

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, February 4, 2021

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

Edwin Fryer, Chairman
Karen Homiak, Vice Chair
Karl Fry
Joe Schmitt
Paul Shea
Robert L. Klucik, Jr.
Tom Eastman, Collier County School Board
Representative

ABSENT:
Christopher T. Vernon

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

PROCEEDINGS

CHAIRMAN FRYER: Good morning, everyone. Please take your seats. And welcome to the, shall we say, cool February 4, 2021, meeting of the Collier County Planning Commission.

Will everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Sir.

COMMISSIONER KLUCIK: Do I have a button or something that I can push to get your attention now?

CHAIRMAN FRYER: I don't think you do, but I'll try to --

COMMISSIONER KLUCIK: A new chair, I thought I might have moved up in the world.

CHAIRMAN FRYER: I will try to be attentive. And if I'm not being sufficiently attentive, raise your voice a little.

COMMISSIONER FRY: Robb, it was a lateral move that you made.

COMMISSIONER KLUCIK: Yeah, I know; yeah, it was.

CHAIRMAN FRYER: Okay. Secretary, please call the roll.

COMMISSIONER FRY: Thank you, Mr. Chairman.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER FRY: Mr. Shea?

COMMISSIONER SHEA: Here.

COMMISSIONER FRY: I'm here.

Chairman Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER FRY: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRY: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER FRY: Mr. Vernon.

(No response.)

COMMISSIONER FRY: Mr. Klucik?

COMMISSIONER KLUCIK: Here.

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

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

Addenda to the agenda, Mr. Bellows or Mr. Frantz.

MR. BELLOWS: I have no changes.

CHAIRMAN FRYER: No changes. Thank you, sir.

All right. Planning Commission absences. Our next meeting is on February 18. Does anyone know whether he or she will not be able to be in attendance at that meeting?

(No response.)

CHAIRMAN FRYER: If not, it looks like we will be in good shape.

At the end of our substantive agenda, I'm going to save at least 30 minutes time for some old business and new business matters that I'd like to talk about having to do with upcoming agendas. So if we're not completed by, say, 4:00 p.m., I'll ask for a hard break at that time so that we can talk about some things that -- well, I've got a couple on my mind and others may as well.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: As is typical, are we planning to break around noon?

CHAIRMAN FRYER: Yes. We can decide that right now or wait and see how the flow goes. Is it important that we --

COMMISSIONER KLUCIK: Well, I'm just meeting somebody, and I just want to tell them, but that's -- it shouldn't -- the meeting shouldn't hinge on anything. I'm just asking out of curiosity if that's your plan.

CHAIRMAN FRYER: The plan would be not to interrupt a presentation at an awkward point. But within that framework, we're going to shoot for noon or as close as we can --

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: -- to that. Thank you, Commissioner.

All right. Let's see. There are no minutes before us for action, so we can move to Item 6, which is the BCC report/recaps. Mr. Bellows.

MR. BELLOWS: Yes. On January 26th, the Board of County Commissioners heard the Sabal Bay PUD rezone and amendment to add 102 acres and 230 dwelling units. That was approved by the Board by a vote of the 4-1 with Commissioner Taylor opposed.

There were two items on the summary agenda. That was the conditional use for the EMS safety service facility on DeSoto and Golden Gate Boulevard and the LDC amendments, some of those dealing with the Golden Gate Parkway Professional Office District. Those were approved on the summary agenda.

CHAIRMAN FRYER: Thank you very much.

Chairman's report. I have a couple of small things, and then one I'm going to use as a tease for what I want to talk about, or one of the things I want to talk about under old or new business.

First of all, another shout out to our County Attorney, Jeff Klatzkow, for an excellent job in the presentation that he and his colleagues made for us under the workshop. It was very, very informative, so much appreciation to you, County Attorney Klatzkow.

Second, a word of thanks to staff for providing us with the looks ahead, and I see we have another one that's before us. I think these are extremely helpful, and I assume everyone knows that with access to CityView on the county website we can get working on these projects well before our agenda packet comes through. And so particularly, in times like these when we have lots of very consequential matters in front of us, it's helpful to know as far in advance as possible what we have coming.

Now, in exchange, we have to agree that we're not going to be critical of staff if the agenda changes from these estimates, because that's all they are is estimates. And so this is staff's best guess, but it's not anything that is carved in stone. But I think it's very helpful and, I think it's also helpful, those of us who want to be following what the Hearing Examiner is looking at, have those matters summarized also on the agenda and can be referred to, so that's all good.

Then the one thing that I want to tease a little bit for later discussion has to do with our agenda. And as you know from looking at the looks ahead, we're scheduled to hear two RLSA village applications on the 18th, and those are always not only consequential but extremely detailed, lots of permutations and aspects of the issues that arise, and I want to be fair in not taking undue advantage of Planning Commissioners' time.

So I'm going to want to talk about whether we want to go forward scheduling both of those on the 18th or put one off to the 4th of March where right now we don't have a crowded agenda, if anything at all. So that we will talk about and have a conversation about as we move forward.

Consent agenda, we have none.

***Public hearings, advertised, the first one is 9A1, PL20190002416. This is the Town of Ave Maria Stewardship Receiving Area proposed amendments.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: Before we get into that --

CHAIRMAN FRYER: Please.

COMMISSIONER KLUCIK: -- can I bring something up?

CHAIRMAN FRYER: You certainly may.

COMMISSIONER KLUCIK: And it's germane to what you were just speaking about. It goes to Item 6, which was the report of the county commissioners, their action.

CHAIRMAN FRYER: Yes.

COMMISSIONER KLUCIK: For this look-ahead, could that also include kind of a chart with the recent votes that we've taken and the subsequent actions that the county has taken so we kind of have a written record of -- you know, so we're seeing what -- you know, what happens to our recommendation?

Sure, we get it, you know, orally, I guess, but it would be nice to see it in writing, too. And it seems like they're already putting it in writing in some format so that they can present it to us. So if we could just add it to the look-ahead.

CHAIRMAN FRYER: Mr. Bellows, do you want to respond to that? I have no objection to adding that.

MR. BELLOWS: Well, the Board of County Commissioners' web page has a BCC recap, and that's where some of this information is taken from.

MR. KLATZKOW: Just add the recap. Just add the recap to the -- and we're done.

MR. BELLOWS: Okay.

COMMISSIONER SHEA: Thank you.

MR. KLATZKOW: Okay.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Thank you very much.

All right. So this is Ave Maria. All those wishing to testify in this matter, please rise to be sworn in by the court reporter.

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

CHAIRMAN FRYER: Ex parte disclosures from the Planning Commission starting, please, with Mr. Eastman.

MR. EASTMAN: None.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER FRY: Ditto.

CHAIRMAN FRYER: In my case, materials and communications with staff and also members of the public, and a site visit.

COMMISSIONER FRY: I'm sorry; I did have a very brief conversation with Mr. Yovanovich.

CHAIRMAN FRYER: And I need to add that as well, because I had a very brief one as well.

COMMISSIONER HOMIAK: I did not. No. Okay. Now -- I was almost confused here for a minute. No, I have no disclosures.

COMMISSIONER SCHMITT: I had a discussion with Mr. Yovanovich reference this petition.

CHAIRMAN FRYER: Commissioner Klucik?

COMMISSIONER KLUCIK: Yes, I attended the official NIM and then -- and I do not -- I don't think I was a commissioner at the time, and then I attended the informal community meeting that the developer had subsequent.

And I did speak with staff, I did speak to developer representatives about this, and I will also disclose that I have been a tenant of the applicant or a close associate of the applicant, Ave Maria Development, for 11 years. My law practice has been renting space. I don't know if that's

relevant, but Mr. Klatzkow said I should at least bring it up so that we can -- everyone knows that I'm disclosing it.

MR. KLATZKOW: No, I think the disclosure's important, and I don't believe it's an issue.

CHAIRMAN FRYER: Thank you. Thank you very much. Applicant, please proceed.
Mr. Arnold.

MR. ARNOLD: Good morning. Good morning, Mr. Chairman and Planning Commission members. I'm Wayne Arnold with Q. Grady Minor & Associates, certified planner, and our team today representing the Barron Collier companies is Austin Howell, who is part of the applicant team; Rich Yovanovich is, of course, the land-use attorney; and Norm Trebilcock is here as our transportation engineer in the event you have some questions regarding transportation.

Ave Maria, as you well know, it's under development. It was the first SRA and town in Collier County. And we are making several changes that I consider to be sort of cleanup, and as this project evolves and it matures, I think you're going to continue to see some tweaks. This was, as I said, the first project that came about as a town, and there's some nuances there that we're continuing to work through. It is a stewardship area. It's about 5,000 acres.

So we've got several requests, and I have them bullet pointed here, and I'm going to go through each of those, and then I'll go through some slides that talk a little bit more about those. So one of the changes we're making is to redesignate about five acres that's presently part of the services district, and the services district is really their utility site, and it would redesignate that to a Town Center 3 designation, and I'll go through that in a little bit more detail in a moment.

We're increasing the civic uses significantly from 148,500 square feet to 350,000 square feet which will accommodate a proposed hospital that's to be constructed near the Arthrex site on Oil Well Road. We're modifying this to add a trip cap for the project. Much like you see for a Planned Unit Development, we're adding a trip cap for all of Ave Maria, which in the future that would allow us to hopefully make some adjustments in land-use allocation without necessarily the need to modify a trip cap.

We're going to -- if you've been to Ave Maria, there is a mini warehouse CubeSmart that's been constructed there. It's fairly small. It's a little over 40,000 square feet. It was ledgered at the time against our retail square footage in the project. It's not really an industrial use, and Arthrex has really consumed almost all of that industrial space, so we created a separate line for the indoor self-storage. It's not a new insertion of a use. It's been accounted for. Norm has accommodated that in his trip analysis that he conducted to set the trip cap. But we were just trying to keep the ledgering straight, as the county staff didn't really know where to put it, and we didn't think it fit any of the categories that are established for Ave Maria.

In the town center area, it has signage criteria. We're asking for that signage criteria to not only be subject to the town center criteria but also the Collier County Land Development Code for buildings. I'll give you an example. There's a convenience store out there that doesn't really fit the mode of having wall signage and things that you would find if you're on a pedestrian-oriented site.

So we would like that to be subject to the county's regular code requirements for those types of commercial signs. We're asking for a deviation to allow an off-premise sign on Oil Well Road. There's presently one at the intersection of Camp Keais Road and Immokalee Road that some of you may have seen in your travels. There's a photograph of it in your report, but we're asking for one as well on Oil Well Road.

And we're then asking for another deviation, and this is something you've seen on a couple of other of the villages that have come through, but we're asking to deviate from the maximum acreage size of four acres for multifamily. We initially asked for that to be up to 50 acres for our multifamily sites, and we subsequently, to our neighborhood meeting, reduced that request to 25 acres. Your staff report incorrectly states that the request was for 50 acres. It initially was, but

it's been reduced to 25 acres, and it's my understanding that that's similar to -- I think it was Hyde Park, Rich. You can correct me if I'm wrong.

MR. YOVANOVICH: Rivergrass.

MR. ARNOLD: Rivergrass, I'm sorry. Hyde Park had an unlimited acreage relative to the multifamily. It was Rivergrass that had the 25-acre limitation that we're asking for as well.

So that describes the overall changes we're asking to make. The current master plan -- this relates to that services district. So this is -- the arrow's pointing to the purple area, and that's the utility site. I didn't put it in the presentation, but -- do we have access to the visualizer, Ray?

This is an aerial photograph of the services site. And you can see right now it has a water and sewer plant. There's a cellular tower that operates telemetry and phone services for the town, and the portion that's accessed off the same road as the park, we were redesignating about five acres there to be a Town Center 3, which the intent here is to allow services that the community needs as it matures. There's really no place out there for lawn service providers, pool cleaning people to have a shop set up for them where they can have a place for themselves. And so they're traveling great distances to be here in some cases, so it makes sense to have a location in town for them, and this made the most sense from a community standpoint because it was sort of tucked in and away. And if you go out there, there's a huge berm that surrounds this site, so it's very little that you can even see for these -- I wouldn't call them quasi-industrial uses, but they are services where they have trucks and potentially trailers and things like that that they will need stowage.

So if I can -- so on this image you can see the arrows pointing to where we've redesignated about that five acres in yellow, and that's how it would be reflected on the overall master plan. That's a little bit closer of a blowup, and you can see how that relates. It goes from all being services to a portion of Town Center 3.

Potential hospital site, identified it with the star. So that's Arthrex's facility off of Oil Well Road, and the hospital's yet to be determined exactly how many beds it will be, but we've asked for a square footage that seems consistent with at least the Colliers' discussion with a hospital group that wants to be located there. I think most of the community supports having a hospital facility to service Ave Maria. I don't think there's objections that I'm aware of related to the request to expand the civic use size.

We have several text revisions. This is the one that reflects the square footage increase for the civic. Also, the 40,400 square feet for mini-storage, and this is where we also inserted the trip cap. So the SRA trip cap is going to be 4,697 vehicles per hour. And I'm sure if you have questions, Norm can explain exactly how he came up with that trip cap. But we felt like this was the direction to go so we have, as I mentioned, latitude in the future to maybe manipulate some of the land-use changes without intensifying the overall project.

We've updated a couple of the LDC sections here to reference the signage that would be allowed in the town centers consistent with our request.

This related to our deviation for the multifamily. Right now the LDC says that multifamily sites cannot exceed four acres, and none of us really know the history of where the four-acre number was established. And I know you've heard this discussion before on your other villages, but if you're in a master planned community, a four-acre tract to develop a multifamily product when you're going to have a bundled golf community, for instance, as Lennar will out at Ave Maria, it doesn't really make sense to have to fragment your development into these four-acre chunks of land, because all it does, as Rich has said, it provides firms like mine a lot more engineering fees to do multiple site plans for something that you could have accomplished as one master plan.

So I know there was some pushback, and staff says they're not supporting the 25 acres, but we think we're asking for something that's a functional size as a master developer. You all see several multifamily apartment complexes, for instance, come through, and those typically can be in

the 20-acre range and, larger, but we've limited this to 25 acres and hope that you can support that. And we've got an image if we want to get into more detail on that specific request if we have questions.

The other deviation related to the off-site sign. And this is an image of what the sign would be with some sizes in it. And if you look at the one that's on Immokalee and Camp Keais Road, it's essentially an off-site sign announcing Ave Maria. So, obviously, as people migrate to Ave Maria from the East Coast of Florida, they come up State Road 29 and then over on Oil Well Road to the site. This is sort of an announcement, and the location is just east of the Ave Maria entrance about a quarter of a mile.

CHAIRMAN FRYER: Commissioner Schmitt, did you wish to be heard at this time?

COMMISSIONER SCHMITT: I'll wait till after he's done. I have a question on the four --

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: -- issue, but I'll wait till --

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: -- till it's time for questions.

MR. ARNOLD: So I put this lifestyle sign in here. This was a question that had come up at our neighborhood information meeting. There are signs sort of like this throughout the community, and I put it in there because there was some thought from staff early on that we need might need to add some criteria. We have community signage already established that these were permitted under, so I'm not going to -- we ultimately had no further discussion with staff on that, so...

COMMISSIONER KLUCIK: Mr. Chairman.

MR. ARNOLD: And that was it.

CHAIRMAN FRYER: Yes, Commissioner Klucik.

COMMISSIONER KLUCIK: Regarding that last slide, I don't want to jump ahead of you. It's just because it was germane to -- I thought he was going to keep going, Commissioner Schmitt, so I can wait, or whatever.

COMMISSIONER SCHMITT: Yeah, I'll wait till --

CHAIRMAN FRYER: Your call.

COMMISSIONER KLUCIK: Okay. Well, I'll just ask you. So when we were at the information meetings, the issue that I thought came up is that the signage is not in compliance right now with the existing code?

MR. ARNOLD: I hate to say it's not in compliance because they were permitted signs, but the question the county had was were they permitted, I guess, adequately, and under what criteria.

And as far as I know, that's gone no further. There's no code case against them. And we put this in case -- I didn't want to have to go back and have another neighborhood meeting because I didn't talk about this issue. So I put it in so we could talk about it and if, as we furthered the discussion, we had to put in some criteria, I was covered.

COMMISSIONER KLUCIK: But as of now your petition has nothing to do with these lifestyle signs.

MR. ARNOLD: That's correct.

MR. KLATZKOW: I don't know what lifestyle signs are. It's just -- they're just advertising signs, when you come down to it. The distinction that we're having internal discussions with are signs that are internal to the community, which we don't really care about, and then signs that are on -- I'll call them external signs, signs that are, like, on the right-of-way. And the one thing the county doesn't want to see is, in essence, small billboards, you know, "buy our community," "what a wonderful community," "this is a great lifestyle in our community." That's

what we're trying to regulate. We're not really regulating the internal signs. So whatever they put inside, we don't really care. It's sort of like a store or -- we don't really care about the signage you put inside the store; it's what's outside that the public sees that matters.

COMMISSIONER KLUCIK: Well, I mean, the issue here, these signs are on the roads that are owned by the local government, and --

MR. KLATZKOW: Well, that would be --

COMMISSIONER KLUCIK: No, no.

MR. KLATZKOW: That's an internal issue.

COMMISSIONER KLUCIK: Well, no, it's not. It's not an internal issue. They still have to meet the code. There is a county code for such signs.

MR. KLATZKOW: What I'm telling you is that what the county cares about from a public policy standpoint is what I'll call the external signs that the public sees. The internal signs, we don't really care about that as much.

COMMISSIONER KLUCIK: You don't enforce the code there, or you do?

MR. KLATZKOW: I'm telling you what the internal discussions -- I'm telling you what the discussion have been. It's not my job to enforce the code. That's on the County Manager's side.

COMMISSIONER KLUCIK: Sure, sure. The only reason it's an issue is there's a sign bloat. There's, you know, probably 100 signs on a couple miles of road, and so in the community it's an issue; that's all. But it doesn't appear that we're taking that up, so it's not an issue for us.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: I have to ask, then, well, why doesn't your community board take issue with that?

COMMISSIONER KLUCIK: We have no authority. That's a county --

COMMISSIONER SCHMITT: Certainly you do.

COMMISSIONER KLUCIK: We don't. Well, we do. It's our land, but the county -- the board, before I was on the local board, chose to give an easement to the developer to put whatever signs they want up, that's all.

COMMISSIONER SCHMITT: Like I said, you do have authority.

COMMISSIONER KLUCIK: Right.

CHAIRMAN FRYER: Do you want to go further with your other comments?

COMMISSIONER SCHMITT: Well, I'll go with the four acres. Wayne, of course, you and I go way back. And I, too, don't understand what a four-acre limitation -- and I noted that staff is not approving. Typically, four acres would be, what, maybe two or three buildings at best in a cluster development. It just doesn't make any sense that it be limited to four acres.

MR. ARNOLD: I have an exhibit, Mr. Schmitt, I can put on the visualizer.

COMMISSIONER SCHMITT: Yeah, please. Because I can't recall why it was limited to four acres. I have no idea. Yeah, that's exactly what it would be is --

MR. ARNOLD: So here's an exhibit that Barron Collier created, and it shows these little boxes, and you put buildings inside a four-acre-or-less tract. And what happens, and the reason it's important to have more than four acres when you have a master developer, is that you would have the other side of this -- this shows the no limitation, and you end up with the exact same product.

COMMISSIONER SCHMITT: And that would be -- and that would be developed as one site plan, then.

MR. ARNOLD: Correct.

COMMISSIONER SCHMITT: One SDP, one submittal.

MR. ARNOLD: Yeah.

COMMISSIONER SCHMITT: And, frankly, a condominium type -- it could be a

condominium-type development. The other would be multiple developments.

MR. ARNOLD: Yeah, and I think, Mr. Schmitt, I just -- you know, trying to go back to the whole theory of the town, and I guess if the developer had chosen to create multiple multifamily tracts that would be four acres so you wouldn't end up with, you know, a monolithic building that's, you know, a mile long -- but I mean, that's not how developers develop property.

COMMISSIONER SCHMITT: Right.

MR. ARNOLD: And I just -- the scenario doesn't seem to make sense when in this particular case a developer like Lennar --

COMMISSIONER SCHMITT: My only recollection, if it was going to be some kind of a, what do you want to call it, community blocks or city blocks that would be developed. But I have to concur, the four-acre limitation -- though it may make sense -- it may have made sense 20 years ago, when I look at it today it just doesn't make sense, and I think the deviation and the request for deviation is certainly appropriate and justified.

MR. ARNOLD: Thank you.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Quickly, to the four acres. I believe you mentioned the major criteria for wanting 25 acres was not so much this as it was being able to incorporate a golf course; is that correct or inaccurate?

MR. ARNOLD: It's one example, and it's an existing example. Lennar is purchasing a large tract of land, and they want to do a bundled golf community with condominiums surrounding a golf course. And if they have to create small, little four-acre segments, it's really, I guess, a very inefficient way to develop land by just having to create these little four-acre-or-less tracts in which to put buildings and then have to deal with a setback from that boundary that's really an artificial boundary and then come in for another Site Development Plan on one more building. So this just makes a lot more efficient sense from a development standpoint.

COMMISSIONER FRY: Okay. Well, I look forward to asking staff. You know, they recommended denial of that deviation, so I look forward to hearing what they have to say.

But my other question is about the signage.

MR. ARNOLD: Okay.

COMMISSIONER FRY: You showed an exhibit. You mentioned the internal signs. If they're not part of this discussion, and Robb has said they are an issue internally, but they're not really part of our -- no the other ones, the internal -- the lifestyle signs that are inside the community. If they're not addressed in this, why are you showing them?

MR. ARNOLD: This was part of our presentation at the neighborhood information meeting. Because I wanted to make sure if staff was going to tell us we needed to adopt criteria to have those signs, I wanted to make sure I didn't have to readvertise and go back because I forgot to tell somebody I'm potentially dealing with lifestyle signs.

COMMISSIONER FRY: But staff did not dictate that you had to address those signs?

MR. ARNOLD: That's correct.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Just a clarification on this four-acre. I mean, the way you depict it, it does sound kind of silly if you can put a bunch of four-acre plots together and make a large community. So I'm gathering that the regulations doesn't say you can't have adjacent four-acre multifamily. Is that --

MR. ARNOLD: That's correct, it does not.

COMMISSIONER SHEA: So it does seem silly without that qualification, because I thought the idea would be to separate the units around. If you can just put them next to each other, it does sound kind of silly.

MR. ARNOLD: It doesn't seem to make a lot of sense unless you look at it in the context if there were going to be strict block requirements.

COMMISSIONER SHEA: Exactly.

MR. ARNOLD: That would be the only context, but we don't have those criteria in the neighborhood general category where these can be constructed.

COMMISSIONER SCHMITT: This may go back to the -- I hate to bring it up -- the Community Character Plan. That was part of the ongoing dialogue at the time in Collier County and -- when the county implemented the Community Character Plan and the infamous Dover-Kohl study.

MR. ARNOLD: It could have been. I just don't recall. Maybe Anita has further recollection, but I don't. From our perspective, in today's environment, it just does not make sense to restrict those to four acres in size.

COMMISSIONER SCHMITT: Did the community raise any objections to this at the -- and I'll ask Robb this as well. Any issues from the community in regards to the clustering like this into one large development?

MR. ARNOLD: Mr. Schmitt, at 50 acres there was a lot of question in how large these were going to be; is this something that could be retrofitted into an established community, et cetera. I didn't attend the second informal meeting, but it's my understanding that when they were -- discussed that we modified the acreages limitation to 25 acres, that there were no comments.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: No. I would absolutely disagree with that. I think we listened to the change that was proposed. And I don't -- the feedback that I get as a leader in the community and an elected official out there and someone who people come to when these things come up to get my spin or my understanding of these things, there's still opposition to this. The 25 acres really doesn't mean much compared to the 50. I mean, it's a move, but it doesn't mean much. I will ask --

COMMISSIONER SCHMITT: What's the basis --

COMMISSIONER KLUCIK: Oh, the basis is -- well, first of all, this graphic is helpful because what it shows is, if you do something that's unobjectionable, you can do something that's unobjectionable.

But someone already mentioned, you also could build a large, long building if it's 25 acres that, you know, that snakes, and it imposes a different character on the community and on nearby communities. You also mentioned a developer like Lennar, and I agree with you. A developer like Lennar is not going to probably do something that seems to be offensive or unpleasant that people would object to. But we're not always going to have a development like Lennar, and that's what I would suggest. They should be asking for a deviation for this project. They want carte blanche to do this deviation throughout with no idea who the developer's going to be. We don't know if Ave Maria Development is going to continue to be the owner of this whole project. They could sell it next week. I don't think they will. But we should have policy that helps us accomplish in the goals of our community regardless of who the owner is.

And I do think it's -- you know, if this was just a petition for this project, I would probably have no objection to it. I would ask a lot of questions, but I would say, yes, let's have a deviation for this project. And I would say that, you know, they asked for 50; they got 25. They're showing this. I mean, why don't you show what you're doing, and have you been able to do -- you know, what are you actually doing at Lennar, and have you been impeded from being able to do that? You sought a builder, the builder was attracted, you know, under the current conditions, under the current code, and they're building a beautiful project. And I think they're able to do it because I think they're selling -- they're already selling the project. So if you could speak to that,

that would be interesting.

Do you have those drawings? Because Mr. Bellows -- or Mr. Sabo forwarded some drawings to me of the Lennar project, the multifamily.

MR. ARNOLD: I do not have them, no. I haven't seen them.

COMMISSIONER KLUCIK: Mr. Sabo, will you be able to show them later?

MR. SABO: I can pull them up.

COMMISSIONER SCHMITT: He's got to come up to the microphone.

MR. YOVANOVICH: My understanding, Commissioner Klucik, is --

CHAIRMAN FRYER: Introduce yourself, sir.

MR. YOVANOVICH: Oh, I'm sorry. For the record, Rich Yovanovich.

My understanding, that in the interim Lennar is doing exactly what you see on this screen, which is doing a small four-acre SDP, then doing another small four-acre SDP, then doing another small four-acre SDP to get to the overall --

COMMISSIONER KLUCIK: Is this representative of the actual project or is --

MR. YOVANOVICH: This is -- this is an example of what -- what can occur under the regulations today.

COMMISSIONER KLUCIK: No. But is this something Lennar --

MR. YOVANOVICH: This is not Lennar's. I'm just saying the concept of how they're doing it. I'm not saying this is Lennar. I'm just saying --

COMMISSIONER KLUCIK: And that's why I started out by saying, this slide shows that you can do something unobjectionable under the existing rule or under the new rule, and that's -- my point is, it doesn't show all the other iterations and configurations that might not be as pleasant, you know, to the people that -- you know, the 3,000 homeowners that have already committed -- either own or have committed to buy a home in Ave Maria.

MR. YOVANOVICH: And I understand that concept. And maybe I misheard you. I don't think anybody's going to come in with a building that you can really sell that's going to be 25 -- a 25-acre building or several-hundred-foot-long monolithic building, because that's just not the market. So, I mean, it wasn't our intent to provide an opportunity for someone to come in and build a big, long, huge building on greater than four acres that would be objectionable to the community.

COMMISSIONER KLUCIK: Well, I would just interrupt you there and say that so many things have happened in the 13 years since I've been a homeowner in Ave Maria that weren't anticipated and that the market -- you know, the market has changed dramatically.

MR. YOVANOVICH: There's no question --

COMMISSIONER KLUCIK: Ebbed and flowed. And so that representation, right now maybe you're right. And, again, I'll go back to what I say, our job as commissioners is to do something that withstands the long haul and that looks in the interest of -- you know, the greater interest of the community, the common good. The developer -- I say at every one of our meetings -- I'm one of the elected officials on the board out there for our district board. I say it at every meeting. I give the developer a hard time, and they answer my questions, and they generally, you know, satisfy me, but I keep asking hard questions, and I always explain that I think we have a good developer. I think we have the best developer out there, but that doesn't mean that they don't -- you know, they don't deserve scrutiny. If we actually -- if they're going to be a good developer, they will get scrutinies from bodies like us and like our local body and the people. And you do well. And, you know, this developer does well, but this is scrutiny right now.

MR. YOVANOVICH: And perhaps --

CHAIRMAN FRYER: Just a moment, if I may. Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. As far as massing of buildings, our current architectural standards would prevent the type of building that you're talking about, if it were a

90- or 100-foot or more type of building. They're going through the review process. It doesn't come to this committee, but through the staff review process, there are architectural standards that would prohibit that type of development. And I don't know if staff can highlight that, because there certainly would be in the review process.

MR. YOVANOVICH: Right. We would have to comply with the county's architectural standards.

COMMISSIONER SCHMITT: Correct.

MR. YOVANOVICH: What -- Mr. Klucik, what I'm going to see is if we can maybe come up with a maximum length of a building. I don't have that off the top of my head. But I think that's really -- am I right, that's a concern about how long the building -- because there's going to have to be building separation under the code.

COMMISSIONER KLUCIK: I would say length, height, the massing of it. You could do something beautiful like what Lennar is doing. And, I'm sorry, market conditions can change.

MR. YOVANOVICH: I understand.

COMMISSIONER KLUCIK: And you can do something, you know -- I mean, let's face it, there are -- there are homes that we've built out there that are very different than what the expectation was, you know, in the beginning. And I'm not saying there's something wrong with that. I'm just saying that we don't know. And so you could propose this for this project, and you wouldn't have any resistance, and you could move forward, I think, but to say we have to have this new standard across the other -- how many homes do we have left to build, 7,000 homes, what, 2,500 of which will be multifamily homes; is that about right?

MR. YOVANOVICH: That's a potential, yeah. I have to pull up the exact. There is a breakdown within Ave Maria.

COMMISSIONER KLUCIK: Right. So we're talking about a lot of homes over a long period of time in which market conditions can change and, you know, I'm here championing the homeowner who's afraid of what -- you know, of the unknown.

MR. YOVANOVICH: I understand.

COMMISSIONER KLUCIK: And so I think our code should address and address the unknown. And what I would say is, maybe I'm wrong, but the developers, attorneys, and staff wrote the code that says four acres. Somewhere along the line that's what your team, your client's team, the applicant's team thought was a good idea, whether they thought it was a good idea because we've got to do that or we won't get it passed or it's a good idea because that's the character of the community we want, but it wasn't the county that said, oh, you can only do four acres.

MR. YOVANOVICH: You know --

COMMISSIONER KLUCIK: And so now you're asking to change something that --

MR. YOVANOVICH: I recognize --

COMMISSIONER KLUCIK: If it's onerous, it's onerous because the developer sold this onerous plan to all the people that are investing, you know, their lives into this community as homeowners.

MR. YOVANOVICH: I understand, and I was not on the team --

COMMISSIONER KLUCIK: Right.

MR. YOVANOVICH: -- when it was done, and I've asked the question "why."

COMMISSIONER KLUCIK: Right.

MR. YOVANOVICH: And I look around, and nobody could tell me why that was in there when you can clearly end up with -- through piecemealing Site Development Plans, you can -- you can -- if there was a desire that you could never have a subcommunity within Ave Maria greater than four acres, you would have said you can't put one next to each other, so --

COMMISSIONER KLUCIK: The whole idea is setbacks and parking.

MR. YOVANOVICH: And we're meeting every one of them --

COMMISSIONER KLUCIK: Excuse me. Setbacks and parking and buffers and all of that stuff is different if you're developing a large piece than if you're developing a bunch of small pieces. And this example doesn't show that, but there are examples that you could show where it would make a difference; am I right?

MR. YOVANOVICH: Maybe. I don't know. I haven't -- what I'm --

COMMISSIONER KLUCIK: So first of all, you know, as far as I'm concerned, this example is useful for the point that was made, but it's not useful or it actually -- you know, I would say I can use it -- what I said. It shows something unobjectionable that can be done under the old code or the proposed code.

MR. YOVANOVICH: What I'm going to say in response is there's an envelope --

COMMISSIONER KLUCIK: Pardon.

MR. YOVANOVICH: There's an envelope. I'm going to take this off. There's a four-acre envelope, right? Take one of these boxes. It's a four-acre envelope with setbacks that are required, buffers that are required, and every one of those is met under this example. Everything else inside of that envelope, as long as I meet the development standards for height and I get through the architectural review with the county, there's all kinds of different permutations that can occur with those buildings.

I can't -- I can't give you every example of what could happen out there, but what I'm suggesting is this is a fairly representative type of development that would occur and that we can do it any way under the existing regulations. If the goal of the code was to create an opportunity for engineering firms to make more money by doing SDPs, that's a great -- that's a great goal for the engineering companies, but it didn't have a planning purpose is what I'm trying to suggest. And I'm just trying -- I don't know why the four acres is there.

COMMISSIONER KLUCIK: Well, I would suggest that the whole SRA included brochure language as code, which described a very bucolic, walkable, shady, you know, wonderful place. And I'm not saying that, you know, 50 acres, which is what your original proposal was, you know, the applicant apparently thinks large 50-acre multifamily home units is something that fits in with that, and I'm not saying it doesn't. But there are people who, obviously, think it doesn't. And you're saying you can still do it, but you have to -- but you're inhibited -- the current code inhibits that. At least it slows it down or it makes you think, oh, it's going to be more costly --

MR. YOVANOVICH: More expensive.

COMMISSIONER KLUCIK: -- to put that together. And maybe it's good that there's a roadblock or a speed bump, you know. And like I said, in this case I think the solution is you come before this board and then we approve it. Wow, this Lennar project is great. Who would be against it? And then we all say, great, deviation, whatever it is that you've proposed, that's wonderful. We're granting it.

And that might be a little bit more costly. I certainly understand that's a hurdle, okay. Well, I'm advocating at this point I think that's a hurdle that should be there.

MR. YOVANOVICH: And I understand. And I want to just clarify one thing on the record. I wasn't there either, but my understanding was that the informal meeting -- and I think what you said is the information was taken in. There certainly was not negative feedback at that meeting. I'm not saying you didn't get negative feedback after the meeting. But it's correct that it was not an issue that was discussed in detail like we're discussing right now.

COMMISSIONER KLUCIK: Right. I chose to keep quiet because I was -- you know, I'm a commissioner.

MR. YOVANOVICH: I understand.

COMMISSIONER KLUCIK: And so I participated by listening.

MR. YOVANOVICH: I understand. I just want to make sure that we didn't misrepresent that --

COMMISSIONER KLUCIK: Yeah, sure, and I certainly didn't mean to say that there was a --

MR. YOVANOVICH: I understand.

COMMISSIONER KLUCIK: -- something that was unethical or, you know, dishonest about your representation. You're right, it was largely virtual, you know, and it was -- people were listening. And there wasn't a lot that was new, and --

MR. YOVANOVICH: I know. And I've been in a few meetings with you where you've never hesitated to do what you're doing right now.

COMMISSIONER KLUCIK: Right.

MR. YOVANOVICH: So -- which is great. I don't mind.

COMMISSIONER KLUCIK: I love my town.

MR. YOVANOVICH: I know you do. So usually when there's an issue, it comes up and we have a discussion.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Personally, I'm grateful that we have an insider from Ave Maria on this issue, as I'm sure none of us are as familiar with Ave Maria as you are. It's nice to have your perspective, so I do appreciate it.

It sounds to me like we have the applicant saying that the rule of four acres appears to be arbitrary, so I'll be looking to staff to tell us if it's not arbitrary, what is the justification. I guess for me, if it's not -- if it's not arbitrary, I'd like to understand what the risk is of expanding the limit to 25 acres, but I'll wait for that.

I would like to ask Jeff, Attorney Klatzkow, all these projects have to go through review by staff. And are we unduly worried about the risk of something untoward or heinous being permitted out there in Ave Maria if we did have a 25-acre limit and they had -- and they could create a 25-acre site plan?

MR. KLATZKOW: I wouldn't rely on staff. I'd rely on your own judgment.

COMMISSIONER FRY: Okay.

MR. KLATZKOW: I mean, staff's here to give you recommendations and advice but, at the end of the day, as I said at the prior meeting, you are the Planning Commission and, you know, it's your responsibility to ensure that these projects are in the public's interest.

COMMISSIONER FRY: I know. I just know that it's always brought up that regardless of what we decide, they have to go through the approval process, the SDP, and they're always -- these -- you talk about environmental and wastewater, all those types of requirements need to be met.

COMMISSIONER KLUCIK: Can I bring something up to answer that?

COMMISSIONER FRY: Sure.

COMMISSIONER KLUCIK: I will give an example of the most recent SRA or the only SRA amendment that I think has happened in this project. And I brought it up before, and you know what I'm going to mention. So they asked for a deviation -- or a change to the SRA to allow exceptions for street trees when the conditions on the lot make it difficult to have the street trees that the code requires.

So this board, I think, and then the County Commissioners heard that story, oh, wow, we have these -- you know, it's a good story, and any body that is in charge of regulations like that ought to make exceptions. The problem is the exception -- and I will always be that person that advocates for this from now on. The exception should also state that the exception can't become the rule, so there needs to be a limit in there. They went on to build a community that has zero street trees by taking advantage of the exception that has hundreds of houses in it with zero street trees because they count trees that are 20 feet away from the street as street trees.

So every street in Ave Maria is shady and tree lined with sidewalks except in that

community, because they asked for an SRA exception, they got it, and then they -- you know, they didn't -- they took advantage of it.

COMMISSIONER FRY: Thank you.

COMMISSIONER KLUCIK: And so I think we as commissioners can, you know, be wary of those things and, you know, try to come up with decisions that factor in that we don't really know the implications exactly, what the implications are going to be.

COMMISSIONER FRY: Point well taken.

CHAIRMAN FRYER: I'd like to, if I may comment.

COMMISSIONER KLUCIK: I'm sorry. My point was that the staff allowed that through, and maybe if I had -- you know, if someone had known that they were going to do that, you know, someone could have objected to it, but that was kind of a private process between the -- I mean, maybe there was some public. It was, you know, on the website if you wanted to go find it.

But I just wanted to tie it into what you -- the point you made. We can count on the staff. The staff does their job. The rule said that you have an exception, and they met the exception, every single lot. So the county can -- you know, the staff, we can only count on them to actually do what the regulation says, and they shouldn't do something beyond that, I guess, you know; that would be my point. So we need to be careful.

CHAIRMAN FRYER: If I may, so that perhaps in anticipation of what Mr. Sabo will say, perhaps other members of staff, I don't -- I don't want the impression to be left that the four-acre determination was capricious or unreasonable or just pulled out of thin air at the time it was made. I fully expect that it relates to such things as buffering, which is important from an aesthetic point of view and setbacks and the like for the overall quality of life in an area.

Now, one can disagree about the need for setbacks and buffering when you have higher density buildings that look alike and perhaps are structured for multifamily, but I don't think we should scratch our head and say, were our predecessors in planning, were they -- you know, were they crazy or not thinking properly? I think they were thinking quite properly. It's just that some may disagree at this later time whether that's advisable.

And the final point I want to make, and take Rivergrass as an example, they get 25 acres, but Rivergrass, nothing had been developed. So now we're dealing with a going concern which has been quite significantly developed. And 25 acres might work in an undeveloped Rivergrass from the startup, but we're nearing buildout here. I mean, not -- it's very well built out. And so you have issues of compatibility, I think, that arise if you put 25 acres in Ave Maria versus putting 25 acres in something that is still on the planning board -- on the drawing board, rather, like Rivergrass.

COMMISSIONER KLUCIK: Mr. Chairman, I would say I agree with you that the four acres was imposed. No one seemed to object to it. I would say that the four acres came from the applicants but, you know, we don't know. But certainly there's no history where it was contentious.

And you're exactly right, everyone went forward with that, and now that 2,800 people, you know, have bought homes, it seems that you have an obligation, you know, to assess whether it's alike or different from Rivergrass.

What I would say as well as is I had a question about the signage. And I would like to see what the signage -- this is the commercial signage in the town center -- what the before and after looks like, what's possible now, and what is -- you know, what is the code now, and what is the change that you're suggesting.

MR. ARNOLD: I don't have a specific detail for every single tenant, because that's what it would be.

COMMISSIONER KLUCIK: This is one -- this is one of the bullet points in your first

slide in which you talked about the major changes that you're, you know, asking for. And since -- if we don't know what the before and after looks like, then I would just --

MR. ARNOLD: And, Mr. Klucik, not to cut you off, but we're asking for exactly what any other commercial use can have for signage. The town center criteria was set up to be, in some instances, very pedestrian, which makes sense for some of the signage. It doesn't make sense for the uses that you have like a convenience store that is auto-oriented and not pedestrian-oriented.

COMMISSIONER KLUCIK: Well, right, and I think that's for the Commission to decide if we understand what it is now and what it is in the future, because right now you -- again, you have these same 2,800 homeowners who have a community where the signage is already established, the legal requirements for signage is already established and being followed, and I don't understand why we wouldn't see what the change would look like, the before. And it's not a big deal. It's just, I'm asking to see --

MR. ARNOLD: I don't know.

COMMISSIONER KLUCIK: -- what is the current -- and I'm sure someone can get that to us, if it's -- staff has to do it, what the standard is now and what it would -- what the possibilities would be in the future, and hopefully, staff, somebody will address that for us.

CHAIRMAN FRYER: Thank you. Go ahead, Mr. Arnold.

MR. ARNOLD: I'm finished with my presentation, so I'm happy to answer any other questions.

CHAIRMAN FRYER: Thank you. Any other questions from the Planning Commission?

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: Go ahead, Commissioner Schmitt.

COMMISSIONER SCHMITT: Just to go back to the history of the SRA, I mean, the SRA was actually developed in concert between Barron Collier and at that time Ave Maria, which was Monahan. I'm trying -- I lost his name for a minute. And they actually hired a private consulting firm that put some of that language together. And if I recall, I believe it was WilsonMiller that did a lot of the original language.

MR. ARNOLD: It was.

COMMISSIONER KLUCIK: Anita, you may have some history as to why the four acres exist because you were at one time part of that firm.

But when the SRA language came in and a lot of that was vetted through the public as we went through the development in the approval process, this was one of the first -- it was the first SRA to come in under the Rural Land Stewardship, so -- and you're correct, I mean, the four -- if we're going to -- we're discussing the four acres, I'm sure there was a reason many years ago as to why that was proposed by both Barron Collier and -- in concert working with WilsonMiller.

So -- but at the same point, you point out how it can be -- what it actually can create under those rules. So I'd be interested when staff comes up to see if Anita has any history as to the origin of the four acres and why it was proposed originally at four acres.

MR. ARNOLD: And, Mr. Schmitt, to that point I would just simply say that what we're asking to deviate from is the Land Development Code.

COMMISSIONER SCHMITT: Yes, I understand.

MR. ARNOLD: And Barron Collier did not write your Land Development Code.

COMMISSIONER SCHMITT: Right. It went through the public process. It went through all the public hearings. Staff certainly shepherded it through and, of course, it went before the Board. And all during that time frame nobody ever made any -- that I can recall, any comments regarding the four-acre limitation.

Again, the only thing I can translate it to is part of what was originally envisioned as part of the community character and the blocks -- city blocks being developed at the -- in the original proposal.

I'm not against it. I agree with -- 25 acres, to me, makes sense instead of four separate SDPs and four separate submittals, and it just seems to make sense. But I -- enough of my comments. Thanks.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: So Robb is speaking as if Lennar -- and I think it's been almost presented like Lennar is controlling the development of this entire project. The owner is Ave Maria Development. Can you please explain the ownership -- the development ownership chain and who the developers are -- who the builders are.

MR. ARNOLD: The primary developer is Barron Collier Companies as Ave Maria Development. They have sold off parcels out there to Pulte Homes, for instance. They've sold off tracts to Lennar. They've sold off parcels to other builders. They've partnered with other builders and doing some of that work themselves. There are multiple people doing work out there. Lennar was one good example, Mr. Fry, that I could tell you it's ongoing in this sort of an example where they're having to carve the bundled golf community up into small little fragments in order to meet the code.

COMMISSIONER SCHMITT: But Barron Collier is still the controlling entity; is that correct?

MR. ARNOLD: In some sort. It's not Barron Collier but, yes, an entity of.

COMMISSIONER SCHMITT: An entity of Barron Collier, yeah.

MR. ARNOLD: Yes.

COMMISSIONER FRY: How do you incorporate a golf course with four-acre parcels, or is it -- is the golf course itself not subject to the four-acre --

MR. ARNOLD: The golf course would not be subject to that limitation. It's only for multifamily dwelling units.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Any other questions or comments?

(No response.)

CHAIRMAN FRYER: Does the applicant have further presentation? Commissioner Klucik.

COMMISSIONER KLUCIK: Well, just since we brought up Thomas Monahan. I also want to bring up the memory of Paul Marinelli who, unfortunately, expired prematurely, you know, and he couldn't really see the Ave Maria really take off. And he was also part of the project. He was the president of Barron Collier company, I believe, at the time.

MR. ARNOLD: Correct.

COMMISSIONER KLUCIK: And I just want to remember both of them, you know, for -- obviously, I get to enjoy it every day, but it's a huge asset to our county and, certainly, I can't believe I get to live there every day.

CHAIRMAN FRYER: Thank you.

MR. ARNOLD: Thank you.

CHAIRMAN FRYER: Is that it, applicant?

MR. ARNOLD: That's it.

CHAIRMAN FRYER: Okay. Thank you.

Any further questions or comments before we have staff?

(No response.)

CHAIRMAN FRYER: All right. Mr. Sabo.

COMMISSIONER FRY: Will we be hearing from Norm Trebilcock?

CHAIRMAN FRYER: We can. We'll call him up, yeah.

COMMISSIONER KLUCIK: I do have a question for Mr. Sabo just to clarify something that I was asking him to present.

CHAIRMAN FRYER: Go right ahead.

COMMISSIONER KLUCIK: You had sent links to some of the project materials for the Lennar project or, you know, in the public record. So it was the actual plan that looks like what's on here but for the actual two-story and four-story. If you have that and you can show that at some point, that would be great, or certainly somebody on staff. Is that something you think we can do?

MR. SABO: For the record, James Sabo, Comp Planning Manager.

Yes, I have those. I had trouble with the link, pulling it up, but one of our staffers, Diane Lynch, was kind enough to pull it up onto the podium, so we should be able to pull it up without an issue.

COMMISSIONER KLUCIK: Okay. And, likewise, if we can, you know, clarify what is the current signage rule, and then what would the new one be?

MR. SABO: That I need a little bit more time because I was spending time pulling up the site plan. So if you can give me a little more time for that, we can --

COMMISSIONER KLUCIK: Thank you.

MR. SABO: -- we can get that addressed as well.

I want to address a couple of things while this graphic is up. I understand the issue with four acres and the presentation that they would have to submit multiple times for SDP. You can submit for an SDP at the county, under several tracts, one SDP application. So just to clarify -- clarify that.

Additionally, I got some information from the County Attorney to apparently --

COMMISSIONER KLUCIK: So a lot of administrative burden is actually -- it's not -- they didn't have to submit -- for this project, they wouldn't have to submit five site plans, SDPs?

MR. SABO: No, no.

COMMISSIONER KLUCIK: They could submit one but with these bundling requirements?

MR. SABO: Correct, correct.

COMMISSIONER SCHMITT: Wait -- wait a minute. But you still would have tracts you would still have to put in setbacks, meet setback requirements. You still would have the separate requirements for buffering unless you asked for a deviation between the tracts for buffering. So it's not simply you could just cluster it and submit. You still have to meet all the other requirements per each tract. I want to make that clear. That's not -- what you said is true, but it also is true that you still have to comply with all the other requirements --

MR. SABO: That is --

COMMISSIONER KLUCIK: -- or ask for deviations from those requirements.

MR. SABO: That is correct.

COMMISSIONER SCHMITT: Okay.

MR. SABO: You would have to meet buffering --

COMMISSIONER SCHMITT: Correct.

MR. SABO: -- and setback requirements on each parcel. So, essentially -- I don't know how to use the stick on here -- but their Tract E -- that entire boundary of Tract E would have buffers and setbacks. The entire boundary of Tract -- I got the gag. All right. There it is.

Okay. So on Tract E you'd have to meet the buffer and setback requirements. For Tract D, you would have to meet the buffer and setback requirements. Tract C, et cetera. You could submit all those under a single SDP application, you are correct. I just want to make sure that the correct information is portrayed. But, yes, you are correct, Commissioner Schmitt, you would have to meet all those standards.

Okay. Now, the County Attorney sent information that -- I guess the visualizer had

information about 4,697 peak-hour trips. The SRA document has 4,320 p.m. peak-hour trips. So that would be their standard, 4,320; just to clarify that.

So just to get to our recommendation, which is to not approve the Deviation 1, the 25 acres larger than the four-acre maximum. The intent is compact urban design and to promote walkability. So that is why we -- our recommendation, why we are recommending against the deviation.

The other part of that recommendation is Ave Maria is an established town. It's already being built. The development pattern, the expectations of the community is already that four acres is the maximum size of the parcel. Yes, yes, you can connect those parcels together, but you do still have to meet those setbacks and buffers on each tract.

And, essentially, that's our recommendation: Approval minus the -- minus the deviation. And then I can -- for Mr. Klucik I can try to pull up these plans.

COMMISSIONER KLUCIK: Just as a -- can I ask a question, Mr. Chairman?

CHAIRMAN FRYER: Yes, please, go ahead.

COMMISSIONER KLUCIK: So what is the -- you know, as a planner, and when we have our code, what is the purpose of the buffer and setback requirements in general?

MR. SABO: In general is to create a buffer or a softening of the edge of the property to set the buildings back, set the properties, the fronts of the buildings back so that there's space in front. It's to -- you know, other than that, I can't really explain it.

COMMISSIONER KLUCIK: So it's more for aesthetics and noise, things like that?

MR. SABO: Correct.

MR. BELLOWS: I can also help -- for the record, Ray Bellows.

It also helps establish the human scale of what is desired for that type of zoning district, that type of residential unit. So you want to make sure you have adequate trees and landscaping and vegetation in a residential environment, or otherwise you have more of a downtown city-type residential environment. This is a Rural Lands Stewardship Area. The original intent is to keep these smaller-scale structures with a lot of vegetation and make pedestrian access through, you know, smaller shops, instead of having a monolithic type of one structure on the entire acreage there.

CHAIRMAN FRYER: And I'm in agreement with seeking to fulfill that objective. I'm sorry that what's not before us today is an application that would allow for some buffering but perhaps not the full buffering that would be called for, but this would allow for absolutely no buffering and limited setbacks and would apply to the entire community of Ave Maria, which is also disturbing. I've got some other points that I'm going to raise. But Commissioner Fry will be recognized.

COMMISSIONER FRY: So in, I guess, trying to wade through this four-acre versus 25 acres versus maybe we reduce it to 10, you know, we have the ability to do whatever we think we see fit. Allura was an apartment complex that came to us. It was on 35 acres. It ended up being, I think, 300 units or so. Is that -- that had setbacks and, you know, aesthetics and buffering. What about Allura? Allura would not be possible, I don't -- I'm not sure if it would be possible with this four-acre limit. But is there something about Allura that isn't walkable, that isn't compact urban design?

MR. BELLOWS: Well, Allura's not in the Rural Lands Stewardship Area.

COMMISSIONER FRY: I understand that, but it's at least something we can visualize. We had personal --

MR. BELLOWS: And it's more of an urban/suburb design versus a rural, you know, design intended for the Rural Lands Stewardship Area.

COMMISSIONER FRY: I'm just not clear what you're looking to end up with with the four-acre limit. What you're --

MR. BELLOWS: I think the idea is to get something, as the applicant has depicted here, a project similar to that. I think that was the original intent versus one large building that could have covered the entire acreage.

COMMISSIONER FRY: But to me that's a very -- that's like a block-style development, whereas if they had a larger area and they could have buildings at angles and, you know, a much more creative design would be possible if they had the ability to draw with a brush on a larger easel, I guess, or a larger template.

MR. BELLOWS: I agree wholeheartedly, but this is just for illustrative purposes by the applicant to show what's possible. It's not their attempt at designing something.

CHAIRMAN FRYER: The Chair recognizes Ms. Jenkins.

MS. JENKINS: Good morning. Anita Jenkins, for the record, the Zoning Director.

To put the history on the four acres, the full code has to be in context. So the code for the Rural Land Stewardship SRA towns was written to be compact, pedestrian-oriented, and walkable. So the four-acre block for the multifamily was one of the intentions to meet that goal.

So we're implementing policy in the Rural Lands Stewardship Area with a full code, and this is one part of the code that implements that policy of walkable. It helps to establish the interconnectivity through the town where when you get larger tracts, you break the interconnectivity. It's not that they couldn't come in with a plan that would be 25 acres and they could demonstrate how they maintain the interconnectivity for the town, so they could accomplish that, but that was the history behind that four-acre.

And, Commissioner Schmitt, you're right, when you bring up the Community Character Plan, these are common planning principles for community development that intends to be walkable and compact is to set some development standards that are different than suburban standards where you see the larger multifamily tracts in the coastal area in particular.

So they could accomplish these things. I think in both ways we could find solutions to maintain the intent and the scale of the town while they can also bring in a 25-acre piece at the same time.

Also, one thing to mention, it was brought to my attention that the architectural standards do not apply to a multifamily project that is not adjacent to a collector or arterial roadway. So that's just something to keep in mind as well.

COMMISSIONER KLUCIK: So can you explain that again.

MS. JENKINS: The architectural standards found in our Land Development Code do not apply to multifamily housing that is not adjacent to collector arterial roadways.

COMMISSIONER KLUCIK: So right now what would be a restriction on length or height? Is that what you're talking about, things like length and height, or what other -- what are the other architectural --

MS. JENKINS: Yeah, yes. And facing and articulation and things like that.

COMMISSIONER KLUCIK: So what are the standards, then, that would be required for a multifamily?

MS. JENKINS: The standards would not apply for multifamily that does not -- that is not adjacent to a collector. So they would bring in an SDP their architectural standards for review.

COMMISSIONER KLUCIK: So that's a clean slate, and they bring something in, and then through the process it gets approved or disapproved. There's no -- there are no actual limits imposed, standards imposed?

MS. JENKINS: If it's not adjacent to a collector arterial, right.

COMMISSIONER KLUCIK: So I think I'm being seemingly pedantic. I do that sometimes because I don't understand and I ask another question.

So does that mean it could be 12 stories? In theory, they could propose 12 stories, and then it would be up -- through the planning you would say, you know, that's not going to work here

or, you know, what -- that's why I'm asking.

MS. JENKINS: So you do have to -- they would have to comply with their own height limits that they would have in their Ave Maria SRA document. So there are some development standards that they would comply with there. I'm just speaking to the Land Development Code and the architectural standards that would apply to the multifamily. If there are standards in the SRA that would apply to multifamily, they would have to be consistent with those standards.

COMMISSIONER KLUCIK: So can we get somebody to confirm what the height standard is for multifamily in Ave Maria?

MS. JENKINS: Sure.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Commissioner Shea?

COMMISSIONER SHEA: Ms. Jenkins, I just wanted to confirm, because to me this -- it's very -- it's clear to everybody that the intent was always that you could put multi four-acre parcels together in multifamily? It was always the intent? See, I view that more, the four-acre, as you missed the phrase that says you can't put two four-acre units adjacent; otherwise, to me, it's a much cleaner, easier -- you get something better if you put them all under one, as Commissioner Fryer was saying, where you could do a lot more in terms of creativity and buffering and aesthetics. So it just seems to me like you forgot the line that says you can't put four-acre parcels next to each other in multifamily.

MS. JENKINS: The intent of the four acres was to maintain interconnectivity so that you don't have a 50-acre parcel that is not interconnected with the rest of the town.

COMMISSIONER SHEA: But the picture they just showed is --

MS. JENKINS: And that's what I'm saying. I think that the code can be met and demonstrated with four-acre tracts without losing that interconnectivity and that scale. It's really about the town scale and interconnectivity that you're trying to achieve with the overall code as a whole.

COMMISSIONER SHEA: Now, how does that -- I guess I don't see the interconnectivity. You have interconnectivity within the development when you stack them all together around each other. I guess I don't see what you're losing on the interconnectivity side when you end up with 25 acres that are four-acre parcels.

MS. JENKINS: Well, I think that the illustration that is on the screen now, you can see that that area then does not have connections. It's just one large parcel, so you don't have interconnections that are through. Now, I understand that when you're trying to do multifamily along a golf course, that's going to be a different scenario.

But if you remember the SRA in general, we were thinking transect, right? So you would expect the higher densities to be in more of the higher density areas in block formations for walkability. But when you're developing it along a golf course, then that interconnectivity may not be as high-density intersections as you would have in a block configuration. So there's always some chance for, you know, needing flexibility for this. But the idea that you're looking at here is that you do just have that a series of multifamily that's not interconnecting with the full town.

MR. SABO: Mr. Chairman, if I can -- if I can add to that.

CHAIRMAN FRYER: Yes, go ahead, and then Commissioner Fry after that.

MR. SABO: On your podium screen there, or the visualizer screen there, that is the current Lennar National Golf Club SDP for the multiple family condominium product that they are selling now or building now. Those two parcels with the dark line in between, those are four-acre parcels.

Mr. McLean informed us that the LDC allows, under a unified Site Development Plan, relief between those buffers. So there is -- in our LDC code the ability to remove some of those buffers if the parcels are attached or connecting or adjacent, abutting.

Now, what -- to your point, Mr. Shea, I don't know what happened with the SRA. I'm not sure exactly what happened, but it is possible that the words, you can't butt them together, you can't put four or five in a row or whatever that -- you know, that may have been eliminated or not included, whatever, but the -- I think the intent of the four acres was to disburse the parcels throughout the community, and there is technically a loophole here that you can stack them together or put them in rows, but I don't necessarily know that that was the intent, so I hope that answers some of the question.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Based on that drawing that you're showing us, I guess I'm not seeing any advantage or restriction gained by the four-acre limitation compared to just letting that be one site plan. If the buffers are relaxed or suspended when you're putting them together on an SDP, then what are we gaining by restricting them to four acres?

MR. SABO: Yeah, that's a great point. That is a great point, and I don't have the answer to that. As I mentioned, it may have been an oversight, you know, 14, 15 years ago when the SRA was put together, that -- you know, the people who put them together are humans, right? So they may be left out. We don't want them all stacked up together, maybe.

COMMISSIONER FRY: I could see if you don't want large developments in large -- large areas, large communities that have no interconnectivity, so you've cut off a whole section of the development from another, but that's still very possible, as it is shown here with the four-acre limitation.

MR. SABO: Right. Agreed.

COMMISSIONER FRY: The other question I had for you, Mr. Sabo, had to do with the trip cap. One of your first comments was that the SRA has -- shows a trip cap of 4,300-and-some trips, correct?

MR. SABO: Correct.

COMMISSIONER FRY: But their application is for a trip cap of 4,600 and some, I believe, or am I -- or was that just a correction on what they're asking for, or is there a difference between the two?

MR. SABO: It was pointed out to me, Mr. Fry, that there was something on the visualizer that had 4,697.

COMMISSIONER FRY: Correct.

MR. SABO: And that is incorrect. The SRA document has 4,320, so just to make that clear. And we can --

COMMISSIONER FRY: Okay.

MR. SABO: -- get Mr. Trebilcock, but he's nodding his head, so it looks like --

COMMISSIONER FRY: So the actual ask is 4,300-and-some trips as is in the SRA document?

MR. SABO: Correct.

CHAIRMAN FRYER: That's not what I found in the materials.

COMMISSIONER FRY: Nor I.

CHAIRMAN FRYER: What I found was that the original ask was for 46- and some change, and after some back and forth with staff, it was brought down to 43- and some change.

COMMISSIONER FRY: But the final is 4,300.

CHAIRMAN FRYER: Yeah, that's where we are now, just like we're at 25 acres, but the original ask was 50.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Well, I'm going to go back to the drawing that's on the visualizer right now. This is the current proposal?

MR. SABO: Correct. Tract 1, The National, Ave Maria --

COMMISSIONER SCHMITT: Correct.

MR. SABO: -- and Lennar Homes, correct.

COMMISSIONER SCHMITT: And so each one of those darkened blocks, I call them, the borders, that's four acres each?

MR. SABO: Correct. The left side of the screen, it's sort of a C-shaped pointing north.

COMMISSIONER SCHMITT: Yep.

MR. SABO: That's a four-acre parcel, and then to the right it's -- it's got kind of a bulb-out there, that's also a four-acre parcel.

COMMISSIONER SCHMITT: Well, then I guess I'm going to ask Wayne, then. Wayne, what would be different on this site plan if you were allowed to go to the 25-acre limit or, Rich, do you want to address that? Because it appears that Lennar is coming in with the request regardless of the four-acre or 25-acre limitation. I go back --

CHAIRMAN FRYER: Let me interject, if I may, please. We did not call up staff during the applicant's presentation, and the applicant will have a full opportunity to rebut and answer additional questions. Unless you feel very strongly about it, I would suggest that we wait until the applicant is back up in rebuttal.

COMMISSIONER SCHMITT: Well, I'd like to get my question answered.

CHAIRMAN FRYER: Does staff object?

COMMISSIONER SCHMITT: We're discussing -- we're discussing a plan that was put up by staff.

CHAIRMAN FRYER: All right.

COMMISSIONER SCHMITT: I think my question is very relevant to the issue at hand, because this was introduced by staff; this was not introduced by the applicant.

CHAIRMAN FRYER: I'm not arguing with the importance of your question. I just want to try to be even-handed in allowing interruptions. And so I'm going to turn to Ms. Jenkins and say, what would staff prefer on this? We didn't -- we didn't call Mr. Sabo up during the applicant's presentation.

MS. JENKINS: Oh, I'm fine with the questions being answered as you have them from anyone that you want to ask the question of.

COMMISSIONER SCHMITT: Well, I'm glad you're fine with it, because we control the proceedings, and I'm going to ask the question anyway.

MS. JENKINS: I'm fine.

MR. YOVANOVICH: Well, my experience, in the one or two times that I've done this, you've asked staff up many times during our presentation --

COMMISSIONER SCHMITT: Absolutely.

MR. YOVANOVICH: -- and they answered questions. So, I mean, I've been flexible. It's always been friendly about how we do this.

Mr. Schmitt, the only thing different between what you have here, instead of doing it six times, six-plus times to get to 25 acres, we would do it once. You'll get the same big picture. The 25 acres is going to look the same, but we'll do five separate or six separate Site Development Plans to come up with this very same plan because it's going to continue on. This is -- assuming it was a 25-acre thing. If this is four acres and four acres and four acres and four acres, it's going to look the very same at the end if I'd have come in with one 25-acre project.

CHAIRMAN FRYER: But it might have had more buffering.

MR. YOVANOVICH: No, it would not. We're not getting out of any buffering. We are providing all required perimeter buffers on this project. We're not getting out of any of the perimeter buffers. This is purely an internal issue, as we were talking about earlier. The buffer on the street, going to be the same. The buffer on the left-hand side, going to be the same when you get to the end of the development.

(Simultaneous crosstalk.)

MR. YOVANOVICH: Buffer along the golf course is going to be the same. What?

CHAIRMAN FRYER: Buffer between the buildings?

MR. YOVANOVICH: Buffer between your buildings? This is your code right now.

CHAIRMAN FRYER: Yeah, but the buffer between the buildings, we would at least be able to discuss if you came in with an SDP that was an aggregation of four-acre lots aggregating 25.

MR. YOVANOVICH: We don't come to the Planning Commission for Site Development Plans.

COMMISSIONER SCHMITT: Correct.

MR. YOVANOVICH: We don't come to the Planning Commission for Site Development Plans. Your staff has approved, I'm assuming, correct, Mr. McLean, you've -- approved this --

MR. McLEAN: I'll put it on the record.

MR. YOVANOVICH: -- drawing. So the buffer between the tracts is not required under the code.

COMMISSIONER SCHMITT: Well, it would be required. They asked for --

MR. YOVANOVICH: The out -- external boundary would be -- is required, and we're going to meet all of those, but the internal can be eliminated under the uniform Site Development Plan process.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes.

COMMISSIONER KLUCIK: So you said you'd have to do it six times, but it seems as though maybe you did -- maybe, you know, it was a choice because you're starting a new project and you're going slow. You actually could have done all six in one SDP. You would have just had --

MR. YOVANOVICH: I'd have to do six SDPs. I have to do six.

COMMISSIONER KLUCIK: Well, we --

(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: -- just had Mr. Sabo say that you could do it all as one. So it's -- the answer is, one of you is right, and I'm certainly not saying that I know who's right. But you're saying you couldn't submit one SDP, and Mr. Sabo is saying that you could submit just one SDP.

MR. YOVANOVICH: That's news to me. We're almost -- during the break I'm going to confirm that, because --

COMMISSIONER KLUCIK: Right.

MR. YOVANOVICH: -- I've never been under the impression I can come in with a 25-acre SDP for a multifamily project. I've always been -- and if we're wrong, then I don't even know why I'm here, to be honest with you, because I'm going to go to 50 acres, you know, and I'm going to be unlimited is what I'm being told.

COMMISSIONER KLUCIK: What I would say is you submitted -- here you submitted an eight-acre SDP.

MR. YOVANOVICH: That's Lennar. I didn't -- I'm saying, this is the first I've heard of it, Mr. Klucik.

COMMISSIONER KLUCIK: Excuse me. Excuse me. Excuse me.

The applicant or the applicant's -- the person who bought the land who would be benefiting from a change in their future development submitted this plan, and it has eight acres, and you're the one that said it was one SDP. Maybe it wasn't. You don't know.

MR. YOVANOVICH: It wasn't me.

COMMISSIONER KLUCIK: You don't know, I understand. You're just -- it wasn't

yours to shepherd through because it was Lennar.

But from what Mr. Sabo is saying, you could do eight acres, you could do 25 acres, whatever. You can do it as one plan. It's a little more cumbersome because you have to put the parcels together. I mean, that was your opening argument is that you can submit, you know, the -- you know, you had the graphic there, you can bundle it all together. But you're saying that you would have had to -- in that bundle that you showed, you would have had to do five separate SDPs.

MR. YOVANOVICH: I would have had to -- yeah, to get to 25, I would have done six plus.

COMMISSIONER KLUCIK: So I guess we need to know for sure what is the requirement.

COMMISSIONER SCHMITT: I'll go back to my question. I mean, that's the crux of the entire argument. Can they -- can, in fact, this -- could this have come in with a -- I'll call it a cluster development of showing the full 25 acres? And it appears it can. There's no -- I don't think there's any restriction.

MR. SABO: That's my understanding.

MR. KLATZKOW: Matt, could you -- since this is the guy in charge of it, let's get Matt's --

COMMISSIONER SCHMITT: Yeah.

MR. KLATZKOW: -- ruling, as it were.

MR. YOVANOVICH: I can assure you, if I'd known I could have done this with one 25-acre SDP, I wouldn't be here.

MR. KLATZKOW: Yeah, life is short. Let's see what the man has to say.

MR. McLEAN: I didn't swear in, so I apologize on that part.

CHAIRMAN FRYER: We'll swear you in.

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

MR. McLEAN: I do.

Matt McLean, Director of Development Review.

The question at hand is the four-acre piece. If an SDP comes in and it does have tracts that are carved up into four-acre sections, they can submit one unified Site Development Plan for multiple parcels and effectively do what you're seeing on the screen. That is how that one was permitted. There are perimeter buffer requirements, but in the internal tract line, which is in the middle of the particular document that you see in front of you, the code does not require internal buffer between the two multifamily buildings.

COMMISSIONER SCHMITT: Wow.

CHAIRMAN FRYER: Thank you.

COMMISSIONER FRY: Then what is the benefit of a four-acre tract limit?

MR. McLEAN: I can't say if there's a benefit one way or the other. I can say that they can develop it that way under the current code. They just have to be defined as four-acre tracts. (Simultaneous crosstalk.)

COMMISSIONER SCHMITT: I go back to the original intent as Anita pointed out. It was -- the four acres was once when it was envisioned it would be walkable city blocks. And that's what I recall when this first was being developed, and they would be separate sections with parallel streets in a walkable interconnected community.

But, Anita, you talked about interconnectivity. I mean, this is -- essentially, it is interconnected. It depends how you determine interconnected. There is one street that connects all the buildings, and it just happens to be where the parking and the drive -- and I guess it's -- all these are facing the golf course.

MR. KLATZKOW: Unless I'm missing something here, and staff can clarify, this entire

issue we're talking about is not relevant.

COMMISSIONER SCHMITT: Right.

MR. KLATZKOW: Because they can do it anyway.

COMMISSIONER SCHMITT: They can do it anyway. That's what --
(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: I think it's important to parse out what that actually means
and if, in fact, that --

MR. KLATZKOW: But if they --
(Simultaneous crosstalk.)

THE COURT REPORTER: I can only get one at a time.

MR. KLATZKOW: Hold on. If they can do it anyway, there's no need to request a
deviation. It's a nonissue.

COMMISSIONER SCHMITT: It's a nonissue.

MR. KLATZKOW: So we've just spent an hour on a nonissue.

MR. YOVANOVICH: With all due respect, I want clearly on the record that the
reference -- Wayne, I need that back. I'm sorry.

COMMISSIONER KLUCIK: I'm going to interrupt you.

MR. YOVANOVICH: You may.

COMMISSIONER KLUCIK: Thank you. Okay. So I want clarification on -- you
know, so we talked about there's no need for buffers internally between the two lots. So right now
where we have those two buildings that are at the borderline, could they be connected? Could
they -- you know, could they straddle that border as one solid unit so that we have one long,
serpentine building? Because I think that does, then, change interconnectivity, because if you
have a long building -- you know, the idea that it's limited to four acres actually limits how long a
building can be unless -- unless you could have one long building if you put the lots together.

COMMISSIONER SCHMITT: No. You get into zero lot line restrictions and other
requirements. If those buildings were connected, and I -- I'm going back to --

MR. McLEAN: Again, Matt McLean for the record.

COMMISSIONER SCHMITT: -- review. Matt, if you have one up against the lot line,
you're in a zero lot line, and you're now into the building code in regards to fire code and access
and all the other type of things. I do not believe you could staddle one building across the two
parcels.

MR. McLEAN: As the regulations stand today for the SRA, and within the Land
Development Code, you still would have to meet setbacks from that tract line, so you would not be
able to have a building that combined and went over that tract line.

COMMISSIONER KLUCIK: But if it was eight acres, so if this was all able to be
developed as one, then that building could be twice as long; is that true?

MR. McLEAN: If the limitation was eight acres, they could -- they could build one
building within the eight-acre tract, if they so choose --

COMMISSIONER KLUCIK: So -- in essence --

MR. McLEAN: There would not be a tract line, then, at this point --
(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: Right. What I'm saying is there's a difference. There
clearly is a difference, and we've already heard -- and it makes sense. And I'm not even arguing
that that would be wrong. We've already heard, you know, if they get 25, then they're going -- it's
going to be easier to do 50 or 75 or 100 in one fell swoop, and the only restriction is, you know,
what we just said, you know.

So my whole point is, this is a speed bump and it is meaningful. It might not be as
meaningful as, you know -- you know, we don't know the history. It might not be as meaningful

as it could have been if they said you can't put two together but, obviously, that's not the case. But it is meaningful, and it does change the character of what they can do, and it does make it more walkable because you can't have a really long serpentine building, and that is definitely not walkable.

COMMISSIONER SCHMITT: Well, the way this is shown, you could have the three buildings on the east -- correction, west side of this --

COMMISSIONER KLUCIK: You can shove them together.

COMMISSIONER SCHMITT: You could have them together.

COMMISSIONER KLUCIK: Right, but then you couldn't have all five buildings together which --

COMMISSIONER SCHMITT: You could not.

COMMISSIONER KLUCIK: If that was one eight-acre parcel that was submitted as one project, because we've increased it to 25 acres, then that could be one long building.

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER KLUCIK: And all I'm saying is that that's fine, we can decide that that's what we want the code to allow, and I'm saying -- I'm arguing that I don't think that's good. I think that does change the character. It changes the walkability. It changes the expectation of, you know, the 2,800 homeowners who are already there, and, you know, what the county has already said is the requirement. And I think if you're going to make this change, especially because -- you know, the applicant is largely saying they can do what they want to do anyways. It's just a matter of taking some of the paperwork burden away. Well, I think we've just come up with a reason to keep the burden of the paperwork there, and I -- that's it right there.

COMMISSIONER SCHMITT: Let me go back to the staff. James, if, in fact -- and I'll ask during the break if you can confer with the applicant, because if, in fact, this is allowable as was attested to, I would like you to confer with the applicant to see if they're going to withdraw their request for the deviation, because it seems to be a moot point.

COMMISSIONER SHEA: Yes.

MR. SABO: Understood.

MR. YOVANOVICH: It's not. I can answer that. It's appropriate now? And Matt McLean will correct me if I'm wrong, because he only lets me play engineer a couple times a year, and I want to save it. But that line that's there becomes a tract line, and we've got to meet the setback from that line.

COMMISSIONER SCHMITT: Correct.

MR. YOVANOVICH: So if I had the 25-acre parcel, if I somehow got that building a little bit too close to that tract line when I built it, I don't have to come in and ask for a variance. That's -- when you're forcing me to identify the specific internal tract lines, you have issues with setbacks from those internal tract lines; not building separation, but set back from those individual tract lines.

So what we're trying to say is, give me the 25-acre envelope. I will meet all of the height requirements. I will meet all of the perimeter buffer requirements. I will meet all of the building separation requirements. And I can do that with one Site Development Plan instead of six platted lines with six platted internal setback lines for buildings is all I'm suggesting.

MR. KLATZKOW: So you're actually getting to Commissioner Klucik's point: You want to be able to put in big boxes.

MR. YOVANOVICH: No, I didn't say that, Jeff. What I'm saying --

MR. KLATZKOW: Well, if the issue here is separation between buildings and meeting the setbacks here, Mr. Klucik's point is spot on. What the four acres is doing is it's stopping you from putting in what I'll just call the big boxes.

COMMISSIONER SCHMITT: Your setbacks are going to be dictated on the height of

the building, regardless, so you --

MR. YOVANOVICH: I'm going to have building separation requirements.

COMMISSIONER SCHMITT: You've got building separation based on the height of the building, and how would that differ than what's shown for the separation from the lot line?

MR. YOVANOVICH: I missed the --

COMMISSIONER SCHMITT: Okay. You've got -- let's go between those two buildings there between the lot lines. You've got -- and I -- it's too hard to read what the distance is. But would that distance be different if, in fact, it were one tract? You still have to have building separation based on one-half the height of the building.

MR. YOVANOVICH: I'll have the same building separation but on there also, when you look, there's also a lot line --

COMMISSIONER SCHMITT: Right.

MR. YOVANOVICH: -- setback as well. We have to meet both of those if you break this into four-acre lots in one 25-acre Site Development Plan.

COMMISSIONER SCHMITT: Yeah.

MR. YOVANOVICH: You have those internal lines as well for building setbacks. I don't know what you get out of this whole process of making us break up the lines like that into four separate or six separate lots.

COMMISSIONER KLUCIK: Well, you didn't hear my point?

MR. YOVANOVICH: Well, you know, the answer is, I could come in under the code --

COMMISSIONER KLUCIK: Would you believe me if I told you that I just made the point?

MR. YOVANOVICH: No, I know better. I know better. That's my line. I didn't license it to you. I didn't license it to you.

What I'm saying, Mr. Klucik, we could come in today with one big building on the four-acre tract. I could come in -- if I wanted to do a 400-foot-long building on that one-acre tract -- on that four-acre tract, I can do it, and I could do it on the next one and the next one and the next one. The market's going to dictate what people really want to buy.

COMMISSIONER KLUCIK: Right. And we've already --

MR. YOVANOVICH: So let's not --

COMMISSIONER KLUCIK: We've already acknowledged that the market changes, and we have no idea what the market is going to be like, and the whole idea is our land use -- our code, which the SRA is a part --

MR. YOVANOVICH: Right.

COMMISSIONER KLUCIK: -- tries to protect us from just, you know, absolute market conditions ruling how we build and how we develop, and you know that as well as I do. I mean, I'm stating the obvious. That's the whole point is we're trying to inhibit an absolute market condition base. The market conditions might be we want a really long building on four acres.

MR. YOVANOVICH: And I could do that today.

COMMISSIONER KLUCIK: Right now -- right now, Lennar's a great developer or great builder, Ave Maria Development is a great developer, and so this is great. And like I said, in the beginning, fine, let's get a -- you know, apply, and we'll approve this whole project.

CHAIRMAN FRYER: Commissioner Fry, and then --

COMMISSIONER KLUCIK: I don't speak for the whole Commission, obviously. But in my view, you take this down, you know, as a deviation, for this particular project, and I don't think you have any pushback. And, you know, do you have to then keep doing that, you know, for the next project and the next project? Yeah, I get it. In that scenario, you would have to keep coming back for a larger deviation if you thought you needed it. In this case, you don't even need the deviation because it will probably be more expensive to come to us to ask to get the change

when all you would have to do is submit your 25 acres in one plan.

MR. YOVANOVICH: I understand.

CHAIRMAN FRYER: Commissioner Fry, and then we'll have a break.

COMMISSIONER FRY: At the risk of reinforcing anything that Mr. Yovanovich says, I will simply observe that even in that left or the right four-acre parcel, what I think -- the point I'm taking from Rich's statement is that instead of those three buildings, they could have put one long building, and they chose not to because the market would not support that. So I think because they have building separation -- unless we believe they're going to put in some super long building, then --

COMMISSIONER KLUCIK: Well, we've already --

COMMISSIONER FRY: -- the risk of the 25 acres, I think, is negligible.

COMMISSIONER KLUCIK: But we've already had, you know, people talking about putting in different types of housing, you know, for different markets. Obviously, this is a golf course community. You're not going to sell large, you know -- and it's non-coastal. You know, you're out here. You're not going to sell a big building.

COMMISSIONER FRY: But the only thing that you're -- the four-acre limit restricts is that you can't have a mile-long building --

COMMISSIONER KLUCIK: Well, I think that in itself would be a reason to not change the code, I mean, in my view, to --

CHAIRMAN FRYER: On that note, if we may, we'll have a 13-minute recess until 10:45. (A brief recess was had from 10:32 a.m. to 10:45 a.m.)

CHAIRMAN FRYER: Ladies and gentlemen, let's reconvene, please. And we were in a spirited dialogue when we recessed, but this is staff's presentation time, and we'll return to that, if we may. Mr. Sabo and Ms. Jenkins.

MR. SABO: Mr. Chairman, James Sabo, Comp Planning Manager, for the record.

We have nothing further. Our recommendation is approval with removal of Deviation No. 1.

COMMISSIONER KLUCIK: I do have a question.

CHAIRMAN FRYER: Yes, please, go ahead.

COMMISSIONER KLUCIK: Oh, I'm sorry, Ms. Jenkins.

MS. JENKINS: Okay. Anita Jenkins. I was just going to answer a question that someone asked about the height. The height in neighborhood general is 3.5 stories for multifamily.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: All right. So I understand that these buildings are four stories based on, I think, the drawings that you had -- that were in some of the packet. So is -- are some of these buildings four stories, or are they three-and-a-half? And I guess that's a question that I'll ask the applicant.

But I'll ask you, I had asked about commercial signage, you know, the difference. I know you said you needed some time. Are you still working on that, or can you answer?

MR. SABO: I am. I need additional time.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: Any other questions or comments for staff?

COMMISSIONER SCHMITT: Yeah, just --

CHAIRMAN FRYER: Go ahead, Commissioner Schmitt.

COMMISSIONER SCHMITT: -- to follow up on whether there's four stories or not is irrelevant. It can't exceed, what, three-and-a-half stories, you said? That's the limit.

MS. JENKINS: That's for neighborhood general, 3.5.

COMMISSIONER SCHMITT: For neighborhood general. Okay.

COMMISSIONER KLUCIK: So is this project submitted as four, and is it approved at four, or is the -- did I misread the --

MS. JENKINS: When you say "this project" --

COMMISSIONER KLUCIK: This particular drawing is Lennar -- yeah, you're right. This project is not before us. My question is specific to the drawing in the --

MS. JENKINS: The drawing just disappeared.

COMMISSIONER KLUCIK: Yeah, the drawing that just disappeared. Since it's up there and we're referencing it and since we're mentioning the height restriction, am I correct that this project is four stories, or is it not?

MS. JENKINS: Let me ask Mr. McLean if this is the same -- I can't read it on the screen here, but this is the same illustration, Mr. McLean, that we looked at earlier that had the height limit of 3.5 stories.

MR. McLEAN: It's 35 feet.

MS. JENKINS: Thirty-five feet.

COMMISSIONER KLUCIK: Ah, okay. So maybe the four stories are contained within 35 feet? I guess I'll ask the applicant.

CHAIRMAN FRYER: All right. I want to interject something very quickly while we're waiting, and that is that I had made a commitment to our court reporter that I would ask everyone respectfully, please try not to talk on top of one another because she can only record what one person is saying at a time. And so let's enable her to create a faithful reproduction of what's happening by speaking just one at a time. Thank you.

Mr. McLean.

MR. McLEAN: Matt McLean, Director of Development Review.

The max height on this particular development's 35 feet, and it is within the code requirements.

COMMISSIONER KLUCIK: Thank you very much.

CHAIRMAN FRYER: Thank you.

Anything else from staff?

MR. SABO: No, sir.

CHAIRMAN FRYER: I have some questions and comments that I'd like to make. No one else is illuminated at this point, so I'm going to proceed.

There's been talk of the hospital use, which I think everybody -- I presume everyone is in full agreement that if there were a hospital there, that would be a very good thing and a desirable thing. And in allowing for the density that a hospital would need, I think, is a good idea. But are there other uses that could be made of this property if the hospital arrangement never came to pass that we should, perhaps, consider limiting the density for hospital uses rather than anything more broad? Do you have an observation on that, Mr. Sabo?

MR. SABO: Mr. Chairman, I agree with your statement based -- excuse me -- based on the civic uses, municipal buildings, schools, hospitals, things like that, those would all be permitted uses if it is in your purview to limit the civic uses to specifically hospital for -- or for whatever percentage of 350,000 you would see fit.

CHAIRMAN FRYER: Okay. I'd ask other members of the Planning Commission if this is an important point to them or not. Commissioner Schmitt.

COMMISSIONER SCHMITT: It's not an important point. I think limit -- just saying if it was for civic, to me, is fine. But let's go back to when Arthrex first put its building in there. Did it not have to come in for some kind of a site -- or amendment to the SRA to allow for the -- Arthrex to go in because it's -- what is it? I guess it's not a factory, but whatever they would term that as, an industrial site, as you enter. Would that be a similar type thing where they could now have civic center and say, no, we don't want the civic center, I'm going to put in a, I don't

know, FedEx distribution center?

MR. SABO: No, not as a civic use.

COMMISSIONER SCHMITT: Okay.

COMMISSIONER KLUCIK: The change that they required, I think, to come before the Board was to move the town center --

COMMISSIONER SCHMITT: Yeah, it was.

COMMISSIONER KLUCIK: -- designation, which is where you can -- town center is simply -- I mean, I guess it's equivalent to commercial. You know, it's one designation. And they had acreage along -- they had acreage along Camp Keais Road that they changed to be residential, and then they moved that acreage to be along -- to front Oil Well Road, so I think that's what that was.

COMMISSIONER SCHMITT: Okay. So if we stuck -- good point. So if we stuck with civic, that kind of change could not take place.

MR. SABO: For that parcel, correct.

COMMISSIONER SCHMITT: That parcel, unless they came back in through some kind of an amendment. Does that help you?

CHAIRMAN FRYER: Yeah, I guess -- yes, I'd ask Commissioner Klucik if he believes that -- the folks in Ave Maria, are they looking specifically at a hospital as an objective or any civic use?

COMMISSIONER KLUCIK: No, I think -- you know, I just speak for myself. When I heard this proposal, you know, before I was a Planning Commissioner and I looked at it, I, you know, was looking at the idea of increased civic uses, and I was trying to understand exactly how it all works, and it's a little confusing. But I think because of the definition of the civic uses, it does -- to me, I thought that was limitation enough, and I certainly haven't seen or heard, you know, anybody objecting to that.

And I think -- I don't think that the designation that we're changing applies to any particular acreage. It's within the whole project; is that right? We're changing a designation to increase this civic usage, but it applies to anywhere where you could do civic usage wherein the SRA. We're just saying that there's now an increased acreage that's possible.

MR. SABO: That's my understanding.

COMMISSIONER KLUCIK: But it doesn't apply to any particular tract of land, except the only tracts that are available for civic use is limited.

MR. SABO: That is correct.

CHAIRMAN FRYER: Okay. The recharacterization -- I'm sorry, Commissioner. Let me just finish.

Yeah, go ahead.

COMMISSIONER SCHMITT: The recharacterization of the mini-warehouse use from industrial to mini-warehouse has the effect of freeing up the area for more industrial. And I just want to be sure that that was contemplated by the people of Ave Maria and that they're comfortable with more industrial.

COMMISSIONER KLUCIK: Well, again, I'll speak for myself. I didn't hear anyone objecting to that, you know, in my analysis. You know, I look at that as -- there are a lot of limitations on what -- you know, to begin with, what kind of commercial and how much can be out there.

And I don't think that this -- you know, I mean, it's after the fact. You know, they did something and they said we want to tweak it and reconfigure it so that we can, you know, do something different. I think what they put in there, you know, hasn't been objectionable, and I don't foresee where it would -- you know, what it would be that would be that objectionable because, again, I don't think the developer would ever feel like that could work for them because

they still have 7,000 more houses to sell. So I'm not worried, and I haven't heard anybody else express concern.

CHAIRMAN FRYER: That's what I needed to know.

Commissioner Schmitt, I'll call on you, and then I'll come back to myself.

COMMISSIONER SCHMITT: Yeah. Just going back to the hospital. The only thing I was concerned about is they have to go through, as you well know, the certificate of need and go through the state and all the other requirements.

COMMISSIONER KLUCIK: They actually don't.

CHAIRMAN FRYER: Yeah, that has been repealed.

COMMISSIONER KLUCIK: That's been done away with legislatively.

COMMISSIONER SCHMITT: Oh, thank you.

CHAIRMAN FRYER: CONs are gone.

COMMISSIONER SCHMITT: There you go. I was just concerned if they had to do that and then they changed it. But no, disregard.

CHAIRMAN FRYER: Okay. Let's see. Oh, on the TIS.

COMMISSIONER KLUCIK: Okay. Please. TIS?

CHAIRMAN FRYER: The Traffic Impact Statement.

COMMISSIONER KLUCIK: Ah, sorry.

CHAIRMAN FRYER: Sure. The -- you know, I like to think that there is at least a plausible scientific basis behind the calculations that are made for a TIS, but I frequently am proven wrong in that sanguine assumption. And in this case the traffic consultant came in initially at 4,697, I think, and then was trimmed back down to 43-and-something. So it sounds -- it sounds less scientific and more like horse trading or negotiation. How would you characterize that process, Mr. Sabo?

MR. SABO: I'm going to defer that question to our Transportation staff.

CHAIRMAN FRYER: Good. Mr. Walker's [sic].

COMMISSIONER FRY: Mr. Sawyer.

CHAIRMAN FRYER: Sawyer, I mean. Excuse me.

MR. SAWYER: For the record, Mike Sawyer, Transportation Planning. And I did walk up here, so that gets you a bit towards "Walker."

CHAIRMAN FRYER: Thank you for covering for me.

MR. SAWYER: The issue that we had with Ave Maria is that we had a TIS that was originally done as part of the original SRA. Subsequent to that, there was an amendment that was done. And what we needed to do was to make sure that we were on an even playing field with our current standards. That was accomplished. One of the other challenges that we had is that the original SRA actually had a single category for residential. It didn't -- it basically lumped together single-family and multifamily.

And so what we had to do, working with the consultant, was to figure out how we could balance that out, split out the single-family, the multifamily, and then basically, again, get to that firm basis. And, quite honestly, it took us a couple of iterations of the TIS to actually get there.

I think what we have is a good reflection of both what the original SRA trips would be, according to current standards, as well as the amendment and then now what they're proposing to do, which is basically to keep what those trips were, currently, and get that into a form that we can actually start reviewing to. And keep in mind, the trips for Ave Maria are vested. They're banked. So if you go into the AUIR, you'll see those numbers as part of those banked numbers.

CHAIRMAN FRYER: Okay. Thank you.

Anybody else have questions? Go ahead, Commissioner Fry.

COMMISSIONER FRY: Mike, if those numbers are banked, then why -- and if I understand this correctly, they're not asking for additional trips. They're saying -- they're basically

formalizing a trip cap based on the utilization prior to this application, is that correct, and saying that will exist in perpetuity and this will apply to it, or is that trip cap changing based on this application? I'm unclear on that.

MR. SAWYER: The trip cap is remaining the same according to the -- again, the original SRA and the amendment that was done.

The reason that we wanted to have the trip cap is that it allows staff to review to that standard as the SDPs and the plats come in. Every time something comes in, Development Services looks at those numbers, keeps track of them and, if you will, starts counting them down. It also allows for the applicant to have a certain flexibility in the types of development that actually occurs within the development itself. We've got a scenario that they presented this time that shows the hospital and the other uses that you see. And that all works into those uses. Ultimately, if you did all of them to the maximum number allowed, it would exceed that trip cap.

COMMISSIONER FRY: I see. So what you're saying is there really was never a formal trip cap established for the SRA, so you went back and you calculated, based on the uses that had already been approved, what that might be, and you're establishing that as a trip cap moving forward, giving them flexibility in how they utilize that trip cap? Is that an accurate reproduction of where we're at?

MR. SAWYER: Absolutely.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Thank you. Anything else for traffic?

(No response.)

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

MR. SABO: Thank you, Commissioners.

CHAIRMAN FRYER: Mr. Sabo, I want to loop back if I can to be sure that I have gained an accurate understanding from the dialogue that we had about four acres versus 25 acres and the like.

I see that I had made an onerous assumption about buffering, that you can -- you could have four-acre parcels together without a requirement of buffering between them, correct?

MR. SABO: That is my understanding, correct.

CHAIRMAN FRYER: All right. But if you -- if you have a requirement that they come in with an aggregation divided into four-acre parcels, at least you prevent the serpentine snake, the long building that Commissioner Klucik was concerned about; am I correct?

MR. SABO: That is correct, it would prevent elongated buildings.

CHAIRMAN FRYER: All right. And they would be able to come in with one Site Development Plan. It just would have to be divided into four-acre lots, and they couldn't have one building crossing those lines?

MR. SABO: That is correct.

CHAIRMAN FRYER: Okay. And the proposal at this point is that the applicant is requesting that the 25 acres apply to the entire Ave Maria rather than just this project?

MR. SABO: That is correct. That's my understanding as well, correct.

CHAIRMAN FRYER: They could have -- they could have come in and asked that this simply be applicable to the single project, right?

MR. SABO: That is correct.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: What single project?

COMMISSIONER KLUCIK: Can we approve an amendment that puts that limitation on it.

CHAIRMAN FRYER: Yes, we could.

COMMISSIONER FRY: What single project are we talking about?

CHAIRMAN FRYER: The application that's before us as opposed to the entire --

COMMISSIONER KLUCIK: Actually, no. Mr. Chairman, I don't think that's true. I think the application before us doesn't make any distinctions. This drawing happens to be an example of the project that Lennar is doing, but I don't think any language in the application -- I could be wrong. I don't think any application in the language [sic] specifies. I think we could specify -- we would need to get staff to give us some input as to the specifics. We could specify that it would be limited to this National PUD, or I don't know what it's called. You know, whatever the designation is. But I don't -- am I right that right now application has no distinction about this Lennar project?

MR. SABO: That is correct. So what you could do, what is in your purview, the Lennar project was, obviously, developed with four-acre parcels. If you remove this deviation completely, they would still continue to be able to develop four-acre parcels that are abutting and aggregate them together but, Mr. Klucik is correct, if the deviation is allowed, they could create 25-acre parcels from now on.

COMMISSIONER KLUCIK: And I think the distinction that I would make is, I do trust both the market conditions and Lennar at this point, that I wouldn't expect them, for instance, to put all those buildings together to make one long building, you know, if -- which is what they could do if we made this change, you know, and limited it to this project. And so I'm not -- I'm satisfied that I don't think that that will be a problem for this acreage, this project. And so I would be willing to say for that project the 25 acres is not a problem for me.

CHAIRMAN FRYER: But we're concerned, I think, about having the 25 acres apply to the entirety of Ave Maria.

COMMISSIONER KLUCIK: Yeah, right, the other 7,000 units that are yet to be developed, exactly.

CHAIRMAN FRYER: That clarifies it.

COMMISSIONER FRY: Mr. Chairman?

CHAIRMAN FRYER: Yes.

COMMISSIONER FRY: As I read this application, it is to amend the Town of Ave Maria SRA and master plan with a basket of changes. It is not a single project that's being proposed here. So I guess we keep talking about a project, but these are general changes to the master plan for Ave Maria.

COMMISSIONER KLUCIK: Right, that was my point, is that if we were going to say we want to limit it, we would definitely need, you know, I think even legal input but certainly staff input as to how we would amend what we would be approving to make sure that it's just applying to -- at least certain portions. Maybe the 25-acre piece just applies to this one project.

COMMISSIONER FRY: To what one project?

COMMISSIONER KLUCIK: Oh, to the National Golf Course that Lennar is putting in and that Planned Unit Development for the National. Now, I'm not saying that -- you know, that that's the way to go. I'm saying that seems like it's worth looking at.

CHAIRMAN FRYER: Let me ask the County Attorney if we would have it within our power to recommend that all of these special provisions apply only to the current project.

MR. YOVANOVICH: Can I talk?

CHAIRMAN FRYER: I want to hear from the County Attorney first.

MR. KLATZKOW: Boy, I hate doing stuff piecemeal like this. I also hate deviations, by the way, unless there's a substantial reason for it, because there's a reason why we have things in the code. And you guys look at the code, and you are approving it, and the next thing you know, somebody comes in, I need a deviation. Why? Because I need it. And the next thing you know, you have crappy buildings all over the place.

You could do it but, honest to God, I mean, this was supposed to be -- the vision was

supposed to be -- this was supposed to be a town, and the town was supposed to have a certain look to it. It was supposed to be developed in a certain way. And, unfortunately, the residents don't have, really, the input that they should have in this, to be quite blunt.

It's developing almost like a regular PUD, almost, where a developer comes in, and every time he wants -- sees a market opportunity, he comes in and says, well, now I want to do this. Now I want to do that, and -- rather than growing in an integrated manner, which was the whole point of this, to get a town in an integrated manner and to have a certain look to it.

So, no, I'm not a big fan of deviations because it's, like, there's always a market reason for it, and the market changes like this (indicating). And so a year from now there's another market change, then the year after that there's another market change, and the next thing you know, you've got this development that's not what everybody intended and certainly not what the people are buying into.

But if you're asking me, do you have the power to do that, yes.

CHAIRMAN FRYER: Mr. Yovanovich.

MR. YOVANOVICH: I'm trying to find our presentation so I can at least put the master plan up and let's talk about -- is this it? Okay. Thank you.

So this is Ave Maria. It's roughly 5,000 acres. It's got a university in it. It's a big area. It's a town. To expect us to know on the date we submitted the first SRA document that we knew how every one of these roughly 4,000 acres was going to develop is an unfair burden when you put together that SRA document.

The Land Development Code was specifically amended to allow for deviations in towns. I know that because we did it because originally the way it was written is if you -- when you did your first SRA document, you were married to it. You were never allowed to have flexibility to whatever the Land Development Code said.

So we came in because things change over time. So the deviation process was specifically added to address towns and for allowing us to do it as amendments to the SRA, because before a few years ago, you couldn't even do that.

So I want to -- and I'm going to make sure -- Austin's going to correct me. I would -- and can you come up real quick. What I think Mr. Klucik is saying for the Lennar development, not just this one condominium portion within the development -- it's right here, right?

MR. HOWELL: Uh-huh.

MR. YOVANOVICH: You know what --

COMMISSIONER KLUCIK: We call that the National project.

MR. YOVANOVICH: But I want -- I just want the Planning Commission to understand where that is, and I'm trying to figure out how I mark this. I don't think if I do this -- did I make a mark? I did.

COMMISSIONER SCHMITT: Yep.

MR. YOVANOVICH: That's where Lennar's developing right now. That's their golf course community. Actually, I missed it a little bit. It comes down here.

COMMISSIONER KLUCIK: Just -- let me just say, I think this is an older graphic, so it doesn't really -- it portrays a prior --

MR. YOVANOVICH: It shows the land mass, but it doesn't show the actual buildout. What I'm saying is the land mass where I think Mr. Klucik is saying he is comfortable with this deviation applying is that land mass; is that correct?

COMMISSIONER KLUCIK: Yes, that would be the footprint of what's being proposed as the National -- Lennar's National Golf Course community.

MR. YOVANOVICH: So we will come up with an appropriate descriptor of that land mass before we get to the Board of County Commissioners to say the requested deviation to be able to do 25-acre parcels will only apply to this land mass, so it will be a very limited deviation. We'll

have to follow the other process that's in your code anywhere else in Ave Maria, but for the deviation purposes, this land mass is where we would do the deviation. And I think that is -- is that what you're --

COMMISSIONER KLUCIK: Right. I mean, that sounds appealing to me. I think that, you know, the commissioners should all have a chance, you know, to ask more questions if we're limiting it to that. I think that's a -- yes, I think you have summed up what I think I could support.

MR. YOVANOVICH: Okay. And that works for us. I mean, we'll deal -- if we have another master developer that comes in and decides they need an area-wide deviation, we'll come in. I'm not going to come in for every SDP. I mean, that's -- and ask for a -- we're not going to do that. But for this master development area, we'll limit the requested deviation to that area, and hopefully that addresses the concern that some people have about a community-wide deviation and the unknown that might occur through that.

COMMISSIONER KLUCIK: And while you're up here, I want to just say that I actually, you know, would want to underscore what Attorney Klatzkow expressed, because I could have said the exact same thing. The only thing I would add is that, you know, having lived there and been there for 13 years from the very beginning, I would say that I'm very grateful that Ave Maria Development and Barron Collier stuck with it. They came up with a plan to try to sell homes when nobody was buying homes and, yes, it deviated from their original plan.

You know, when they did it, they didn't really have to make too many changes to do their big Maple Ridge project, but they stuck with it. And I was wondering, you know, when are they going to walk away because we were there for a long time, and there was nobody buying houses.

And I only make that point just to say that I really do -- you know, I don't just say these things about our developer because I feel like I have to. Ave Maria Development does a great job. And that doesn't mean that I won't continue to ask pesky questions.

MR. YOVANOVICH: It wouldn't be as much fun for me if you didn't.

And I just wanted to point out the evolution of the town, and, Mr. Klucik, you're aware of this, Arthrex expanded greatly out there. It was never contemplated that Arthrex was going to be there. So we came in and we gave them a bigger land mass, and we gave them more square footage, because we didn't have enough square footage set aside for light industrial. So it did evolve, and we've made changes based upon what's been for -- and I think they've all been positive changes for the community. I mean, I think Ave Maria is a great community.

COMMISSIONER KLUCIK: The reduced street trees, I don't like that.

MR. YOVANOVICH: I know. We'll -- but anyway. Generally, I'd like to think -- so hopefully that addresses the concern of some of the Planning Commissioners that have concerns about the applicability of the deviation.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Question for Rich. Do you agree with staff's interpretation that you can consolidate four-acre parcels into a single site plan and submission now that you've had the chance to read?

MR. YOVANOVICH: Yeah. The only thing I learned --

COMMISSIONER SHEA: The only reason I say that is you said you'd drop your request for Deviation No. 1 if they were correct.

MR. YOVANOVICH: Well, I -- it still is important for this piece of property to not have to worry about those lot lines.

COMMISSIONER SHEA: Okay.

MR. YOVANOVICH: Okay. So I don't want to totally eliminate it because it is important for this, and I think the more limited application is a better application.

COMMISSIONER KLUCIK: Mr. Chairman?

COMMISSIONER SHEA: Yeah. And the other question is, do we have to act on this

other -- why do we have to make -- we can vote to not approve the deviation, but it sounds like we can -- why would we apply it to a project that's not even before us?

CHAIRMAN FRYER: Well, I think you're correct, and as has been said by the County Attorney numerous times, we can make whatever recommendation we wish. We're not limited by what the application is. We can -- you know, we can either carve out in this particular case the project and say that the deviation will apply there but not elsewhere.

COMMISSIONER SHEA: Yeah.

CHAIRMAN FRYER: But I'm concerned, and I share the County Attorney's concern that that --

COMMISSIONER SHEA: Yeah. I'm not willing to do that, because I haven't seen anything on that project other than Mr. Klucik's opinion that it's a good project. So I'm not willing to vote to waive it on that one project.

COMMISSIONER KLUCIK: I absolutely appreciate that point, which is why I was kind of hesitant, you know, a little bit about it. My whole idea is that's how I would -- you know, that was my first feedback. My very first feedback back before I was a planning commissioner to the developer or, you know, to the -- even to the County Commissioner was that they should -- you know, no one would -- you know, we would -- our fears would not be there, anyone who has fears like me, but the concerns people have would disappear if you showed us the project, the project that this deviation applies to, and then we can say, oh, okay, I can live with that; that's -- there's no -- there's no reason to not give a deviation, or whatever the reason is, it's overcome by the upside.

And I certainly understand Attorney Klatzkow's, you know, concern that we're just making deviations all the time, but I think that's exactly what -- it's more appropriate to make a deviation when we know what's before us, and then we can say, what is the downside, whatever. And I would also say that the process -- you know, I agree with you that the process to approve something like that, I don't think it's fair for all of you to just say, oh, well, Commissioner Klucik thinks it's cool, so thumbs up. I agree with you. I just -- the reason I'm willing to be supportive of it is because that's what I've been encouraging or hopeful that the developer would do all along when they do things in Ave Maria.

MR. KLATZKOW: And if you guys want to see what it's actually going to look like, you can say, come back and show us exactly the project that you need this deviation for.

CHAIRMAN FRYER: That's kind of where I'm headed, I think. Thank you.

Commissioner Fry.

COMMISSIONER FRY: Rich, the amendments before us is a basket of amendments. This deviation applies to this particular project, but there is -- there's self-storage units in here. There's the hospital use. There's signage, all that stuff. But am I correct that the only thing that really applies directly to that project, maybe signage a little bit, too, is majorly this deviation?

MR. YOVANOVICH: Yes. That's the primary -- the primary -- one of the -- the primary amendment that applies to this property is the deviation.

COMMISSIONER FRY: Okay. But we really are -- we're amending the overall SRA for Ave Maria through this process.

MR. YOVANOVICH: Process, correct.

COMMISSIONER FRY: Thank you.

COMMISSIONER KLUCIK: And I will just say that we still -- you know, I don't want -- what I don't want procedurally or due-process-wise, I don't want -- since we still don't have an answer on the signage, you know, my question that the staff, I'm asking them to get back to us on, I don't want to mess up the due process for the applicant, because I don't want to vote until I know the answer to that question.

CHAIRMAN FRYER: Understood.

MR. YOVANOVICH: And if I can, just so we know, this project that Mr. Klucik knows what it is is a gated community and it's an enclave within Ave Maria. So the impacts of this deviation are very limited and will only be felt, if you will, by the internal residents of that community.

COMMISSIONER KLUCIK: Well, I would say that I learned something at our last district meeting on Monday, because we were looking at the bonds, you know, issuing the bonds. It actually is not a gated community, because these are public -- those roads are going to end up being publicly owned roads, and so there will be controlled access but anyone can actually enter the property. They just -- there's some certain -- there's a gatehouse.

MR. YOVANOVICH: That's true.

COMMISSIONER KLUCIK: So it actually is -- the government out there will own the streets.

MR. YOVANOVICH: You're right. It's controlled access through the gates.

CHAIRMAN FRYER: I'm not sure I understand all the ramifications of that nuanced difference.

COMMISSIONER KLUCIK: Well, simply that the public has a right to go there. So the idea that it's restricted to the people that live there as far as having an interest would not actually be accurate.

CHAIRMAN FRYER: So the gatehouse is a visual deterrent at most.

COMMISSIONER KLUCIK: And I think they can -- yeah. I don't really know how it works. It's a little strange to me.

MR. YOVANOVICH: They can still ask you to present your identification, things like that --

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: -- but they can't stop you, Mr. Fryer, from going through the gate if you say I want to go through the gate.

CHAIRMAN FRYER: Got it.
Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. That's no different than a CDD. All our CDDs are the same.

MR. YOVANOVICH: Correct.

COMMISSIONER SCHMITT: The gatehouses look nice. They can slow you down, but everybody has a right, because -- to enter.

MR. YOVANOVICH: If those roads are built by the CDD.

COMMISSIONER SCHMITT: If those roads are public.

MR. YOVANOVICH: Because not all CDDs use --

COMMISSIONER SCHMITT: They can stop and validate your insurance, your license and other type of things prior to entering the community, but it's -- the CDDs are the same as -- same thing, because they used the public municipal bonds to pay for the infrastructure.

COMMISSIONER KLUCIK: And what I would say is the reason I bring that up, you know, based on what Mr. Yovanovich said, is that it will be used for walking, biking. You know, so the appearance, you know, the buffering, you know, the setbacks actually will matter to people who do use that. You know, the public is free to go in there recreationally.

CHAIRMAN FRYER: Thank you. Anything further, Mr. Yovanovich? And I'm going to turn it back over to staff to see if they have anything further.

MR. YOVANOVICH: No. I'm just as curious to see what staff's going to present on the signs, because there's no pictures of signs in the development order, so...

CHAIRMAN FRYER: Ms. Jenkins, do you want the floor?

MS. JENKINS: Yes, sir. Anita Jenkins, for the record.

I just wanted to make a correction. When I reported the height for multifamily at 3.5, that is in accordance with the LDC. The Ave Maria SRA document allows four stories for multifamily in neighborhood general. So I just wanted to make sure the record was correct on that.

CHAIRMAN FRYER: Thank you.

Mr. Sabo, anything further from you, sir?

MR. SABO: Mr. Chairman, no. Our recommendation is removal of Deviation No. 1 and recommending approval to the Board of County Commissioners.

To Mr. Klucik's question, I put information or put requests out. I don't have an answer yet for the signage. So I would just need either additional time -- I don't know how you want to --

CHAIRMAN FRYER: Well, there may be a motion to table. I mean, that's how we would --

COMMISSIONER KLUCIK: Yeah. I would -- I would make the motion to table it until we get that question answered.

CHAIRMAN FRYER: Let's -- that will be in order. After we ask for staff to complete and then public input and then rebuttal, and then the motion to table would be in order.

COMMISSIONER KLUCIK: You're welcome to remind me when it's time.

CHAIRMAN FRYER: I'll do my best. Mr. Sabo, anything further, sir?

MR. SABO: No, sir.

CHAIRMAN FRYER: Thank you very much.

Mr. Frantz, do we have any registered speakers?

MR. FRANTZ: (Witness shakes head.)

CHAIRMAN FRYER: That's -- you're nodding no?

MR. FRANTZ: No registered speakers.

CHAIRMAN FRYER: Thank you. Any member of the public who is present wish to be heard on this matter?

(No response.)

CHAIRMAN FRYER: Seeing none, we'll ask the applicant to present rebuttal.

MR. YOVANOVICH: I'm trying to -- Mr. Chairman, can I have one minute to look something up before I say something about signs under the RLSA program? I don't want to --

CHAIRMAN FRYER: Certainly. Do you want a five-minute continuance or, rather, recess?

MR. YOVANOVICH: Yeah. No more than five minutes. I just don't want you to all sit here and watch me scroll.

COMMISSIONER HOMIAK: We're still going to watch you.

CHAIRMAN FRYER: We'll be in recess for five minutes until 11:26.

(A brief recess was had from 11:21 a.m. to 11:26 a.m.)

CHAIRMAN FRYER: Ladies and gentlemen, let's reconvene. And we'll ask Mr. Yovanovich and his team to present rebuttal.

MR. YOVANOVICH: On the sign issue, under the county's Land Development Code standards for -- for the RLSA, it specifically says that in the town core -- and then it incorporates into the town center the standards that are in the town core. It specifically says we're to follow the county's sign code.

So all we're asking you is to make us consistent with the Land Development Code to allow us to use the sign code in the town center, because that's what the RLSA has always intended. So we're just asking to let us go back to that.

COMMISSIONER KLUCIK: Can you point me to a page? Because I actually have that document up.

MR. YOVANOVICH: I can't point you to a page, but I can show you.

MR. BELLOWS: Do you want to put it on the visualizer?

MR. YOVANOVICH: Will that work?

MR. BELLOWS: We'll try it.

MR. YOVANOVICH: So, Mr. Klucik, under town core, that's what it says regarding signs.

COMMISSIONER KLUCIK: Okay. So this is section -- what is the actual document we're looking at?

MR. YOVANOVICH: The Land Development Code and the MUNI code, 4.08.07.J.

COMMISSIONER KLUCIK: This is LDC; this is not the SRA?

MR. YOVANOVICH: This is the LDC. And what I'm asking you to do is put us back to what the LDC -- that is really weird.

COMMISSIONER KLUCIK: Yeah. I guess my question is more what does -- I'm assuming that, fine, this is -- you have to meet this, but if the SRA is more restrictive, then you also have to meet the SRA. So that's really my concern.

MR. YOVANOVICH: What I'm -- and I understand that. What I'm suggesting to you is when Ave Maria came through, it was the very first town that came through the process. It may have been close to or near the same time as the LDC. There are -- do you have the pictures, Wayne?

MR. ARNOLD: It's right behind you.

MR. YOVANOVICH: I don't know how good that picture is. But when you look through, you can see that the types of signs that they're showing work great in the core.

COMMISSIONER KLUCIK: So this is the SRA?

MR. YOVANOVICH: This is the SRA. These work great on the core when you're walking and up down the street, like 5th Avenue, when you have those signs. It doesn't work when you get to the shopping centers that are also allowed in the town centers and you have multiple tenants in a building, and they can't get the signage to let people know -- because of the orientation of these town centers, to let them know who the vendors are in these shopping centers, and we're just trying to give our tenants sign visibility so we can continue to attract providers in the town.

COMMISSIONER KLUCIK: Okay. So what -- other than this page, which I really can't see that well, what is the -- can you actually give me the reference? Because I can pull at least that page up.

MR. YOVANOVICH: That's Page 40, the town plan.

COMMISSIONER KLUCIK: And then what is the -- what is the other language that otherwise -- so it's saying you can do these things, and it gives examples, I'm assuming. But other than that, what does the SRA actually say?

MR. YOVANOVICH: That's it. These signs.

COMMISSIONER KLUCIK: So it says you're allowed to do this.

MR. YOVANOVICH: That's it. It doesn't let me go to the -- it doesn't let me go to the --

COMMISSIONER KLUCIK: Right. But what I would say is early on the developer put up some commercial buildings and, you know, they knew -- you know, they knew they were going to do that, and I think the whole idea of this -- you know, I mean, I realize now you're asking for a change. The community now functions fine, and everyone knows where everything is and, you know, and we can find things, and the expectation is that there's not a lot of signage.

Unfortunately, we have all the street signs on -- you know, on the subdistrict roads that I, you know, kind of complained about already. We have pollution in that regard, sign pollution. But there isn't -- you know, it's actually really nice. You can see what's there. You can see, oh, it's a Mobil station. I mean, everybody knows there's a Mobil station. If you drive by, you see it.

Now, I understand you might have a situation where a building is not fronting the street and then it would be more difficult for people to understand where that business is.

MR. YOVANOVICH: Right. And we cannot do -- we can do nothing to help that businessperson know that their business is in that building because we don't have the appropriate signage.

COMMISSIONER KLUCIK: And what I would say is given -- you know, this is my impression on this. If right now you're extremely restricted under the SRA, then simply adopting what applies across the board, you know, to the county, I don't think is the appropriate solution. I think some in between where you actually factor in the uniqueness of this community is the appropriate change. And that -- that's not what we're seeing. What we're seeing is, whatever the county standard is applies to Ave Maria. We already heard about Ave Maria being unique.

MR. YOVANOVICH: Ave Maria was first.

COMMISSIONER KLUCIK: And I assume --

MR. YOVANOVICH: And what -- with -- the one thing about Ave Maria is there's 20 years of lessons learned about tweaks that need to occur for Ave Maria to continue to thrive.

COMMISSIONER KLUCIK: Right. And what I just said is perhaps a tweak is appropriate but simply adopting the countywide standard for signs I don't think is a tweak. I think that's saying, oh, it's just like every community. And so what I'm -- you know, my thought is, I welcome a sign change proposal, you know. I won't -- you know, I would make an amendment to disapprove this one, you know, that portion of it precisely because I think something other than simply adopting the county rule would be appropriate.

MR. YOVANOVICH: And we respectfully disagree. We think that the county's sign standards are very strenuous, and if they're good enough for the regular citizens of Collier County and the restrictive nature, I don't think we're in any way harming the residents of Ave Maria by applying those same standards. And we would request that you approve that deviation that we requested, the limitation on the deviation, on the size and, again, with any -- any further questions you may have...

I do want to point out that this has got to be the first time I've ever been accused of overstating the amount of traffic, because my engineer came in with a number that staff -- we worked through and realized that we had overstated the impact, and that was an honest discussion back and forth, and we hope you'll approve that trip cap as well and every other amendment we're requesting so we can go to the Board of County Commissioners for a final decision.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Staff has recommended approval of the sign. The only thing that you've recommended denial of is Deviation 1, correct, Mr. Sabo, which had to do with the 4-acre to 25-acre increase for multifamily?

MR. SABO: For the record, James Sabo. Yes, that is correct; however, I think Mr. Klucik brings up a good point. There is a lot of uniqueness to Ave Maria, and part of their problem is they don't have the ability to put up signs that -- you know, marquee type signs and gas station signs and things like that. It may be appropriate for Ave Maria to have slightly different standards. Maybe not as restrictive as the town core but not as liberal as the remainder of the community. So Santa Barbara and Davis is different than an intersection in Ave Maria.

COMMISSIONER KLUCIK: Yeah, and I think that's a great summary. And I am doing my best, because I do work with the developer on a lot of things and I will be over the long haul. And I'm trying to be very fair, and I'm not trying to just say no. I'm trying to suggest that there be something that's appropriate for the community. I agree. I agree. If there's a business and it's not, you know, doesn't have frontage, you know, on the street, nobody's going to know where it is. What's the solution? I think there should be one. I just disagree that it should just be whatever is allowed elsewhere in the county precisely because there's a reason the SRA has no -- you know, limits the signs right now. So just saying, oh, whatever the -- whatever the county requirements are is good enough. It's not that Ave Maria is better. It's that Ave Maria is different. That's all.

And it's -- it definitely would be out of character. The signs that would be allowed under the code, if we just adopted the code, would definitely be out of character and would change the character of what's already established in Ave Maria.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt?

COMMISSIONER SCHMITT: Yeah. Signs in the county have been a significant emotional event for many years; it goes back almost 20 years when the sign code was changed. We probably have the most restrictive sign code in the nation.

And when Ave Maria came out -- and some of the examples that were shown in the SRA were examples that were submitted in the SRA because they wanted to exceed the county standards. County standard does not allow neon lights, or neon -- signs require backlighting and other type of requirements; height limitations.

So to be concerned -- just to ease your concern, the sign standards within the LDC are very, very restrictive, and when the SRA was developed, the town wanted to exceed those standards. That's why they developed the sign standards for the SRA. I don't think you're putting yourself at risk in regards to complying with the LDC because it is very -- they are very restrictive. But that's just -- just a little history on signs.

I'm sure, Jeff, you can highlight as well the history of signs in Collier County, and some of it is probably even long before your time. Yeah, you were still on the county staff then when we --

MR. KLATZKOW: Yeah. I'm the guy -- I'm one of the guys who redid the sign code once upon a time.

You're absolutely right, we have a very restrictive sign code. It's an aesthetics issue so that -- the Board of County Commissioners wanted certain aesthetics for the community, and we have our sign code.

So you go up -- I look at Lee County, because I drive a lot there, and I look at their signage, and I think it's ghastly. And then I drive around Collier County and I look at our signage, and it's just much nicer.

But, you know, if the people of Ave Maria are looking for something in between -- I mean, I'm hearing from Mr. Klucik, but that's just one individual. I don't know what the community wants. You may want to start thinking about some sort of advisory board, by the way, setting up over there that could -- either an advisory board that's created by the Board of County Commissioners or just a private advisory board that you can come and say, look, you know, we've met and this is what the community feels like, because I think the Planning Commission could give that far more weight with the Board of County Commissioners. How many people live in Ave Maria now?

COMMISSIONER KLUCIK: Well, there's 2,800 from what I understand; 2,800 homes have been sold.

MR. KLATZKOW: Okay. So you've probably got about 5-, 6,000 people there already. And you might want to think about establishing it, because it's one thing to say that, you know, I think the community should do this. It's another thing to say that, you know, we've met as advisory board, that --

COMMISSIONER KLUCIK: And what I would say to that specific issue is I don't think anyone in town has any idea that this is even on the radar to be able to put up the kind of commercial signs that you would find throughout the county. Nobody even understands that's what this is before us.

MR. KLATZKOW: Right. But if you had your own advisory board that met on a regular basis, these are the issues you can talk about.

COMMISSIONER KLUCIK: Right. Oh, absolutely.

MR. KLATZKOW: And then come back to the Planning Commission and the Board of

County Commissioners: This is what our community wants.

COMMISSIONER KLUCIK: Yeah. What I would say is I have a decent read on the people that communicate with me, which are many, but I certainly am not going to say that everybody agrees with me.

MR. KLATZKOW: The commissioner's absolutely right. We have a very tight sign development code. But if you guys want something more, you need to tell the Board that. But it's just you right now.

COMMISSIONER KLUCIK: Well, and other thing I would point out is that we're going from something that's unique to Ave Maria to just saying, well, whatever the county comes up with is good for us. And I think actually we should -- if we're going to change the signage, it should be a specific signage not it just goes with the flow of whatever the county's going to do. And I certainly don't discount that the county has -- you know, has done something good in its, you know, limitations on signage.

CHAIRMAN FRYER: Well, there are a number of directions we could go on this. First I want to ask Mr. Sabo, is staff's recommendation with respect to the signage the same as it was in the written materials?

MR. SABO: Well -- all right. So can I change my mind?

CHAIRMAN FRYER: Uh-huh.

MR. SABO: All right. Since Mr. Klucik brought this up -- this is a good point -- the option that you have is to remove that portion of it. They have lived with the signage thus far and could potentially live with it another six months or whatever it is. That's one option. Or you could simply approve it. Like Mr. Schmitt said, the sign code we have is very restrictive. That's an option. So it's really up to you. I think he brings up a good point, I really do, and -- but ultimately it's a policy decision recommendation on your part.

CHAIRMAN FRYER: Well, we understand. Thank you. I just -- I was looking for something tangible, if you will, concrete example of language that we could -- that we could embrace.

COMMISSIONER KLUCIK: So, Mr. Chairman, what I would say is because this was brought up at the information meetings that the developer had, when I asked staff about this particular issue, they hadn't -- they weren't really that knowledgeable about it as if it wasn't on their radar screen. And that's maybe because they were saying, oh, we want to adopt the county standards, and so no one really thought too much about it. But that's all I'll say. And, you know, I'm not -- certainly not trying to sell you out that you hadn't done your job, but it was foreign that it was even part of the -- if you look at the staff recommendations, I don't even think it really mentions the signage as an issue that they really had an opinion one way or the other on.

CHAIRMAN FRYER: Well, we have several options before us. One of them would be to continue this matter to a date certain soon and ask staff to come back with a recommendation that recognizes the uniqueness of Ave Maria and put that before us for consideration. Another would be to take negative action on the request that's before us so that it could go on to the Board of County Commissioners.

COMMISSIONER KLUCIK: Well, I'm going to go ahead and make that first motion, that we table this or we continue it to get more feedback on this signage.

MR. YOVANOVICH: No, we're not going to agree.

CHAIRMAN FRYER: Well, we'll hear -- Commissioner Schmitt, go ahead.

COMMISSIONER SCHMITT: Let's look at the deviation, what it's asking for. It's asking for one specific thing: Location of off-premises directional signs. Typically, it says no more than 1,000 feet from the building. They're asking for 4,500 feet. So we're not changing in any way, shape --

COMMISSIONER KLUCIK: That's not the one. There's two different sign issues.

That's a specific sign issue, and then there's a sign issue for the town center.

COMMISSIONER SCHMITT: The town center is clearly defined in the SRA. And it probably -- has a greater flexibility than what's allowed in the current code.

MR. SABO: Mr. Chairman -- Mr. Chairman, I put up the proposed amendment language. Here at the bottom is signage. The new language is a strikethrough and the underline. So the town core shall apply, the community general standards shall apply, and then where that doesn't or where it's limited, they would rely on LDC Section 5.06.04.F., which is the county standards for signage.

COMMISSIONER SCHMITT: Correct.

MR. SABO: So that's what Mr. Klucik is concerned about is the generalness of the county's sign standards applied to Ave Maria.

COMMISSIONER KLUCIK: Right. So what I really see is that there -- we can ignore the first two, town core and community general, and just apply the third one, because it's "or." So there really is no specific sign standards for Ave Maria if we were to adopt this, and I don't think that's the way to go.

COMMISSIONER SCHMITT: That's not the way it reads.

COMMISSIONER KLUCIK: Well, I would argue that it does, but I certainly am open to someone else --

COMMISSIONER SCHMITT: It reads that you have the town core standards and the community general standards or the LDC, so you've got three different standards.

COMMISSIONER KLUCIK: And you only have to comply with one of them. So if you don't like or can't comply with the first two, you could -- because it's "or," you could comply with the third.

COMMISSIONER SHEA: Change it to "and."

CHAIRMAN FRYER: That's kind of where we are now.

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER KLUCIK: Right. Where we are now is exactly that, because you would still have the more restrictive pieces of the town and community.

CHAIRMAN FRYER: Mr. Yovanovich, do you want to be heard on this?

MR. YOVANOVICH: Yeah. I think at this point, I think it's only fair to let the applicant -- you guys vote however you vote; make your recommendation. We've been in this process for almost a year. I don't know how many months it's going to take Mr. Sabo to come up with his newly designed potential sign that he wants to recommend that you guys approve for Ave Maria.

I'll be honest with you, I'm a little taken aback at the change from the recommendation of approval to maybe not a recommendation of approval from staff.

So I think it's only fair to have our amendments heard, voted on, and we can move forward to the Board of County Commissioners with your recommendation on each of these individual --

MR. KLATZKOW: But the Board relies on your recommendation. You can make it, you can not make it, you can continue it. If you feel the need to continue it to give the Board a proper recommendation, then do so. If you feel you can make a recommendation to the Board now, then do so.

CHAIRMAN FRYER: Mr. Sabo, how long would it take for you to bring something back to us with respect to this signage question?

MR. SABO: This -- to clarify, for the record, I would not draft sign ordinance language. I would put that to the applicant to come up with sign standards. They would have, you know, however much time that they would need to develop standards specific to Ave Maria and then, you know, whatever our hearing schedule would be.

CHAIRMAN FRYER: Is there any reason why this would drag on longer than, like,

between now and the 18th of February?

MR. YOVANOVICH: Mr. Chairman, you have our standard. We have given you the standard that the developer would like to see happen, which is to follow the code.

CHAIRMAN FRYER: Well, I understand.

MR. YOVANOVICH: So he's telling me to go back and bring something else to you in order for you to make a decision. He's not going to come up with -- to anything else. He says he's not doing anything other than shift it to me to try to figure out what I want the signs to look like. We know what we want the signs to look like. They're the signs that are in the code. There's no reason to continue me for me to come back and say, I really meant it when I said we wanted to refer to the standards that are in the code.

CHAIRMAN FRYER: We could -- we could ask for staff to draft sign language, and particularly in consultation with Commissioner Klucik, that might be acceptable to us, and I think it could be done in very short order and -- certainly within the next two weeks, and if that's the wish of the Board, we've got -- we've got a motion. It hasn't been seconded yet.

COMMISSIONER FRY: Is that something we could review and pass on the consent agenda if we --

CHAIRMAN FRYER: Absolutely.

COMMISSIONER FRY: -- reviewed it in advance?

MR. YOVANOVICH: No, you can't. You can't do that, because I have to have some input on that, on the sign. I mean --

CHAIRMAN FRYER: Well, you'd have input during the consent agenda.

MR. YOVANOVICH: You can't reconsider things on the consent agenda. The consent agenda is to make sure that staff did what you directed them to do, and all you're directing staff to do is to come up with something and present back to you for discussion, and you can't -- you can't do that in the consent agenda.

MR. KLATZKOW: He's right.

CHAIRMAN FRYER: Okay. Thank you.

COMMISSIONER KLUCIK: And all I would say is that I don't think the community has any understanding that the -- that we would see different signage at this point based on what has happened, because it's been undersold and underplayed as we're simply adopting the county standards, and people -- that doesn't mean anything to anybody.

CHAIRMAN FRYER: Understood.

COMMISSIONER KLUCIK: That's my opinion.

CHAIRMAN FRYER: Would you -- Commissioner Schmitt, go ahead.

COMMISSIONER SCHMITT: Yeah. No disrespect to the Commissioner representing the community, but that's one person. I don't -- we had nobody else from the public speak, we had no concerns. They do have a board out there. And we're sort of recreating on the fly here, and that -- it's really concerning to me that we have one outspoken commissioner, that we're sort of now going back to the drawing board. I haven't heard from anybody else, and I -- this was not an issue until discussed today. I'm just confused by this whole aspect of wanting to rewrite the sign code which, frankly, when we did the sign code in this county, it took probably well over a year, and we hired a consultant, we had community meetings, and it was a pretty extensive operation in order to amend the LDC.

And then all of the nonconforming signs that were out there were noted, the code enforcement issues. I mean, this is not something that can be done by the seat of the pants. So I'm just questioning the whole process.

COMMISSIONER KLUCIK: Well, I think that what you could do is you could take the existing code that does apply, this 5.06.04.F, and you could see if there's anything that would be tweaked specific to Ave Maria. What we're saying is that Ave Maria should not have any specific

sign standard that's different than anywhere else.

COMMISSIONER SCHMITT: I can say that for the entire county. I mean, I know Ave Maria's different, but do we want another sign code for each rural village? I mean, this, to me, is going down a slippery slope.

COMMISSIONER KLUCIK: Well, in this case, we already have something unique, and we're saying let's do away with it, but there's really no good reason to do away with it. The argument is, you know, we have a potential issue down the road with some shop owner, and there is no current issue. And they're asking to get rid of something without a real grounding for it.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: So the concern is that where you have visible shopping centers that have signs that are flush with the face of each storefront, this would introduce the possibility that they could put a marquee sign out in front of all the shopping centers that shows Publix, Bealls, so on so forth, and that's your concern; is that correct?

COMMISSIONER KLUCIK: That's my concern. And I certainly don't think [sic] that some form of that might be appropriate, but there's no -- right now it's whatever is allowed throughout the county, and I don't even know what that is.

CHAIRMAN FRYER: County Attorney.

MR. KLATZKOW: Let me just -- because I've got a process concern here. Mr. Sabo's already said that he has no intention of having staff come back with anything. There is no community organization --

COMMISSIONER SCHMITT: Correct.

MR. KLATZKOW: -- that can come up with something. There just isn't. I'm very uncomfortable with a single person dictating new code that everybody has to live with. So if --

COMMISSIONER KLUCIK: Well -- and that's not what I'm proposing. I'm proposing that we not approve this change --

MR. KLATZKOW: No, no, no. That's different.

COMMISSIONER KLUCIK: -- and we work with what we've got, and if there -- if there is, you know, some other way to go forward with it with a modification, then that's fine. But I'm not proposing a modification. I'm trying to --

MR. KLATZKOW: May I finish?

COMMISSIONER KLUCIK: No, no. Mr. Attorney, I'm going to --
(Simultaneous crosstalk.)

MR. KLATZKOW: You're going to wind up winning if you keep your mouth shut.

COMMISSIONER KLUCIK: I just want to explain that what I'm suggesting is to try to accommodate a change that I think could be good, and I am agreeing with the applicant that maybe a change is good. And so I'm trying to actually be very accommodating and open to the idea that maybe we should change this. And what I'm saying is, you know, let's not go all the way to the end. Let's go somewhere in the middle. And I apologize, I -- you know --

MR. KLATZKOW: There's no middle to go to, because staff is not going to come up with anything, all right. So if there's no middle to come up with from the signage standpoint, no other issue, there's no point in continuing this.

It's not like we're going to have public hearings and hear from the people of Ave Maria as to what kind of signage code you have. So the issue then comes down to, do we keep the requirements as they are today, which is the SRA, or do we do away with the SRA requirements and, oh, by the way, once you do that, those other towns are going to ask for "me too, me too," all right. This is just not going to be limited to Ave Maria. I've seen this game work before.

So the questions are, are you going to get rid of the SRA requirements, or are you going to keep them?

COMMISSIONER KLUCIK: And what I would --

MR. KLATZKOW: And it's a yes/no.

COMMISSIONER KLUCIK: What I would say if we say no, if we say we're not going to get rid of them, then I think that, you know, the applicant is likely to come back with something that, you know, maybe is in between. You know, and they can say they're not going to, they refuse, they have it -- you know, I get that. That's their right to assert that they want all or nothing, but at the same time, I think, you know -- and I also think couldn't we direct staff to come up with a proposal to change this, to modify it?

CHAIRMAN FRYER: We could, but as a practical matter -- and I'm trying to evolve here as this develops. I'm sensitive to the right, if you will, of the applicant to get this resolved and for it to get onto the Board of County Commissioners.

We have options in place where we can express our point of view with respect to the sign issue and with respect to the acreage issue, Deviation 1. We could vote to approve the application but deny those two pieces of it. And stating our reasons cogently, we would send it on to the Board of County Commissioners. And if at that point, if there's a large assemblage of members of Ave Maria or spokespeople who have been delegated the responsibility of speaking for a larger group, they can appear before the Board of County Commissioners and make that case. So that's my -- go ahead, Mr. Yovanovich.

MR. YOVANOVICH: I just want to clarify one thing. We are not trying to avoid the Land Development Code RLSA sign requirements. You're not opening up Pandora's box. We're saying we want to meet the Collier County established Land Development Code sign requirements for SRAs. We want to meet the code. That's what we're asking for. We're not asking for an exemption from the LDC. We are not -- so don't -- we're not opening a Pandora's -- we're not asking for an exception. We want to meet the code. And I want to --

COMMISSIONER KLUCIK: So I want to --

MR. YOVANOVICH: One more thing.

COMMISSIONER KLUCIK: Mr. Yovanovich --

MR. YOVANOVICH: My NIM, my NIM for this project was in August of 2019. August of 2019 we had a follow-up voluntary -- 2019, sorry -- 2020, 2020.

COMMISSIONER KLUCIK: Twenty.

MR. YOVANOVICH: Wrong year. COVID's got me off by a year.

So from August until now, we haven't heard a peep from the residents of Ave Maria saying we have a problem with these signs. We had a follow-up voluntary NIM; didn't hear a peep.

I respect Mr. Klucik's opinion. I'm not saying he doesn't have a very strong opinion, and he's expressed them many times in the past. I'm fine with that. But we haven't heard from the residents of Ave Maria saying we are opposed to what was requested. I don't know that Mr. Klucik's read the sign code yet himself to know whether or not he has an objection to what the county code is. But we haven't heard from the residents of Ave Maria opposing this sign -- our request to be using the county code.

So I want to just put that in context, and I would hope that we can move forward with a recommendation of approval of the modifications that we've requested and, obviously, you'll -- somebody will make a motion, and we'll figure out what the will of the Board -- or the Planning Commission is.

CHAIRMAN FRYER: Well, we have a motion before us, and --

COMMISSIONER KLUCIK: I would like to respond to Mr. Yovanovich.

CHAIRMAN FRYER: Please go ahead.

COMMISSIONER KLUCIK: So what I would say is, right now -- and you can answer me if -- would you be able to put up a marquee type sign now? Would the applicant be able to -- or in Ave Maria, in the area like, for instance, in front of a -- not in the town core but in the town center.

MR. YOVANOVICH: You mean a directory sign that lists the names of the tenants?

COMMISSIONER KLUCIK: Well, yeah. Like a lighted sign that has the colored -- well, the colored plastic signs, that, you know -- or colored glass signs that are in front of shopping centers.

MR. YOVANOVICH: I don't know that there -- I don't know that the colored glass signs --

COMMISSIONER KLUCIK: And the point of it is that you're asking that you would be able to do that, and I get that, and I'm not opposed to some form of that.

What I'm saying is that I think it should be unique to the community that is unique, that has also been sold to us as unique. And all I'm saying now is you're right, the people have not spoken because they have no idea -- they have no comprehension of what this proposal is because, as I said, it was not really discussed that much and, as I said, the staff didn't even realize it was something to really weigh in that much on about, because when I asked them specific questions, they -- it was as if, what? That's not part of the -- you know, what are you talking about?

Okay. Now, I knew it was part of it because I had gone to the meetings. And so, you know, to your credit, you never -- it's not that you didn't talk about it. It's that it didn't seem like it was an issue, and if you recall, I thought you were suggesting that we were going to have signage initially because of the way it was worded; it was incorrectly worded on your material that you presented, and it was in -- where people would live. You wanted signs. That's how it was worded, and it had to -- you know, you had to go on record and correct that, that that was not what you were proposing. So there was some confusion here.

And I also will say, I'm an elected representative in that community. I was recommended for appointment to this position because Commissioner McDaniel, who's also representing of people of Ave Maria, thought that I had my finger on the pulse of the community. I am not saying that everyone feels the way I do, but I certainly will tell you that I don't -- you know, I don't think I'm off in being concerned about this.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Question for the Chair. What stage are we in? Are we in deliberation here, or are we still in rebuttal? Are we in deliberation?

CHAIRMAN FRYER: This is still rebuttal. We have not moved to deliberation.

COMMISSIONER SHEA: We shouldn't be having motions made then.

COMMISSIONER KLUCIK: Well, no. You asked for the opinion of -- the input from the staff, and I don't think we are in rebuttal.

COMMISSIONER SHEA: Yeah.

COMMISSIONER KLUCIK: I'm sorry, of the community.

COMMISSIONER SHEA: Well, how about can you put the motion up if we haven't gone through the --

CHAIRMAN FRYER: Well, we haven't had a second, first of all, and I haven't heard Mr. Yovanovich, basically, rest. So as far as I'm concerned, we're still in rebuttal.

MR. YOVANOVICH: I'm only responding to comments that are occurring with regard to questions.

And, you know, if you're going to stop asking staff questions and you're going to not -- I just only request that I be given an opportunity to respond to staff comments that I may believe are not totally accurate.

I'm done with my presentation. And I'm perfectly fine with resting and having you-all go to a motion to deliberate, but I only ask is if you bring staff up and ask them questions, that I be provided the same courtesy.

CHAIRMAN FRYER: That's fair enough.

Commissioner Fry.

COMMISSIONER FRY: Rich, are you -- in this signage section, are you really trying to address the situation where a non-street-facing business does not have adequate signage?

MR. YOVANOVICH: We are trying to make sure that businesses that want to come to Ave Maria stand a fighting chance of being successful. That's why we're making these changes just to the town center. We're not doing anything in neighborhood general. It's just the business districts, if you will, within Ave Maria. So we're not -- we're not making up a problem. We're addressing a problem to bring businesses to Ave Maria.

COMMISSIONER FRY: I get it, but Robb's -- and I have to say, if they have flush signs and this would open up the possibility that every commercial development, whether it faces a collector road or an arterial, you could put up a marquee sign with all the businesses listed, and that's against the vision of Ave Maria, and then I see that as a valid concern.

So that's simply -- my question is: Are we -- do we need to invoke the entire LDC when we have an SRA signage, or are you really looking to address a specific situation that we could do in a more limited fashion?

MR. ARNOLD: This is Wayne Arnold. If I might address that questions, please.

CHAIRMAN FRYER: Go ahead.

MR. ARNOLD: The signage in the town core right now -- and I don't want to -- I need to correct you. A marquee sign is not a multi-tenant sign.

COMMISSIONER SCHMITT: Correct.

MR. ARNOLD: That would be a directory sign --

COMMISSIONER FRY: Thank you.

MR. ARNOLD: -- in the county's nomenclature. A marquee sign is specifically allowed here, and it allows it to be attached to a theater to indicate the shows that are being played. That's the limitation in the town core.

What it doesn't allow is a multi-tenant facility, if you go to a medical appointment, it doesn't allow you have to directory sign where you can have multiple doctors' names listed on it. It doesn't allow you to have a gas station sign. It doesn't make any provisions for those things.

And we have a -- we have other things outside the town core. But as your LDC even says, it says, you go to the town core, if you're in any of the other context zones, but then at town core, if you read the section that Rich put on the visualizer, it says per signage for the LDC.

So every other town that's out there, if they didn't come and ask for a specific standard, they would defer back to the LDC, which I think we all agree is a fairly significant standard. But here, just one example, Mr. Fry, was a directory sign that's not permitted.

COMMISSIONER FRY: Oh, it would -- even with this change it would not be permitted.

MR. ARNOLD: It would not with the change, yes.

COMMISSIONER FRY: Okay.

COMMISSIONER KLUCIK: And I will ask, it says, signage within Town Center 1. Town Center 1, is that where the Mobil station is, or what is Town Center 1? What -- I'm trying to make sure that I know --

MR. ARNOLD: Mr. Klucik, they all allow the same. Town Centers 1, 2, and 3 all refer you back to town core.

COMMISSIONER KLUCIK: Right. But this particular deviation -- or change, excuse me, is limited, is that correct, to Town Center 1? I mean, that's what I'm reading.

MR. ARNOLD: That's not my language. That is not the proposed change.

COMMISSIONER KLUCIK: All right. So then I'm not even looking at what we're -- the commissioners aren't even looking at the language, so I have a problem with that.

MR. YOVANOVICH: It's in your resolution.

MR. ARNOLD: It should be in your resolution if you're looking at that, Mr. Klucik.

COMMISSIONER KLUCIK: Right. And I'd like someone, if we could, have staff put that up for us.

MR. SABO: The resolution is in front of you.

COMMISSIONER KLUCIK: That is the resolution, all right. So the resolution limits these -- this change to Town Center 1, and I'm asking for someone to clarify, because there's more than one town center.

MR. YOVANOVICH: What you're not seeing, Mr. Klucik, is they didn't share with you the language in Town Center 2 and 3. That says signage within Town Centers 2 and 3 shall comply with the town core. So you have one page. You don't have the next page on there to show you that it applies to all three town centers.

COMMISSIONER KLUCIK: All right. So -- okay. Well, can I see that?

MR. YOVANOVICH: Sure.

COMMISSIONER KLUCIK: If it's town core -- I realize you could have misspoken -- then if it refers to town core, then for 2 and 3 this new thing wouldn't apply.

MR. YOVANOVICH: No. The way it works is the town core is where you identify the types of signs you're allowed to have. Then you go to Town Centers 2, 3 -- 1, 2, and 3, and it says, refer back to town core for the types of signs you're allowed to have in Town Centers 1, 2, and 3.

What we've added to our language is the ability to do the town core signs that are in our SRA document, or the LDC signs.

COMMISSIONER KLUCIK: And all I'm saying is as written there that would be limited to Town Center 1 unless -- unless the Town Center 2 standard says whatever applies for Town Center 1 also applies to Town Center 2. What is it that you'd like me to look at?

MR. YOVANOVICH: That's the resolution that talks about the revisions we're making to Town Center 2, which is the very same language.

COMMISSIONER KLUCIK: Okay. Ah. So it's on a different page?

MR. YOVANOVICH: Yes.

COMMISSIONER KLUCIK: Okay, great. Thank you.

MR. YOVANOVICH: You can keep that, but I need it back.

COMMISSIONER KLUCIK: That's very helpful. That's not the resolution you have?

MR. SABO: That is not the resolution that I have.

MR. YOVANOVICH: Well, it's the resolution that I printed from your website.

COMMISSIONER SHEA: Do you have it up on yours?

CHAIRMAN FRYER: Well, do you need --

MR. KLATZKOW: Why don't we take lunch, and we can figure out exactly what we're talking about during the break.

CHAIRMAN FRYER: That's what we'll do. Would anyone object if we came back a little --

COMMISSIONER FRY: Yes.

CHAIRMAN FRYER: Okay. Do you want a full hour?

COMMISSIONER FRY: Yes, sir.

CHAIRMAN FRYER: Okay. It's 12:09.

COMMISSIONER FRY: So does Terri.

CHAIRMAN FRYER: We'll stand in recess until 1:10, an hour and one minute.

(A luncheon recess was had from 12:09 p.m. to 1:10 p.m.)

CHAIRMAN FRYER: Ladies and gentlemen, let's reconvene, please.

When last we were together, I believe the applicant had rested with the request that if we then end public comment and call staff back, that we would give the applicant a chance to rebut.

So without objection, we will do that, but first Mr. Sabo has a clarification.

MR. SABO: Correct. James Sabo, for the county.

Just to clarify, my recommendation to the Planning Commission has not changed. My recommendation is approval with the removal of Deviation 1.

What I wanted to clarify is the information that Mr. Klucik brought up is information that you could consider, but it is up to you. It's up to you to consider the information he brought up regarding signage, so -- but my recommendation stands as presented.

CHAIRMAN FRYER: Thank you for that clarification, sir.

Commissioner Klucik.

COMMISSIONER KLUCIK: And so I would basically withdraw my motion and replace it with a motion to pass it in accordance with the staff's recommendation but without the sign -- with the sign piece dropped that we discussed in detail for the commercial signs in Town Center 1.

CHAIRMAN FRYER: Okay. So the motion would be that we accept staff's recommendation on Deviation 1 but then add that we're going to keep the SRA signage.

COMMISSIONER KLUCIK: Sign for activity center the same.

CHAIRMAN FRYER: Okay. So that's a motion. Is there a second?

COMMISSIONER SHEA: Just a procedural --

CHAIRMAN FRYER: We're going to have lots of discussion, but we're going to put a --

COMMISSIONER SHEA: But a procedural thing. Can you just make a motion before you get to deliberation?

CHAIRMAN FRYER: You can.

COMMISSIONER SHEA: Any time you want?

CHAIRMAN FRYER: Well, absolutely.

COMMISSIONER SHEA: Just, procedurally, I'm trying to understand this.

CHAIRMAN FRYER: No. We will -- we will have lots of discussion on this, and we're going to begin our discussion with a motion and possibly a second, but we're not going to end deliberation or discussion until everybody has had everything to say that they wish.

County Attorney.

MR. KLATZKOW: Ray, have we any public speakers?

MR. BELLOWS: I don't have any registered. I'll check with online. No, no online.

MR. KLATZKOW: Do you want to close the public portion?

CHAIRMAN FRYER: I'm going to do that, yes. We will close the public portion on the -- with the condition that if for some reason we asked staff to come back, we'll give the applicant a chance to also rebut. But I'd hope that we can get through this without having to reopen.

COMMISSIONER KLUCIK: And, Mr. Chairman, I'm sorry, I thought we were already at that point. So, obviously, without hearing from the public, my motion would have been premature, and that certainly was not my intent because I thought we had already asked the public for comment.

COMMISSIONER SCHMITT: We did.

COMMISSIONER HOMIAK: We did.

CHAIRMAN FRYER: You were right, we did.

COMMISSIONER SCHMITT: Thank you.

COMMISSIONER KLUCIK: There's a motion on the floor. Is there a second?

COMMISSIONER FRY: I'll second it.

CHAIRMAN FRYER: It's moved and seconded, and we will now have a full and complete discussion.

COMMISSIONER FRY: I'll kick it off.

CHAIRMAN FRYER: Please do.

COMMISSIONER FRY: The reason I seconded the motion is I believe that -- I look at

the justification to approve deviations to be that there is a demonstrated benefit to the deviation and a significant benefit to it. We've established that the applicant is able to design all the same similar communities with very, very minor differences with the four-acre limitation on multifamily homes in place, so that's why I do support denying that deviation.

And to the signage, a similar viewpoint, I guess a similar framework in looking at it. My concern with opening it up is that I think we have established, through testimony, that including -- expanding it to include the LDC, while the LDC may be considered, quote, restrictive, we have identified at least one area where it's less restrictive which would allow the addition of directory signs to any commercial shopping center in Ave Maria, and that's not a -- that is an expansion of the signage rules. And I get the impression that the people in Ave Maria maybe like the flush mounted signs. And the client -- the applicant did present, I thought, a very reasonable request, which you as well, Mr. Klucik, thought was reasonable, which is how do we let people know that those off-street businesses are there? So I do believe that an exception of some kind would be justified there, but I do not believe that opening the entire less restrictive LDC, we have enough information -- or I have enough information to support that.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. I'm really not clear on the motion regarding signs. What was that meaning we will stay with the staff recommendation?

COMMISSIONER KLUCIK: No. The staff recommendation with the one change is that, as to the addition or the change to adopt the LDC signage standard for Town Center 1 is -- we approve it without that, without any change to the signage. We would -- we're approving the sign that's off property, but we're not approving the internal signage standards change. That's what my motion is.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: Well, again, I'm going back to the -- I'm looking at the resolution. So how would that resolution read, so I'm clear?

COMMISSIONER KLUCIK: All right. I'm sorry. I'll have to call it up. What page is the resolution on?

COMMISSIONER SCHMITT: Let's see. That section was -- James, you --

COMMISSIONER KLUCIK: 9A1C, attachment to your resolution, 100620?

MR. SABO: Page 75 and Page 96.

COMMISSIONER KLUCIK: That's not what I'm seeing here.

MR. SABO: Page 75. Page 96.

COMMISSIONER KLUCIK: All right. Well, I'm opening up the agenda with all of the information attached, and I'm trying to find a page number there. That's what I have.

COMMISSIONER FRY: Seventy-five and 96 of what packet that --

MR. SABO: The proposed resolution.

COMMISSIONER SCHMITT: Yeah. Mine, I'm at Page 28 of 2, 448. But it says, signage within Town Center 1 shall comply with town core standards, strike through the "and."

COMMISSIONER KLUCIK: Strike that.

COMMISSIONER SCHMITT: So community general standards or LDC. So you're recommending that that -- basically the section that says LDC Section 5.06.04.F come out?

COMMISSIONER KLUCIK: Right. I believe the language that is currently in there is the part that is not underscored, and so my amendment is removing the portion that is underscored, which says "or LDC Section 5.06.04.F."

COMMISSIONER SCHMITT: So in that regard, there's no change in the signage criteria for Ave Maria other than the deviation for the off-premise sign?

MR. BELLOWS: Correct.

COMMISSIONER KLUCIK: And, of course, minus the 25, the increase to 25 acres.

CHAIRMAN FRYER: That's Deviation 1.

COMMISSIONER SCHMITT: That's Deviation 1.

COMMISSIONER KLUCIK: Yep.

CHAIRMAN FRYER: Any further discussion?

COMMISSIONER SCHMITT: I mean, the issue here is -- and I have to agree with -- we've had two public hearings -- or two public meetings, none of which this was an issue, and all of a sudden now it's an issue because, of course, you raised it as an issue. And as far as with regards to the applicant, the purpose of this was to allow for businesses that don't front a frontage street. So now we're basically saying they will not be able to put up any kind of --

COMMISSIONER SHEA: Directory.

COMMISSIONER SCHMITT: -- directory sign or other type of sign. Even if they put the hospital in or another type of facility, directional signs or multi signs for hospitals, doctors' office locations, all those kinds of things, none of that can be done now.

COMMISSIONER KLUCIK: Well, right, without them submitting something that -- for instance, I would support -- well, not us. We make a recommendation, but that the commissioners would support. I think that's the appropriate way to do it is to not -- to not bite this off now this way. I don't think that that's appropriate.

COMMISSIONER SCHMITT: So based on your recommendation, if the hospital goes in, they're prohibited from putting any type of internal signage?

COMMISSIONER KLUCIK: Well, they would be if they didn't ask for a deviation, yes.

COMMISSIONER SCHMITT: Correct. So if we wanted to put any kind of directional signs within, let's say, the interior portion of the hospital property for location to the emergency room or doctors' offices or other type of things, in order to do that, they would have to come and amend the SRA again.

COMMISSIONER KLUCIK: I don't think that's the case, because right now we have so many directional signs in town; then we must be breaking the code all over the place. So that -- you know, certainly in Ave Maria there are a lot of directional signs that tell you how to get to the doctor's office and how to get to the town center and how to get to the school and the university.

COMMISSIONER SCHMITT: Okay. I don't know, because I don't know if that is basically part of the sign -- sign ordinance, and I don't have that in front of me.

MR. BELLOWS: For the record, Ray Bellows.

There, I believe, was an investigation of some of those signs, and a lot of those signs were not permitted through the county.

COMMISSIONER SCHMITT: That's what I thought.

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: Well, that leaves -- it leaves a situation for the applicant then. In order to put any type of signage, they would have to make that clear back to the residents and come back in with another amendment.

COMMISSIONER KLUCIK: Right. And I think that you would get support from the community, and I'm certainly -- I haven't represented that there's widespread disagreement with that. What I've -- what I'm saying is I would -- if you went and polled the people in town, they would have no idea that that's actually on the table.

COMMISSIONER SCHMITT: Despite the fact that we've had two public meetings and --

COMMISSIONER KLUCIK: Well, I told you that when they couched it in the first meeting, they actually had it -- actually, in the second meeting, I had to correct what they were saying they were proposing in the second meeting. They actually -- so in both meetings they actually had slides that said they were proposing that in the residential areas they could have

commercial signs. Because it was a typo. I agree it was a typo.

Let me finish. So when I went into the meeting and when people went into the meeting, we were concerned about that. And then the response was, oh, no, no, no, that's just in the town center, in the commercial areas. And then because people were relieved that the big issue of having those signs in residential areas, you know, was no longer an issue, there was not really a discussion or an understanding of what the proposed change really was. And I'm quite confident that there's a lack of knowledge that that's what this proposal is actually proposing.

COMMISSIONER SCHMITT: Okay.

COMMISSIONER KLUCIK: And I agree. I'm just one guy, but I'm actually not just one guy. I'm a guy that actually does have my finger on the pulse of the community.

COMMISSIONER SCHMITT: Well, I can't support the recommendation to eliminate this request. I think that the LDC standards are very restrictive and certainly would not be abusive or -- in any way to the Town of Ave Maria. In fact, I believe that the standards that are now allowed within Ave Maria, frankly, exceed the LDC standards. So as proposed, I cannot support the petition.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER SCHMITT: I would support it -- the limit of the acreage, even though I think it's sort of onerous. But the applicant's going to be able to do what they could even without the limitation. So I would agree with the staff recommendation on that. But for the signage, I think it ought to stay with the staff recommendation.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: I was just thinking about your question, Joe, and not having the background you do, if I simply see a reference to an LDC section and I'm in Ave Maria, even sitting here, I would not know the full ramifications of that. So I'm thankful that that came up today, because it would not have been included in the application had it not in some way expanded what they could do sign-wise. And I -- my personal concern is not understanding exactly what the ramifications are and knowing that there already is a sign ordinance or rules in place in Ave Maria under the SRA, are we opening Pandora's box to some unintended consequences like directory signs where they may not be desired. That was a concrete example, you know, throughout Ave Maria. And I guess I feel, by having it on the record, if the applicant chooses to approach it or go forward with the County Commission and have them vote differently, at least the issue is on the table. So that is why I seconded the motion.

CHAIRMAN FRYER: Thank you.

Commissioner Shea?

COMMISSIONER SHEA: I support Joe's position. I support voting approval on the staff's recommendation.

CHAIRMAN FRYER: All right. Is there -- yeah, Vice Chair.

COMMISSIONER HOMIAK: I will support Joe's view on the signage, too, because I sat here through all the Land Development Code amendments, and it was very lengthy and very thorough, and I don't see any reason for it not to apply here. There's no reason, because maybe then your -- the Ave Maria has code violations.

COMMISSIONER SCHMITT: Yeah, there probably are issues out there that are code violations.

COMMISSIONER SHEA: Well, we also have the ability to now -- if we do approve what Joe's suggesting, to see if the public really is against it, and you have to get -- and get to the commissioners' level as well, if you really have some good public views against the approval.

CHAIRMAN FRYER: Chair would entertain a motion to amend the main motion if someone wishes to make it.

COMMISSIONER FRY: Can we hear from Karen?

CHAIRMAN FRYER: We did.

COMMISSIONER HOMIAK: That was me talking.

COMMISSIONER FRY: Oh, I'm sorry. What I meant to say was, thank you, Karen, for weighing in. I meant the Chairman.

COMMISSIONER SCHMITT: We have a motion and a second. Do we have to call the question?

CHAIRMAN FRYER: No, we can -- there could be a move -- a motion to amend the main motion to express --

COMMISSIONER SCHMITT: Well, I make a motion to amend -- to approve as staff proposed. I still believe that the 25 acres is certainly not -- would create a problem in any way, shape, or form. But it's clear from the staff's position that the -- that the current design can proceed with the four acres. So it does not create an undue hardship other than it does create somewhat of an engineering and technical problem for the applicant, but it looks like it's easy enough to get through it. So I would make a recommendation to support -- to amend and support the staff recommendation as proposed that is denying the recommendation for the 25 acres but keeping the sign language as stated --

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: -- and as proposed in the current recommendation from staff.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SHEA: Yes, I'd second that.

CHAIRMAN FRYER: All right. It's been moved and seconded to amend the main motion by reverting to the proposal that staff has brought forward which is to deny Deviation 1 but in all other respects to approve.

Is there any further discussion on the motion to amend?

(No response.)

CHAIRMAN FRYER: If not -- and this is just a -- this is a vote on the motion to amend, not the main motion. All those in favor of amending the main motion, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

COMMISSIONER KLUCIK: Opposed.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Okay. It passes 4-2. Did I count that correctly? All right. So now we have a main motion that is identical to staff's recommendation that we approve this but with the exception of Deviation No. 1. Any other discussion on the main motion as amended?

COMMISSIONER KLUCIK: I'll simply say that I'm going to vote no just because of -- you know, I want the amendment that was amended out in, and that's the basis for my objection.

CHAIRMAN FRYER: Understood.

COMMISSIONER SCHMITT: Can I just --

CHAIRMAN FRYER: Go ahead, Commissioner Schmitt.

COMMISSIONER SCHMITT: I would encourage that we go back to Ave Maria and get their input prior to the Board of County Commissioners so that there's clarity so that the folks in Ave Maria have a clear understanding of the -- both the pros and cons and, frankly, any second and third order impacts this may have. My biggest concern is lack of directional signs and the inability to do internal directional signs that they would now be allowed to do under the LDC.

COMMISSIONER KLUCIK: What I would say just to my neighbors, so that's -- you know, if you feel strongly about this, then, you know, you've now been told that that would be the way to -- you know, you have to make yourselves known, your voices heard. I certainly am not going to, you know, run and act like this is a burning issue. I made my point, and I do think that it's -- you know, it's -- something in between would be better than just adopting the -- you know, the county's code, but obviously that, you know, hasn't persuaded this panel. But I just -- you know, if people in town do feel strongly that they don't want to have commercial signs, then they need to speak up between now and the commission meeting.

CHAIRMAN FRYER: Commissioner Shea. You didn't?

COMMISSIONER SHEA: No, he did.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: No. I just applaud what you said, Joe. I think we're doing our job here. We're putting the issues on the table. In my opinion, yeah, maybe some analysis between now and the County Commission meeting it would be helpful to know exactly what ramifications there are from having the LDC sign ordinance brought in. You know, does it actually create a problem or does it not? I feel similar on the four-acres to 25-acre discussion. It's very possible that that really has no real negative ramifications on the intent, but I don't feel I have enough now to say for sure that it doesn't, and that's why I voted to maintain the four-acre limitation.

CHAIRMAN FRYER: Thank you. Anyone else wish to be heard?

(No response.)

CHAIRMAN FRYER: Then we have an amended main motion in front of us, which is to accept the recommendation of staff, which was to recommend approval of the application with the exception of Deviation 1, which we disapprove of.

Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

COMMISSIONER KLUCIK: Opposed.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: It passes 4-2. Thank you very much.

COMMISSIONER SCHMITT: Chairman, just to clarify, the vote was to forward the approval of the staff as proposed, which was denying recommendation -- deny the --

COMMISSIONER FRY: Deviation 1.

COMMISSIONER SCHMITT: -- deviation.

CHAIRMAN FRYER: Correct.

COMMISSIONER SCHMITT: I know that's what you meant.

CHAIRMAN FRYER: Yeah. The amendment -- the amendment reverted it back to the --

COMMISSIONER SCHMITT: Correct.

CHAIRMAN FRYER: -- staff recommendation.

COMMISSIONER SCHMITT: Okay, good.

COMMISSIONER KLUCIK: And I would just like to say to my colleagues I really do appreciate that you thought my contribution was helpful to understand Ave Maria better. Obviously, the developer understands Ave Maria very well, too. And, you know, it's -- I was -- I

enjoyed having the chance, you know, to weigh in, and I'm very proud of the community, and I'm sure it will continue to be a great place regardless, you know, of how this ends up panning out.

CHAIRMAN FRYER: Well, thank you very much. And for my part, I'll simply say that your contribution was very, very well received and appropriate, and we thank you, and Ave Maria's lucky to have you out here carrying the flag.

All right. Anything else on this before we go on to the next one?

(No response.)

CHAIRMAN FRYER: ***The next one is a companion item. It is 9A2 and 9A3. And these are -- these are, respectively, PL20200001448 and PL20200002056. They are City Gate Commerce Park. It's a PUDA and a DOA, a development order amendment.

Without objection, we'll do as we usually do on these companions and we'll discuss them together but vote on them separately.

And we will first ask all those 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. Ex parte disclosures beginning with Mr. Eastman, please, sir.

MR. EASTMAN: None.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER FRY: Staff materials and conversation with the engineering team for the applicant.

CHAIRMAN FRYER: Thank you. In my case, materials from an exhibit -- and communications with staff and applicant's agents as well as a site visit.

COMMISSIONER HOMIAK: Yes, I had a conference with Ms. Harrelson and her team, because I can't remember who was there except for Josh.

COMMISSIONER SCHMITT: Likewise, I had a conversation with Jessica and her team regarding the petition.

COMMISSIONER KLUCIK: I spoke with staff.

CHAIRMAN FRYER: Thank you.

COMMISSIONER FRY: Ms. Harrelson, you may proceed.

MS. HARRELSON: Good afternoon. Jessica Harrelson, certified planner with Davidson Engineering here representing the applicants in the City Gate Commerce Park PUDA and DOA. Here with me today is Josh Fruth, vice president of Davidson Engineering; Roger Rice, representative for City Gate; Sean Callahan, representing Collier County; and Norm Trebilcock, the traffic consultant.

We have a PowerPoint presentation prepared that Josh and I will run through and then answer any questions that you have.

City Gate Commerce Park is depicted by the red dashed line that you see in this aerial here. It is located in the northeast quadrant of the I-75 and Collier Boulevard intersection lying east of Collier Boulevard. City Gate is an existing PUD and development order originally approved in 1988 and permits a variety of office, commercial, and industrial land uses.

Requested updates include the addition of medical office, 10,000 square feet, for essential service personnel only to the sports complex extension that's located here in this hatched area. It's 128 acres. And pursuant to the addition of medical office, the two-way p.m. peak-hour trips have been updated for the sports complex extension to a total of 345. This results in a total of 6,344 two-way p.m. peak-hour trips for City Gate overall.

Essential services are defined as those services and facilities including utilities, safety services, and other government services necessary to promote and protect public health, safety, and welfare, including but not limited to police, fire, emergency medical, public park, public library

facilities, and all other services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers that have been approved and authorized according to laws having appropriate jurisdiction in government facilities.

Deviation No. 6 is an existing deviation within the PUD relating to directional signs internal to the PUD. This deviation has been updated to increase the number of signs, the sign area, and height. Again, these signs are internal to the PUD and are necessary for way finding. Approval of this deviation has no negative impact on the surrounding neighborhood.

Existing Deviations 13, 15, 16 and 17 relating to grass parking for the sports complex project has been updated to also include lots abutting the sports complex project that provide overflow parking for the sports complex project.

The number of permitted caretaker units has been updated from seven to total of 10. These are permitted east of the FPL easement. The reason for the increase is to address the needs of large landowners within City Gate and also due to the requested decrease in minimum lot size east of the FPL easement.

A deviation has been added to allow the South County Regional Water -- Water Treatment Plant's directional sign to be located off site within Lot 11 of City Gate. This will allow the sign to be placed on the exterior side of the fence and be visible to the public.

A deviation has been added to request a reduction in the number of required parking spaces for a proposed warehouse facility that is planned west of the sports complex project known as Uline. This will allow the facility to meet actual parking demands and allow more open space to be provided on site. And as you may know, Uline and the Board entered into a contribution agreement in October of 2020.

As I mentioned previously, the minimum parcel size for the lots east of the FPL easement have been reduced from one acre to a quarter acre. Parcel width is being reduced from 150 feet to 50 feet. Lots that are one acre or greater will have a side yard requirement of 25 feet, and lots less than an acre will have a side yard requirement of seven-and-a-half feet.

City Gate has a required yard plan which requires that native vegetation be retained in the required yards for each lot or unified development. Language has been added to allow these lots surrounding the lake and recreational tract known as the Tract RL campus to have the option to provide required native vegetation within different lots located within the PUD. This will allow for larger pockets of native vegetation to be provided.

The maximum zoned height for the sports complex project has been updated from 75 feet to 90 feet and the actual height from 85 feet to 100 feet. This applies to lots west of the sports complex project, east of the FPL easement, and south of City Gate Boulevard north, that includes uses that are compatible and complementary to the sports complex project. The purpose of the increase is to address the height needed for a tower element of a proposed resort that may be located adjacent to the sports complex project, and the star is the location of the potential resort location.

The master development plan has been updated to reflect the changes that I have gone over, to update the current lot configuration, and to also show the relocation of City Gate Boulevard south.

A neighborhood information meeting was held at the sports complex project on December 17th. There were no objections from the public related to the updates being requested with this amendment.

And now Josh Fruth will come up and finish.

MR. FRUTH: Hello, Commissioners. For the record, Josh Fruth, vice president, Davidson Engineering.

A little history on City Gate. You guys have seen us quite often, but there are some new board members, so we wanted to go through a few items. City Gate, as Jessica mentioned, was

originally approved zoning in 1988, which predates the adoption of the Comprehensive Growth Management Plan from Collier County in 1989.

In 2016, the Board of Commissioners started their site selection for what is now known as the Paradise Coast Sports Complex. The original rezone came before this Planning Commission in 2017 to update the PUD ordinance.

Preliminary site design also started in 2017, and in 2018 we had additional rezone updates that came before the Board at the same time we started construction on Phase 1 of the sports complex.

Last year we had some updates related to the overall PUD, and Phase 1 completion is pushing towards -- was pushing towards the end, and today's application is -- that Jessica just covered now.

The importance of the '88 application is the establishment of the zoning -- commercial and industrial zoning for the MPUD. That PUD document was approved as 88-93 in 1988, as I mentioned.

So part of the history, going towards the sports complex and the property in the overall PUD, as you see on the screen here is some -- a little bit of history with the newspaper articles. But the Board of County Commissioners, as I mentioned, in 2016 started the site selection.

On the right-hand side of your screen, in May of 2016, Commissioner Saunders had a town hall to address what, at the time, the Hunden Strategic Partners had identified as 28 probable sites for the sports complex for Collier County. That was whittled down to a handful and then again reduced. Some of these sites are shown on the screen between North Collier Regional Park, the Golden Gate Golf Course at the time, which the county did not own, East Naples, and Manatee Park. Eventually reduced down to three sites: City Gate, the already owned county 305 parcel, which is between City Gate and the landfill, and the Magnolia Pond site, which is across the street from City Gate.

So as we roll through to 2017, the purchase and sale agreement between City Gate and Collier County, and development happens, and we start pushing forward. The point of the site selection is that we recently received a noise complaint unrelated to these applications, so on behalf of Collier County, I'd like to address those, because we do want to be a good neighbor.

In 2016, part of those -- that site selection was listening to the neighbors and, as I mentioned, the North Collier Regional Park was on the list, but that park, as you will see soon, here, the proximity to the residential zoning was much closer than this site, and this site gave the county a little bit more flexibility with the acreage of the 305 acres that the county already owned.

As you see on your screen here, we had originally placed a 3,000-seat stadium near the right-of-way to the north, which would be close to the residential -- residentially zoned district. We listened to the public. We shifted things around. In 2018, as the county moved forward and into '19 and clearing, the design team, Collier County and the Board of Commissioners said, you know, we're going to move forward with the City Gate property as noted.

We shifted, which you'll see here. This is an aerial of May. The four fields in Phase 1 were completed. The stadium construction continues, but we shifted that away from the residentially zoned district for a reason, because we were listening to the public moving forward.

Here we are today. You can see the development in the foreground here. This is the stadium, which will be plus or minus, hopefully, opening up here within a month-and-a-half.

And the importance here is that, again, remember, zoning was established for the City Gate PUD in 1988. The noise complaint is coming from the parcel that is starred on your screen. This is an aerial from 1993. The property is undeveloped.

In 2002, the property is now developed. The residential property was developed actually in 2000. And on the screen here you can see the distances to the residentially zoned district to the property line of the sports complex, which is within the PUD.

The property in question is roughly 745 feet from the property, another 14 -- or total of about 1,400 feet from what is now the food truck and bar pavilion area.

And as you guys probably know, the Collier County noise ordinance exempts parks from being required to follow the overall noise decibels and items related to complaints; however, as I mentioned, we want to be a good neighbor, so the property, which is industrial zoned, as you guys know, is permitted to be up to 87 decibels. And so we started doing some sound testing. And for point of reference, normal speaking volume is roughly 60 decibels; thunder is 120 decibels; your refrigerator's 50; vacuum cleaner is 60 to 85; alarm clock, 65 to 80; chainsaw, 125; lawnmower and rifle, handgun, shotgun, between 163 and 170 decibels.

So those sound readings are shown on the screen here. You have the yellow, red, green, and blue. Again, we took the readings from the right-of-way, not from the actual property lines. So we were a little bit away from the property closer to the residential. And the highest reading we had was at 10:30 in the morning, and this is important to understand, that these readings followed and started the day before the neighborhood information meeting. And the reason we started this is because this complex was built mainly -- and one of the big events was the football university, and that event takes place every Christmas -- every week before Christmas.

So we started on December 16th, had these readings through December 22nd. On December 18th at 10:30 in the morning in yellow, which is the food truck bar area, there was a DJ doing announcements of teams. That reading was at 88 decibels. However, the exact same time, if you move to the red or blue or screen area, which is closer to the residentially zoned district, those readings dropped to 52 to 55 decibels, which, as I mentioned, normal speaking volume is 60 decibels.

So the importance of this is, again, I've highlighted here the rifle, handgun, shotgun, between 163 and 170 decibels.

As I mentioned, we had the reading at 10:30 at 88. The property in question, which is starred on the screen, is a football throw's away from an active outdoor gun range, which is much closer in proximity than the distances we've shown on the screen.

Also, for reference, North Collier Regional Park. The -- some of the fields as shown on the screen to the right are just a little over 300 feet away from the residentially zoned district as opposed to what the Paradise Coast complex is, 700 plus 230 rough [sic] or minus feet.

So with that, I will open it up for questions.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. I want to go back, go back to -- and, Jessica, you and I discussed this. And staff may be able to address this as well.

Please go back to the slide regarding essential services personnel, and let's talk about the medical facility. Because my concern is -- I have no issue with the medical facility, but my issue is, I believe this was a misrepresentation.

So who is building the medical facility?

MR. FRUTH: The medical facility was added -- again, Josh Fruth with Davidson -- was added at the request of Collier County. There is 10,000 square feet of general office on the sports complex extension already. The request was to -- for the medical office for -- as defined here for the essential service governmental facilities. Since Collier County -- again, this is a request to get it in there. This does not mean it's going to happen, but it is a request to give Collier County the flexibility and option to have a medical office building since they are a self-insured company.

COMMISSIONER SCHMITT: Yeah. Okay. I have no issue with that, but it says for essential services personnel. Who -- in our discussion on the phone yesterday, you classified -- or, Jessica, you classified essential services personnel is, essentially, everybody that works for the county. I think that's a very broad expansion of the term "essential services personnel."

My issue is, in the staff report and as publicly advertised, why not just have stated that it

was a medical office facility to service government county employees? I disagree with classifying essential services personnel. Everywhere else we talk about essential services personnel when we talk about affordable housing, when we talk about availability of housing, essential services personnel were typically, as classified, firemen, EMS, teachers, medical services, staff, and other related fields.

This is, essentially, now for all county employees. I don't have an issue with that. But why didn't we just state that and say it was for county employees? Why are we using the term "essential services personnel" to classify -- to cover all government employees?

MR. FRUTH: Well --

COMMISSIONER SCHMITT: And whose idea was that? Because I believe this was a misrepresentation.

MR. FRUTH: I understand what you're stating, Commissioner. I think working with staff and our client, which is the Board of County Commissioners and the County Manager's Office, we believe that those that we are representing would be the ones that would be using this facility if the county did, you know, decide to move forward with a facility of this nature.

With that said, in coordinating with county staff at Growth Management, I think that, quite honestly, we didn't even think twice about it because of the way this definition on the screen reads today. Governmental facilities was our intent. It was the intent for those that are employed by Collier County to use the facility. So it was not anybody's ill will to steer it in the wrong direction. It was just, we agreed upon it and we moved on.

COMMISSIONER SCHMITT: All right. Well, again, to me it's a misrepresentation of what's being asked for because -- is Mr. Bellows now deemed essential under this? Ray, no disrespect, but you're now essential.

MR. FRUTH: Well, given the state of pandemic, you know, I think everybody's essential in the county, right?

COMMISSIONER SCHMITT: Given the way this is described, Jeff, are you essential, too?

MR. KLATZKOW: Absolutely.

COMMISSIONER SCHMITT: Okay. I just have a real problem with the fact that -- why not just have stated that this was for government and county employees? There's nothing wrong with that. I just have a problem the way it was advertised and the way it is being presented to this board.

MR. FRUTH: I understand, Commissioner, and I think, like I said, before it was not intended to be that way. We agreed upon it, so we moved on. So there was actually no rebuttal about it. It was just one of those things, as you know, when you agree, you move forward.

COMMISSIONER SCHMITT: I note it for the record then.

Next thing, let's talk about the caretaker units. Put up the slide -- where are the location of the caretaker units?

MR. FRUTH: Okay. So as Jessica mentioned, there are 10 proposed. We have seven already in the PUD as approved from the 2020 ordinance.

Collier County has one caretaker right here that is -- right now is -- will be plus or minus about five to six weeks away from being ready for CO and deliverable to the caretaker which will be occupied by a deputy sheriff. It is very similar to the Collier County Public Schools. That is the exact model that was adopted. I'm going to go to a few extra slides here so I can walk you guys through this. Give me one second, please.

So the definition of the caretaker is an accessory use to the principal use exclusive to the property owner, tenant, or designated employee, and any other requirement which the County Manager or designee determines necessary to mitigate adverse impacts.

So in the case of Collier County for the sports complex, at the time of design and review,

we wanted to adopt the Collier County's Public Schools' model, because we wanted to have security on site, and the thought behind this, how do we make this happen and how and what do we determine the caretaker and how many?

So fast forward to today and where we're at, take Golden Gate High School for instance, 69 acres on your screen right here. There is a caretaker. One caretaker on the property.

The new high school, which is in design right now, which Davidson Engineering is doing, there is a proposed caretaker in the corner of the property, 61 acres. Mike Davis Elementary, immediately east of Golden Gate High School, 17-and-a-half acres. If you take Mike Davis and Golden Gate High School, you have roughly 80 acres. The sports complex project is 195 acres. If you double Mike Davis and Golden Gate High School, that would mean we would have four caretakers. We're asking for three.

COMMISSIONER SCHMITT: All right.

MR. FRUTH: Three because of where we're locating them --

COMMISSIONER SCHMITT: You're asking for 10.

MR. FRUTH: Three for the sports complex. I'll get to the 10. Yes, you are correct. Three for the sports complex, one right here in Phase 1, we have two in Phase 2, and then the 10, the additional seven, are because of what we just talked about Jessica presented with Uline and entering into a contribution agreement with Collier County.

We have two large landowners in this PUD now. Collier County is one of those, and Uline is one. Uline just closed on 102 acres, so they would have two caretakers as well. But with these PUD revisions in front of you today, because of the land that remains since we had two big chunks taken down, the land along the canal could be smaller lots, smaller businesses, business caretakers. So we wanted to have that provision added to allow for some additional just in case those businesses wanted them, and then also in case the distribution facility wanted to add some to theirs as well.

COMMISSIONER SCHMITT: Okay. So these caretaker units, are they residential units where people actually live in them?

MR. FRUTH: They are. They are business -- they are tied to the businesses. And the resident -- in Collier County's case, a sheriff deputy would be living in the unit.

COMMISSIONER SCHMITT: Tom, do -- the caretaker units, do they live in those units on the schools?

MR. EASTMAN: Yes, they do live in the units. The school district does not charge rent for that. And it's a long-standing program that we've had.

The idea is that you'll have less vandalism if there's a police presence there. And they've also been helpful in terms of doing routine checks of the property to make sure that it's safe and secure.

Another reason that we're in support of it at the school district is the Collier County Sheriff's Office provides YRDs and a police presence in our school system during the school hours. And it's a way to help with affordable housing to keep police officers in residence at a low cost.

So I guess one question would be, will -- the police that are living in this project, will they be charged a rent, or will they be rent-free like with the school district?

MR. FRUTH: Sean Callahan is here. He'll speak on behalf of that.

COMMISSIONER SCHMITT: Yeah, because I have more questions about the caretaker unit. I want to know -- go ahead and answer Tom's, because I want to follow up on some more questions.

MR. CALLAHAN: For the record, Sean Callahan. I'm the Executive Director of Corporate Business Operations in the County Manager's Office. I oversee the operational aspects of the sports complex.

So with respect to the three caretakers residences, it is our intent to enter into an agreement

with the Sheriff's Office. We haven't determined whether we would charge rent or not for the division. My understanding is in the past that it's been done both ways.

MR. EASTMAN: Not at our -- not with respect to the school district. We've never charged rent, so that would be a misunderstanding. They've always lived there rent-free.

And getting back to the medical office, will teachers be allowed to go to the medical office, or is that just strictly county employees?

MR. CALLAHAN: I believe we've only looked at it strictly for county employees at this point.

MR. EASTMAN: Then I would agree with Commissioner Schmitt's comments regarding labeling that essential service personnel 100 percent.

COMMISSIONER SCHMITT: Who's going to -- so who's in the other caretaker units? Because caretaker -- again, the reason I asked Tom is because I know exactly what they're for at the school.

MR. CALLAHAN: Sure. And, Commissioner --

COMMISSIONER SCHMITT: And this is a -- it sounds like we're trying to put 10 units into an area and calling it a caretaker when, in fact, they're really not a caretaker. You're providing housing for 10 people within the county, maybe one or two sheriffs. And who's going to control who goes into those units? Is that a county function? Is that your function?

MR. CALLAHAN: I can speak with respect to the three units that are assigned to the sports complex. Those will be sheriff's deputies. I'll defer questions to Mr. Fruth on who goes in the other ones.

COMMISSIONER KLUCIK: And is that a requirement, or is that just how you're choosing to use it? To you.

MR. CALLAHAN: The county has no intent to --

COMMISSIONER KLUCIK: No, I know. And I guess what I'm saying is, it's a caretaker residence. It's kind of a generic term, and it doesn't seem to require that any particular person live there. And I guess -- and it might not even be something that this board, you know, weighs in on, because it seems like it's something bigger than that, or maybe it is exactly what the Planning Commission should be weighing in on.

I guess I'm trying to figure out, could you authorize your deputy to live there because they've had, you know, a rough time finding housing that they can afford? You know, I'm just throwing something out, you know. No, that's really for you, because you're the one that said you've been the one that kind of determines -- manages these facilities.

MR. CALLAHAN: I can tell you that the sports complex has no intent to do it with anybody except for a sheriff's deputy.

COMMISSIONER KLUCIK: Right. But you wouldn't be restricted?

MR. CALLAHAN: I don't believe so, the way it's currently written, no.

COMMISSIONER KLUCIK: Right, okay.

COMMISSIONER SCHMITT: Well, let me go back to the Uline facility. You said they're going to have how many caretaker units? Were the --

MR. FRUTH: They have zero right now.

COMMISSIONER SCHMITT: Zero, okay.

MR. FRUTH: Because they took down a large land chunk, they could have a couple if they chose to do.

COMMISSIONER SCHMITT: But they're a private industry.

MR. FRUTH: They are.

COMMISSIONER SCHMITT: And they're going to be a tenant on the property.

MR. FRUTH: Yes.

COMMISSIONER SCHMITT: Why would the county build them a caretaker facility?

MR. FRUTH: The county is not building them a caretaker facility. I don't -- I never said that. I don't know who said that. This would be -- the rest of the caretakers, the remainder, the request is to increase it to 10. Collier County is using three of the 10 that will be -- that would be within the PUD ordinance. The other seven would be private if a business chose to build a caretaker.

One for such instance that you'll see around town is there are caretakers that live at storage facilities. The guard at the gate will often live in a studio-style apartment at the entrance of a storage facility. That's not uncommon.

COMMISSIONER SCHMITT: But those are all private businesses.

MR. FRUTH: Correct. All the remainder of the caretakers would be private businesses.

COMMISSIONER SCHMITT: It would not be under county control?

MR. FRUTH: That is correct, yes. Collier County has an agreement to have three of the 10 that are within the PUD.

COMMISSIONER SCHMITT: And these are simply scattered throughout the complex. They're not -- they're not in any central location?

MR. FRUTH: Yes. Right now the other seven are not spoken for. They're -- you know, it may be built out with no more caretakers and Collier County is the only one that has three deputy sheriffs living on their property. But to have the option, again, caretakers is a right within the industrial district. We're just, you know, updating the way that it reads because of the lot sizes with the two large landowners that are now there, Collier County and Uline, and then the smaller lots that remain because it could be more businesses.

COMMISSIONER SCHMITT: I just have one other point. Go back to the slide where you showed the news articles. Yeah, can you go back the one off there, because I want to look at -- I mean, this is just for general public consumption. And I know the bullet states -- right there. The bullet states -- this is from 2016 -- 60 to \$80 million. What's our total cost now for construction? Somewhere in the neighborhood of, what, 140 million?

MR. FRUTH: Well, no. I would not say 140 million, but I believe if you go back on the record from the December 8th Board of County Commissioner meeting, at the time Deputy County Manager Nick Casalanguida stated that we would probably be around \$100 million.

COMMISSIONER SCHMITT: Yeah, okay. I mean, just showing that number 60 to 80 is, again, a misrepresentation. I know it was 2016, but we ought to tell the truth and be factual and note that it's well -- it's over \$100,000 [sic] for that sports complex to date.

MR. FRUTH: Correct. The intent of this on the screen was to show that town hall meeting that was held on May 17th, 2016, and the sites that were whittled down from the 28th that I mentioned. It was no intent to mislead any of this information. Again, this is taken from my 2018 presentation to this board, which is why I wanted to show it because, again, we have new board members. I wanted to bring you guys up to speed with some of the history.

COMMISSIONER SCHMITT: Okay.

COMMISSIONER KLUCIK: Mr. Chairman?

COMMISSIONER SCHMITT: My only other comment -- and I'll raise it with Nancy. It's just an issue of when we make a bullet statement and we go an increased number, I would have preferred we had identified from two. And I had to ask Jessica that in regards to the height, but I got the impression we were coming in for after the fact.

But, Nancy, you don't have to answer it now. I'll just point it out when you're up there. But it -- I did ask the question, because I thought you were coming in for an after-the-fact height limitation. I have no issue with it. I just didn't know what the height was. It would have been a lot easier for us on the Board when we have a statement and it's increased from 75 feet to 100 feet.

Okay. Thanks. That's all I have.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: I'm just curious, the other seven caretaker cottages or residences, those would be designed, built, paid for by the businesses that they support?

MR. FRUTH: That is correct.

COMMISSIONER FRY: Correct. So we're not -- Collier County's not paying for those?

MR. FRUTH: Collier County's not responsible for any other caretaker units.

COMMISSIONER FRY: You alluded to the relocation of City Gate Boulevard, was it south, or was it north?

MR. FRUTH: City Gate Boulevard South, you are correct.

COMMISSIONER FRY: Is there -- is that -- is there a slide that shows exactly how it's being relocated? I guess that's it. It's moved to the north now?

MR. FRUTH: Yeah. Actually, let me go to the end of this presentation where I was so I can show you the rendering. It's directly related to the October 2020 contribution agreement that Jessica mentioned between the Board and Uline. In that agreement, Uline is making, roughly, six-and-a-half million dollars worth of contributions, including relocating the roadway. In the agreement, Collier County agreed to allow for the location of the roadway because the plat comes before the Board of County Commissioners and that roadway, as you can see here, is aligned roughly plus-or-minus 300 feet off of the southern property line of the PUD. Going to this slide, you can see the roadway moves to so -- it's roughly about 50 feet off of the property line.

COMMISSIONER FRY: Thank you. Last question: This includes a reduction in the side yard setbacks, the properties over one acre and then those under an acre. What is the reason for that? What's the vision?

MR. FRUTH: So the reduction is because the lot is getting smaller. If we still had the 25-foot-wide side yards and you have a property that is a quarter acre, 25 feet on each side, you pretty much leave yourself with nothing to build.

COMMISSIONER FRY: So, I guess, why are the lots getting smaller? What are you envisioning changes -- what will go in now that wouldn't have gone in?

MR. FRUTH: That's a good question. So as I mentioned, we have two large landowners now which have taken down, combined, 100 and -- plus or minus 170 acres of the 419, but remember that 419 also includes the sports complex extension.

The only land that is remaining in the PUD is the land that is along the canal, the northern limits of the PUD. It would be these lots up here north of the sports complex and west of Big Cypress Basin's emergency operations field station. These are smaller lots, obviously. So you're not going to have another distribution center. You're not going to build another sports complex. So the thought there is that there's probably going to be businesses that come in that complement Collier County Sports Complex. So if it's a complement, they're not going to be building, you know, 10, 15-acre businesses. They're probably going to be the smaller quarter-acre to two-acre type facilities.

COMMISSIONER FRY: So that applies only to the leftover lots to the -- lots to the north, is what you're saying?

MR. FRUTH: That is correct, yes. So it applies to everything east of the FPL easement, but there's only this land remaining for sale.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Mr. Eastman.

MR. EASTMAN: Just going back to the caretaker units, we don't use that term at the school district. We just call them police residential trailers. And I also wanted to get this on the record. The school district does not pay for those trailers to be constructed or purchased. We simply supply a cement pad, and the police officers purchase their own trailers, and they can remove them when they're no longer living there. So the school district does not pay for their actual living unit, but they let them live on that cement pad on the school site free of charge,

rent-free, and in exchange for their sort of keeping an eye out on the place and to help our local police with their housing situation.

MR. FRUTH: Correct. Mr. Eastman, as you noted, here is the Triple G site, we call it, as a future sheriff's residence.

In the case of Collier County, I will say for the record that the cost savings for the county, what we did was a direct material purchase for this caretaker unit. It was double-dipped. It was used as a caretaker -- as a construction trailer, and then it is converted to the caretaker.

So instead of Collier County renting or building into the contractor's model to rent a construction trailer for three years, the direct material purchase was part of the guaranteed maximum price, and then it's converted to a caretaker in the end. So it was a dual purpose, and actually Collier County saved money by doing it that way.

MR. EASTMAN: Would you say that you had three construction trailers or 10 potentially, or how many construction trailers were there?

MR. FRUTH: So there is -- there is one construction trailer right now, and the other two have not been built because Phase 2 is just starting clearing right now. But the contractor does have for this phase planned for a doublewide which would be equal to two trailers.

MR. EASTMAN: Thank you.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes. Go ahead, Commissioner.

COMMISSIONER KLUCIK: Just, you know, to make me better informed, I thought I heard you say that there's a right for industrial property to have caretaker facilities; is that what you said?

MR. FRUTH: That is correct. The Land Development Code allows for industrial zoning to have caretakers.

COMMISSIONER KLUCIK: And so then this Uline would otherwise have an ability to have some sort of a caretaker facility?

MR. FRUTH: Well, they fall into the PUD zoning district now, so it --

COMMISSIONER KLUCIK: So it wouldn't.

MR. FRUTH: In effect, if it's silent in the PUD, it would revert back to the Land Development Code.

COMMISSIONER KLUCIK: So there would be some provision where they would be able to have these caretaker cottages even without saying we're going to have seven.

MR. FRUTH: That's correct, yes, sir.

COMMISSIONER KLUCIK: But it would be a lesser number, or how does that work?

MS. HARRELSON: Jessica Harrelson. I believe it's one per principal use.

COMMISSIONER KLUCIK: Okay. All right. Well, I just wanted to -- you know, I mean, that was something that's novel to my knowledge, and that's interesting. I'd never even thought about that before, so I learned something today.

CHAIRMAN FRYER: Commissioner Schmitt?

COMMISSIONER SCHMITT: Yes, on the caretaker line again, it's authorized in industrial zoning but, of course, this is a PUD, and your statement that since the PUD is silent, it reverts back to the industrial zoning criteria?

MR. FRUTH: If the PUD was silent, it would revert back to the Land Development Code. But our PUD is not silent. Again, it is already approved to have seven. We're asking --

COMMISSIONER SCHMITT: Correct, it has seven.

MR. FRUTH: Yes.

COMMISSIONER SCHMITT: But in your justification -- and I'm reading the staff report -- it's sort of like we would like three more; we really can't justify why we need three more.

MR. FRUTH: Well, as I mentioned already, the justification is because of the two large

landowners and then the additional application request before you today to reduce the minimum lot width, lot acreage, and coverage because we feel that there are businesses that will be coming to support Collier County's Paradise Coast Sports Complex. With the smaller businesses, we do not know if they're going to ask for a caretaker. We just want to plan for the future.

COMMISSIONER SCHMITT: But if -- and it's public knowledge because I think it's already been advertised that they're looking at a major hotel or some other type of recreational facility coming in. Is the thought that one of these caretaker units will be to support that operation as well?

MR. FRUTH: As of right now, no, the resort has not asked for a caretaker unit.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: All right. Anything else for Mr. Fruth or Ms. Harrelson?

(No response.)

CHAIRMAN FRYER: Do you have more for us?

MR. FRUTH: No, we will rest.

CHAIRMAN FRYER: Okay.

MR. FRUTH: Thank you.

CHAIRMAN FRYER: Thank you very much. So am I now to understand that we will now hear from staff's employees? Ms. Gundlach.

MS. GUNDLACH: Good afternoon, Commissioners. I'm Nancy Gundlach, Principal Planner.

And staff is recommending approval of the proposed City Gate PUD amendment and development order amendment. And if you have any questions, it would be our pleasure to answer them today.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Nancy, I would just ask for future reference -- and this was an existing PUD. And it says, you know, increase the number of caretaker units to a maximum of 10. It would have been nice to have said, to increase from seven to 10. Likewise, for the maximum height, increase -- and I had to ask Jessica this because I did not go back and look at the original ordinance, the maximum zoned height, and you're going from an actual height of 85 to 100. So just for future reference, if we do that type of -- it just makes our job a little easier to understand what you're presenting, because I immediately highlighted that saying, well, why are they asking for this? And my question to Jessica was, is this something for after the fact or some other requirement? I understand now what it's for, and I don't have an issue with it. It just makes it easier.

MS. GUNDLACH: Sure, I can do that.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN FRYER: Anyone else for Ms. Gundlach?

(No response.)

CHAIRMAN FRYER: I will say that I'm fully supportive of this application. The one concern I had was adequately addressed in my meeting with staff on Tuesday; I'll just bring that forward so that people can be aware of it. But there is a -- there's a deficient road segment in question here, and it's Segment 33 of Collier Boulevard/951, and the minimum -- the existing AUIR LOS is F, and the minimum standard, I believe, is E.

So that was a red flag. But I've now been informed that FDOT has some scheduled improvements and, according to staff, these improvements, once they're in place, will alleviate the concern that we would otherwise have as a result of this segment being deficient. Did I say that right?

MS. GUNDLACH: Mike, can you confirm that?

MS. SCOTT: For the record, Trinity Scott, Transportation planning. Yes --

CHAIRMAN FRYER: Go right ahead, Trinity.

MS. SCOTT: -- you're correct, Commissioner.

CHAIRMAN FRYER: Thank you. Thanks. You're going to be Mike Walker again if you keep walking up here.

So I just wanted to make that -- make that point clear because, you know, deficient roads are of concern to us, but since that is going to be adequately dealt with, I am fully supportive of this application.

Anybody else have any questions or comments for staff?

(No response.)

CHAIRMAN FRYER: If not, thank you, Ms. Gundlach.

MS. GUNDLACH: You're welcome.

CHAIRMAN FRYER: Does the applicant have anything else?

(No response.)

CHAIRMAN FRYER: Any public speakers registered?

MR. FRANTZ: We have one registered public speaker. I'm going to say the name wrong, but Ulrike Uncle.

MS. UNCLE: That's me.

CHAIRMAN FRYER: Would you please spell your name for us, ma'am.

MS. UNCLE: U-l-r-i-k-e. It's a German name. It's Ulrike. And my name is Ulrike Uncle, and I am the yellow star on your little map, which I think it's more like a black star when you don't want me there.

I'm coming before you because I'm the resident who had the noise complaint. And even though I understand that everybody plays by the rules and everything is to code, it still doesn't comply to what I'm going through, and it is that I now have -- I feel like I live on a football field all day long, and the -- and the decibels are all fine. They're all not above anything, but there are tournaments Friday, Saturdays. Now they started concerts. So when I go home to my home I wanted to have my peace and quiet and read my book on the porch, I hear screaming, yelling, whistleblowing, which is all normal for that facility, so nobody does anything wrong.

But when you hear that 12 hours a day all weekend long and during the week at the evenings because there's training going on, it is very -- I don't know. I want to compare it to -- we all had that flight, three-hour flight where the baby cries in the rear, and everybody gets so annoyed and nobody can do anything. That's how I feel. I feel -- even though everybody does everything right and I want to be a good neighbor, I want to voice my discomfort of what is there. And what I'm asking for is the PUD shows that there are some sound vegetation walls, something that would at least make it less.

And so even what you did was the buffer, which is there at the moment, which will go away because these are the only properties that are going to be sold, has -- yeah, that's a picture from my backyard.

So this is my backyard. I see the football stadium. I can tell you the color of the jerseys. And, yeah, the distances are all correct to your -- whatever the regulations are. It is very, very annoying. And I sent in some sound bites just to let them hear.

You mentioned the shooting range which is next to me. That's 20 minutes a day. I can live with that. You know, if somebody trains to shoot, that's a 20-minute thing I can live with. But every weekend or almost every weekend -- and it will be every weekend, there will be games. There will be whistling, and there will be screaming and yelling of cheering parents, which is normal. So I've just tried to find some relief that I can have my peace and quiet when I go home.

CHAIRMAN FRYER: Thank you.

From the applicant, then, are there plans for berms or other barriers to mitigate the noise from escaping?

MR. FRUTH: Again, Josh Fruth with Davidson Engineering.

The photo on the screen is from 2018 prior to any improvements being completed. We have completed. It has not gone through CO yet. So, again, this will eventually mature and grow up.

I explained at the neighborhood information meeting that at maturity this -- plus one of the issues is we are required by code to remove exotics. Fortunately for this property, City Gate does have a required yard plan versus a preserve, so we have strategically placed those required yards along the City Gate Boulevard north corridor north of those fields, but we had to remove the exotics. We did replant, as part of the code. Another item that the Board of County Commissioners approved as a new pilot program for landscaping we've been working with the Naples Botanical Gardens for more resiliency, more native vegetation, and those plants are in the ground. So the views will change. It just will take some time, obviously, for resiliency, not planting 20-, 30-foot-tall trees.

CHAIRMAN FRYER: I think the lady is talking more about noise than views.

MS. UNCLE: Correct.

CHAIRMAN FRYER: Are berms being employed in this?

MS. UNCLE: We do not have berms planned along the buffer. This, as you see here, is along the canal on the south side of the canal. For noise purposes there are no planned noise walls or berms because, in reality, including I-75, those walls -- they don't block 100 percent of the noise, so that was not planned in this PUD.

CHAIRMAN FRYER: Is there anything within reasonable economic parameters that could be done to mitigate this problem somewhat for the lady?

MR. FRUTH: Can you give me five minutes to discuss?

CHAIRMAN FRYER: Yeah. In fact, we'll take our midafternoon break and give you -- we'll take --

COMMISSIONER FRY: May I ask her one question?

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

COMMISSIONER FRY: I think he's going to release you, so I wanted to just ask you a quick question. So you're here, you are the one star. Nobody else is here. But how do your neighbors feel? You live in a line of homes, correct? I know they're large lots.

MS. UNCLE: Right.

COMMISSIONER FRY: But how do they feel? Are there other people that share your sentiments?

MS. UNCLE: Well, everybody said, well, if you can get something, we all sign it. I think my unique situation is that my house is at the back. I have like, what, 30 feet to the canal. Everybody else's house is on the street, and they have some sort of greenery in their backyard, which is my front yard. So the neighbor next to me, which is the shooting range, is quiet because he has a shooting range. So he doesn't -- and I might not should have said that, but he is the one who -- who is happy that he can do what he does. So people tell me -- yeah, you know, I'm the bad guy, and I'm coming forward to voice my opinion, and everybody would sign afterwards.

COMMISSIONER FRY: But you're in a unique situation, meaning you are more impacted than your neighbors are.

MS. UNCLE: Yes. Especially now since all the green area -- and that will go away anyway. So I can -- like I said, I have straight view to the -- to the facility and to the games and to the property.

COMMISSIONER FRY: But I think Josh is saying that that is temporary; that will change over time.

MR. FRUTH: Yeah, that is correct. It will change.

MS. UNCLE: But they're little -- at the moment, they're planted hedges. They are four

feet tall. They don't do much, and I don't think they're ever going to be bigger and more dense to somewhat block the noise. And the view is not -- is not the issue at all. It's really --

COMMISSIONER FRY: Noise.

MS. UNCLE: -- the continuous noise all day long. That's what goes on. It's the crying baby in the three-hour flight. That's what it is.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: We'll take a 10-minute break until 2:33, and then we'll hear back from the applicant.

MR. FRUTH: Thank you.

CHAIRMAN FRYER: In recess.

(A brief recess was had from 2:23 p.m. to 2:33 p.m.)

CHAIRMAN FRYER: Ladies and gentlemen, let's reconvene, please. Before we continue with this matter, there are a couple of things that I want to address, and the first one was the absence of Commissioner Chris Vernon. I'm kind of out of the loop now. It used to be, and I think the way Mark had it as well, that commissioners would contact me and let me know if they were not available, and I would ask for a reason and, really, any reason would do. But we don't want to leave it out there as an unexcused absence. So what do we know?

MR. BELLOWS: We did have a conversation with him yesterday, and he said he had a conflict with a prior appointment that he couldn't get out of.

CHAIRMAN FRYER: Perfect. Then that will go down as an excused absence. Thank you very much.

The other thing is I've spoken with Mr. Yovanovich and his client, IRRV. Realizing the lateness of the hour and that we're going to review -- we're going to reserve 30 minutes or so to talk about agendas, would prefer -- he would prefer not to start and then be interrupted. So without objection from the Planning Commission, we will simply make note that this -- that his matter, IRRV, is continued until the 18th. It will be the first item on the agenda for February 18th. There's no objection, so that's how that will go.

Mr. Fruth.

MR. FRUTH: Thank you, Commissioner.

CHAIRMAN FRYER: Oh, I'm sorry. Commissioner Schmitt?

COMMISSIONER SCHMITT: But you're going to get into the discussion of what we're going to do on the 18th.

CHAIRMAN FRYER: Absolutely, yeah, by all means.

COMMISSIONER SCHMITT: That complicates issues.

CHAIRMAN FRYER: It does complicate it a bit, and we're absolutely going to get into that. Thank you.

MR. FRUTH: Thank you, Commissioner. For the record, Josh Fruth.

So I have talked to both of our -- of the applicants, Collier County and City Gate, and I have also talked to the neighbor represented here on the map in front of you.

I explained where we're at and what we can do. The -- I'm showing you this map again because through here, as part of the development of the sports complex and the master stormwater system for the PUD, we have a cleared drainage easement that is in line of sight of the resident in question. We are offering to work with the resident to do a dense landscape buffer, not canopy trees but landscape buffer, within this drainage easement area, which is approximately 50 feet wide, because there will be development on that property in the future, and then that canopy -- or that hedge would be maintained to opacity and levels that will assist with views and sound. We cannot build a wall. We can't do anything like that, but that's the best we can offer and, as I explained to the property owner and -- where we're at, and we're willing to commit to that.

CHAIRMAN FRYER: Okay. Thank you very much.

Ms. Uncle, would you like to respond to that? Is that satisfactory to you? I think it shows a level of responsiveness on the part of the county.

MS. UNCLE: First of all, I want to thank you that so much time got into my little complaint. I didn't know that when I complained for the first time that this much study has been done, and I appreciate your willingness to help me. And I will do what I can do on my side. I don't know if that alleviates the problem, but at least we have something to move forward and for me to hope that it will get better.

CHAIRMAN FRYER: Thank you very much. I thank you, applicant, for your willingness to --

COMMISSIONER SHEA: And can I ask a question?

CHAIRMAN FRYER: Yes, please, of course, Commissioner Shea.

COMMISSIONER SHEA: And I know I might be kicking a dead horse. But I live about a mile from Gulf Coast High School. I don't think sound barriers will make a difference, my -- because it doesn't. And we have acres of trees between -- and I'm not complaining about it. I'm fine with it because it's periodic, not continuance like hers. But don't they make some kind of more directional speakers that don't have to fill the neighborhood with that noise? I think that would help her more than a buffer. I don't think the buffer's going to do anything for her sound issue, because it doesn't for us.

MR. FRUTH: Good point, Commissioner Shea.

So I mentioned on the record already about the I-75 walls. We agree. I told her that. I said, one thing that will help her as part of this PUD to make these lots smaller, we will have more buildings and businesses that come in. Those hardened surfaces will help reflect that sound. But to answer your question directly, there's already a provision that we put in the PUD in 2018 to have the sound amplified and directed to the south.

COMMISSIONER SHEA: The direction's important.

MR. FRUTH: Away from the residents, yes.

COMMISSIONER SHEA: The 60 dBs is like we're talking now, and I can sit a mile away, and it sounds just like we're talking now, and it can be irritating. So it's direction.

MR. FRUTH: It's in the PUD already. There's already a provision in there for that. We acknowledge that.

Again, an hour ago when I was going through this, history was important because we listened to the public. North Collier said too close to the residents. Whittled down to a site of this size because the county owned land, but we put in those provisions listening to the commissioners and the residents to, you know, amplify any sound, direct it to the south.

So, for instance, the stadium, the north deck, if you look at the PUD, the videotonics board there that's there and the sound that is there, it's on the north end for a reason, because you can still have an event and amplify sound to the south.

CHAIRMAN FRYER: Thank you. And you'll continue to work with Ms. Uncle --

MR. FRUTH: We will.

CHAIRMAN FRYER: -- and keep her apprised of what's being done and receive her input?

MR. FRUTH: Yes, sir.

CHAIRMAN FRYER: Thank you very much. Thank you, ma'am.

MS. UNCLE: Maybe just one more thing.

CHAIRMAN FRYER: Go right ahead.

MS. UNCLE: What you said is -- the direction doesn't matter, because screaming and yelling kids are screaming and yelling kids. They're -- or cheering parents. That is the noise that's annoying. It's -- right now there's no speaker system. And that -- there was one day, and that was shut down, I guess, by the police or so.

COMMISSIONER SHEA: Oh, wow.

MS. UNCLE: My concern, or my future concern will be we have that football stadium, and I think there will be concerts every weekend. And I saw that the provision was that it will face to the south. But it's so close that it doesn't matter what direction it goes. A concert is a concert, and it will be loud. And if that's another thing I need to look forward to -- I mean, I'm just looking down -- we are just in the beginning of this development. And I hope it will be successful, but I'll go down with it; that's how I feel. So I wanted to just voice that.

CHAIRMAN FRYER: Thank you, ma'am.

MS. UNCLE: Thank you.

CHAIRMAN FRYER: Thanks very much.

Any further discussion? Oh, are there any more speakers registered, Mr. Frantz?

MR. FRANTZ: There are no more speakers for this item.

CHAIRMAN FRYER: All right. Any member of the public who's present wishes to be heard on this, now would be the time.

(No response.)

CHAIRMAN FRYER: If not, and without objection, we'll close the public comment portion and open it up for deliberation, discussion, and vote by the Planning Commission. Who'd like to lead off?

COMMISSIONER FRY: I move for approval with the additional condition, the offer from Mr. Fruth to build a dense hedge buffer to benefit this nearby resident.

CHAIRMAN FRYER: Thank you. Is there a second to the motion?

COMMISSIONER HOMIAK: Is this for the PUDA, because there's --

CHAIRMAN FRYER: Yeah. We're starting with the PUDA --

COMMISSIONER FRY: Yes.

COMMISSIONER SCHMITT: I just have a comment.

CHAIRMAN FRYER: Go ahead, sir.

COMMISSIONER SCHMITT: I would support the motion, but I'm going to make two provisions. One is that staff make a correction when this goes before the Board of County Commissioners that they delete any reference to the term "essential services personnel." If the intent is to open it to the entire Collier County staff, then they identify it as such, because essential services personnel, like I said, is a definition that is different. You had the definition, and I think it's a broad stretch to say that everybody in the county staff is essential. If they were, none of them would have been laid off during the pandemic.

But the second one is, I'm still having a tough time justifying, just because we're asking -- we already have seven caretaker units and we'd like three more just because we think we may need three more, I just don't find that to be justification to ask for that change in the PUD.

CHAIRMAN FRYER: Okay. On the first point, with respect to essential services personnel, would the applicant be willing to revise that?

MR. FRUTH: Yes, sir.

CHAIRMAN FRYER: Okay. How would you -- what would you propose to say instead?

MR. FRUTH: Well, we'll work with county staff with Ray and Nancy to come up with the correct language before it goes --

MR. KLATZKOW: It's Collier County employees, right?

MR. FRUTH: That is correct.

MR. KLATZKOW: That's your phrase.

MR. FRUTH: Yep.

COMMISSIONER SCHMITT: Thank you.

COMMISSIONER FRY: I would amend the motion to include the first item. The

second item I'm not sure I see the ramifications one way or the other enough to know on that one.

CHAIRMAN FRYER: All right. So it's been moved, and we need a second. Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: It's been moved and seconded. Any further discussion? This is on the PUDA. All those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

COMMISSIONER SCHMITT: You convinced me.

CHAIRMAN FRYER: Passes -- it passes unanimously, 6-0.

COMMISSIONER SCHMITT: I feel beat.

CHAIRMAN FRYER: And then we have the DOA. Would there be a motion on that?

COMMISSIONER FRY: So moved.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Any further discussion on the DOA?

(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.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you very much.

MR. FRUTH: Thank you very much.

COMMISSIONER FRY: I was not objecting to your -- I just did not know in my own mind whether it's something worth pursuing.

COMMISSIONER SCHMITT: It just was kind of like we want this because we want it.

COMMISSIONER HOMIAK: But today everything is --

COMMISSIONER SCHMITT: I didn't want it to become a -- you know, a -- kind of a trailer park back there, is what I --

CHAIRMAN FRYER: We've got at least one matter to discuss. I don't know whether it's under old business or new business. By the way, though, I'll raise this for discussion. It has to do with our template, agenda template. Right now it has new business coming before old business, and I'm accustomed under Robert's Rules of seeing -- we deal with old business before we come to new business. And so it seems to me that we should reverse the order in the template unless -- does anybody have an objection to us doing that?

COMMISSIONER KLUCIK: What would be the order, then?

CHAIRMAN FRYER: Well, the template agenda that we use, after we go through our scheduled hearings, it then goes to new business and then after that old business. And it seems to

me that those two should be reversed.

COMMISSIONER SHEA: I agree.

CHAIRMAN FRYER: Any further discussion on that?

(No response.)

CHAIRMAN FRYER: Then without objection, we'll ask staff to change the template so that we deal with old business first and then new business.

COMMISSIONER KLUCIK: I'm just imagining the last time it was moved that they swap them the other way; when that was.

CHAIRMAN FRYER: Well, not within my tenure, but that's -- well, who knows.

COMMISSIONER FRY: Mr. Chairman, I have a similar request regarding the agenda. If it's timely --

CHAIRMAN FRYER: Go ahead, please.

COMMISSIONER FRY: -- I'll introduce it. I really appreciate the additional bookmarks that have been added to the agenda, to the packet. I wanted to request one additional one which would be a book -- a specific bookmark for the NIM synopsis for each item; would that be possible? I don't see any bookmarks for the NIMs, but that's one of the things that I think we all want to refer to.

MR. BELLOWS: For the record, Ray Bellows.

I just want to make sure I understand. So in your electronic agenda, you want a bookmark where it solely says neighborhood information meeting, or in the hard copy packets you get?

COMMISSIONER FRY: I don't get a hard copy. So it's the digital, yes. You always have the NIM synopsis in there. It just would be great to have a direct bookmark for it so we can refer to it because we often refer to it in the meeting as well; we go back and recite something that was said in the NIM.

COMMISSIONER KLUCIK: And you're talking about a bookmark within that action -- that agenda item?

CHAIRMAN FRYER: Within the PDF.

COMMISSIONER FRY: Correct.

COMMISSIONER KLUCIK: But with -- like -- so there would be -- if we were hearing three items, there would be three NIM summaries.

CHAIRMAN FRYER: This would be a subset of the item that we're talking about?

COMMISSIONER FRY: Correct.

MR. BELLOWS: Oh, I'm glad you clarified that. So --

CHAIRMAN FRYER: Throwing a bookmark in.

MR. BELLOWS: It's separate where all the NIMs are under one category; you can just go check it.

CHAIRMAN FRYER: No, no.

COMMISSIONER KLUCIK: No, it's not.

COMMISSIONER HOMIAK: City Gate had it.

COMMISSIONER KLUCIK: So when you look at the agenda item that we're hearing --

MR. BELLOWS: You want to see NIM.

COMMISSIONER KLUCIK: -- within that there would be a sub-element for the NIM.

COMMISSIONER HOMIAK: It's been in there anyway.

(Simultaneous crosstalk.)

MR. BELLOWS: Yeah. It's my understanding that most of the time we get this from the applicant. It's part of their scanned packet. So we'd have to figure out a way to separate them because they come as -- with the rest of their backup material.

COMMISSIONER HOMIAK: Do you see?

COMMISSIONER FRY: I do now.

COMMISSIONER HOMIAK: He found it. He's --

COMMISSIONER FRY: Vice Chair Homiak --

MR. KLATZKOW: Make it a condition for the applicant to have it separate. That takes the work off staff.

COMMISSIONER FRY: That would be great. Thank you.

CHAIRMAN FRYER: Excellent. Okay. This is under old business, which I think is where we should be before we get to new business. And I'm going to --

COMMISSIONER HOMIAK: Are we going to talk about the next item -- did we vote on continuing the next item or not?

COMMISSIONER KLUCIK: I thought we did without objection.

CHAIRMAN FRYER: Yeah, I thought we did.

COMMISSIONER HOMIAK: Oh, okay.

CHAIRMAN FRYER: The -- I'm just going to ask for a brief status report from staff on -- and I'm not necessarily pushing for a hurry, but when might staff have a recommendation to us about how to decide whether a matter comes before the HEX or the CCPC? Have you had meetings on that, or it's in progress?

MR. BELLOWS: It's in progress. We have been communicating amongst staff and with the Hearing Examiner as well, so we will at some point come back to you with some proposals.

CHAIRMAN FRYER: Okay. Go ahead.

COMMISSIONER SCHMITT: In that regard, could you come up with some kind of a decision matrix where you show what the item is and -- you know what I mean as far as a decision tree? Do you know what I'm talking about? How you would say yes or no?

MR. BELLOWS: In the earlier discussion today.

COMMISSIONER SCHMITT: Yeah. Just so it graphically portrays where you make the decision and the criteria for that decision and as to whether it comes -- goes to the Hearing Examiner or the Planning Commission.

I'm comfortable with what we've been doing, quite honestly, because I'm well aware of the issues that the Hearing Examiner has been entertaining.

MR. BELLOWS: Yeah. One of the options that I was thinking of is that we take out any discretion and just say, these are the items that are going to the HEX, period.

COMMISSIONER SCHMITT: That's fine.

MR. BELLOWS: But we're evaluating all those options, and we'll be able to respond at some point.

CHAIRMAN FRYER: Okay. Thank you. I just wanted to be sure it hadn't been lost. Appreciate that.

All right. Any other old business?

(No response.)

CHAIRMAN FRYER: New business? I had mentioned as a tease, sort of, that I'm concerned about our workload, and I want to be sure that we remain in charge of our own workload to the extent that it's at all practicable.

And February 18's coming up. We had two RLSA villages scheduled to be heard on that day, and now we've got an RFMUD rural village that will begin to be heard on that day. And it's obvious that we -- you know, those are all matters of considerable importance and consequence, and we're not -- we're not going to get to a point of voting on all three of those. One, maybe.

So I would like us to consider having a continuance now on the second of the two RLSA villages so that we as Planning Commissioners don't need to be fully prepared on something there's just no reasonable likelihood that we're going to get to on the 18th. Any comments on that?

COMMISSIONER FRY: I'm just curious if those were presented on the same day because the intent was to present them as companion items. They're totally unique, I understand.

But was there -- was there intent in having them on the agenda for the same day that we might not be aware of in making this decision?

CHAIRMAN FRYER: Well, there are some things that are floating around and about, and I don't believe staff is ready to make a formal comment on it. But I will simply say to you that it has been brought to my attention unofficially that there are discussions ongoing about possibly wrapping the three RLSA villages together into a town. And that may or may not happen, and staff is not in a position to say anything on it, but I'm just telling you that I've heard that through the grapevine.

But from my point of view, whether that happens or not, these are -- these are -- the two coming up, just like the first one we heard, these are separate and distinct matters, and they would not be heard, in my judgment at least, as if they were companions like if we have a GMPA and a PUD or the very same facts. These are entirely separate facts.

COMMISSIONER FRY: So they would be single threaded. We do one, finish it, and then do the next.

CHAIRMAN FRYER: I think so.

COMMISSIONER FRY: Okay.

COMMISSIONER KLUCIK: Is the idea, though, that if this change were to happen, then what we do might end up being moot?

CHAIRMAN FRYER: It might.

COMMISSIONER KLUCIK: But we wouldn't necessarily make that call to not do it because the applicant has put their application in and we need to just move forward?

CHAIRMAN FRYER: I don't know whether anything is going to come to fruition with respect to what we'll call aggregation. And I don't want the decision that we make or that I'm asking that we might consider making today to be dependent upon whether we're going to be deciding on an aggregated entity of some kind or individually. I'm assuming it's going to be individual.

And all I'm trying to do -- it's very, very narrow. I'm just trying to protect ourselves from having to prepare fully for something that there's just no likelihood we're going to have to vote on on the 18th. So what -- what do the other Planning Commissioners --

COMMISSIONER KLUCIK: I appreciate that you're, you know, being forward thinking so that, you know, we don't -- plus, I think that helps the applicants as well. They don't -- they're not here ready to present something that they're not going to present.

COMMISSIONER SHEA: Exactly.

CHAIRMAN FRYER: Absolutely. And I think staff -- staff has already flagged March 4th, where I don't think there's anything yet on, for a continuation of what we have for February 18. So the natural way of dealing with this, in my view -- and I want to hear what others have to say -- would be that we take the second -- the second scheduled RLSA. Was it Longwater, or was it Bellmar? I don't know. But the one --

COMMISSIONER HOMIAK: Bellmar.

CHAIRMAN FRYER: Bellmar is the second one?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN FRYER: Well, then we would continue Bellmar to March 4. Now, we may not reach it on March 4, but at least we, as a Planning Commission, would know that we would not have to be prepared to make a final recommendation on that on February 18th.

COMMISSIONER SCHMITT: I would agree.

COMMISSIONER SHEA: Me, too; I agree.

CHAIRMAN FRYER: Mr. Eastman?

MR. EASTMAN: Have you had a chance to talk to the applicant and get their position with respect to the change you're making?

CHAIRMAN FRYER: Only preliminarily, but I see that Mr. Yovanovich is here, and he'd certainly be -- we'd welcome his input.

MR. EASTMAN: And I certainly appreciate what you're trying to do, and I think it's smart. I just think that knowing the applicant's position is an important factor in making the decision.

CHAIRMAN FRYER: Let's hear from Mr. Yovanovich, who's approaching.

MR. YOVANOVICH: It's good afternoon, right? For the record, Rich Yovanovich.

CHAIRMAN FRYER: It is.

MR. YOVANOVICH: We had already planned on our calendar that there was a likelihood that you would not finish both villages on -- is it the 18th?

CHAIRMAN FRYER: Yes.

MR. YOVANOVICH: And that one would probably get continued to the 4th, so we've already blocked out those days. I do think that -- I think the second village will go a little quicker. I know they're separate and distinct, but once you get the rhythm of understanding what you're reviewing for the first one, hopefully the second presentation will go a lot quicker; we won't have to repeat ourselves. But I know there will be big issues, but we anticipate -- we're hopeful that you'll complete the review of both villages by the 4th. And, so with that -- and I think what you're proposing will more likely get us to there, so...

CHAIRMAN FRYER: Okay. So any further comment on any of this?

MR. YOVANOVICH: So we would hear Longwater on the 18th and Bellmar --

CHAIRMAN FRYER: We would hear Longwater first presumably on the 18th after we finish with IRRV.

MR. YOVANOVICH: IRRV?

COMMISSIONER FRY: Irvo (phonetic).

CHAIRMAN FRYER: And then Bellmar after that. But, undoubtedly, that will go to March 4, and Longwater may also. Hope not.

MR. YOVANOVICH: Hope not.

MR. KLATZKOW: All right. So, Ray, you'll note on the agenda, because they've both been advertised for the 18th, right?

MR. BELLOWS: Yeah, we'll have to make a note of the continuance.

MR. KLATZKOW: On the agenda so they don't have to readvertise.

MR. BELLOWS: Correct.

CHAIRMAN FRYER: May I have a motion to that effect?

COMMISSIONER FRY: Moved.

COMMISSIONER SHEA: So moved.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER FRY: Second.

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: Just to restate what I believe we're doing is we are going to continue Bellmar to a date certain, namely March 4, but -- and we will leave Longwater on the February 18 agenda and hoping that we will reach it on that time. But the first item on the February 18 agenda will be IRRV.

COMMISSIONER KLUCIK: And am I right that on the 4th we would hear -- if we didn't finish with Longwater, then we would hear that before Bellmar --

CHAIRMAN FRYER: Absolutely.

COMMISSIONER KLUCIK: -- on the 4th?

CHAIRMAN FRYER: Yeah. And Ms. Jenkins provided me with a list of dates when

this room is available if we want to put on a special meeting. They are Friday, February 19; Monday, March 15; Tuesday, March 16. It may be premature for us to do that, but if we don't do it, we may lose those dates, so just --

MS. JENKINS: Commissioner, if I may, Anita Jenkins.

You may consider the 19th as an alternative or an extra day for the 18th in case you don't finish the Immokalee Road Rural Village and you want to get the other villages started. You do have that availability on Friday, February 19th, for this room.

CHAIRMAN FRYER: What does the Planning Commission think about, then, us reserving February 19 for either a start or a continuation of Longwater?

COMMISSIONER FRY: With my business, I cannot commit to two days in a row.

CHAIRMAN FRYER: Understood.

COMMISSIONER FRY: I would try to make it work, but I cannot commit to it.

CHAIRMAN FRYER: Understood.

COMMISSIONER KLUCIK: And I would certainly likely want to attend at least one of those sessions virtually.

COMMISSIONER SHEA: And I can't make the 19th.

CHAIRMAN FRYER: Okay. Well, let's -- then we'll hear these, you know, as we can, and we may have to bump things back. But we'll move with all deliberate speed, and we'll go in that order.

So it's been moved and seconded. Any further discussion? If not, all those in favor of that action, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you very much.

Commissioner Shea.

COMMISSIONER SHEA: Are you on new business still?

CHAIRMAN FRYER: Yes.

COMMISSIONER SHEA: So I have a -- since we don't chat much, I have a dilemma. This is related to One Naples. We've already heard on it, and I don't even know if I'm allowed to talk about it anymore. But in reading the newspaper, in talking to staff, and in talking with one of the commissioners, I think there's a big misunderstanding of what we did at that meeting, and I'm worried that it's going to be presented by -- and staff report is -- as I see that it happened here. How do we request that we have the ability or suggest maybe the Chair has the ability to review staff's report to the commissioners before it's issued particularly as it reflects upon what happened here?

MR. KLATZKOW: Let me just short-circuit this. The staff report's going to be published in the electronic agenda, so you'll have access to it approximately a week before the matter is heard.

If upon your reading it you believe that there is anything that is in error about that, you can talk to the staff, and if they disagree with you, then you're free to talk to the individual commissioners and just let them know what you think happened.

COMMISSIONER KLUCIK: What is the nature of the concern that you have as to what

will be presented --

COMMISSIONER SHEA: Yes.

COMMISSIONER KLUCIK: -- or how it will be summarized?

COMMISSIONER SHEA: How it will be summarized as what actually happened.

COMMISSIONER KLUCIK: No, that's what I'm saying. Do you have an indicator of what you think is going to be the misunderstanding?

COMMISSIONER SHEA: I think when you read the newspaper, you talk to staff and you talk to the commissioners, then think that the application as proposed was voted at a draw, 3-3, and the application as proposed was never voted on. So, in essence, nobody supported the basic application.

So they don't really understand -- and the newspaper was very misleading in that sense as well -- that the commissioners here, nobody would make a motion to support it, which to me is basically a 7-nothing defeat of the proposal.

MR. KLATZKOW: Hold on, hold on, hold on.

MR. YOVANOVICH: Hold on. I'm getting really nervous --

COMMISSIONER SHEA: No, I'm talking. I don't have to hold on. All I'm saying is there was not a draw in the vote. We voted on a modified proposal which the applicant said he would not accept.

So to picture -- or to visualize what we did as a draw is wrong since he's going -- they're going to the Board or the commissioners with the full application again, not the modified one. That's all I'm saying. I just want it represented properly what happened here.

MR. YOVANOVICH: Since we're talking about an item that's very important to one of my clients --

COMMISSIONER SHEA: Sure.

MR. YOVANOVICH: -- can I please say something?

MR. KLATZKOW: Go ahead.

MR. YOVANOVICH: Mr. Shea --

COMMISSIONER KLUCIK: You know what, I'm going to object to that. I don't think this is the time for hearing from -- you know, from others. I think this is a discussion amongst --

COMMISSIONER SHEA: I would agree.

CHAIRMAN FRYER: All right.

MR. YOVANOVICH: I don't think you should be discussing this petition outside of an advertised public hearing.

MR. KLATZKOW: No, this is an advertised public hearing.

MR. YOVANOVICH: My item. My item was not specifically noticed, and I'm a little concerned about the record.

COMMISSIONER SHEA: Okay.

MR. YOVANOVICH: And I just want to address one comment that Mr. Shea made about what's being presented.

CHAIRMAN FRYER: Just a moment here. I'm going to make a ruling, and then if the Planning Commission wants to overrule me, they can. We're not going to talk about the substance --

COMMISSIONER SHEA: Exactly.

CHAIRMAN FRYER: -- the issues of One Naples. We're going to talk about how we proceed and how we assure that our point of view as a Planning Commission is fairly and accurately represented in staff material.

And so on that basis, and in keeping -- I hope we'll all be in keeping with that, I'm going to rule that it's out of order for Mr. Yovanovich to address the Planning Commission at this time. Now, if anybody wants to make a motion to overrule me, the floor is yours. If not, there we have

it.

All right. I'd like to comment on what Commissioner Shea has said, because I happen to agree with him. And I don't believe that we as a Planning Commission should be having input on any aspect of the staff report except that part that deals with what the Planning Commission said and did.

(Commissioner Schmitt left the boardroom for the remainder of the meeting.)

CHAIRMAN FRYER: So I'm not looking for, certainly, a role for myself or for the Planning Commission in looking over the shoulders of staff as they prepare their own staff report.

But there have been times -- and I don't believe that staff is at all ill-motivated or acting improperly. It's just, naturally, if you get a situation, let's say, where -- well, I'll mention Heritage Bay even though we're not going to be talking about it, but it was an example of where the Planning Commission ruled in a way that was contrary to staff. Now, we haven't seen the staff report yet on Heritage Bay, but it puts staff in a position where they have to be very careful to fairly represent the -- and in full -- fully and fairly represent what the Planning Commission said and why. And that's asking an awful lot of an entity who has -- whose recommendation has not been followed.

And so that is -- that's something that I would -- I would like us to perhaps talk about and think about. And in those cases where the Planning Commission has gone in a direction that's different from staff, that there might be some intermediate oversight. And I would be glad to play that role. And not to grind my own axe, but just to be sure that someone who's looking exclusively after what the Planning Commission said and did, that such a person had looked at that language and had some input in it before it goes out in the staff report.

The problem is that if -- that if it's not in the staff report, it's going to be given second shrift. Even if you stand up and speak -- even a Planning Commissioner were to stand up and speak at a BCC meeting, it's just not going to have the same imprimatur as if it had been included in the staff report.

So that's my two cents. I'd like to hear from -- what others have to say on that point.

COMMISSIONER FRY: I think what Jeff said is the appropriate way for us to move forward is to -- is to take the initiative to review what was written, and then if we feel it's not accurate, we -- I guess you're saying we could call or email the elected commissioners?

MR. KLATZKOW: Keep in mind the material thing that staff looks at is what did the motion say and what were their votes, okay. You could have four days of discussions prior to that. They don't matter. What staff is going to report to the Board is what was the motion and what was the vote, okay. That motion is in the transcript. Court reporter's very good with that; gets the transcript pretty quick.

And if you think that the staff report is inaccurate, the first thing I would suggest is you look at the actual motion that was made, all right, and what the vote was, and then if you think staff made an error, by all means you've got -- you've got some time between the published agenda and when it gets to the Board, and staff can make the change, all right. They have no agenda, all right.

But I will tell you that a lot of times you think you know what you voted on, but then when you look at the motion, it's like, oh, which sometimes is why I interject and I try to get more clarification on the motion, because you've got like, multiple days of hearings, and in your head you think you know what you've ruled, but sometimes that's not really what happened.

So that's what I would suggest, that if you're concerned about One Naples -- and don't trust anything you read in *Naples Daily News*. If you're concerned about One Naples, by all means, look at the staff report, and if you think it's wrong, first look at the actual motion that you made. And if staff is wrong, they will correct it, or you can call me, and I'll make sure that they correct it, all right? But you may be surprised that your memory as to what you thought you voted on, because I'm pretty sure what staff does is they actually look at what -- the motion that was made

when they're doing the staff report.

CHAIRMAN FRYER: I have not ever seen a revision that has been publicly posted to an agenda packet, but are you saying --

MR. KLATZKOW: No, we can do that.

CHAIRMAN FRYER: You can?

MR. KLATZKOW: Yes.

CHAIRMAN FRYER: All right.

MR. KLATZKOW: Yes, and we've done that not necessarily for a staff recommendation, but we've done it in the past where we fixed the record. It's not rare.

CHAIRMAN FRYER: Okay.

MR. KLATZKOW: But I'm pretty sure -- and, Ray, correct me if I'm wrong, but they look at the actual motion that was made, and that's what's in the staff report.

MR. BELLOWS: For the record, Ray Bellows. We view the video of the meeting or we get the transcript and look at that as well. But the combination of the two, we verify everything and make sure we get it right, because we don't want it to go before the Board with an incorrect representation of the Planning Commission vote.

CHAIRMAN FRYER: I understand.

COMMISSIONER KLUCIK: Does the Planning Commission -- or does -- the County Commission, do they get to see the original draft that was presented to us? So a lot of times we're -- you know, in this case for sure, we were modifying the ordinance that was drafted for us, and we decided to amend that draft ordinance, correct, and that's what we ended up passing. Did they see the -- you know, the unadulterated initial piece that would have been in accord with staff recommendation, or is it in accord -- is that original ordinance in accord with the applicant? You know, how is -- and if they don't see the original, then it doesn't matter. If they only see what we voted on then --

MR. KLATZKOW: Yeah. Normally what happens -- and Ray will correct me -- is that there are changes that are made during the discussions, the applicant makes those changes, staff ensures that the changes were made, and that the planning -- so to the planning board recommendation is on that amended item, and that's what the Board sees.

COMMISSIONER KLUCIK: And they don't really know what the original looked like? They just see what we ended up voting on?

MR. KLATZKOW: They just see what -- because the applicant's agreed, yeah, I'll change the ordinance, so boom, boom, boom, so that's what they're seeing. They're seeing the ordinance as amended by mutual agreement between the Planning Commission and the applicant, and then the staff report on that.

COMMISSIONER KLUCIK: But it's not necessarily always by mutual agreement?

MR. KLATZKOW: Oh, no, it's always by mutual agreement; otherwise, you don't have -- otherwise, you don't really have a recommendation. If you --

COMMISSIONER KLUCIK: No. Like today we voted, and it was -- it wasn't what the applicant agreed to. We decided to modify.

MR. KLATZKOW: Yes. And so they'll -- they'll see what was presented here -- and you're right on this particular case -- and then the Planning Commission -- it will be part of the recommendation is the Planning Commission voted but they wanted to see this change or they wanted to see that change.

COMMISSIONER FRY: But the applicant has the ability to modify the application between now and when it goes to the County Commission, correct?

MR. KLATZKOW: Yes, because at the end of the day the applicant's looking for four votes, and at the end of the day, the applicant may decide that it's in their best interest to abide by the Planning Commission vote so that they can get their item passed.

COMMISSIONER KLUCIK: Okay. Now I understand what you were saying as far as when it ends up going to the county commissioners, it generally is going to be amended by the applicant --

MR. KLATZKOW: Generally, yeah.

COMMISSIONER KLUCIK: -- for that reason, and if not, then it won't be.

MR. KLATZKOW: No. You get items like One Naples which is an outlier. It just is. But, you know, we'll deal with it when it gets to the Board.

CHAIRMAN FRYER: So I suggest we do this -- because I think Commissioner Shea's point is well taken. But I don't want to anticipate a shortcoming on the part of staff when they haven't -- when they haven't prepared their report yet. But I'm going to be looking carefully at what is submitted to the BCC on One Naples and Heritage Bay and see how that is -- how that is handled. It's sometimes a daunting task to represent a point of view that you officially as staff don't share, didn't embrace, but it can be done. It's just it takes some careful drafting and some objectivity.

So I suggest that we table this and see how things come out on those two and see if we're comfortable. There may not be a problem. But I'm glad you brought that up. Anybody else want to weigh in on that?

(No response.)

CHAIRMAN FRYER: Okay. Thank you.

I don't have anything further to talk about under new business. Does anybody else have any new business they want to bring up?

(No response.)

CHAIRMAN FRYER: If not, public comment, any member of the public wish to be heard on any item that was not on our agenda?

(No response.)

CHAIRMAN FRYER: If not, and without objection, we're adjourned.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 3:11 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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