mean, I know it's Estates now, but nobody here wants to put their brand-new house right next to 200,000 square feet of commercial off of a six-lane arterial. So it will be commercial.

COMMISSIONER FRY: So to clarify, just to add on to what you're saying, Jeff, there would likely be interconnection to the south parcel as well.

MR. KLATZKOW: South and north.

COMMISSIONER FRY: South and north, okay.

MR. KLATZKOW: That's what staff's looking at. I don't know if the applicant's aware of that, but staff's looking at interconnections both to the north and the south.

COMMISSIONER FRY: Thank you. So that kind of brings up my next question, as Chairman Fryer points out, we -- you know, we evaluate these things based on the information provided. So there is a conceptual master plan in the packet. You've stated it's part of the PUD but not part of this application, yet we're looking at it and basing our decision partly on it. To what extent is it binding, if at all, when you come back for the PUD? What -- how can we rely on it, I guess -- to what extent can we rely on it in our decision-making?

MR. DAVIES: Sir, in response to that, you know, as I mentioned at the beginning, this is the -- this is the current iteration of the master plan. Today's hearing is for the GMPA, so it's just -- it's just the amendment to the Comprehensive Plan. These types of issues, including the interconnect to the north which, just to clarify, this is currently pending. As Wayne mentioned, we've had one round of comments from staff. We have no issues entertaining the potential for an interconnect to the north. That's certainly feasible, and that's certainly something that we would be happy to work with staff on.

But I think that that's illustrative of my point initially which is that we're talking about the bigger picture Comp Plan, Growth Management Plan, and that's the petition that's on the agenda for today.

We're certainly happy to divulge as much information as we have about the existing status of the proposed master plan, which is what's before you today. But as noted from this discussion, there are likely to be certain changes to this master plan which would not be attached legally to today's decision -- or to the BCC's decision with respect to the master plan. That is something that is governed by the PUD and rezoning process and the rezoning ordinance incident to that.

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

CHAIRMAN FRYER: Anybody else? Joe.

COMMISSIONER SCHMITT: Yeah. Just to clarify, we certainly have an option to discuss it at the PUD level.

CHAIRMAN FRYER: Absolutely.

COMMISSIONER SCHMITT: I mean, this is a Comp Plan. It's a conceptual. And it's certainly -- when it comes back for the PUD, it should -- they should present far more clarity, which would then give us an option to discuss either interconnect or other events. Because what's going to change is they go through the permitting process specifically even for water management. That -- this type of layout may change.

You've not gone through any type of district permitting yet, have you, so --

MR. DAVIES: (Shakes head.)

COMMISSIONER SCHMITT: -- conceptual or otherwise. So this may change. And it's certainly -- they certainly have the liberty to make the change up and even through the PUD process.

CHAIRMAN FRYER: Understood. However, it seems to me, though, that if things are put in front of us today that raise an issue, a significant issue, like an interconnect to the north, if we were inclined to approve this at transmittal, we could impose a condition right now. If it's important, it's in front of us, why wait?

All right. Other questions, Commissioner?

COMMISSIONER SCHMITT: Well, I mean, we can impose it, but it's a -- it's a Comp Plan Amendment. It strictly has to do with the Comp Plan making the change to the Comprehensive Plan that -- it is not in any way a commitment for a design, but if you certainly want to make that proposal, I guess you can as far as the Comp Plan, but it's -- you know, we'll --

MR. KLATZKOW: I just -- this is really going to be the first of three you guys are going to be seeing.

COMMISSIONER SCHMITT: Yeah.

MR. KLATZKOW: All right. And I'm just saying, I don't know that you want to do this piecemeal, because when this thing's fully developed in 20 years, this is going to be one of the major retail centers in Collier County. It just is. And when we do these things right in Collier County, they're a real amenity in the community, and we're doing -- when we do them wrong in the county -- and I'm sure you have shopping centers where it's impossible to get from Point A to Point B, you know, several of them in here, they just weren't well planned out, they weren't well thought out. I'm just saying, this is the first of three you're going to be seeing over the course of the next few years. You just may want to consider, in the totality of the growth of this area, how this is going to fit with everything else. That's all I'm saying.

CHAIRMAN FRYER: I agree.

COMMISSIONER SCHMITT: The only other option is it comes back as an overall amendment to the Golden Gate Master Plan, and this entire area be identified.

MR. KLATZKOW: That's another option.

COMMISSIONER SCHMITT: But the -- I mean, I'm not defending the applicant, but just in the process, the applicant doesn't have any -- doesn't own the land and can't make any changes to the adjacent property. I mean, quite frankly -- and I hear what you say, Jeff, but it could also be some day developed with apartments in that area. I mean, we have a lot of places where apartment buildings are adjacent to large commercial complexes.

CHAIRMAN FRYER: Point of clarification. Is your client the contract purchaser or the present owner?

MR. DAVIES: My client's the present owner.

CHAIRMAN FRYER: That's what I thought.

Any other questions from --

COMMISSIONER FRY: Just a comment. I believe Jeff's point that this might be a major commercial hub for Eastern Collier County in the future raises a question which I think is -- every application that comes to us for commercial has a mini-storage unit as part of it these days. Every one -- I've been here a year and a half. Every single one seems to have that.

If it is 200,000 square feet or 178,500, my question is -- just simply, I guess, rhetorical is does it

make sense to use half of that or more than half of that for mini-storage rather than the other variety of uses that would possibly serve the people that live in the area? So I'm just asking that question to throw it out there and something I'll be thinking as we evaluate this.

CHAIRMAN FRYER: Thank you. Other Planning Commission questions?

Is Patrick on?

(No response.)

CHAIRMAN FRYER: Okay. Well, I have a number of them and --

MR. DAVIES: Yes, sir.

CHAIRMAN FRYER: And I'd like to find a way to get to yes, but I'm far from it at this point. It's just from my vote. And I want to raise several issues with you, and I'm just going to tick them off. And then we can -- we can talk about them or dialogue about them one at a time, if you wish, but I want to put them all in front of you.

First of all, just because the GMPA and the PUD and an additional PUD will likely happen on that spot that your client currently owns -- that undoubtedly will happen in the future for market reasons, and it would be appropriate for the Planning Commission and the Board of County Commissioners to acknowledge that at present the current zoning just doesn't work. But having said that, that doesn't mean that the proposal that you've brought in front of us today is the only choice we have. This is -- this is a petition that you've put in front of us calling for, among other things, very high density C-4 commercial, 200,000 square feet -- and to my way of thinking, having acknowledged that the zoning in the GMP may need to be changed there doesn't mean that we're then stuck with your proposal. So that's the framework in which I'm looking at this stuff.

Now, my concerns go like this: First of all, the economic consultant based its study on the erroneous assumption that the applicant would be seeking only 150,000 square feet. Now, maybe that was a typo in the material, but that was in there, and to me that calls into question the entire economic assessment, the fact that the number that is being displayed for us is not the number that you're coming in front of us today.

Second, the consultant overestimates the number of occupants per household in my judgment. The consultant says it's 2.78. I didn't see any mention in the consultant's work about the BEBR University of Florida number, which is 2.36. And if you use the BEBR number, you're going to come up with fewer people within that 15-minute area. And I think that the fact that that wasn't dealt with is another flaw in the consultant's materials.

The consultant also failed to include unbuilt commercial facilities on land that is already properly zoned commercial, contrary to the rules that are in place within our Planning Department, as Corby Schmitt has pointed out. And to me, that alone calls into serious question the economic analysis.

The consultant also urges us to speculate on what the population of Collier County is going to be in 2045 but cautions us that we can't assume anything about current zoning or current undeveloped property. So we're being asked to speculate as to population, but as to the potential for development of properly zoned commercial property now, we're being asked not to think about that.

The economic consultant's analysis makes no distinction among the four categories of commercial zoning arguing that if any commercial is justified, then it must be -- must include the most intense C-4 zoning. And there's really nothing at all that I found in the consultant's study that focuses on the most intensive uses. You could say that if the consultant had put forth a case that was persuasive that C-4 zoning is appropriate there, then we could assume that all the less intense uses are. But you talk about commercial generically and asking us for the most lenient, if you will, the most liberal permission that could be granted. And, in fact, I acknowledged with thanks the work that Corby Schmidt did in identifying, perhaps, a smaller footprint of 170,000 square feet. I'm not sure I would be that lenient, though, because I don't think we've got information sufficiently in front of us to say C-3 plus, C-4, C anything, because this is generically commercial throughout the consultant's report.

The consultant acknowledges in his report that retirees relocating to Collier County is one of the

driving factors of population growth, and that is a point with which I agree, but all the more reason why I believe we need to look at the kind of commercial development that a retiree community would be desirous of having. And is there any proof in front of us that that is the highest intensive C-4 development? I don't believe there is. I didn't see it.

So I think there's a potential mismatch between the very flexible, if you will, or liberal application and the exact needs of the target population that the consultant even admits is what -- one of the major factors driving growth.

Turning now to the traffic consultant, and Mr. Trebilcock and I have had these discussions. I know he's very busy. I know he works hard. He usually does a great job, but I really am getting tired of seeing the 2018 AUIR or a stale AUIR being referred to in these materials. I realize the work was done then, but can't we at least be presented with something that shows that the assumptions are still valid under the 2019, which is the most current AUIR? I just find that it's a point of irritation.

Also, the traffic consultant neglected to point out that Segment 45.0 on the 2019 AUIR -- that's between Wilson and Oil Well -- has only a remaining capacity of 476 peak p.m. trips, and it's going to be deficient in 2024. That's a very short period of time from now.

Finally, in a close case -- I don't think this is a particularly close case. But in a close case, I am always inclined to support the work of staff because, among other things, besides being very good at what they do, they are unbiased. They are not hired consultants. And I'm not casting aspersions on consultants who are hired. I'm just saying that if all other things are equal, I'm generally inclined to support what staff comes forward with because I believe that they are the most disinterested.

So those are my comments. I'd be glad to have a dialogue with you, or you can address them one at a time, or your choice.

MR. DAVIES: Thank you, Chairman Fryer. I certainly appreciate the comments. If I may, I'd like to invite Russ Weyer up to respond with respect to the specifics on the market study.

CHAIRMAN FRYER: Okay.

MR. DAVIES: And then we'll move to responding to your traffic questions, and I'll have Norm Trebilcock do that.

CHAIRMAN FRYER: Thank you.

MR. DAVIES: Thank you, sir.

MR. WEYER: Good morning, Mr. Chairman and Commissioners. For the record, Russ Weyer with Real Estate Econometrics here to, I guess, respond to your comments and questions and, I guess, in general is really where we need to go to begin with, because of your concern about C-4 versus C-5 versus C-2, C-1, C-3.

CHAIRMAN FRYER: Well, if I could clarify, there was just nothing specific in your study. You just paint with a very broad brush of commercial at large.

MR. WEYER: That's correct. Now, if I were to do C-4, then I would take the supply side and only compare it to C-4 uses, because then it's apples to apples and not -- you don't need C-3, C-2, C-1 because you know that those are going to be in there anyway.

CHAIRMAN FRYER: But you've stated in your report that a major driving force of the growth in the county is retirees coming in, and I don't find anything in your study that indicates retirees would be particularly enamored of C-4 or find it especially useful.

MR. WEYER: I think if they were moving here, they'd need a place to put their storage stuff. I mean, for instance, as an example of one C-4 use, they went specifically -- you know, the consultant -- or not the consultant, but the client did. One of the -- two -- a couple of things. Number one, I wasn't sure where you saw the 150,000 square feet in the report. In my beginning it says 200,000.

CHAIRMAN FRYER: I'll give you a page number.

MR. WEYER: In the introduction it says 200,000. All of the study was done based on the 200,000 square feet. And also when I did the analysis showing the before and after and adding the 200,000 square feet to it, it had 200,000 square feet, and --

CHAIRMAN FRYER: On Page 208 of our full agenda packet, you said that the request would be for 150,000 square feet. I'll accept that it's a typo.

MR. WEYER: It most likely -- go ahead. I'm sorry.

MR. DAVIES: Chairman Fryer, if I may clarify. So originally this application was for 15 acres, and the request was for 150,000 square feet total. An additional parcel to finish the assemblage, approximately five-acre parcel, was added, and that is -- and then Mr. Weyer did update his report to state and to analyze it based on the 200,000 square feet.

I do believe that I know the reference you're speaking of, and that is in the revised report, but I believe that is a typo in that particular page. But the report, and Mr. Weyer can confirm, is designed to analyze the feasibility of the 200,000 square feet at this site.

CHAIRMAN FRYER: I accept that explanation. It makes sense; however, it also shows that in the course of evolution of your planning you thought about 150,000 square feet on a smaller parcel.

MR. DAVIES: Smaller parcel.

CHAIRMAN FRYER: Yeah. Now you've got bigger ambitions.

MR. WEYER: Bigger parcel.

CHAIRMAN FRYER: Continue, sir. Sure.

MR. WEYER: The second thing with regard to the population, the 2.78 basically was irrelevant, and the reason I say that is the way that I study the population growth, first of all, we utilize county data, I'm utilizing for population growth in terms of showing how the growth is going to happen, and I use that in two ways. But the first part, the basis of the whole thing is census data. And what I do is go into my graphic information systems, and we create the drive time, which is based on speed limits and everything else that they pick up, and then I pull the data down from that in particular through -- it's called Esri, which is the GIS business analyst program. And they pull all the census data for me, which gives me the population based on 20 -- at that time it was 2018 through 2023. So it gives us a projection. Then I utilize --

CHAIRMAN FRYER: But you're saying that it didn't figure into your recommendations or findings?

MR. WEYER: The 2.78?

CHAIRMAN FRYER: Yeah.

MR. WEYER: No.

CHAIRMAN FRYER: You've got your Table 2.4.4 which prominently displays this number, and now you're telling us that this is surplusage?

MR. WEYER: 2.4.1, the persons per household in that is not -- doesn't drive my numbers. All that is is that's the demographic income profile. What I used there -- and I probably should have highlighted it, was the population going across the top.

CHAIRMAN FRYER: Well, you've got 2.78 for 2015 and 2022, and that's very prominently displayed on your Table 2.4.1, so I figured it was fair for me to assume that that was part of your presentation.

MR. WEYER: No. I only put -- I put the whole table in there just so you see a reference of where I pull my data from, but that was irrelevant to it.

CHAIRMAN FRYER: But you didn't pull any data from the BEBR, did you?

MR. WEYER: No, sir.

CHAIRMAN FRYER: Okay. Thank you.

MR. WEYER: No, sir.

CHAIRMAN FRYER: Please continue.

MR. WEYER: So what I was doing in terms of how I do the population, I took a look at the drive-time area, and then I took a look as the county does. They look at their population based on planning areas. We have the Urban Estates. We have the Rural Estates. This thing divides it. And I believe it was -- 80 percent in the Rural Estates, and 20 percent was in the Urban Estates.

Well, I calibrated that to the population growth, and I calibrated that to the amount of square footage that has been built in those two areas; therefore, I got down into detail.

And if you -- and the reason I mention that is because if you look at the county in general, which is what I do -- first of all, to start, markets are the best indicator of what's going on. What's in the ground at the moment, correct? So if you look at the county in whole -- and I use the county data to do this. They have two million whatever square feet divided by the population at that time -- gives you a square foot per capita of what commercial -- what the commercial demand is and supply is in this county.

And if you looked at the entire county based at the time I did this study, it was 78 point something square feet per capita. When I did my analysis on this market area, it actually came out to 17 square feet per capita. So you can see --

CHAIRMAN FRYER: Mr. Weyer, you're familiar, are you not, with the village and town zoning in Collier County?

MR. WEYER: Yes, sir.

CHAIRMAN FRYER: And some of the requirements of those.

MR. WEYER: Yes, sir.

CHAIRMAN FRYER: And, of course, this is not within the RLSA, but I think it shows that for the purposes of planning, what the county's looking for -- and I would submit to you that particularly in a case where you're marketing to retirees, that walkability and proximity are very important features to be observed. And when you -- when you talk about the entirety of Collier County, perhaps, patronizing your stores, I think that will run contrary to my understanding of what a typical retiree might do and would prefer to have, and that would be something closer in.

MR. WEYER: I totally understand what you're saying there, Mr. Fryer; however, remember that 78 square feet per capita is really urban driven, because that's where everything has been done, okay. So we're talking about the rural area now. That's why I went and did my analysis and went down to 17 square foot per capita on the demand side. It could be higher than that.

Your East of 951 Study that was done quite a few years ago used the Collier Interactive Growth Model, and when you divided what the total buildout was going to be in that study divided by the population of that study, it was 102 square feet, and that's east of 951. That's what the model was saying at the time. So I went into intricate detail to make sure that I was getting the true demand side of this.

And then on the supply side -- I notice Mr. Schmidt had pointed out there are a bunch of different parcels in there. Most of those were accommodated in there. There was one that was missing. I did put that back in, reran the numbers, and your -- the allocation ratio came to 1.25 versus the 1.12.

So that's the only thing that changed. Because we were off by -- I thought it was like 200,000 or something between what Mr. Schmidt had and what I had. Now, what I did there is I took that drive-time area, and I pulled up all the data from the Property Appraiser, which you can do, and then I, you know, took out all the blank ones, and I have the blank ones, and I put a FAR -- you know, a floor area ratio based on the county to those, and then also I had all the ones that were already built that were applicable. And if you saw back in my appendix, you see the ones I had in there that were applicable, the blank ones that were applicable, all the ones that were taken out, like churches and things like that, which are considered under the commercial, and that's how I got to where I did.

CHAIRMAN FRYER: I don't think your analysis takes us logically to a need for the highest intensity at C-4. I just think it utterly fails to do that.

MR. WEYER: My question to you, then, is we would have to go through in each -- you would want a study that would be like this for each, each, each use --

CHAIRMAN FRYER: Well --

MR. WEYER: -- ultimately.

CHAIRMAN FRYER: -- I think the most intense uses should find some support in the competent and substantial evidence from an expert like you, and I find no such support in this document, and I think neither did staff. And I think they were being very generous in trimming you down to what you call C-3

plus. I don't think there's sufficient evidence to support that. It may be the case. I'm not saying that it can't be supported. I'm just saying that what you've brought in front of us today, in my opinion, doesn't support it.

MR. WEYER: I respect your opinion, sir, but...

CHAIRMAN FRYER: Well, thank you. I respect yours, too.

MR. WEYER: Any other questions?

CHAIRMAN FRYER: Yes, please.

COMMISSIONER FRY: Mr. Weyer --

MR. WEYER: Yes, sir.

COMMISSIONER FRY: And I'm not sure if you're the appropriate person to answer this, but I've just brought up the idea of one of the C-4 uses that is most likely a mini-storage facility.

MR. WEYER: Yes, sir.

COMMISSIONER FRY: And it would use 50 percent or more of the square footage of this that's proposed for this project.

From an economic standpoint, what is the benefit of that type of facility versus other types of uses that might otherwise be used for that 100,000 square feet in terms of how it economically benefits the residents in the area?

MR. WEYER: That's a very good question. The concept of the self-storage, as you know -- and they're doing very well, because when people do move here, they're bringing all their extra stuff with them. And your question has a lot of -- has multifaceted answers to it, one of them being is, what is the economic driver for the landowner? What is the economic driver for a self-storage facility? Is that appropriate?

Now, I know they had mentioned the fact that there was one self-storage unit out at Ave Maria. There's one on Vanderbilt Beach Road almost at the intersection of Collier Boulevard. There's another one that's in front of -- near Old Cypress. And those -- this is, like, right in between the two. So it's going to accommodate that growth that's coming east from -- down Immokalee Road. I think that opportunity is there. There's a hole in the market right there for that.

So it really depends on -- it's going to be -- it's market driven. The markets are very efficient. You know, they're going to address and go after what is needed, and that's why markets are pretty much an equilibrium. You don't see people building a huge, huge shopping center out in the middle of nowhere. That doesn't happen. They follow each other and make sure that they're -- you know, that -- they're only going to provide the needs of what those people are.

So they like to have that use. I think it's very important to have that out there. This is the first opportunity to have it in between those two places. And so, you know, whether it happens or not is one thing, but they would like to have that use there.

COMMISSIONER FRY: You brought up that there's economic factors of the property owner as well as putting in these -- is it economically advantageous to the property owner to use these facilities. And, obviously, we've all seen a pattern where it's proposed in every commercial development that we've seen in the last year and a half I've been here.

What are the economic drivers for the property owner? Why is a mini self-storage unit always part of what we -- what comes to us? Is it just a very high profitability density use for a property owner?

MR. WEYER: Again, that has multifaceted answers to it as well. Yes, it could have that capability. What happens if the land is leased to do that type of use versus owned or sold outright to that type of use?

So it really has a lot of different answers, and that's market driven. It really is market driven. We have no control over that market. The market's going to dictate what gets put there, ultimately.

COMMISSIONER FRY: When you say "market driven," though, I guess my question is: Let's say a -- I don't know the size of a Home Depot. Let's say you have a grocery store there. There's a Publix close. But you're comparing that use to other uses that might go there otherwise in that square footage, and I'm thinking of large type box stores that draw people from all over the place. Is there a demonstrated

need in your report for mini-storage units in that area, the physical -- or the need for those additional units in that area? And how would you contrast that to the alternate use of a big-box store, a Home Depot, a Lowe's, you know, whatever might go in there that's an alternate purpose for the residents?

MR. WEYER: At this point that's very hard to determine. I think, ultimately, when you get the people out there, the market's going to dictate what goes there. And if they see people are moving out there first -- there's a Publix right down the road, so Publix has their own way of measuring it. CubeSmart has their own way of measuring the market. They all have their own ways of measuring the market. And I didn't put all those in here. We were just looking at it in general, and it's on a per square foot of what the county has been accepting in there. When you ultimately get to the bottom line in the -- down what they're going to put in there, that's going to be market driven, and it's -- and it's not today. That's a year, two years down the road.

COMMISSIONER FRY: I guess I wonder if it's purely market driven or if it's somewhat supply driven in that it's an easy, profitable thing for a property owner to put in.

MR. WEYER: If there is no demand for it, they're not going to put it in. Bottom line.

COMMISSIONER FRY: Got it. Okay. Thank you. Appreciate it.

CHAIRMAN FRYER: You -- would you mind addressing what you called a flaw in staff's analysis that required you to consider undeveloped but properly zoned commercial property in your projections as well as developed?

MR. WEYER: Are you talking about the allocation ratio description that I have in my report?

CHAIRMAN FRYER: Yes.

MR. WEYER: Yes. Basically, when you're looking at the entire Comprehensive Plan, there are places in the Comprehensive Plan that have commercial located in there. And when you have a piece of land, they have us consider -- and rightfully so, they have us consider pieces of land that have a commercial overlay, but we don't know what they're going to be, kind of like what we talked about earlier in terms of use.

Well, when I'm considering, like this parcel, for instance, and I'll have a blank piece of land out here that falls within the market area, then that has to be considered competition -- well, not competition but supply. And so we put an allocation ratio out there -- or a FAR, excuse me, floor area ratio, and I base that on what's actually in the market, what the county has in the market based on square footage that's been built acreage and all those good things.

CHAIRMAN FRYER: You understand that that's not what the county was looking for from a consultant? Well, we'll wait for staff to explain that.

Also, the corridor study, are you familiar with it?

MR. WEYER: Yes.

CHAIRMAN FRYER: Okay. And in part the corridor study supports the notion that there will be a rezone and a need for a GMPA because it's acknowledged that at the time it wasn't contemplated that there would be high commercial use or really any commercial use in that area; that it was more to the south. But that takes me back to my point. That doesn't mean that we just have two choices, either your highly intensive C-4 or sticking with the current estates zoning. There are, you know, lots of things that could be way more appropriate in between that is, as the planning group in this county, it's our responsibility to consider.

And a question for you; you invited us to think about population all the way out to 2045 as might be in support of what is being proposed. Let's say that you were limiting your opinion to the current horizon that the county operates within, which is 2025. Would your opinion be the same?

MR. WEYER: In terms of supply and demand?

CHAIRMAN FRYER: No. In terms of recommending the appropriateness of this requested GMPA.

MR. WEYER: Yes. That is the horizon year. And in talking with prior staff and people that I've talked to here, they usually look out 10 years from this point.

CHAIRMAN FRYER: Are you're saying -- but I asked you about 2025.

MR. WEYER: 2025, it's still there, because we're at a 1.25 allocation ratio.

CHAIRMAN FRYER: So there would be no difference in your recommendation --

MR. WEYER: No, sir.

CHAIRMAN FRYER: -- in support of this GMPA if the horizon were 2025?

MR. WEYER: Correct.

CHAIRMAN FRYER: All right. Anybody else have questions?

(No response.)

CHAIRMAN FRYER: Okay. Mr. Davies, do you have more for us?

MR. WEYER: Thank you, sir.

MR. DAVIES: If I may, Mr. Chairman, I'd like to invite Mr. Trebilcock up to address your traffic questions.

CHAIRMAN FRYER: Please.

MR. DAVIES: Then I will add some additional comments after his.

CHAIRMAN FRYER: Thank you.

MR. TREBILCOCK: Good morning. My name is Norm Trebilcock, for the record. I'm a certified planner and professional engineer with 30 years of experience here in Southwest Florida mainly in Collier County.

We prepared the Traffic Impact Statement for the project. The traffic study was deemed complete based on our September 2019 submittal, so at that time the 2019 AUIR hadn't been adopted yet. I believe it was adopted --

CHAIRMAN FRYER: No, you're correct, and I saw that. But, of course, you're here in front of us now.

MR. TREBILCOCK: Yes, sir, yeah. No. So -- and out of respect to what you've stated, we did -- and staff normally, too. We look at the current AUIR just to verify that the assumptions continue to be correct. And so I did apply the 2019 AUIR data that was provided, and --

CHAIRMAN FRYER: Was that in your TIS as an addendum or anywhere in the materials we were submitted?

MR. TREBILCOCK: No, no. I'm providing that.

CHAIRMAN FRYER: Well, that's what I'm asking for.

MR. TREBILCOCK: Yes, sir, yes, sir. And that's why I guess I'm here to maybe help with that.

CHAIRMAN FRYER: Okay. Do you think in the future that you could include --

MR. TREBILCOCK: I agree.

CHAIRMAN FRYER: -- bringing things up to date?

MR. TREBILCOCK: Yes, sir. I agree wholeheartedly. I mean -- and please also -- I've done that in the past, and I've been told, well, don't give us these last-minute documents that overwhelm us either, so -- but I will exactly do what you're saying.

CHAIRMAN FRYER: But this wouldn't have been a last-minute.

MR. TREBILCOCK: Well --

CHAIRMAN FRYER: October of 2019.

MR. TREBILCOCK: Correct, it's -- but it's a matter of when we're having meetings. But I'm good with it. Yes, I appreciate it.

CHAIRMAN FRYER: I appreciate that. Thank you very much.

MR. TREBILCOCK: So based on those assumptions, we carry forward, as you mention, that the planning horizon had been 2024. 2025 is appropriate, as you said. And so we still would have the same conclusions that we did identify in the study that, you know -- that was identified was Randall Boulevard would fail under background. And so what our proposal -- and with any other segments like, you had mentioned, if for some reason some other segment came forward, we would propose a mitigation plan that would address those items as we move forward, so -- yes, sir.

CHAIRMAN FRYER: Okay. And I understand that that would come later.

MR. TREBILCOCK: Yes, sir.

CHAIRMAN FRYER: And it was not put in front of us, but it certainly should. If this makes it back to us, I think it certainly should.

MR. TREBILCOCK: Yes.

CHAIRMAN FRYER: In view of the imminence, if you will, of the deficiency on that segment, 2024.

MR. TREBILCOCK: Yeah. So, I did -- I think what you're referring to is typically they'll put a -- kind of a column to say looking -- that may occur. We use those exact numbers, and we didn't have particular failure; however, we did continue to have, on Randall, the issue that we had identified in the study. But I'll make sure we have that taken care of.

CHAIRMAN FRYER: Okay. And that --

MR. TREBILCOCK: Yes, sir.

CHAIRMAN FRYER: The 2024 failure date might not have been in the 2018, but it certainly is in the 2019.

MR. TREBILCOCK: Correct. It's a -- it's kind of an indicator, but it's based on -- depending on what the growth is occurring, and we apply the agreed-upon numbers.

CHAIRMAN FRYER: It would certainly be your testimony, though, that there's going to have to be significant mitigation of that problem when we get to the PUD.

MR. TREBILCOCK: For the -- where we would --

CHAIRMAN FRYER: For the site plan.

MR. TREBILCOCK: We would have to identify mitigation that we've objectively identified and identified in the original and also currently would be, yes, for Randall Boulevard. Yes, sir.

CHAIRMAN FRYER: Okay. So you acknowledge that that is a major thing that has to be dealt with?

MR. TREBILCOCK: Mitigation would need to be addressed, yes, sir.

CHAIRMAN FRYER: Okay. Thank you.

MR. TREBILCOCK: Is that it? Anything else? Any other Planning Commission members? Yes, sir.

COMMISSIONER FRY: Quick, question, Norm.

MR. TREBILCOCK: Yes, sir.

COMMISSIONER FRY: Just to clarify how the trip bank is evaluated with regards to other projects that have been approved but not yet built that are of a similar nature, commercial nature, in terms of, are those trips that were approved on previous projects that are not yet built out, are those included in the trip bank and then they're, therefore, included in your calculations?

MR. TREBILCOCK: Well, staff probably keeps -- they kind of run the bank, for lack of a better word. So they can probably better address that.

COMMISSIONER FRY: Okay.

MR. TREBILCOCK: But, yes, sir, that's exactly it. Certain projects that, when they're vested, they're identified in the bank. And that's a key thing. When you look at a lot of these roads, especially on Immokalee Road, there's a very high bank as compared to what the actual traffic levels are. So staff is doing their job in terms of looking in the future and saying, hey, we see a lot of stuff is coming forward as well.

COMMISSIONER FRY: Thank you.

MR. TREBILCOCK: Yes, sir.

CHAIRMAN FRYER: Anyone else?

(No response.)

CHAIRMAN FRYER: Mr. Davies, I guess back to you, sir.

MR. TREBILCOCK: Thank you.

MR. DAVIES: Thank you, Mr. Chairman. Again, Noel Davies, for the record.

With regard to your comments as to staff's analysis and other potential options for this property, we do believe that the market supports this specific proposal. We believe that Mr. Weyer's report is professionally acceptable and viable in support of this petition. It does provide the requisite data and analysis to meet the county's requirement -- requirements, excuse me, to amend your Comprehensive Plan.

CHAIRMAN FRYER: Thank you. Any further questions from the Planning Commission of Mr. Davies or of anyone on the applicant's team?

(No response.)

CHAIRMAN FRYER: Okay. We will now turn to staff for its report.

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

MR. SCHMIDT: I do.

CHAIRMAN FRYER: Please proceed, sir.

COMMISSIONER FRY: He's very steady.

CHAIRMAN FRYER: Corby, if you can hear us, your screen has -- the sound has frozen.

MR. KLATZKOW: Or Corby has.

CHAIRMAN FRYER: We're not hearing you at all. Should we take a brief break to try to correct this? All right. How many minutes do we need to see if we can fix it? Five. We'll stand in recess for five minutes.

(A brief recess was had from 10:00 a.m. to 10:05 a.m.)

CHAIRMAN FRYER: Let's go back in session, if we may, please. We have Corby Schmidt not live but in person, electronically present, and his lips are moving. And we're going to ask him to give staff's report, please.

Can we go back into session, please. Go ahead, Corby.

MR. SCHMIDT: All right. And if I could also see the PowerPoint.

CHAIRMAN FRYER: PowerPoint. Who's going to run that? By the way, while that's being called up, I personally think it's great -- and I know staff has got a lot on its plate -- but when it can come forward with a PowerPoint for us, it really is very, very helpful, so thank you.

MR. SCHMIDT: It's above. He's searching, but it is high on the list.

CHAIRMAN FRYER: Okay.

MR. SCHMIDT: Way up. There he is. Now No. 1, and the only PowerPoint there. There. We've prepared this to help illustrate some of our recommendations and make them a bit more illustrative as we explain.

Now, when the staff made our recommendations, we looked at county policy, our practices, not just application materials, and what we were seeing, what we saw was, like you've talked about this morning, an application that asked for every use, both permitted and conditional, in the C-1 through C-4 districts. And what the county policy is in this area and what we counter recommended with is that next slide, please.

The idea that when development for commercial uses is outside of activity centers, your community commercial uses would have any kind of supportable demand. We found that to be what was being proposed, the size of the project, the scope of their market area, and that's what they were showing us. So in kind or -- that was what we were working with.

That drive time, the supported square footage that we could come up with and so on is what you see in those community commercial uses -- next slide, please -- is the -- essentially, not everything available in C-4 but a smaller square footage, fewer uses, because what you're going to find in community commercial areas outside mixed-use activity centers, and this is throughout the county, as we begin to use the growth model more actively, they're going to be sized and limited as their locations dictate.

And in this case, the recommendation reflects 178,000 square feet maximum, and those C-3 uses, again, with the request -- next slide -- with the request that as we get to the PUD consideration of this, that the zoning personnel limit these uses further. These are simply the ones that we could look at quickly and say, here's your bookends. Some of these may not be appropriate at this location still, and they will be

looking at these to reduce this list further.

We also looked at some other protections for neighbors in this area because of the impacts of traffic and I believe, even as you've talked about this today, have interconnections from this property to both north and the south as part of this plat amendment. Don't wait for the PUD. Make it now as part of the requirements here, as part of the provisions of the plan amendment so the language is in the document, and then later it will appear as part of the concept plan, whatever we saw on screen earlier. It would be -- certainly not look like that later.

We saw -- or we heard from neighbors at the neighborhood information meeting that they were concerned about that back street. It looks like we've already heard from the applicant's agent and others that the design of this project, and with the guarantee of interconnections staying off of that 4th Street Northeast, that we can make sure that those neighbors are bothered less by the operations than they first were concerned about during their information meeting.

Next slide. You've had this in your packets, but we've gone page by page here to help show some of the changes we've recommended specifically to the language to make sure this is complying with our recommendation and laid into their language being proposed for the subdistrict. We've already heard something earlier in this meeting from the applicant's agent to amend. I believe in that first provision there, lower line, to provide a variety of retail and office uses. They've already said they'd like to counter with that of commercial land uses. Easily changed. Staff can't find a problem with that terminology.

CHAIRMAN FRYER: Corby, staff supports that?

MR. SCHMIDT: We would not have a reason not to.

CHAIRMAN FRYER: Okay. Thank you.

MR. SCHMIDT: Yeah, when we look at all the land uses that they proposed, and if they were to, let's say, get approved with every C-4 land use outside the realm of retail and office. So, yes, it would almost have to change.

Here you see some double underlining that matches the language in our recommendation at the end of your staff report, not as it appears in Exhibit A of the resolution -- next slide -- because our recommendation is different than the applicant's. And, here again, as you just read through these on screen, it matches what's in your staff report. See how the C-4 has changed to C-3. And even here I'd be cautious about some of those things that are in C-3 as conditional uses because you would want to know that -- and this is if we have the zoning people looking carefully at this afterward. What are some of those conditional uses in C-3 that may or may not be appropriate at this location? New car dealerships, bowling centers, hospitals, indoor movie theaters, and some of those permitted uses where we lift the size limitations. Again, community-scaled commercial centers may not be appropriate for some of those conditional uses, and certainly to approve them up front is a concern of staff.

Next slide. Here we see some of those individual uses proposed by the applicant that seem appropriate to keep on the list. And one more, please. And just as a comparison, when you get up into the C-4 district, and as the applicant proposed 200,000 square feet of all permitted and conditional uses would mean things like those conditional uses in C-4 might include or can include: Communications towers above the limited heights, outdoor amusement and recreational facilities, new and used car dealerships, automotive rental and leasing establishments, gasoline service station, hotels and motels, recreational vehicle dealers, and, of course, the mini and self-service storage warehousing.

Generally, in C-4 you get those items with the outdoor storage and outdoor activities, shying away from that in your community commercial centers, of course, and that's why you see the staff recommendation the way it is.

One more slide. I believe that may be the end of it here, except that we're also not knowing at that time what the master plan for the accompanying PUD might look like we had this condition then.

And, certainly, at this point I would add another recommended condition -- if I have finished the slides, this would be F2. Let's take a look -- that interconnections shall be provided with properties located immediately to the north and to the south. That kind of generalized statement in the Comprehensive Plan

provisions would allow for the specificity in the PUD should this be approved.

And that's what I've got. Questions?

CHAIRMAN FRYER: Thank you. Questions for Mr. Schmidt?

COMMISSIONER SHEA: Yes.

CHAIRMAN FRYER: Paul.

COMMISSIONER SHEA: I'm still the new guy, so I can ask the dumb questions. What's a bottle club?

CHAIRMAN FRYER: I didn't hear what you said.

COMMISSIONER SHEA: What's a bottle club?

CHAIRMAN FRYER: Bottle club. I don't know.

COMMISSIONER SHEA: We're approving it.

CHAIRMAN FRYER: Oh, yeah, is it BYO? Is that what it is?

COMMISSIONER HOMIAK: I think so.

MR. EASTMAN: Yeah.

MR. SCHMIDT: If Ray is present, I'll have him answer that specifically. It's a zoning kind of definition, not a planning one.

CHAIRMAN FRYER: Bring your bottle, Ray.

MR. BELLOWS: For the record, Ray Bellows. That is exactly what the intent is. You might have an eating establishment that doesn't have an alcoholic beverage license.

COMMISSIONER SHEA: Okay.

MR. BELLOWS: So the patrons would bring their own wine.

CHAIRMAN FRYER: Got it.

COMMISSIONER SHEA: So another -- I have a series of questions.

CHAIRMAN FRYER: Please, go right ahead.

COMMISSIONER SHEA: Question for Corby. Again, I don't understand a lot -- I understand a lot, but I don't understand a lot. What would go there if we didn't approve this? Residential? Under the current land use, what would go there?

CHAIRMAN FRYER: If I can jump in first and then, Corby, let you correct me. I think it's generally accepted that the property is mis-zoned right now; that something's going to have to change, and it's probably going to involve commercial. But the question that I raise is, is this an all-or-nothing deal? Do we have to take what the applicant is bringing forward, or try to hold it at Rural Estates zoning? No, those are not the only options.

COMMISSIONER SHEA: Well, the concern -- again, I'm trying to learn.

CHAIRMAN FRYER: Let's -- I'm going to have the County Attorney correct me.

MR. KLATZKOW: You know, sometimes I think I'm here too long. We've had this conversation once upon a time, the Planning Commission, on Collier Boulevard, when Collier Boulevard was a two-lane road. And we had all sorts of residential uses on it down, and we had some model homes for builders there.

And then Collier Boulevard got six-laned. And then it's the same conversations where, well, nobody wants to build a residential house here anymore because. And it took a couple years for the Planning Commission to get through that, and the same thing's happening here. Once upon a time -- this was -- this was appropriately residential. This is going to be a major artery down the road. Applicant's report has 100,000 people in 15 minutes of this place. God only knows how we're going to handle the traffic. And it's no longer appropriate for being residential. Nobody wants to live whose front yard is a six-lane highway, and that's precisely what this is going to become.

COMMISSIONER SHEA: So the plan is flawed?

MR. KLATZKOW: No, the plan is not flawed. The plan is appropriate, but life changes.

COMMISSIONER SHEA: Well, here's what I got worried about and I don't understand. So you have residential, and somebody established a growth management plan. I understand how it evolves and

changes. But you also have a lot of undeveloped commercial area. And, again, I don't see -- it seems like the big disagreement is whether supply and demand is really there for this, to make that change.

So I get very worried that now all of a sudden we make this change from residential to commercial, and now you have these two other commercial lots across the street and go, wow, I wanted to put up a storage facility. I have the right zoning, and now they've turned around and changed the zoning so they could get there before me. I kind of look at that as, philosophically, either we change the plan as a whole if it's flawed -- and I don't know what that means that it's flawed -- or we're getting into a spot zoning type thing and that, to me, means that the community at large can't rely on anything they see on a growth management plan.

CHAIRMAN FRYER: Commissioner Shea, that is exactly the kind of discussion that we as the Planning Commission need to have and are having, and the point you're making is exactly correct. And when we look at these petitions that come forward, we need to look at the bigger picture as you have rightly pointed out.

And the Growth Management Plan was correct and adequate and appropriate at the time, but conditions change and, you know, circumstances are dynamic. So you really have to be prepared to change as change occurs. But my concern -- I'll reiterate it -- is that we don't just have two choices here. It's not we leave it as Estates zoning or we go to most intense C-4. There are a lot of options in between. Eventually, sooner than later, it's going to become commercial.

COMMISSIONER SHEA: But in the big picture, we're increasing the amount of commercial land in the county than we thought we had when we developed the Growth Management Plan. And I'm more into following what the attorney was saying, is maybe we should look at the whole plan more regularly than spot changing it and getting ourselves in trouble.

CHAIRMAN FRYER: No one up here would disagree with you except people who want to sleep eight hours a night because of the amount of time this could take.

MR. SCHMIDT: Nor here, nor would I disagree.

COMMISSIONER SCHMITT: But, Corby, how many times in the past, let's say, 10 years -- well, I'm not -- I'm thinking more of east. But how many times have we discussed the Comprehensive Plan, amending the Golden Gate Area Master Plan? Haven't there been restudies, different groups meeting, and didn't the Board at one time direct a review of the Golden Gate Area Master Plan?

CHAIRMAN FRYER: We have Anita at the podium.

COMMISSIONER SCHMITT: Anita will answer that. Thank you.

CHAIRMAN FRYER: Go ahead.

MS. JENKINS: Yeah, Anita Jenkins, your interim zoning director.

And, Commissioner Schmitt, you're right, we did just go through a Golden Gate Area Master Plan Amendment, and it included the Rural Estates. And we have a policy in that Growth Management Plan that said that the area between Oil Well and somewhere around Randall, a little further south, needed to be restudied as a whole. At the same time that we were doing that, the applicants were also looking at it.

So, you know, we're -- it's just a matter of timing here of what's going on. But you're correct in that the Golden Gate Area Master Plan recognized the need to look at that area differently.

COMMISSIONER SCHMITT: I mean, that involves community organization or community meetings and gathering a comprehensive analysis of or conducting a comprehensive analysis, really, what is needed out there versus -- and what the residents want. Yeah, we just did that. I mean, I know we just -- about a year-and-a-half ago was the Golden Gate Area Master Plan, yeah.

MS. JENKINS: Right. And that planning study is going to come forward and hopefully help to fill out this area a little bit.

COMMISSIONER SCHMITT: That gets -- that's the whole look, but I'm -- we don't have any -- I don't know if there's any justification, I guess, or I'm looking for that -- or I'd even look to the attorney that we could say we can deny the applicant from bringing this forward. They have every right to do so. They

own the land and have every right to do so. It's something that -- than other than we deny the petition, but they have every right to seek the Comp Plan amendment; am I correct?

MS. JENKINS: Oh, yeah. Absolutely. They have the right to ask for a Comp Plan amendment, and I think that the market studies that the applicant has brought forward in Corby's analysis is demonstrating the need for commercial in this area.

COMMISSIONER SCHMITT: Yeah.

MS. JENKINS: It's just a matter of the intensity that you guys want to look at.

COMMISSIONER SCHMITT: I'd be anxious to hear what the applicant says in rebuttal to anything that staff brought up.

CHAIRMAN FRYER: Sure. And I would just say, Commissioner Schmitt -- I'm sorry. Go ahead.

MS. JENKINS: We have a technical issue, and I think we need a break for a second.

CHAIRMAN FRYER: How many minutes?

MS. JENKINS: Ten-minute break.

COMMISSIONER SCHMITT: We lost Corby again?

CHAIRMAN FRYER: Okay. We stand in recess for 10 minutes.

(A brief recess was had from 10:25 a.m. to 10:37 a.m.)

CHAIRMAN FRYER: Return to session. Sorry for the delay. This will probably have constituted our mid-morning -- it will have constituted our mid-morning break.

And the first order of business, I'd like -- as we think about logistics and lunch and various things and our remaining agenda, I'd like to ask the County Attorney to tell us real quickly what our options might be just in handling our business for the day.

MR. KLATZKOW: Well, if we continue to have technological issues, we can table that particular item and move to another one until we can get the technology back on. That's one option the Board has. I don't see much value in sitting here twiddling our thumbs while we're waiting for IT to get us a connection.

CHAIRMAN FRYER: Okay, good. So --

MR. DAVIES: I have a suggestion on that point, if I may, Mr. Chairman.

CHAIRMAN FRYER: Go ahead.

MR. DAVIES: And especially if that works for your schedule today, in light of the technology issues. I have had the opportunity to confer with my client. I also was able to confer with staff, with Ms. Jenkins, with respect to the possibility of the interconnect and also the possibility of a more refined and precise use list.

So I would like to make a request, Mr. Chairman, to continue this hearing to your next Planning Commission meeting if schedule permits, and I believe that that's possible in my discussion with Ms. Jenkins.

CHAIRMAN FRYER: Okay.

MR. DAVIES: And during the intermediate time, we will work closely with your staff on those two issues and any other open items that were discussed today.

CHAIRMAN FRYER: I think that's a wise decision. And unless -- without objection from the Planning Commission, we will continue this matter until the 20th of August, and I guess it will be the first item on the agenda at that time. Is that how we do it? Okay.

MS. JENKINS: (Nods head.)

CHAIRMAN FRYER: Thank you very much, Mr. Davies. Thank you, applicant team.

Okay. So we're going to proceed now. It's quarter of 11:00. Certainly we can go till noon, maybe 12:30, see how things move along.

***The next -- next item we have comes in companion form, and it's 9A2 and 9A3. 9A2 is PL20180002804. It's a request to amend the urban mixed-use Activity Center No. 7 to allow up to 265 multifamily residential rental dwelling units in the Hammock -- in the Hammock Park Mixed Use Planned Unit Development, and it is a large-scale Growth Management Plan. It comes to us for our

recommendation with respect to adoption.

A companion of that is 9A3, and that's a rezone from a CPUD to an MPUD. It would be MPUD PL -- may I ask for order, respectfully? Thank you. That the PUDA would be an amendment to change the CPUD to an MPUD to allow for that number of multifamily residential rental units. Without objection from the planning committee, we'll hear both of those at once. There will actually, I believe, be three votes because there's an EAC vote as well. But we'll hear and consider these at once.

So all persons wishing to testify in this matter, please rise and be sworn in by the court reporter. (The speakers were duly sworn and indicated in the affirmative.)

CHAIRMAN FRYER: Thank you.

Disclosures, ex parte from the Planning Commission. Let's go automatically starting on my right.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Thank you.

COMMISSIONER FRY: Staff materials, conference call with the attorney.

CHAIRMAN FRYER: Staff materials, staff meeting, and communications with the representatives of the applicant.

COMMISSIONER HOMIAK: I had nothing.

COMMISSIONER SCHMITT: Communication with Mr. Yovanovich.

MR. EASTMAN: Nothing outside the public record.

COMMISSIONER HOMIAK: Is Patrick still here?

CHAIRMAN FRYER: I don't think Patrick has been here.

Patrick, are you here?

(No response.)

CHAIRMAN FRYER: Okay. All right. We'll begin with applicant's presentation.

Mr. Yovanovich, please proceed.

MR. YOVANOVICH: Thank you. Good morning. For the record, Rich Yovanovich on behalf of the applicant. Sorry, it's a little sticky up here.

With me -- with me today is David Torres with Wilton Land Company, who's the applicant; obviously myself; Alexis is our professional planner; and Jeremy is our engineer; Norm Trebilcock is our transportation consultant; Bethany Borsious is environmental consultant; and Russ Weyer is our economic consultant.

CHAIRMAN FRYER: Rich, for some reason you're not coming in real loud.

MR. YOVANOVICH: Is that better?

CHAIRMAN FRYER: That's much better.

MR. YOVANOVICH: That's usually not a problem for me. I apologize.

CHAIRMAN FRYER: No problem.

MR. YOVANOVICH: This is your second time you've heard this matter. The first time was the Growth Management Plan at the transmittal stage. At that time we went through in fair detail the PUD as well because we knew we were bringing it back to this meeting, but we wanted to make sure that the Planning Commission understood the impact of the proposed Comprehensive Plan Amendment. So we discussed both of those items in the past, and you're familiar with those.

So I'm going to do an overview of the project, and then if there's specific questions that you have of any of the consultants, we're all available to answer any of your questions.

Again, on the visualizer -- it's not the visualizer anymore. I'm sorry. On your screen is an aerial showing the property that's approximately 19 acres at the northeast quadrant of Collier Boulevard and Rattlesnake Hammock. It is -- as you are aware, we're in the Urban Residential Fringe, which is immediately adjacent to the urban area that happens to be on the other side of Collier Boulevard.

This is one of two activity centers that does not allow for 16 units per acre for a residential density. It allows for 1.5 units per acre plus the ability to buy a TDR to get to two-and-a-half units per acre.

Our intention is to add up to 265 multifamily units to this property which requires us to do both a

Growth Management Plan Amendment as well as an amendment to the existing PUD. The existing PUD allows for 160,000 square feet of commercial uses. So we have both of those petitions today in front of you.

I've already addressed the first point.

The second point is to add the 265 multifamily units. We were also required by your staff -- because our intention was to add the 265 units as an alternative use but stay within the existing trip cap related to the 160,000 square feet of commercial that exists today, we were asked to do a calculation of what would be trip neutral if we did the full 265 units and commercial. Theoretically, we could do 265 residential units, and we could theoretically do 148,500 square feet and still be trip neutral under the ITE analysis.

As you heard me say at the last hearing, and I will say again today, there's no way to fit all of that on the 19 acres.

So I was asked by Mr. Fry in our conversation, could we put a more realistic maximum commercial square footage if we were to do the residential and some commercial. And as I'll explain later, we did commit to a minimum of 20,000 square feet, of which 5,000 of those square feet had to be a sit-down restaurant, because the residents in that area wanted to make sure we were still offering some commercial because they were concerned with the number of rooftops there that --

CHAIRMAN FRYER: Could you give us those numbers again, Rich?

MR. YOVANOVICH: Twenty thousand square feet of commercial minimum and, of that, 5,000 had to be a quality sit-down restaurant.

CHAIRMAN FRYER: Got it.

MR. YOVANOVICH: That's in your documents.

Our maximum, if we did the residential/commercial mix option, realistically, we don't think we can fit more than 80,000 square feet. So we would cap it at 80,000 square feet. So the number that's already in your PUD that says 148,5- would go down to 80,000 square feet. So that will be -- and I've talked to Ms. Ashton about that change. And since it's going down, it's not something that will be complicated to do.

We went through in great detail the compatibility with the surrounding development which is across the -- down to the south of us is the hospital -- or a hospital, across the street is both a mixed use of retail and apartments, north of us is more commercial, and then caddy corner across the street from us is Naples Lakes, which is a mixed-use project. Their commercial is -- or directly across from us.

We expressed -- and there has been -- we're getting close to equilibrium on apartments, but the data and analysis shows that there's still a shortfall of apartments for the demand in Collier County and the proposed demand in Collier County, and your staff was recommending approval of the amendment because we've demonstrated that shortfall in demand.

I will tell you, as more and more apartments are coming along, the good news is we're getting closer to satisfying that demand and also it's probably starting to stabilize if not reduce some of the rental rates that are occurring and has been a concern for the community and this board as well as the County Commission.

And Wilton Land Company, Mr. Torres has been around for a while. He's the developer of Hacienda Lakes along with George Bauer. And so it's a local company that's already building an apartment complex in the area and is the developer of Hacienda Lakes as well.

I just went through most of these points, but I just wanted to give you a brief outline of what's around us. The Good Turn PUD is directly to our north, and I had mentioned that that was commercial. Directly to the east is the McMullen PUD. I know there were questions about building heights around us and are we compatible with those building heights. The McMullen PUD has a 50-foot zoned building height, 62-foot actual, which is consistent with what we're asking for.

CHAIRMAN FRYER: Sixty-two or 60?

MR. YOVANOVICH: Sixty-two.

CHAIRMAN FRYER: Sixty-two?

MR. YOVANOVICH: Or 60, but it's -- yeah, they're 62. The -- we have commercial multifamily as part of Hacienda Lakes, and this is more commercial Hacienda Lakes. We went through this analysis last time. There's hundreds of thousands of square feet of approved commercial in the Heritage -- I'm sorry -- in the Hacienda Lakes PUD/DRI that there's probably an oversaturation of commercial in this area, and converting it to residential makes sense.

Physicians Regional, I mentioned, is there. That's the shopping center in Naples Lakes. And this is a vacant ALF parcel, but that's part of the -- I think it's Sierra Meadows PUD that has retail and apartments and ALF in that area. There may even be a Racetrac gas station. I can't remember if there is one there now or not, but...

So, anyway, we fit in with the compatibility with the community and what's around us. This is -- this is the PUD master plan that shows on the CMU tract that is where we would be putting the residential aspect of it. And then, likewise, we could do that up front. But our commitment of 20,000 square feet minimum and a maximum of 80-, you know, the commercial is probably going to be up front and on the frontage of Collier Boulevard.

I've already hit this point, too, that we're reducing the commercial square footage that's in the area to make -- and in doing that, we're net trip neutral. The reality is we'll probably be net trip positive at the end of the day from what's already approved on Collier Boulevard.

We also committed to this board and to the Board of County Commissioners that some of the apartment units would be dedicated solely to essential service personnel, and we committed to 48 multifamily units, and we also committed, of those 48, 27 of them would be at the maximum price or rental price for 100 percent of the median income. And, if you recall essential service personnel, their starting salaries are slightly more than the 80 percent median income. That is the typical affordable housing cutoff, and we wanted to make sure that by providing rent -- I won't say rent reduced, but, you know, a cap on rents, we weren't cutting out the people we were trying to serve. So we agreed to the 100 percent, and that's also in the PUD document.

I went over the commitment for the square footage as well as the restaurant. And there are some minor changes to the PUD. And, Mr. Fryer, I was able to confirm that the strikethroughs for the commitments were because those are already code requirements that are in the PUD document itself -- and the LDC itself. So, typically, we don't repeat LDC conditions or code conditions in a PUD document, so we've updated the document to address those changes.

With that, we've had meetings with both our neighbors as well as the East Naples Civic Association. The East Naples Civic Association has endorsed our project. I've hit the highlights of everything we've committed to already. I don't want to repeat myself.

And with that, that is the overview, and we are available to answer any questions you may have regarding the specifics of the project. Again, it's pretty straightforward. We're asking to add residential based upon a market study to show residential is necessary and needed, and we've added all the commitments we had previously committed to as we went through this in front of the -- this board several months ago now, before COVID-19. And with that, we'll answer any questions you have.

CHAIRMAN FRYER: Thank you.

Any questions from the Planning Commission? Commissioner Shea.

COMMISSIONER SHEA: Just a process question to understand. I don't know if, Jeff, you're the guy to answer. How do we monitor the commitment to 48 units going to essential personnel as well as a rate being affordable for the average? How is that monitored in the future by the county?

MR. KLATZKOW: Staff has an affordability housing department; they monitor.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: And those conditions will be in the ordinance documents, too.

COMMISSIONER SHEA: Okay. So we have a group. Yes, that was the answer I was looking for.

CHAIRMAN FRYER: Yeah. Other questions, comments? Commissioner Fry.

COMMISSIONER FRY: Rich, you seem to just say a reference capping the rent, but I don't see any verbiage about capping the rent. These are market-rate units, correct, sir? You're simply reserving 48 for essential services?

MR. YOVANOVICH: No. If you go to Page 19 of 20 of the PUD -- I have no idea what page it is in your packet -- it's Condition 5.10. And I need to make a slight modification to that as discussed with Mr. Fryer.

If you go -- I don't know if you were there yet, Mr. Fry.

COMMISSIONER FRY: I'm there.

MR. YOVANOVICH: Okay. If you look at 5.10.A, the second sentence says, the income-restricted units will be offered for rent for a period of 30 years to ESP persons, and it should say -- instead of "based on," it should say "in the amount of the most current Collier County based" -- I'm sorry -- "Collier County board-approved table of rental rates that are established."

As you know, the median income fluctuates year to year, but the county publishes the rates based upon those thresholds, 100 percent, 80 percent, 60 percent. So we'll be bound by those rates that are published in that table.

CHAIRMAN FRYER: May I amplify, if I can, also to be sure that I've gained a complete understanding. With respect to 27 of the 48 units, these will be income restricted to 100 percent?

MR. YOVANOVICH: Correct.

CHAIRMAN FRYER: Okay. Now, with respect to the others, I assume that since they are encumbered, in a way, for 30 years, that they can only be leased to essential services personnel, that market will be determined by what a willing essential services personnel tenant is willing to pay.

MR. YOVANOVICH: Correct.

CHAIRMAN FRYER: Okay. Got it.

COMMISSIONER FRY: May I continue?

CHAIRMAN FRYER: Yes. I'm sorry. Sorry.

COMMISSIONER FRY: So, Rich, generally at the PUD phase we see a conceptual site plan. We saw something, I think, more developed for the last item than we see for this where we really have just CMU and then CMU1 areas with preserve shown. This --

MR. YOVANOVICH: We haven't done the site plan.

COMMISSIONER FRY: Am I missing something? Was there a more detailed site plan showing the layout of apartments and roads and --

MR. YOVANOVICH: Mr. Fry, we have yet -- we have not gotten that far into the actual -- we have just the development standards at this point. We have not laid out the potential apartment complex that would be on that portion of the property. It's not that far away, but we have another project that we're finishing up the lease-up on, and I think once that gets done, there will be a little bit more focus on the actual site plan for this one.

COMMISSIONER FRY: So then the site plan -- so I guess my concern is that, is it important for us -- we -- usually at this point we see a site plan that we review, and we include it in our -- you know, our negotiations. Are we at a loss for not having a more detailed site plan at this point?

CHAIRMAN FRYER: We usually see a master plan.

COMMISSIONER HOMIAK: A master plan.

COMMISSIONER FRY: A master plan.

COMMISSIONER SCHMITT: Typically all they have to submit is a concept plan, a master plan, with the -- at the PUD level. I know we -- many times they bring in a more formal plan, but it is not required.

MR. YOVANOVICH: And in this case, Mr. Fry, most of the times we're doing that is when we have immediate neighbors actually have developed right around us. In this particular case, we really don't have anything developed right around us. So usually we do that to assure our neighbors we're not going to

impose upon their quality of life. So we -- that's why we haven't gotten to that level today.

COMMISSIONER FRY: This is the --

COMMISSIONER SCHMITT: What's clear for the master plan, though, it has to show ingress/egress and other types of interconnects if it's required. And then they typically will delineate which area's going to be commercial or residential.

COMMISSIONER FRY: So this is sufficient information for our purposes today?

COMMISSIONER SCHMITT: For this site, yes.

MR. YOVANOVICH: Yeah. And I can't go back to -- for whatever reason, my presentation's not here. But I showed you the earlier slide that showed the aerial where we really don't have any development around us.

COMMISSIONER FRY: And the applicant is the developer of Hacienda Lakes, correct?

MR. YOVANOVICH: Yes.

COMMISSIONER FRY: Is the intent that that same applicant will actually develop these apartments, as you stated?

MR. YOVANOVICH: I can't tell you if it's the same legal entity, but it's certainly the same people.

COMMISSIONER FRY: Same people, okay.

MR. YOVANOVICH: Yes.

COMMISSIONER FRY: So it's not just being approved for sale. It's being --

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: It will be developed, okay.

Let's see. There's a -- I think this calls for an off-premises sign for Hacienda Lakes on this parcel.

UNIDENTIFIED SPEAKER: It's there already.

COMMISSIONER FRY: Oh, it's there already. So it's simply kind of grandfathering that in?

COMMISSIONER SCHMITT: That was a HEX approval -- a previous approval by the HEX for an off-site sign. It's already there.

MR. YOVANOVICH: You'll see -- if you look in the PUD documents, you'll see where we incorporated HEX approvals into this document to make this the current document you go to.

COMMISSIONER FRY: And the reason is, it's a similar owner -- ownership, and it's an interrelated project, I take it?

MR. YOVANOVICH: Yes, yes.

COMMISSIONER FRY: Okay. Just give us an update on the TDR. This requires one TDR per acre, and what's the status of those TDRs?

MR. YOVANOVICH: We have those TDRs under control.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Other questions or comments from the Planning Commission?
Commissioner Homiak.

COMMISSIONER HOMIAK: In your -- in our packet, Exhibit A of the transmittal has the old sentence language in it, and it wasn't what was transmitted. Staff had some other language in that. It must have been in the -- well, anyway, on Page 549, that was the exhibit that was transmitted, because the page before that is signed by the commissioner.

MR. YOVANOVICH: We agreed with the staff revisions, so I need to -- I'm trying to find that as you're talking, and I don't have it handy.

I guess I can't go to the visualizer. The language that's being added -- I'll just read it for the record, and we're fine with it -- is "the previously established residential density limits in a mixed-use activity center."

COMMISSIONER HOMIAK: That's not what we had in our packet with our --

MR. YOVANOVICH: Okay.

COMMISSIONER HOMIAK: I don't know why. It's in there. It's in -- you know --

MR. YOVANOVICH: That's the language we've agreed to, so -- and we're fine --

COMMISSIONER HOMIAK: Our material as to what was transferred -- I mean, transmitted.

MR. YOVANOVICH: Provided to you-all? Yeah, I don't -- Anita, do you want to address that, or are we good? We're fine with the language that was transmitted.

COMMISSIONER HOMIAK: I just wanted to tell you that we had was -- looked like this is what you're going to use.

MR. YOVANOVICH: Okay.

COMMISSIONER HOMIAK: And it's not what was sent before.

CHAIRMAN FRYER: Other questions from you, Karen?

COMMISSIONER HOMIAK: No.

CHAIRMAN FRYER: Okay. I have just a few. Most of mine have been answered or dealt with, and I appreciate that.

With respect to the 48 units -- and, Mr. Yovanovich, you and I talked about this. It is my earnest hope that we could keep that commitment at 48 until you were to go lower than 200 units, in case you didn't develop all 265. Have you had a chance to discuss that with your client?

MR. YOVANOVICH: I have, and thank you for reminding me to bring that up. We are comfortable with that commitment.

CHAIRMAN FRYER: Thank you very much. Maybe you want to state that so that -- because this was a conversation you and I had.

MR. YOVANOVICH: Yeah. Your request was that if we ended up developing something less than the 265, that we would still provide 48 ESP and 27 income-restricted units, so down to the number of 200. And if we got below 200, we can talk about percentages. We're not going to go below 200. So it would be -- it would be really too complicated. I think we're comfortable that whatever we develop will be 48 ESP, and 27 of those ESP will be income -- will be income-restricted.

CHAIRMAN FRYER: Okay. The next questions I have are really for Mr. Trebilcock, I guess. Mostly to get some clarification, I think. And I'm not going to beat you up about the 2018 AUIR again, because I think we understand one another now.

MR. TREBILCOCK: I'll take care of that, yes, sir.

CHAIRMAN FRYER: I appreciate that.

So this is going to be a mixed-use configuration and with a minimum of 20,000 commercial. Your pass-by number is 192. It just seems a little high to me with that kind of a configuration, but I'm open to an explanation.

MR. TREBILCOCK: Sure, sure. Good morning, again. It's Norm Trebilcock, for the record.

CHAIRMAN FRYER: If you wish, you can remove your mask. You don't have to, but you're welcome to.

MR. TREBILCOCK: That's a good idea. Thank you. See my smiling face.

CHAIRMAN FRYER: Yeah.

MR. TREBILCOCK: No. So the traffic study you have before you was not the reduced -- the pared down thing that Mr. Yovanovich had mentioned. So that's why you'd see those higher numbers. And we used the county standard pass-by rates, which are actually lower than what ITE says.

CHAIRMAN FRYER: Okay.

MR. TREBILCOCK: Yes, sir.

CHAIRMAN FRYER: Okay. The 192 is not operative?

MR. TREBILCOCK: Correct, exactly. It would be lower if we went lower like that, yes.

CHAIRMAN FRYER: Okay. Let's see. I had another question for you, and that has to do with the northwest point of ingress and egress which, of course, doesn't exist so you can't -- none of them exist, so you can't count cars. But could you explain how -- I believe you allocated 110 peak p.m. trips to that northwest point of ingress and egress off of Collier. Could you explain -- give us a little bit of an indication of the basis upon which you made your allocations for those three points?

MR. TREBILCOCK: Sure. That's a good -- a good point on that. Part -- let me just orient myself. Thank you. There we go.

Okay. Yeah. So they -- the developer had -- when they improved Collier Boulevard, they identified that as potentially a need. This actually will be a shared access with the property to the north and to them. So it looked to be a reasonable assumption to be made using 30 percent of the traffic, you know, with the traffic coming up Collier Boulevard or coming off of Rattlesnake. You would have an access area there, so it would seem to be a reasonable number for that.

The other part of the traffic, we're going to have about 10 percent coming from the Hacienda development. And the 2006 approval for this, Hacienda hadn't existed yet. So now with that, that would be a reasonable number, and then the rest of that traffic is then coming from -- off of Rattlesnake from the west there.

CHAIRMAN FRYER: Okay.

MR. TREBILCOCK: That was kind of the distribution based on that.

CHAIRMAN FRYER: Okay. Did you give some consideration to where the structures would be located, where they'd be sited? Because presumably someone would use the one that's closest to their residence.

MR. TREBILCOCK: Yes, that's a good point.

The -- and, again, with the layout of the property, knowing we're going to have that shared access, it would seem that this would be a good -- you know, good distribution. We didn't go too heavy in either direction as a result. And they did, actually, pay as a fair share for that northbound right turn lane off of Collier Boulevard when it got widened. So they recognized it as an important feature for the site.

CHAIRMAN FRYER: Okay. And just to complete our record --

MR. TREBILCOCK: Yes, sir.

CHAIRMAN FRYER: -- the 2018 AUIR had background traffic at 700 and the 2019 had 753, and I'd just like your testimony that that doesn't change your recommendation.

MR. TREBILCOCK: No, sir, it doesn't. Thank you. Thank you.

CHAIRMAN FRYER: Thank you. That's all I had.

MR. TREBILCOCK: Yes, sir. Thank you.

COMMISSIONER FRY: I have one question.

MR. TREBILCOCK: Any other questions? I'm sorry.

CHAIRMAN FRYER: Go ahead, please.

COMMISSIONER FRY: So I notice that you started at certain square footage, and you only had to remove 11,500 square feet of commercial to equal the traffic generated from 265 residential units. So just extrapolating on that to Rich's offer to reduce the cap on commercial from whatever -- what was it before, 148-, 148,5- down to 70-, I think was it correct, or was it 80?

MR. YOVANOVICH: Eighty.

COMMISSIONER FRY: Down to 80. Can we assume that that will radically reduce the number of actual trips from this project to be well below what was accounted for in the original PUD?

MR. TREBILCOCK: It would -- it would significantly reduce the trips if you reduce that commercial, to your point, yes.

COMMISSIONER FRY: I mean, if 11,500 equaled all the traffic from 256 residential units, reducing it another 68,500 would seem to have a major impact.

MR. TREBILCOCK: Yes. It's an interesting point. I mean, that's the whole internal capture and things. So it's a bit of a balancing between your internal capture, because then you're going to lose the internal capture, so then you'll get more external from the residential. So it is a bit of a balancing to it. That's the key in tons of working with staff, you know, on the internal captures and such. But to your point, yes, we would see a reduction, a pretty significant reduction --

COMMISSIONER FRY: So this revised --

MR. TREBILCOCK: -- yes.

COMMISSIONER FRY: -- amended project will produce less traffic than the original project?

MR. TREBILCOCK: Yes, sir, with the reduced commercial, exactly. Yes, sir.

CHAIRMAN FRYER: Other questions? I just have one for Mr. Yovanovich, or a comment. And I trust it's not an issue with you. We talked about adding the word "only" at the end of the first sentence of 5.10.A, which I don't think changes the substance any, but it just clarifies that -- who the universe of potential tenants are. So it would read, "Developers shall make 48 units available for rent for essential services personnel only."

MR. YOVANOVICH: We are -- I think that's kind of what the language says, but I don't mind --

CHAIRMAN FRYER: I agree.

MR. YOVANOVICH: -- making it clearer.

CHAIRMAN FRYER: It just makes it a little clearer.

COMMISSIONER FRY: Does that make a difference?

CHAIRMAN FRYER: Well, it's clearer.

MR. YOVANOVICH: I think -- I think what we should get credit for is -- seriously, because earlier people said, what are you really giving in this project? And I won't remind you that this was one, Mr. Fry, where you agreed with me on this project.

COMMISSIONER FRY: I knew that would come up again.

MR. YOVANOVICH: I didn't know how else to work it in. So I appreciate Mr. Fryer giving me the opportunity. This -- most projects have said if I can't find a renter, I get to go find other people to rent that unit. There's a commitment here that they're going to find an ESP renter.

CHAIRMAN FRYER: Or else it goes unrented.

COMMISSIONER FRY: Right.

MR. YOVANOVICH: So, I mean, I think that's a significant commitment from this developer in exchange for the Comprehensive Plan amendment. So I just want to make sure that the developer gets credit for taking that risk.

CHAIRMAN FRYER: And I agree. I think that's a substantial concession, and we appreciate it. I appreciate it. All right. Any other questions?

COMMISSIONER FRY: I appreciate it also, but I don't necessarily agree.

MR. YOVANOVICH: I'll take that. Make sure we write -- where's Terri?

COMMISSIONER SCHMITT: I'll agree and appreciate it, so there you go.

CHAIRMAN FRYER: Thank you.

MR. EASTMAN: That could be a new standard --

CHAIRMAN FRYER: Commissioner Homiak -- oh, I'm sorry. First Mr. Eastman.

MR. EASTMAN: That could be a new standard moving forward.

MR. YOVANOVICH: Let's not get carried away.

CHAIRMAN FRYER: Yeah. Let's not go picking out curtains yet.

All right. Commissioner Homiak.

COMMISSIONER HOMIAK: So the trip-generation number is staying the same because it still could be 160,000 square feet?

MR. YOVANOVICH: Correct. If we don't go with the residential alternative, we could still develop the purely commercial option. If we go with the residential option, there will be a significant reduction in what was already planned for of traffic impacts for this project.

CHAIRMAN FRYER: And that's an important point to have made. Thank you. That's a good thing to be clarified.

Anything else?

COMMISSIONER HOMIAK: Still stay as if they were used --

MR. YOVANOVICH: The trip cap is remaining the same; however, the real development is going to be significantly less than what the trip cap is.

Now, remember, you don't really -- you don't take away concurrency on a road until you actually

come in with your plat or your SDP and you pay your impact fees. So it's not like we're going to be -- we're going to be taking up phantom capacity on Collier Boulevard, if that makes any sense.

CHAIRMAN FRYER: Yep.

COMMISSIONER FRY: Are you saying that the trips from this project won't go into the trip bank until -- to be utilized in further calculations until you get an approved SDP?

MR. YOVANOVICH: That's correct. Remember, zoning doesn't guarantee you you're going to get a Site Development Plan or a plat. You still have to do another traffic analysis at that time to, again, show that the roads have the capacity.

CHAIRMAN FRYER: Which is administrative only, but it's another good check.

COMMISSIONER SCHMITT: Unless they prepay impact fees and --

CHAIRMAN FRYER: Right.

COMMISSIONER SCHMITT: -- and retain that right.

MR. YOVANOVICH: Right.

COMMISSIONER SCHMITT: In some cases --

MR. YOVANOVICH: Sometimes we have a developer agreement that --
(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: -- or otherwise that they pay the -- they prepay impact fees, and then they have development rights.

CHAIRMAN FRYER: Other questions or comments from up here?

(No response.)

CHAIRMAN FRYER: If not, thank you, Mr. Yovanovich.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: We will turn to staff.

COMMISSIONER SCHMITT: And which staff is it? Anita? We have others on the screen here. I think Sue and -- it's Ray.

MR. BELLOWS: I wasn't sure we were going to have Nancy and Sue, but they are here.

MS. JENKINS: They are. We're going to try not to have technical difficulties again for you.

This is a recommendation of approval. Anita Jenkins, your interim zoning director again.

Commissioner Homiak, on behalf of the Comprehensive Planning staff, the language that the agent did agree to on the Comprehensive Plan regarding those 246 units, I verified it is in the resolution under the Comprehensive Plan Amendment on about Page 459 or 549.

COMMISSIONER HOMIAK: 549, yeah.

MS. JENKINS: Yeah. So it is a recommendation of approval from the Comprehensive Planning staff.

CHAIRMAN FRYER: Thank you. Do we want to do questions of Comprehensive Planning first?

COMMISSIONER SCHMITT: I'm good.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: One question.

CHAIRMAN FRYER: Go ahead.

MS. JENKINS: Two sixty-five. The unit number was 265. I was corrected. Thank you.

COMMISSIONER FRY: Anita, just -- you're recommending approval, so I assume that means you concur with the applicant's assessment that there may be a surplus of commercial and that the change to multi-family residential rental units is a positive change?

MS. JENKINS: Yes.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Any other -- all right. Well, perhaps, since we've got an environmental component here, is Jaime here? We might ask her to say a word or two just to give us comfort.

COMMISSIONER SCHMITT: Well, are we going to vote then on the PUD as well then?

CHAIRMAN FRYER: Yeah, we've got three votes.

COMMISSIONER SCHMITT: We'll do it all -- okay.

CHAIRMAN FRYER: I didn't recognize you behind your mask.

COMMISSIONER SCHMITT: Who is that behind that mask?

MS. COOK: Good morning. Jaime Cook, principal environmental specialist with Development Review.

CHAIRMAN FRYER: Good morning. Could you just give us your assessment from -- of the environmental impact of what's being proposed?

MS. COOK: So there is a bald eagle nest on the property to the north of this project, so they will be required to follow Fish and Wildlife guidance and permitting procedures prior to any construction on the site.

CHAIRMAN FRYER: So you're satisfied?

MS. COOK: Yes. There is a 1.63-acre preserve already on site and already dedicated.

CHAIRMAN FRYER: Questions for Ms. Cook?

COMMISSIONER SCHMITT: No jurisdictional wetlands to deal with?

MS. COOK: No, sir.

COMMISSIONER SCHMITT: Okay.

COMMISSIONER FRY: Just wondering what impact the bald eagle nest might have on their development efforts.

MS. COOK: If anything, that they would be limited to certain times of year for actual development, and that will all be addressed with site development.

CHAIRMAN FRYER: By that you mean construction?

MS. COOK: Yes, sir.

CHAIRMAN FRYER: Anything else?

COMMISSIONER SCHMITT: But the eagle is now listed as, what? It's not an endangered species.

MS. COOK: It's not listed, but it is still subject to the migratory --

COMMISSIONER SCHMITT: Subject to review by the Fish and Wildlife.
(Simultaneous crosstalk.)

MS. COOK: Correct.

CHAIRMAN FRYER: Okay. Thank you very much.

MS. COOK: Thank you.

CHAIRMAN FRYER: Anita or Ray, anything -- Ray, I know you have some stuff.
Anita, do you have anything further?

MS. JENKINS: (Shakes head.)

CHAIRMAN FRYER: Okay. We'll go to the zoning side.

MR. BELLOWS: For the record, Ray Bellows. I've reviewed this petition with Nancy Gundlach, and we concur with the presentation and the changes made today, and we are recommending approval.

COMMISSIONER SCHMITT: Nancy, we can see you in the little square. So if you wave, you say it's approved. There it is.

CHAIRMAN FRYER: She hasn't been sworn in, though, so be careful, Nancy.

All right. Any questions or comments on the zoning side for Ray?

(No response.)

CHAIRMAN FRYER: All right, sir. Thank you.

Anita, thank you.

All right.

COMMISSIONER SCHMITT: I make a motion to approve.

CHAIRMAN FRYER: Well, let's -- we've got maybe some public.

COMMISSIONER SCHMITT: Oh, that's right.

CHAIRMAN FRYER: I don't think we're going to have any rebuttal, am I correct, Mr. Yovanovich? Nothing to rebut. Or I guess we wait for the public, don't we?

MR. YOVANOVICH: We usually do.

CHAIRMAN FRYER: Okay. Sorry.

MR. BELLOWS: No one has registered.

CHAIRMAN FRYER: Okay. Are there any members of the public here today who have not registered but yet would like to speak on this one way or the other? If so, please raise your hand.

(No response.)

CHAIRMAN FRYER: Okay. So there don't seem to be any public speakers, so we will close the public comment portion of the meeting and begin our deliberations, including entertain a motion. And we've got three motions. We need one on the GMPA and one on the PUD, and one on the EAC. So entertain a motion first on the GMPA.

COMMISSIONER SCHMITT: Make a motion that we approve subject to the discussions on the changes that were made for the record, and so that's the GMPA, CP2018-08/PL20180002804.

CHAIRMAN FRYER: Okay. Good. Do we need to, again, recite the conditions that this is subject to?

MR. YOVANOVICH: I think we need to just make sure to the extent that what we agreed to is also applicable to the GMP language. It will be incorporated into the GMP language.

COMMISSIONER SCHMITT: Yes.

MR. YOVANOVICH: Because not everything we talked about goes into the GMP.

CHAIRMAN FRYER: No, but it's got to go somewhere.

MR. YOVANOVICH: Most of it goes into the PUD.

COMMISSIONER SCHMITT: Some goes into the PUD.

CHAIRMAN FRYER: Okay. That's sufficient for your purposes then?

MR. YOVANOVICH: I'm comfortable with that. I just want to make sure Heidi's comfortable with that.

CHAIRMAN FRYER: Okay. We don't need to talk about the 20,000 square feet minimum and 8,000 -- 80- maximum?

MR. YOVANOVICH: Eighty thousand will have to be incorporated into the PUD. The 20,000 was already in there. So we'll change that 148,5- to 80,000.

CHAIRMAN FRYER: Okay. And so that was part of your motion?

COMMISSIONER SCHMITT: Well, yeah, but we're making -- that doesn't go in the GMP. This goes in the PUD.

CHAIRMAN FRYER: Okay. So that waits.

COMMISSIONER FRY: Doesn't the 80,000 go in the GMP also?

COMMISSIONER SCHMITT: No, because they still have the option of commercial. Go ahead.

MR. YOVANOVICH: The GMP was just to allow for the 265 residential units.

COMMISSIONER FRY: Okay.

MR. YOVANOVICH: The PUD is where all of the conditions we just talked about --

CHAIRMAN FRYER: I don't recall if -- I'm sorry. I don't recall if there was a second to the motion.

COMMISSIONER FRY: Second.

CHAIRMAN FRYER: Okay. It's been moved and seconded to approve the GMPA, to make a recommendation to the BCC of adoption. Any further discussion?

(No response.)

CHAIRMAN FRYER: Seeing there be -- seeing none, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Those opposed?

COMMISSIONER HOMIAK: Aye.

CHAIRMAN FRYER: It passes by a vote of 4-1. Thank you very much.

Now, the next, I'd entertain a motion to approve the PUD conversion from CPUD to MPUD as outlined. Would someone --

COMMISSIONER FRY: So moved.

COMMISSIONER SCHMITT: Make a motion to approve the PUD as outlined subject to the discussion we had on the reduction of the square footage. PUDA PL20180002813, Hammock Park.

CHAIRMAN FRYER: Thank you. With the 80,000?

COMMISSIONER SCHMITT: Eighty thousand reduction.

COMMISSIONER FRY: Second.

CHAIRMAN FRYER: You second.

COMMISSIONER SCHMITT: Based on the construction of the residential.

MR. YOVANOVICH: Correct.

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

(No response.)

CHAIRMAN FRYER: Seeing none, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Those opposed?

COMMISSIONER HOMIAK: Aye. I still think the density is too high.

CHAIRMAN FRYER: Okay. Thank you. Do you want to make any further record?

COMMISSIONER HOMIAK: Nope.

CHAIRMAN FRYER: Thank you. So that passes 4-1.

The third action we need to take is on the environmental matter. Is there a motion?

COMMISSIONER SCHMITT: I make a motion that we approve sitting as the Environmental Advisory Council.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER FRY: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Those opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you. Thank you very much, Mr. Yovanovich.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: All right. It's 11:22. I'm going to test the -- take the temperature of the Planning Commission here. It seems to me we ought to take another matter if we can. Does that seem right to everybody? And I've checked it with the court reporter, and she's okay with it. All right.

***So we will go to the next matter, which, once again, is a companion matter. It's

PL20190002017. It's a request to change the designation of property to the urban development commercial district interchange Activity Center No. 9 in order to allow construction of commercial and industrial development. This is the property known as 3205 Beck Boulevard. And the first of the two companions is a small-scale Growth Management Plan Amendment and it would, therefore, come to us for a proposed recommendation on the question of adoption to the Board of County Commissioners.

Then companion to that is a rezone, not a PUD, but a rezone. This is 9A5. It's PL20190002018, a request to amend the appropriate zoning code atlas map changing the zoning classification from agricultural to industrial.

Without objection, we will hear those two matters together but vote on them separately. There being no objection, we will then ask all persons wishing to testify on this matter, please rise and be sworn in by the court reporter.

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

CHAIRMAN FRYER: Thank you. We'll do ex parte disclosures starting on my right.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Thank you.

COMMISSIONER FRY: Staff materials, a brief conversation with the applicant's planner.

CHAIRMAN FRYER: Staff materials, conversations with staff, and communications with the applicant's agent.

COMMISSIONER HOMIAK: I had nothing.

COMMISSIONER SCHMITT: I did speak with Wayne Arnold about this petition.

CHAIRMAN FRYER: Okay.

MR. EASTMAN: No disclosures.

CHAIRMAN FRYER: Thank you very much.

Mr. Arnold, you're on.

MR. ARNOLD: Good morning again. Wayne Arnold, agent for this application.

This is, as you mentioned, a two-part Growth Management Plan Amendment and a rezoning for conventional rezoning, which isn't very common before you. But this is -- those of us who've been around long enough remember this as the highway department headquarters facility that's -- Beck Boulevard is an eastward extension of Davis Boulevard. It's adjacent to the Tollgate commercial plaza, which was a large DRI. It's also adjacent to the actual toll plaza on I-75.

And this property was surplussed by the Highway Patrol or State of Florida, and our client purchased the property with intent to utilize it for his own purposes as well as having an income-producing property for himself.

The building that's there is about 3,500 square feet, and it's set up to be, as you would imagine, more of an office space. But we're adding this to the activity center because right now it's a hodgepodge of future land-use designations, partially urban, partially rural fringe, and it -- given its location, it doesn't really make sense as rural fringe lands, essentially sending lands and, given its irregular shape, it probably didn't really make sense to have a PUD. There's, you know, only a small portion of the three-and-a-half acre site that will be usable.

And then the other feature that I point out, and it's on this aerial photograph, the cellular tower that's owned by the State of Florida continues to be -- they did not sell that parcel to our client. So the tower will remain. It had a separate conditional-use approval for that. It allows up to a 300-foot tower. The tower that's constructed, I don't know its exact height, but I do not believe it's 300 feet.

But -- so we're trying to bring this -- you know, this odd piece of property into what we believe is the right land-use category. We'll be adding this to Activity Center No. 9. There are several standards in Activity Center No. 9 that govern that we're not deviating from. And we're appreciative the staff supports the Comp Plan Amendment as well as the rezoning. There were several conditions on the rezoning that -- that are there, and we're in agreement, generally, with all of them except I think, one, and that had to do with the limitation for uses on auto repair services that is in your staff recommendation, and we thought

that auto repair would be a feasible use.

And after talking to Mr. Bellows in a little more detail, it was really -- some of those uses that are allowed on those use groups that were the troubling ones, not general auto repair and not window tinting and things of that nature. It was, are you going to be testing equipment? Are you going to have heavy auto repair with axle straightening and things that -- tire ratcheting and heavy noise? Even though we don't have residential neighbors, per se, we do have a couple of RV parks that are located immediately southeast of us.

So -- I'm not sure why my file's not advancing here, but -- there we go.

I was going to go to the condition. I know you don't like these changes at the last minute, but up on the screen, Condition No. 4 in your packet was a complete prohibition on auto repair services Groups 7513 through 7549. We've added language that's underlined that says, except the following. And, for instance, under 7532, that allows canvas and upholstery repair. So you could repair canvas tops for convertibles, you could do general upholstery repair. I think Ray and I agree that those are pretty innocuous uses to have. And it's an indoor use.

Auto glass repair, for instance. Another one that I think Ray will attest that he is in concurrence with this list. Auto repair shops general. That allows general auto repair.

7539 is auto repair shops not elsewhere classified, and that -- it's another general category, but we've excluded the axle straightening, frame repair, and those heavy uses out of that group, and then 7549 is auto services except wrecker services, and those were some other very generalized land uses, but we didn't want this to become a tow yard or a wrecker service where you had disabled vehicles that would be sitting there waiting for heavy repairs.

CHAIRMAN FRYER: Wayne, has the County Attorney's Office seen this?

MR. ARNOLD: I don't think. I don't think Mr. Klatzkow's seen those. I think we took this in the sense of it kind of evolved yesterday afternoon, unfortunately.

MR. KLATZKOW: Ray, do you concur with this? Normally I care, but with the location of this property, it's -- you know, I just want to make sure staff is in concurrence. That's all.

CHAIRMAN FRYER: Sure.

MR. BELLOWS: For the record, Ray Bellows.

I did have a chance to look at these SIC codes when the staff report was prepared, and my original assessment was we were concerned about noise of certain of these automotive repair services; however, Mr. Arnold has approached with a list of those specific uses within those SIC codes that I find acceptable and will agree to incorporate.

CHAIRMAN FRYER: Do they cover the universe of noisy --

MR. BELLOWS: Yes.

CHAIRMAN FRYER: They do?

MR. BELLOWS: Yes, ratcheting, as Wayne would say.

CHAIRMAN FRYER: Okay. No other SIC codes that cover a different subject but a noisy one? I mean, you've looked at all of the 75 series?

MR. BELLOWS: Yes. The rest of those that are on the list should remain.

CHAIRMAN FRYER: Should do it?

MR. BELLOWS: Yeah.

MR. ARNOLD: And if I might, Mr. Chairman. Just -- it's a little cumbersome the way it's written because all the Groups 7513 through 7549 are prohibited except then only the specific uses would be permitted that are listed --

CHAIRMAN FRYER: I got you.

MR. ARNOLD: -- so it's a very narrow group.

CHAIRMAN FRYER: Got it.

MR. ARNOLD: And it's, again, cumbersome.

The other thing, while Ray's there, if you don't mind, we had a conversation. Our client happens

to be a training pilot for Airbus, and he does flight simulating training, which is a permitted use under the industrial zoning, which is appropriate, but part of what he also does is repair to those units occasionally, so there is an element of service. And I think Ray and I and Laura DeJohn, who was handling this for the county, had a conversation that that could be viewed as vocational, because in my slide under No. 50 that's listed, I added back in under the prohibition of transportation by air, which are truly airport-related items, aircraft servicing and repairing as an item. But if it's -- if I can get Ray's concurrence that what he does is considered under the vocational training or incidental to it for repair of those facilities, then I'm okay with that.

COMMISSIONER SCHMITT: I find it interesting if an airbus can fit there, but...

MR. ARNOLD: Well, it's more or less the simulator units. They're aircraft related, so...

COMMISSIONER SCHMITT: I understand.

MR. ARNOLD: So he does do repair of those as well.

MR. BELLOWS: That's was what I was asking for is additional clarification, and we're talking about electronic simulator equipment, not aircraft itself.

MR. ARNOLD: That is correct.

MR. KLATZKOW: You're not going to get a plane there.

MR. BELLOWS: No.

CHAIRMAN FRYER: It's a console, right?

MR. ARNOLD: That's correct. It's more of console type device.

MR. BELLOWS: That's acceptable.

MR. ARNOLD: Okay. Thank you.

So I added this language. So, I guess, in an abundance of caution to add that, which I think covers what he wants to do. But if there's an objection, and it's just concurred that he can do that by right, then I'm fine with that, too.

COMMISSIONER SCHMITT: Let me just --

COMMISSIONER SHEA: Question for Ray.

CHAIRMAN FRYER: Let's first go with Commissioner Schmitt, then Commissioner Shea.

COMMISSIONER SCHMITT: Wayne, can you go -- you went through it, but go back to the slide that shows the overlay of the -- there it is -- the entire Activity Center No. 9. For my colleagues on the Board, Activity Center No. 9 was -- has always been, to use the term, kind of a significant emotional event in this county. It was developed, Wayne, what, probably in the late '90s?

MR. ARNOLD: It was, yes, sir.

COMMISSIONER SCHMITT: Late '90s. And the industrial park on the north side was a fairly significant issue. But the interesting piece with the Activity Center No. 9 are the design criteria. There's very specific architectural criteria because it was deemed the gateway to Naples coming into 75. In fact, a little history: That's why the county was able to get the Walmart up there to design in the way the Walmart was designed. And the other businesses that actually face the highway, typically, you do not have to have an architectural embellishment or an architectural feature on the rear of the buildings. But every one of those buildings on the north side have architectural finishes facing the highway. This would require -- they would be required -- and Wayne -- I asked Wayne specifically about this, they're not asking for any relief of the design criteria.

So, in reality, it's a good thing, because this is an odd piece of land. It's a -- it's just a strange piece of land, but whatever goes in there now would have to comply with all of the requirements of Activity Center No. 9.

CHAIRMAN FRYER: Good point.

MR. ARNOLD: And to that point, Mr. Schmitt, there are requirements there for buffering and --

COMMISSIONER SCHMITT: For buffering and other type of things as well, yeah. It's a -- it was -- it's a pretty comprehensive requirement for anything in the activity center because it was deemed the gateway. I just wanted to make sure you all understood what Activity Center No. 9 was.

MR. ARNOLD: And, frankly, knowing those as somewhat being constraints on a really small parcel, we felt like it was more appropriate to add ourselves to the activity center than to just create a new subdistrict of 3.4 acres.

CHAIRMAN FRYER: Makes sense to me, too.

COMMISSIONER SCHMITT: And understand as well, those who have never been down that way, even to the west of this property, there's some pretty intense uses. Storage, I mean, lumber yard, other type of -- so this is -- an automotive or something would not be -- to me it does not seem to be excessive, but it is nearby the mobile homes parks, if you want to call it that, or the residential area just to the south.

CHAIRMAN FRYER: Thank you.

Wayne, you might say just a few sentences to -- I expected a question was going to come up, but it didn't, and you answered it for me when we spoke. But the anomaly of why this is sending lands.

MR. ARNOLD: Well, I think it's largely based on the section lines that the county used when they established the number. It wasn't really looked at ownership per se. So this was a single owner and, frankly, it was owned by the State, I think, was the other anomaly here that it was a State of Florida owned property. They're kind of exempt from a lot of what we do with regard to their essential services so they can go almost anywhere. But in this particular case, now that they've decided to dispose of the property, it really needs to be brought into, we think, the urban area. It doesn't make sense to be a piece of sending land with a tower on it and a commercial --

COMMISSIONER SCHMITT: I mean, actually, it could have remained -- been neutral as well. It's a good question. I can't recall why it was sending other than because the State owned it, and there was nothing else they were going to do with it.

MR. ARNOLD: Exactly. I think that's it. Anyway, I think it's a fairly straightforward request. I'm happy to answer any other questions.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER SHEA: Just a question on what -- maybe for the other commissioners. How do we manage hours of operations in properties zoned this category?

COMMISSIONER SCHMITT: That's a code enforcement issue. Once it goes into the ordinance, that's strictly Code Enforcement obligated, or it would be the county that would have to enforce it, but it's Code Enforcement that would basically be the enforcer if somebody -- either they go out and check or somebody calls in a complaint, they would issue a citation.

COMMISSIONER SHEA: So would something like this have a restriction that, whatever they develop, they can't be operating at 3:00 in the morning?

MR. ARNOLD: Mr. Shea, if I might, there's -- one of the staff recommendations on the zoning is to have a limitation on hours of operation from 6:00 a.m. to 10:00 p.m., and we're fine with that restriction.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: Okay. Anything else for the applicant?

COMMISSIONER FRY: Point of clarification.

CHAIRMAN FRYER: Please.

MR. ARNOLD: Yes, Mr. Fry.

COMMISSIONER FRY: For a commercial airliner, I heard reference to the flight simulator being a console. Isn't it a much larger type device for an airliner with a hydraulic component where they're in a cockpit and there's actually -- moves -- the cockpit moves and simulates being in the commercial jetliner?

MR. ARNOLD: I think there are a variety of different types of simulators. But I took console to mean more the generic, that it's -- it's one unit. It's not an aircraft. That's how I took it.

COMMISSIONER FRY: Right. And I don't see any problem with it in terms how loud it would be to repair, but I just --

MR. ARNOLD: Oh, no. It would not be. It's an electronic type repair item, yes. I just wanted to make sure it wasn't a prohibited use for my client's sake.

CHAIRMAN FRYER: Virtual reality I think is --

MR. ARNOLD: That's correct.

CHAIRMAN FRYER: -- how they do it.

MR. ARNOLD: Yeah.

CHAIRMAN FRYER: All right. Anything else for the applicant?

(No response.)

CHAIRMAN FRYER: Then we'll call on staff. And Mr. Bellows is at the mic.

Should we do the -- here comes Anita.

MR. BELLOWS: Do the GMP first.

CHAIRMAN FRYER: Yes. Ms. Jenkins?

COMMISSIONER SCHMITT: Sue's there, too.

MS. JENKINS: Anita Jenkins, interim director, for the record. And on behalf of Comprehensive Planning, we are recommending approval to add this 3.4 acres as a text and map amendment to Activity Center No. 9.

CHAIRMAN FRYER: Thank you.

Any questions for Ms. Jenkins; comments?

(No response.)

CHAIRMAN FRYER: Thank you, ma'am.

Mr. Bellows?

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

We -- I have been working on this project with our consultant, and we have been coordinating with Comprehensive Planning on the GMP amendment. The changes to the conditions of approval with the modification to Condition 2, as outlined, about allowing some of those automotive related uses are acceptable, so staff is recommending approval.

CHAIRMAN FRYER: Okay. Would you outline, again, for me, please, at least, the hours of operation condition, how that would be worded.

MR. BELLOWS: I believe that falls under No. 5 of our -- or 4, No. 4, Condition 4. One of the things that came out of the neighborhood information meeting was concern about noise and operation of hours. So we wanted to look at that as part of the compatibility analysis, and those hours of operation seemed to be typical of these smaller type of industrial locations.

CHAIRMAN FRYER: Okay. All right. Thank you.

Any other questions of staff?

COMMISSIONER FRY: Just curious, Ray. So usually we see PUDs. Why is this a rezone instead of a PUD?

MR. BELLOWS: I think Mr. Arnold explained it earlier on in his presentation. It's an unusual shaped lot, and if there are no real reasons to get deviations, which is one of the primary reasons people go to a PUD, or if they have mixed uses, but since the owner -- or their client seems to want just a specific set of industrial type uses, straight zoning seems to work.

I just wanted to point out, too, the way we do it in Collier County on a straight zoning with conditions, we note on the zoning map that there's an ordinance that has special conditions. So anybody looking at what can be done on the property in the future knows that there are conditions that they need to abide by, like they would if it was a PUD.

MR. ARNOLD: Good point, Ray. Thank you.

COMMISSIONER SCHMITT: Just for clarity. The nice part about straight zoning is now they have to comply with everything in the LDC.

MR. BELLOWS: Yeah.

COMMISSIONER SCHMITT: Because, typically, they'll come in with a PUD so they can, you know, take a ball-peen hammer and kind of work their way around the LDC. But straight zoning, they have to comply with everything in the LDC.

CHAIRMAN FRYER: Good point.

Ray, while you're up here, do we have any registered speakers?

MR. BELLOWS: No one has registered.

CHAIRMAN FRYER: All right. Any member of the public wish to be heard on this matter? I see a lady in the back. Please -- have you been sworn in, ma'am?

MS. SKUFCA: I have not.

CHAIRMAN FRYER: Come on up to the microphone, and we'll get you all fixed up.

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

MS. SKUFCA: I do.

My name is Candy Skufca. I am the owner of Panther's Walk RV Resort. I live just south across the street the tract of land and a little bit to the east.

And I do want to say that I don't have a problem with what you're planning. We went to the meeting. Since it's talking about reduced hours, not 24-hour service, I don't have a problem with that. I do ask, though, that you consider starting later than 6:00 a.m. Those mobile homes and RVs are not as well insulated as a stick or concrete block house. So 6:00 could be a little bit early, and our residents are not real happy with being awakened before the sun comes up. So, please take this into consideration when you vote.

CHAIRMAN FRYER: What would you prefer to see in there?

MS. SKUFCA: Eight o'clock. Seven or eight o'clock at least.

CHAIRMAN FRYER: Okay.

MS. SKUFCA: We know that people want to get to work early.

CHAIRMAN FRYER: Okay.

MS. SKUFCA: So we appreciate that.

CHAIRMAN FRYER: Thank you very much for speaking.

MS. SKUFCA: Thank you for your time.

CHAIRMAN FRYER: And are there any other public speakers?

(No response.)

CHAIRMAN FRYER: If not, Mr. Arnold, rebuttal.

MR. ARNOLD: Thank you. Move that so I can be heard.

The 6:00 a.m. time was suggested by staff, and we like that time. One of the uses that is interested in going into the existing building is a survey and engineering company like mine. Our general office hours are 8:00 to 6:00 -- 8:00 a.m. to 6:00 p.m., but our survey crews that do operate are there at 6:00 most days. So the 6:00 a.m. time frame that staff suggested works very well for that type of use.

I don't know if we can modify the hours for comparing those for business type uses that may be there versus the auto repair that would have the noise associated with it but, certainly, we think 6:00 a.m. works for us.

CHAIRMAN FRYER: Well, let's talk -- go ahead, Joe.

COMMISSIONER SCHMITT: Yeah. And that makes sense. If it's a business that is opening, typically even if it's an auto shop, typically they -- most don't even open till 7:30 anyway or 8:00. But that said, the staff usually gets there early. If you -- perfect example, a survey crew, they're going to come in. It's just an office crew, but they're loading up their equipment to head out.

MR. ARNOLD: Right.

COMMISSIONER SCHMITT: That's not what I would call a very noisy operation or typically is not a noise-producing -- because it's simply just the office staff going in and opening up the office. But I don't know how we would stipulate that from a standpoint of if it's another type of business where we would say it can't open till 8:00.

I look to Ray.

CHAIRMAN FRYER: Ray.

MR. BELLOWS: I recall in another instance where a PUD had hours of operation that limited the

public hours later than --

COMMISSIONER SCHMITT: Yeah, that makes sense.

MR. BELLOWS: Office staff. So office staff could come at 6:00 but, open to the public, 8:00.

COMMISSIONER SCHMITT: 7:30.

MR. BELLOWS: Yeah, 7:30.

CHAIRMAN FRYER: All right. Let's see. If -- I'm concerned about noisy operations that could take place even before the public arrives.

MR. KLATZKOW: Well, you could break it out into office use and industrial use, and office use could be one time and industrial use could be another.

CHAIRMAN FRYER: Could we -- Mr. Arnold, could we make that stipulation?

MR. ARNOLD: I think so. I mean, I think if we say industrial -- I mean, some of the uses we're talking about are technically classified as industrial, but they're not the noisy use. But I like Ray's opportunity about, you know, having public.

MR. KLATZKOW: But you guys must know what you want to do with the property. You don't go through this expense without knowing what you want to do with it. What is it you want to do with the property?

MR. ARNOLD: Well, I think, as I've indicated, we know that a survey and an engineering company would like to be there. We know that a flight simulator would like to be there. Neither one of those have a lot of public coming to them, but, you know, there's a lot of other small industrial uses that could be there. There's, you know, the A/C service guy, the pool guys. I mean, a lot of those do have employees that are there before an 8:00 a.m. start time. So -- and most of those activity centers aren't noisy. I mean, should we try to restrict it to outdoor activities? Nothing outdoor? I'm just looking for some reason -- I agree with you 6:00 a.m. might be a problem if we're doing a lot of outdoor activities, but if I'm inside my office, I don't know that's disturbing to anybody.

CHAIRMAN FRYER: Indoor or outdoor sounds like a good way of doing it, provided that -- well, I won't even say "provided." Okay. So what if we -- what if we imposed a condition that industrial activities or industrial -- no, excuse me. Outdoor of any kind don't start until 7:30. Does that do it?

MR. ARNOLD: I think it probably does, yeah.

CHAIRMAN FRYER: All right. Ma'am, nod your head?

MS. SKUFCA: That would be great.

CHAIRMAN FRYER: Okay. The record shows approval on the part of our public speaker.

Thank you very much.

MR. ARNOLD: And I'll work with Ray, if that's okay, to refine that language before it goes into the ordinance.

CHAIRMAN FRYER: Very good. I guess it's time to close public comment. So -- one more public commenter. Come ahead, sir. Have you been sworn in?

MR. HYATT: No, I have not.

CHAIRMAN FRYER: Come right on up, and we'll take care of that.

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

MR. HYATT: I do.

CHAIRMAN FRYER: State your name, please.

MR. HYATT: For the record, I'm David Hyatt from Marco Surveying and Mapping.

We intend to be making this building our home, so I can answer questions anybody might have about the use, the noise.

We do generally start at 7:00 a.m. with the field crews. Everybody meets at 7:00, leaves. They're usually gone by 7:15 or 7:30. That should be seen as a pretty unintrusive use in the sense that there's no loud noise going on. There's nothing beyond somebody putting some sticks in the back of the truck or starting up a truck and driving out of the parking lot. So that would be the only use that would be

happening at 7:00 a.m.

7:30 would get a little bit more problematic just from our timing perspective, because we're meeting at 7:00 to get crews on the road, and we want to be where we're going to go by 8:00. So if we couldn't have any sort of outdoor activity, depending on the definition of "outdoor activity," if that includes loading the trucks or anything like that, that could be problematic.

CHAIRMAN FRYER: How would you feel about a 7:30 no outdoor activity? That's what we've been talking about.

MR. HYATT: That's where my concern would be, because if everything's going right, our guys already have their trucks loaded and are pulling out at about 7:15. There shouldn't be anything about that that should be bothersome to neighbors or anything.

CHAIRMAN FRYER: Mr. Arnold?

MR. ARNOLD: Would it be more appropriate, then, Dave to say 7:00 a.m. for those outdoor activities, if that includes loading trucks? I mean, we do that, too. I mean the guys could be loading -- (Simultaneous crosstalk.)

MR. ARNOLD: -- lathe in the truck and --

MR. HYATT: Somebody might be there on the site at a quarter to 7:00 but nothing's going on outside until 7:00 a.m. And then the guys that are in charge of the crews are inside getting their instructions for the days, and other guys are outside loading trucks and things like that.

CHAIRMAN FRYER: All right. It's somewhat extraordinary, but I'm going to ask the lady, Mrs. Skufca, to come back up and just tell us what your take is on 7:00 a.m., whether you could live with it. You did mention it.

MS. SKUFCA: I know I did. I have no problem with that. I don't have a problem with Marco Surveying at all. I have no problem with Marco Surveying. Candy Skufca, for the record.

What I was talking about -- you were talking about automotive. We already live right down the road from the center at Mannix and Beck Boulevard, and there's a lot of automotive in there, and those people have bay doors that open their doors, and you can hear the banging from the street when you're going by in the daytime. And I was just thinking about those businesses that may go into that particular area where they could come in early before.

CHAIRMAN FRYER: Understood.

MS. SKUFCA: And so I have no problem with the surveying.

CHAIRMAN FRYER: Okay, great. Well, that's what I wanted to know. Thank you very much. All right. So we're going to go to 7:00 a.m. for the outdoor activities. And any other members of the public wish to speak?

Yes, Mr. Eastman.

MR. EASTMAN: I'd just like to ask Mr. Hyatt. It's not noisy what you're doing when you load these trucks. It's not like an industrial use.

MR. HYATT: No, not at all.

MR. EASTMAN: It's not going to disturb any neighbors or anything.

MR. HYATT: No machines running. There's no noise generated other than the sound of somebody putting some wood in the back of the truck.

COMMISSIONER SCHMITT: I would have to believe the trucks on the highway are making more noise than what they would be making. And the highway's right behind them.

MR. EASTMAN: Exactly.

CHAIRMAN FRYER: All right. Let's close the public comment portion and have a discussion or a motion at this point if discussion isn't necessary. And we've got two votes on this one. The first one would be on the PUD -- excuse me. Yeah, the small-scale GMPA, and then the second one would be on the rezone, straight rezone.

COMMISSIONER SCHMITT: Make a motion for approval of the small-scale GMP amendment.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Yes. Any further discussion? Commissioner Homiak.

COMMISSIONER HOMIAK: On the first page of the one I have off the packet of the ordinance for this, it says Vanderbilt Beach Road mixed-use subdistrict. Can you change it?

CHAIRMAN FRYER: Typo. We never want the public to think any of this is cookie cutter.

COMMISSIONER HOMIAK: Oh, no.

MR. ARNOLD: I'm not sure where that lies, if that's in the ordinance; is that what you're looking at?

COMMISSIONER HOMIAK: I was trying to find the other page, but I can't get there for some reason. Yes, it's the ordinance. Page 1.

COMMISSIONER SCHMITT: Why, it does say that.

MR. ARNOLD: I see that.

CHAIRMAN FRYER: Okay. So the mover and seconder would stipulate to that change, I'm sure.

COMMISSIONER SCHMITT: Yes, staff's to make change to the whereas clause.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor? This is the GMPA. All those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Any opposition?

(No response.)

CHAIRMAN FRYER: It passes unanimously. Similar motion on the straight rezone, 3205 Beck.

COMMISSIONER SCHMITT: Make a motion for approval of the Beck Boulevard rezone.

CHAIRMAN FRYER: Second? Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Moved and seconded.

COMMISSIONER HOMIAK: With all the changes.

COMMISSIONER SCHMITT: With -- subject to the stipulation as discussed.

CHAIRMAN FRYER: Thank you. Thanks, yeah.

COMMISSIONER HOMIAK: With the changes for the exemptions.

CHAIRMAN FRYER: Exactly. We spent a lot of time on that. We need to put it in.

COMMISSIONER SCHMITT: With the changes of the exception as discussed.

MR. ARNOLD: Thank you.

COMMISSIONER SCHMITT: And with the guidance that Ray and Mr. Arnold will work out the final language subject to the County Attorney's --

CHAIRMAN FRYER: That works with the seconder, too.

COMMISSIONER SHEA: Yes.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Thank you.

MR. ARNOLD: Thank you very much.

CHAIRMAN FRYER: All right. We've got one more item, and I think it's not going to take too long.

So without objection, we'll go right into it, if that seems to be okay with the Planning Commission and staff.

***And this is PL20190002553. This is a -- asking for a resolution of the Planning Commission for an insubstantial change to the Rockledge Planned Unit Development to adjust some configurations and locations of various features of the land. It's the Rockledge RPUDI. So if you will --

COMMISSIONER SCHMITT: Just for clarity.

CHAIRMAN FRYER: Yeah.

COMMISSIONER SCHMITT: This is something that could be -- have been approved by the Hearing Examiner.

CHAIRMAN FRYER: It could have been, and I think the reason we didn't is probably because it was noticed out. Yeah. But we're really not going to be hearing HEX matters after this, but good point.

If there are any members of the public who are going to wish to testify on this, please rise and be sworn in by the court reporter.

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

CHAIRMAN FRYER: Thank you.

Ex parte Planning Commission starting to my right.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER FRY: Staff materials.

CHAIRMAN FRYER: Staff materials plus conversations with staff.

COMMISSIONER HOMIAK: I had nothing.

COMMISSIONER SCHMITT: Nothing other than the staff packet.

CHAIRMAN FRYER: Thank you.

MR. EASTMAN: No disclosures.

CHAIRMAN FRYER: Thank you.

Applicant, please proceed.

MR. GALLANDER: Thank you. And, again, yes, appreciate the opportunity to have this in front of you. We understood it could have gone to the HEX, but we were in process.

So, thank you for your time today, Mr. Chairman, Commissioners. My name's Ken Gallander. I'm a certified planner with RWA Engineering here on behalf of the applicant, D.R. Horton, in support of the item before you, this insubstantial change to Ordinance No. 1603.

First, I just want to provide a little background to the subject property. It's just under 106 point -- or around 106.44 acres. It's at the northeast intersection of Sabal Palm Road/Collier Boulevard. It was originally entitled under Ordinance 06-31 just over 14 years ago, and then it was further amended under the existing ordinance, 16-03, back in 2016 for a residential planned unit development currently entitled with 266 units at a 2.5 dwelling units per acre in size.

Again, this is a graphic showing the subject property, again, at the northeast corner of Sabal Palm Road/Collier Boulevard.

Particular to the request, there's two major components. The first is -- the majority is to amend the master plan. And, obviously, through market trends and needs of the applicant, the recreational area tract was located in certain areas, so they were wanting to relocate that. And by doing so, when you do those changes, it, obviously, sort of snowballs into the needs to adjust your residential tracts, your water management tracts. There is a future pedestrian interconnection that we're proposing to relocate and, of

course, then you, obviously, have some of your internal roads that need to be adjusted.

The other component to the request is to delete the development standard of Footnote No. 9, which I'll go into a little bit more detail.

This graphic may be hard to see, but this is the current master plan. And what I've done here is to identify the particular areas. This is the -- if you can see the cursor, that is the current location under the conceptual master plan of the recreational area tract. This area here is an area that we're changing the road network. And then it's two pieces to this master plan in order for us to provide all the information appropriately, is on the southeast portion. And this is the area where the recreational area tract will be relocated. This is the existing location of the pedestrian connection, which is intended to be moved down to this area.

So from that we developed the proposed master plan. You can see this is the change -- minor change to this portion of the development extending the road out to the east. This is the current proposed location for the recreational tract in the southeast corner and, again, this is the future pedestrian connection relocation that we've proposed. And then that general area, again, we made some adjustments to the lake management area and the residential tract areas and some of the road network.

CHAIRMAN FRYER: Before you remove that slide.

MR. GALLANDER: Yes, sir.

CHAIRMAN FRYER: I don't believe that was in our packet. Was it?

MR. GALLANDER: This particular presentation --

CHAIRMAN FRYER: Yeah.

MR. GALLANDER: -- with the -- no, sir.

CHAIRMAN FRYER: Yeah. It would have been helpful.

MR. GALLANDER: Okay. Understood.

CHAIRMAN FRYER: Thank you. I'm sorry to interrupt. Go ahead.

MR. GALLANDER: No. This is Exhibit B that's currently within the ordinance with the footnote that has been proposed to be eliminated, and this was in coordination with staff that this footnote is no longer applicable. Due to the fact that the geographic location of the recreational area tract is now in a new location, it is not near or encumbered by an FP&L easement. So the application of that footnote just simply does not apply to that location anymore.

We, obviously, had public involvement; neighborhood information meeting back in March, and it was a very productive meeting. Some good discussion with the neighbors; mainly curiosity about the change and what is going on. We've received no documented opposition to the petition.

We are -- our analysis provided is -- that we're identifying in support of the staff analysis, and under that we feel that we are consistent with the Growth Management Plan, the Land Development Code.

So on that, we concur with the staff report, the analysis presented, and recommendation of approval of the Planning Commission. Be happy to answer any questions.

CHAIRMAN FRYER: Thank you. Questions from the Planning Commission?

(No response.)

CHAIRMAN FRYER: Apparently not, and I don't have any either.

MR. GALLANDER: Okay. All right.

CHAIRMAN FRYER: So we'll ask for the staff report.

MR. BELLOWS: Nancy, go to the center.

CHAIRMAN FRYER: It's been cleaned. There we go.

MS. GUNDLACH: Good morning, Commissioners. For the record, I'm Nancy Gundlach.

CHAIRMAN FRYER: Feel free, yeah.

MS. GUNDLACH: Principal planner with the Zoning Division.

And staff is recommending approval of the Rockedge PDI, as it is consistent with our Growth Management Plan and our Land Development Code. And if you have any questions, it would certainly be our pleasure to answer them today.

CHAIRMAN FRYER: Thank you. Questions for Ms. Gundlach? Go ahead. Commissioner Fry.

COMMISSIONER FRY: One question, Nancy.

So they've stipulated that they are, I think, most likely going to build single-family homes. Is that locked in, or do they have the flexibility to change that from this point forward?

MS. GUNDLACH: We can take a quick look at the PUD document. I believe it's all single-family attached and detached.

MR. GALLANDER: Yeah. The Planned Unit Development provides opportunities for multiple types of residential units. There is a concurrent PPL and a development going through which is focused on single-family detached at this time. But the PUD document does allow for changes in the future if that's needed, yes, sir.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: When you say "focused on," is that what it's going to be as your present plan?

MR. GALLANDER: Yes, sir.

CHAIRMAN FRYER: Thank you. Any other questions of staff?

(No response.)

CHAIRMAN FRYER: All right. Thank you, Nancy.

MS. GUNDLACH: You're welcome.

CHAIRMAN FRYER: Okay. Do we have any members of the public who either registered or haven't registered but wish to speak on this?

(No response.)

CHAIRMAN FRYER: Seeing none, we will close the public comment portion of the meeting and call for any discussion that might come from this side of the dais. Planning Commission?

(No response.)

CHAIRMAN FRYER: There being no questions, I'd entertain a motion at this time.

COMMISSIONER HOMIAK: I make a motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHMITT: I second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously. And thank you very much.

MR. GALLANDER: Thank you.

CHAIRMAN FRYER: ***And we then move to Item 10, which is new business. Is there any new business to be had at this point?

(No response.)

CHAIRMAN FRYER: I'm seeing no -- no new business to come forward.

So we move to old business. I don't think there's any old business either.

Public comment. Any member of the public wish to speak on any matter that has not been put on our agenda?

(No response.)

August 6, 2020

CHAIRMAN FRYER: It appears that's not the case. Therefore, we come to the item "adjournment," and, without objection, we are adjourned.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 12:02 p.m.

COLLIER COUNTY PLANNING COMMISSION

EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on _____, as presented _____ or as corrected _____.

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