

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
March 18, 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 people present:

Edwin Fryer, Chairman
Karen Homiak, Vice Chair
Karl Fry, Secretary
Christopher T. Vernon
Paul Shea
Joseph Schmitt
Robert L. Klucik, Jr.

ABSENT:
Tom Eastman, Collier County School Board Representative

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

P R O C E E D I N G S

CHAIRMAN FRYER: Thank you. Good morning, ladies and gentlemen. This is the March 18th, 2021 meeting of the Collier County Planning Commission. Would everyone, please, rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited and the proceedings continued as follows:)

CHAIRMAN FRYER: Will the secretary call the roll?

COMMISSIONER FRY: Thank you, Mr. Chairman. Mr. Eastman?

CHAIRMAN FRYER: Mr. Eastman has an excused absence.

COMMISSIONER FRY: Mr. Shea?

COMMISSIONER SHEA: Here.

COMMISSIONER FRY: I'm here. Chairman Fryer?

CHAIRMAN FRYER: I'm here.

COMMISSIONER FRY: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRY: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER FRY: Mr. Vernon?

COMMISSIONER VERNON: Here.

COMMISSIONER FRY: Mr. Klucik?

COMMISSIONER KLUCIK: Live and in person.

COMMISSIONER FRY: Live and in person. Glad to see you. Mr. Chairman, we have a quorum of seven in-person.

CHAIRMAN FRYER: Thank you, Mr. Secretary. Addenda to the agenda. We ran out of time at our last meeting, and this has to do with the final item that has been on our agenda, which is the town aggregation matter, and I am -- I fully expect that if we leave that at the end, we will not get to it yet again.

So I wanted to raise that question for the Planning Commission to see if we want to leave the town aggregation matter to the end, or move it up so there's a greater likelihood we would reach it today? What are your thoughts?

COMMISSIONER SHEA: I would support leaving it and getting to the action items we need to get to.

CHAIRMAN FRYER: Okay. Other thoughts? I think you win the day.

COMMISSIONER FRY: One to zero.

CHAIRMAN FRYER: Yes. The one's have it. All right. Very good. Other addenda to the agenda. We're going to have a hard break for lunch today at noon, and we're also going to need to accomplish certain items on our agenda, so that they don't need to be carried over, because under the statutes they can't be carried over.

So we may need to interrupt a matter that is currently under consideration, so that we can take up a matter that needs to be addressed before this day ends. So that will happen when it happens. Mr. Bellows, do you have any other addenda to the agenda?

COMMISSIONER SCHMITT: Mr. Chairman, just if I may make a comment?

CHAIRMAN FRYER: Yes, sir, please.

COMMISSIONER SCHMITT: I did communicate with staff, because I was concerned about the splitting up of the two rural villages, mainly because of the public involvement, but it was clearly made -- or was made clear to me was the fact that we have to do these other amendments, because of the statutory limits, I fully understood that.

So for the public's information, we have one rural village, and in between we have all these other petitions before we get to Bellmar.

CHAIRMAN FRYER: Thank you, Commissioner.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN FRYER: Thank you. Mr. Bellows?

MR. BELLOWS: For the record, Ray Bellows. I have no other changes to the agenda. The one issue is at some point, we could decide when the break should occur when hearing those time certain items.

CHAIRMAN FRYER: Yes. I spoke with Ms. Jenkins about that this morning, and I'm just going to rely on staff to let me know when we need to pause the proceeding we have under current considerations, so that we can take those up.

MR. BELLOWS: Understood.

CHAIRMAN FRYER: And you might as well remain up there, if you've got a BCC Report, which we'll come to very shortly.

MR. BELLOWS: Yes.

CHAIRMAN FRYER: Planning Commission absences, our next meeting is on April 1, 2021. Does anyone know if he or she will not be able to join us at that time? Excellent. Hope to have all seven of us then.

Approval of minutes, we were presented with one set of minutes and those are the minutes of our February 18th, 2021 meeting. Any corrections, changes or additions to those minutes? If not, is there a motion to approve?

COMMISSIONER SCHMITT: Motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Any further discussion? If not, all those in favor of approving those minutes please say aye. Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Passes unanimously. Mr. Bellows?

MR. BELLOWS: Yes, on March 9th, the Board of County Commissioners approved the Golden Gate Professional -- Parkway Professional Office Zoning overlay; that was approved five to zero, and then on the summary agenda, the Board approved the residence PUD for Camden Landing, and that's all I have.

CHAIRMAN FRYER: Thank you very much. The Chairman's Report, I have thought for a long time about whether it was necessary to address certain aspects that occurred at the last meeting or not, and after giving it considerable thought, I've decided at the present time not to address those issues.

I'm going to reserve an opportunity to do so if it becomes necessary, but at the present time I'm going to not provide a Chairman's Report of any kind.

So that takes us down to the consent agenda, which we have none of today, and so we go to public hearings, advertised.

The first matter is a continuation of PL201900001836. The Longwater Village proposed SRA, and all those wishing to testify in this matter, please, rise to be sworn in by the court reporter.

(The speakers were duly sworn.)

CHAIRMAN FRYER: Thank you, madam court reporter, and welcome.

Ex parte disclosures by the Planning Commission, beginning with Commissioner Shea, please.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER FRY: Staff materials, but nothing new since the last meeting. Do we need to disclose prior to the last meeting as well?

CHAIRMAN FRYER: No, I don't think so. In my case it's documents and public record, as well as additional communications with staff and members of the public.

COMMISSIONER HOMIAK: Nothing since the last meeting.

COMMISSIONER SCHMITT: Likewise, nothing from the last meeting.

COMMISSIONER VERNON: Communications with staff.

COMMISSIONER KLUCIK: I've spoke with staff and I also spoke with Mr. Yovanovich, for the Petitioner.

CHAIRMAN FRYER: Thank you.

COMMISSIONER FRY: Mr. Chairman, I did speak with staff.

CHAIRMAN FRYER: All right. We'll begin that hearing, and Mr. Frantz, I believe where we left off is we were in the middle of public comment, I don't know whether it was in the middle, but we were having public comment, and we had endeavored to and I believe had accomplished our goal of giving all those who were present an opportunity to speak, and so I'm going to ask Mr. Frantz if you could give us a report if we have other members of the public who have not yet spoken, and what we have available to us on Zoom.

MR. FRANTZ: The only registration from Longwater is from Dr. John Dwyer, but I believe he did either speak or use his time last meeting.

CHAIRMAN FRYER: Okay. So no other members of the public either here or on Zoom?

MR. FRANTZ: On Zoom we do have, it looks like about 10 or 12 for Longwater.

CHAIRMAN FRYER: All right. I see a gentleman raising your hand. You can nod, sir. Are you wanting to speak on Longwater?

MR. DWYER: Yes.

CHAIRMAN FRYER: All right. We'll give you an opportunity to. What you should do is get a speaker registration slip and put it in.

MR. FRANTZ: I believe that's Mr. Dwyer.

MR. DWYER: Yes.

CHAIRMAN FRYER: And you haven't spoken yet?

MR. DWYER: No.

CHAIRMAN FRYER: Or your wife did?

MR. DWYER: Yes. We tried to.

CHAIRMAN FRYER: Okay. All right. Thank you. So in fact you're here and you're up next, sir. After you speak if you wouldn't mind turning in a speaker registration.

MR. DWYER: Already did.

MR. FRANTZ: The slip from last meeting did indicate his time was ceded to Ms. Dwyer.

MR. DWYER: Yes, it is; however, my wife was not able to conclude her time. While she was attempting to speak, she was interrupted many times, and the time that I gave her was not exceeded by the time according to her, by her representing a group.

CHAIRMAN FRYER: Sir, we'll give you three minutes. You may commence.

MR. DWYER: Thank you. The requirement of fiscal neutrality demands a legally-binding contract that stipulates developers must pay for shortfalls in Longwater.

The amounts needed to cover roads and traffic and water and waste water, law enforcement, firefighting, parks and other services must be borne by Collier Enterprises, not by county citizens.

The No. 1 goal of the RLSA is to protect agriculture, yet 97 percent of Longwater and 98 percent of Bellmar are croplands, grow crops and pastures. To convert 2,000 acres of tilled land is to ignore the fundamental and mandatory element of protecting agriculture.

Agriculture means the land, the crops, the livestock, the growers, the field workers, the packers, the U.S. ag research center, Jack and Anne's Farm Store, the town of Immokalee itself.

The concept of protecting agriculture includes protecting the people who work in the industry. Agriculture is Florida's primary natural resource and supplies America. Oranges don't grow everywhere, nor do winter tomatoes.

Immokalee is the tomato capital of the world and home to Gargiulo tomato fields and internationally recognized Coalition of Immokalee Workers.

Their claimed fair food programs are signed on by 14 of America's giant corporations, including McDonald's, Burger King, Whole Foods and Walmart.

The program is implemented on 90 percent of the state's tomato farms affecting 30,000 acres of production and ten's of thousands of farm workers. It's been called one of the great human rights success stories of our day, and has won the coalition more awards than I can remember, from the presidential medal for combatting human trafficking to the MacArthur Genius Award for transforming the global supply chain.

The Coalition of Immokalee Farmworkers is a major stakeholder and agricultural asset that cannot be cavalierly brushed aside by subverting the farming industry with housing development, urban sprawl, and an economy designed to put public money into private pockets.

We won't stand for it. The Stone Crab Alliance was spawned 45 years ago amidst the tax resisting of the WRL and Clamshell Alliance. The Commission cannot leave taxpayers holding the bag, nor can they allow developers to prematurely convert agriculture.

CHAIRMAN FRYER: You have 30 seconds, sir.

MR. DWYER: These projects do not meet the intent of the RLSA Program. Thank you for allowing me to speak.

CHAIRMAN FRYER: Thank you, sir. Now, I believe unless the commissioners have any questions, comments or matters to discuss, we'll hear from staff at this point.

COMMISSIONER SCHMITT: We till have public speakers.

CHAIRMAN FRYER: We have public speakers, of course. Mr. Frantz, do we have any way of identifying any public speakers who are holding on Zoom today, and were holding on Zoom two weeks ago so they might go first or not?

MR. FRANTZ: It would take me a minute or two to call up the old files from last meeting, but I could do that.

CHAIRMAN FRYER: All right. Let's start with the first one on your list, and while that person is speaking, I'll ask you to help me identify people who have already held many hours.

MR. YOUNGBLOOD: Our next speaker is Charlotte Nicklemo. Charlotte, if you want to unmute yourself, you are ready to speak.

CHAIRMAN FRYER: And you may have five minutes, Ms. Nicklemo. Are you there, ma'am?

MS. NICKLEMO: You know -- hello. Hi there. Good morning. I'm trying to right now pull up my comments.

CHAIRMAN FRYER: Okay.

MS. NICKLEMO: Okay.

CHAIRMAN FRYER: So while you're doing that, ma'am, I will say it's my intention, subject to the wishes of the Planning Commission, that we would give each individual speaker five minutes.

If it seems to be running too long, we may have to change that, but so I'll ask all public speakers to confine themselves to five minutes.

MS. NICKLEMO: Thank you, Mr. Chairman, and again, here I am, and I'm Charlotte Nicklemo, and my comments are as follows: In the RLSA growth is required to pay for growth. This isn't necessarily true in other parts of the county.

County staff has acknowledged on many occasions that growth doesn't pay for growth countywide and impact fees don't cover the entire cost of infrastructure.

At Penny Taylor's recent town hall meeting, Mark Isaacson, Director of the County Office of Management and Budget, presented that growth never pays for growth. The general fund is always lending money to the impact fee fund because impact fees are not sufficient to cover debt service.

He also said that impact fees are intended for a soft landing. They are never designed to be a 100 percent growth paying for growth scenario. He is talking about impact fees countrywide. However, towns and villages in the RLSA are required to meet a higher standard. RLSA Policy 4.18 says that each

village must be planned and designed to be fiscally neutral, and the Land Development Code specifies in Section 4.08.07L that each SRA must demonstrate that its development as a whole, will be fiscally neutral or positive to the Collier County tax base.

Impact fees won't achieve fiscal neutrality. The stewardship districts were created for the purpose of paying for infrastructure. Here the Big Cypress Stewardship District should be paying for the infrastructure, so that Longwater and Bellmar can achieve fiscal neutrality.

Barron Collier and the residents of Ave Maria have been paying for infrastructure for the past 20 years. If the applicant does not show that its villages will be fiscally neutral, you should recommend denial. Thank you very much.

CHAIRMAN FRYER: Thank you, ma'am.

COMMISSIONER VERNON: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER VERNON: Can I ask a question?

CHAIRMAN FRYER: Yes, please. Go ahead.

COMMISSIONER VERNON: Charlotte, I'm sorry. I didn't catch your last name, but could you repeat just those rule sections of the RLSA, and one of them was 4.1A?

MS. NICKLEMO: Huh-huh.

COMMISSIONER VERNON: What was the other one?

MS. NICKLEMO: Specified in Section 4.4.08.07L.

COMMISSIONER VERNON: Thank you.

CHAIRMAN FRYER: Thank you.

MS. NICKLEMO: Welcome.

CHAIRMAN FRYER: Mr. Frantz?

MR. YOUNGBLOOD: Our next speaker is Lorelee LeBoeuf followed by Onika Amell.

CHAIRMAN FRYER: Thank you. Ma'am?

MS. LEBOEUF: I'm here.

CHAIRMAN FRYER: Will you state your last name?

MS. LEBOEUF: Can you hear me?

CHAIRMAN FRYER: Yes, please give us your last name again.

MS. LEBOEUF: Lorelee LeBoeuf.

CHAIRMAN FRYER: Please proceed.

MS. LEBOEUF: I'm hoping I have five minutes. I am resident of Collier County. Today I'm asking that Longwater be denied as it does not meet the design requirements of RLSA Policies 4.7, 4.7.2, and LDC Policies 4.08.07.J3A.B and J.3.C2. Collier County's Growth Management Department Zoning Division agrees in lack of design compliance, as stated in their document of February 11, 2020. I will quote from that document.

On Page 18 the staff wrote where the proposed project is not found to provide a mixed use village center serving as a focal point for support services and facilities, including neighborhood scale retail and office uses, it is without support for approval.

On Page 17, where the proposed project is not found to be compact mixed use and self-sufficient, it is without support for approval.

On Page 16, materials provided for a location for commercial uses that cannot be considered a village center, the recommendation, revise the overall design of the project.

And, finally, on Page 19, the Longwater Village SRA does not fully meet other requirements of and does not reflect innovative planning tools applied by the RLSAO pertaining to design, compactness, housing diversity, walkability, mixed uses, used densities/intensity continuum or gradient. As Planning Commissioners you rely on staff for impartial and vigorous reviews. You take their recommendations seriously.

However, as pointed out by -- as will be pointed out by another speaker, these statements were dropped from the final consistency document of August 20, 2022 -- excuse me 2020. These omissions --

CHAIRMAN FRYER: Hang on, ma'am. We've got a technical issue. You still have three minutes, but we're beeping on our end. So hang on just a moment. You'll be given your full-time.

MR. KLATZKOW: I'm doing this for five minutes, that's why it's beeping.

CHAIRMAN FRYER: Okay. I'm watching the clock and she has until 9:21 by that clock. Go ahead, Ms. LeBoeuf.

MS. LEBOEUF: I'll go back a little bit. These points that I made were dropped from the final consistency document of August 20, 2020.

These omissions fly in the face of what the RLSA was meant to be. Its intent is being destroyed by simply dropping what does not suit a particular planned development. It is similar to failing a test and asking for a redo. However, the test is rewritten and all questions that were answered wrong are eliminated. When the test is retaken a passing grade is guaranteed.

I believe in the RLSA, and I believe in smart growth, but Longwater is an egregious misrepresentation of the RLSA. I believe public diligence is essential, because in spite of the contentious opposition, it brings to light what tries to be hidden.

Please take time to read the February 11th, 2020 document to see what the staff really recommended and deny Longwater.

There is another point I wish to mention. Trigger points for the building of a village center. The current trigger point for Longwater is 1,800 homes or two-thirds built.

Let's assume Rivergrass and Bellmar have similar trigger points. Do the math. Three villages times approximately 1,800 homes translates to 5,400 homes before any village center would be required to be built.

CHAIRMAN FRYER: 30 seconds, ma'am.

MS. LEBOEUF: One might --

CHAIRMAN FRYER: 30 seconds, please.

MS. LEBOEUF: -- suggest it is not likely to happen, but what is going to happen is that Longwater will take years and years, and Ave Maria took 15 years to be built out. At 15 years and it hasn't been built out yet, and would not have a village center by those standards.

So the applicant is actually going to put more pressure on the communities of Golden Gate and the other parts of Collier County by increasing the demand in an already-struggling community for lack of amenities, increase traffic and overload roads.

My point is that Ave Maria at 15 years is not built out. It's less than 50 percent. So we're not going to see that village.

CHAIRMAN FRYER: Thank you, ma'am. Thank you very much. Next speaker?

MR. YOUNGBLOOD: Our next speaker is Susan Calkins followed by Milena Nesic.

CHAIRMAN FRYER: Ms. Calkins, are you there?

MS. CALKINS: Yes, I am.

CHAIRMAN FRYER: You have five minutes. Please proceed.

MS. CALKINS: As you know the issue before you today is whether the village of Longwater is consistent with the RLSA overlay policies. Those policies are intended to protect wetlands, wildlife and agriculture, as you know, and I will quote the proposed project -- if the proposed project is not found to be consistent with the policy, then it is without a basis for approval.

Not surprisingly the applicant claims consistency with the RLSA. However, two weeks ago you heard some pretty compelling testimony that brings some of that into question, and you know that county staff has done consistency assessments on Longwater as well as Bellmar and others of course.

I'm interested in discussing a little bit about those consistent reports. The one that was done in February of 2020, and then there was another one dated August 20th, 2020 about six months later.

The February report was 20 pages. The August was 15, and that's because a number of issues and identified inconsistencies were dropped from the later report, and aside from these exclusions, the reports are essentially identical. So what was dropped from the later report? One example related to Policy 4.72 reads as follows: Quote, due to its location at the frontage abutting future Big Cypress

Parkway, the proposed location of the commercial uses cannot be considered as a village center, and referencing this same issue of location of village center, staff, excuse me of referencing the same issue of location, staff went on to say, quote, revise the overall design of the project. Well, clearly that has not happened, yet the comment was dropped. Why? I'm not sure.

Another consistency problem noted in February but absent from the later review has to do with Policy 4.7, and any issues around density. The SRA does not, this is quote, the SRA does not, however, reflect the innovative planning tools applied by the RLSAO.

The modest density proposed in particular does not provide the compactness, nor the fiscal strength that projects designed with densities near the four-unit density maximum would.

Another Policy 7.4 discussion, which appeared in February and was dropped in August, has to do with the issues around walkability, and calls again for redesign to make the town more compact and more walkable.

What else was omitted from the later report? Well, on numerous occasions in the February 2020 consistency review was noted that Longwater was one of several similar SRA's in the area, Rivergrass and Bellmar, and that county staff involved in the review, for example, the economic assessment review, should give consideration to the cumulative effects or demands of these SRA's; rather than looking at each one individually.

This request to consider cumulative effects is made numerous times in February regarding Policies 4.9, 4.14, 4.16, 4.17, 4.18, 5.6, policies dealing with critical things, like, directing development away from wetlands and critical habitat, or the capacity of collector or arterial roads to handle traffic generated by the SRA.

Likewise, the issue of fiscal neutrality, again, these comments were omitted from the later consistency review and I'm -- because, I'm not sure, because to do so would raise serious questions regarding the ability of the project to conform to the RLSA overlay. I think there were -- there was a telling omission in the August report.

CHAIRMAN FRYER: 30 seconds, ma'am.

MS. CALKINS: Okay. There were nine points that were listed as general conclusions in February that disappeared in August, but the one was, and I'll just read the last line of it, and that is that the -- this SRA is contrary to what is intended in the RLSAO, and that was a final conclusion.

So I find it troubling to be left with a final consistency review which omits discussion of many RLSA inconsistencies, and it's not because these issues have been addressed. The inconsistencies remain and, therefore, there is no basis at this point for approval of Longwater. It is a village inconsistent with the goals and policies of the RLSA.

CHAIRMAN: Thank you, Mrs. Calkins. Our next speaker, Mr. Youngblood?

MR. YOUNGBLOOD: Our next speaker is Milena Nestic followed by Lynn Martin.

CHAIRMAN FRYER: Ms. Nestic?

MS. NESIC: Good morning. Can everybody hear me?

CHAIRMAN FRYER: Yes, please proceed.

MS. NESIC: Okay. Good morning. First of all, thank you, Commissioners for granting me the opportunity to deliver my statement. I greatly appreciate your time and attention. This is regarding the Longwater and Bellmar Villages.

Per the U.S. Fish and Wildlife Service as of 2016 there are 124 endangered and threatened animal and plant species in Florida alone. One of these is the Florida panther, of which it is estimated that between 120 and 230 adults remain.

The Florida Panther National Wildlife Refuge was established in 1989 to help the critically endangered species recover, and the Longwater and Bellmar villages will destroy even more of the land they depend on for survival.

This will be one more nail in the panther's coffin, and at this rate our grandchildren will learn of them only in textbooks. What a shameful future to look forward to where private interests are valued more than irreplaceable wildlife, and the only value that land has is when it is destroyed to make way for

new housing, strip malls, parking lots, professional centers, take your pick.

We cannot allow every single plot of land to be developed and expect no environmental or ecological consequences. All across our state advertisements all popping up proclaiming some number of acres for sale for such and such development opportunity.

It's a sad sight to behold and I can assure you no developments will replace the environmental that will be lost with respect to animals, plants and even microbes in the soil. They cannot replace the ecosystem services we all unknowingly benefit from, which are free by the way, which include such things as clean air and water, flood control, nutrient sequestering, soil stabilization to prevent erosion, and many others.

On the topic of water, did you know that Florida is experiencing an ongoing fresh water crisis? The Floridian aquifer most of us rely on is being taxed more and more every day, and this continuously booming population will only exacerbate this.

This development will also contribute even more to urban sprawl which is inherently unsustainable, inefficient and simply unwise. So unwise, in fact, that in a statement dated March 1st of this year, the U.S. Department of the Interior advised the Planning Commission to pause consideration of this development and adopt a more comprehensive planning approach. Where is the environmental impact statement for this planned development? Were any local ecologists or wildlife experts formally consulted to obtain a thorough assessment of the number and types of species that will be displaced, and if such, an assessment produced? Was it simply regarded as a suggestion and brushed aside?

Commissioners, I generally hope that your minds have not already been made up and that these hearings have not just been taking place as a formality.

Please do not misunderstand me, I am sensitive to your needs and desires for being popular, for being reelected, for doing what the people are asking of you, but I think you would be surprised by how many of your constituents value the untouched land that makes Florida's ecosystem so unique, as well as the wildlife that call it home.

You have an excellent opportunity right now to truly be stewards of the environment, and it will not go un-noticed. Many of us do not want yet another massive development whose new residents will invariably add to already congested traffic and burden the state's infrastructure even more, which includes the water services we so often take for granted.

So I ask you all respectfully when is enough enough? When will we prioritize the future instead of short-term gains that benefit the very few? When will our local government prioritize their own communities over developers?

Being pro-conservation doesn't need to be mutually exclusive for an economic growth, but we need proactive leaders who will adapt to the times and seek ways to grow sustainably, while still keeping in mind that indefinite growth is simply not possible.

We stand to lose so much more than a new development can ever hope to replace with revenue alone and those are the precious wildlife and flora, with which we share this beautiful state. Thank you for your time, that is all.

CHAIRMAN FRYER: Thank you, ma'am. Next speaker?

MR. YOUNGBLOOD: Our next speaker is Lynn Martin, followed by Buzz Victor.

CHAIRMAN FRYER: Thank you. Ms. Martin?

MS. MARTIN: Thank you. Yes, thank you. Good morning and thank you. I'm speaking about Longwater. As you know every development in the RLSA is required to show fiscal neutrality to Collier County.

In looking at the economic assessment for Longwater, I question whether this new development will actually be fiscally neutral to the tax base of the county. First, the SRA application shows a commitment --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, go ahead, Commissioner.

COMMISSIONER KLUCIK: If you would, I believe we're hearing similar arguments made by

several of the speakers, and I'm not sure if that's the best use of the Planning Commission's time, since we've heard the arguments, we know them, and now this is going to be the third or fourth time we're --

MS. MARTIN: I don't believe that my argument --

COMMISSIONER KLUCIK: Excuse me, ma'am. Excuse me, ma'am.

MR. KLATZKOW: Mr. Klucik, they're entitled to their time. Whether or not you think it's duplicative or not, they're entitled to their time.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: Please proceed, Ms. Martin.

MS. MARTIN: First, the SRA application shows a commitment of 90 percent single-family homes and 10 percent multifamily, while the economic assessment shows 58 percent single-family and 42 percent multifamily the multifamily homes assume 1.05 permanent residents, while the single-family homes assume 2.21 permanent residents.

The applicant seems to assume that the multifamily homes will house predominantly single adults, and the single-family homes will be mostly couples without children.

This is inconsistent with the Collier County average of 2.4 persons per household and the 2045 long-range transportation plan and audited report that estimates between 3 and 3.75 persons per household specifically in the RLSA.

The Florida Impact Fee Statute requires the use of the most recent and localized data, and the long-range transportation plan is one of those data sets. By assuming a greater percentage of multifamily homes in the economic assessment, the total number of residents and the number of children is undercounted. 632 students in a community of 2,600 homes in Eastern Collier County doesn't make sense.

The understatement impacts the cost of providing all the services required to support the community. Schools, law enforcement, fire, EMS, library materials, traffic, would be understated as well. Second, the level of service for the provision of potable water and waste water has been lowered since the approval of Rivergrass.

The economic assessment indicates that it uses the 2019 AUYP which has a level of service of water of 150 gallons per capita per day, but instead the applicant is using 300 gallons per household per day, which was adopted in the 2020 Impact Fee Study. Rivergrass views 325 gallons per household per day.

The new developments will require the county to build new water and waste water treatment plants at a cost of \$216 million. By lowering the county's level of service in the Impact Fee Study, the county has moved the capital expenditures for the new facilities to serve these developments beyond the ten-year horizon of the study.

Furthermore, the Impact Fee Study doesn't even take into account the development of Longwater. While the county reduced the level of service for impact fee calculations in order to postpone the necessity to build the new water and waste water treatment plants which keeps the impact fee lower, shouldn't the economic assessment at least use the same level of service as Rivergrass?

And while Collier Enterprises should be paying a higher impact fee, since Longwater isn't included in the Impact Fee Study, instead the county will be paying Collier Enterprises up to \$2.7 million to up-size the pipes in Rivergrass to serve as a conduit to Longwater. This makes no sense --

CHAIRMAN FRYER: 30 seconds, Ms. Martin.

MS. MARTIN: Thank you -- since both developments are under common ownership and Rivergrass hasn't been built. If Longwater is not fiscally neutral, as required by the LDC, LDC Section 4.08.07L, provides that the landowner accede to a special assessment or a lump sum payment for the shortfall.

I ask you to look closely at the economic assessment, and whether this development is fiscally neutral to the county. Thank you very much.

CHAIRMAN FRYER: Thank you, Ms. Martin. Next speaker?

MR. YOUNGBLOOD: Our next speaker is Buzz Victor, followed by Patty Whitehead.

CHAIRMAN FRYER: Mr. Victor?

MR. VICTOR: Good morning, all. Good morning all.

CHAIRMAN FRYER: Good morning, sir.

MR. VICTOR: I suspect that you all remember me from the One Naples Development, and I must confess that I'm not as well informed on the RLSA as I was on that project, but as I've learned more about what's happened and what is happening in the RLSA, and the impact it's going to have on all of us in Collier County, I've become increasingly concerned.

My only message to you today is to remind you of your power and your responsibilities. Your ability to influence the decision of the County Commissioners is well understood. With your recommendation to approve a project, you give the Commissioners cover. You give them the ability to say, well, the Planning Commissioners said to approve. Please, do the right thing today. Listen to those who are rightly concerned about this project.

As I've listened to the public comments, I hear the very same concerns that we had with One Naples, among other things, the dropping of staff comments regarding failures for the developer to provide information, or to redesign as requested. Please, don't give the Commissioners cover. Recommend denial of Longwater. Thank you very much.

CHAIRMAN FRYER: Thank you, sir. Next speaker?

MR. YOUNGBLOOD: Our next speaker is Patty Whitehead followed by Judith Hushon.

MS. WHITEHEAD: Good morning, Planning Commissioners, can you hear me?

CHAIRMAN FRYER: Yes, ma'am. Please proceed.

MS. WHITEHEAD: Hello. Yes. I'm actually a resident of Lee County, but I'm very concerned about what's going on in Collier County, especially as it affects our endangered species, and the preservation of various economic lifestyles; and the one key to the economic lifestyle in Collier County is obviously agriculture and farming. By its very title the RLSA stands for Rural Land Stewardship Area. I mean, agriculture and farming is key to that rural lifestyle.

The plans for these villages would obliterate that lifestyle and replace it with urbanization and sprawl. Now, we've already seen that occur here in Lee County, that's occurring as we speak along Corkscrew Road. I live not far from Corkscrew Road.

I really enjoy travelling out Corkscrew Road to visit Crew and the land where panthers still thrive. Panthers still thrive in your rural lands, but this obliteration of the economic engine of agriculture will destroy that.

As my friend Matt Schwartz with the South Florida Wildland said, the panthers depend on a mosaic of land. They require forest land to den and to raise their young, but they also require open fields and open spaces upon which to travel to find new mates so they don't end up in a genetic bottleneck.

You plan on ruining all of that with mass urbanization with roads, with commercialization. I mean, it's just unconscionable that you would take these lands so far east, so far east of your urban core to essentially build another city equivalent to one larger than the City of Naples.

The City of Naples backs up against the Gulf of Mexico, so obviously that doesn't serve much function for invasive species but these lands are at a significant crossroads for endangered species.

Furthermore, I read some of the staff documents regarding affordable housing. There's really not much in allowance for affordable housing in these villages, so it's sort of ludicrous for the developer to put forth that argument.

Who is going to pay for the sewer and water infrastructure that needs to be stretched so far out east? Invariably this will fall on the shoulders of existing taxpayers; that's a completely unfair burden.

I deeply implore you to reject these new villages, and to consider -- to reconsider the development in a much more compact forum that really coincides with that agricultural lifestyle. I think that can be achieved. It's been achieved in other states. It's been achieved in the State of Georgia where people who enjoy a farming lifestyle can actually live in a farming community and raise a family there.

So let's really scratch these development plans and start anew. I implore you. That concludes my comments, gentlemen.

CHAIRMAN FRYER: Thank you, Ms. Whitehead. Next speaker?

MR. YOUNGBLOOD: Our next speaker is Judith Hushon, followed by Bobby Davenport.

MS. HUSHON: Hello, Commissioners. This is Judy Hushon. Lynn Martin has told you about the problems with population calculations and the water delivery projection with regard to fiscal neutrality.

I'm going to look at the lack of functionality of the Big Cypress Stewardship District roads and traffic. The Big Cypress Stewardship District was set up in 2004 to deal with future infrastructure needs for Collier Enterprises lands, just as Ave Maria was set up for Barron Collier Development.

Ave Maria put in water wells, potable water treatment, a waste water treatment system and storm water management. Until the Summer of 2018 Big Cypress District was planning to do likewise and obtain quotes on well drilling. The county stepped in and left Collier Enterprises off the hook.

Instead of Collier Enterprises constructing the plant, the county is building it, but Collier Enterprises is not paying 66 percent of the cost of the facility or \$124 million, which is for the three villages. It expects to use two-thirds of the output of the water. There is a deficit to the county at \$43 million, which should be made up as a developer's contribution.

Collier Enterprises is going to install the internal infrastructure, but then plans to turn it over to the county. This means the county will now be charged with maintaining it as well. I remind you Ave Maria is maintaining their own.

The cost for this new water treatment plant will be paid for by the rate payers within the areas serviced by the plan, which includes all of unincorporated Collier County, except Ave Maria, Marco and Immokalee.

This isn't fair. Growth should pay its fair share as Ave Maria did. Without Big Cypress Parkway, the villages of Hyde Park, Rivergrass Longwater, Bellmar could not have been built. So Collier Enterprises paid to have the MTO consider it and authorize it ahead of the normal schedule.

Normally, even if the county has to put in a two-lane road, the developers who will benefit from its use pays for the widening to accommodate their traffic. This is not being done. Again, the county is paying; again, not fiscally neutral.

Traffic studies that are part of your packets are also not fiscally neutral. Each of the villages prepared a separate traffic study that details the impact its new residents will have on the road network.

The major problem is the individual villages did not consider other planned villages in the area, therefore, the impacts are not cumulative.

Rivergrass identified three failing road segments. Longwater and Bellmar identified the same three. Actually, if they're all put together there should be eight additional segments that failed, and these are new roads to fail. These have not been failing roads.

The county is obligated to ensure its transportation network meets the required level of service so county residents won't have to pay to upgrade the affected roads. These new roads exacerbate existing issues or create new congestion. The developer should be held liable for mediating the problem they are helping to cause.

The county will have to address the problem in this case. The traffic impacts are far from fiscally neutral, and each new development compounds them, because they are considered separately and not as a holistic problem.

You can note -- you can note this: You can reject the applications as they stand and ask for traffic studies and water plant cost allocations to be revised and that the actual cumulative impact be paid by the developers and developer contribution to supplement whatever impact payments are being made. Thank you.

CHAIRMAN FRYER: Thank you. Next speaker, please?

MR. YOUNGBLOOD: Our next speaker is Bobbie Davenport followed by Matthew Schwartz.

MS. DAVENPORT: Hello, can you hear me okay?

CHAIRMAN FRYER: Yes, ma'am, please, go on.

MS. DAVENPORT: Okay. I'm here today representing the Responsible Growth Management

Coalition. I'm the vice chair for that organization, but I'm also here representing myself as a private citizen of Collier County who lives in the Golden Gate Estates area out near Everglades Boulevard.

I'm asking -- I'm speaking to the Longwater and Bellmar developments. There are multiple reasons why these villages in the RLSA are a bad idea, starting with the location being primary panther habitat. Panthers need thousands of acres of range. These villages are proposed for what little is left of primary panther habitat in Collier County.

A female panther needs 75 square miles and a male need 200 square miles for their range. As some of you may know, I'm the founder of Cypress Cove Landkeepers and we're doing a project in conjunction with the county out off of Desoto Boulevard. We collectively purchased the old Gore Estate.

We have trail cameras set up on all the trails on our portion of the estate, and we're getting incredible footage of panthers on a regular basis. We're about two miles away as the crow flies from the proposed villages. This area is heavily used by panthers. It's very well documented. Jay Stanton has much of this footage on his Facebook page and website. Putting villages in this area could be the demise of the Florida panther, and the RLSA says to avoid incompatible uses for listed and endangered species, and roads, development and businesses are to be directed away from these areas of primary panther habitat. These proposed villages do not comply with that.

The panther preserve is also located in very close proximity to these proposed towns and villages as well. In drought times they don't have enough water as it is, much less without thousands of homes using water from the same area.

The panther preserve also does controlled burns as well. The smoke has to be directed away from I75 and State Road 29, leaving the only area to drag the smoke into would be the area of these proposed towns and villages, causing problems on the roadways as well as with air quality.

The Department of the Interior has asked for a pause for a good reason. There is also the issue of water usage. Residents in the Estates depends on wells for their water. There is already a deficit of water in the dry season, so where will the water come from for these thousands of homes?

It has been said that development uses less water than agriculture; however, the water usage is not the same. Ag water seeps back into the ground, whereas water used by development does not. There are issues with the roads as well. That is another problem that had not been properly thought out.

The U.S. Fish and Wildlife Service has not reviewed the traffic forecast properly, nor analyzed it for the newly proposed roads.

I'm a resident, as I said, of Golden Gate Estates, and I live out near Everglades Boulevard. From a traffic standpoint there are major issues at prime time already. It doesn't matter if you take Collier Boulevard, Vanderbilt, Immokalee Road, Golden Gate Boulevard, Golden Gate Parkway, all of these roads are at capacity, and it's a nightmare.

These villages were to be walkable and have places for residents to work and places for people to go for entertainment and dining and so on. The town centers are two miles away, so walking is not really doable especially in 90 degree heat with 100 percent humidity. Also there is no time line on when these commercial centers will be added --

CHAIRMAN FRYER: 30 seconds, please.

MS. DAVENPORT: -- putting many more cars on the road. We're asking you to deny these villages for many reasons. The villages were to be fiscally neutral, have fiscal neutrality with compact sequestered designs; instead it's sprawl, rather than villages as intended, with underestimated populations.

These are not in compliance with the RLSA Guidelines, and the developers are not playing by the rules. For these reasons, we ask you to deny. This is not responsible growth. The citizens of Collier County should not have to pay for costs that developers fall short on.

I once heard it said by a developer that they were going to develop everything from here to Miami and there wasn't a force on earth that could stop them.

CHAIRMAN FRYER: Thank you, Ms. Davenport. Thank you very much.

MS. DAVENPORT: Thank you.

CHAIRMAN FRYER: Our next speaker, please?

MR. YOUNGBLOOD: Our next speaker is Matthew Schwartz, followed by Bradley Cornell, and Karen Holland will be our final speaker on this item.

CHAIRMAN FRYER: Thank you.

MR. SCHWARTZ: Hi, good morning. Can you hear me?

CHAIRMAN FRYER: Yes, sir. Please proceed.

MR. SCHWARTZ: Okay. Great. So my name is Matthew Schwartz. I'm director of the South Florida Wildlife Association. I've spoken here a number of times, and I want to begin by, I guess, continuing the conversation that we were starting to have on panthers and habitat.

At the end of the conversation on the rural Immokalee Rural village, and during these remarks, I wasn't really able to respond, but one of the commissioners on this board said, well, the Puma is doing fine, the North America puma, and assuming the panther is just another Puma, that's not true.

The panther, first of all, is designated as a subspecies, an official subspecies of the Puma, cougar, mountain lion, and even if there was controversy over that, because there have been some genetic studies that say, well, the panther really is just a Puma, so even if you were to able to eliminate the subspecies status, the panther would still qualify as endangered species by calling it a distinct population segment, and that's part of the ESA as well.

So either the panther is endangered as a subspecies of the Puma or it's a distinct population segment of the Puma, which is distinct for over 100 years, separated from the main Puma population for the west, and is of great importance to the America people.

And I think the idea that the last big cat in the Eastern United States lives in this area, and it's a responsibility and stewardship of Collier County should be considered here.

Telemetry was also discussed, and there were some incorrections about that as well. Somebody held up a map of Immokalee Rural Village area and said, well, look, it doesn't look like the panthers are using this area.

So here what we have is development going on, first of all, the entire area is undeveloped, roadless. There's one sand road going through it right now, and completely uninhabited. It's contiguous. It's connected to the Florida Panther National Wildlife Refuge, and this is the densest telemetry in the state. When you pull up telemetry maps of this area, you can't even see the underlying land, because the telemetry covers all of it.

The refuge was established to take care of the panther. You can't even use it for recreation, and this area, adjacent to it is heavily used, a lot of it by the panther.

The fact that there are telemetry all through this area, and you see a little bit less in this tomato field, doesn't mean the panthers aren't using the tomato field.

The telemetry is gathered during the day when panthers are at rest in forested areas. At night when they're foraging for food, they're covering the whole of their range, and this is, of course, the dense critical part of the primary panther habitat, which is disappearing rapidly.

It was also mentioned that advocates who are against development are not taking into consideration all the work of the RLSA and such that made this area -- to try to green up these thousands of thousands of homes and acres of development that are going to go in here, and what I say to this commission is that you have to consider, you should consider, the decades of work that environmentalists and conservationist and public citizens and public agencies have done to assemble a network of public lands that will protect the panther.

When you put development in between the public lands, you're degrading the purpose of those public land acquisitions. No home ranges of any panthers that have been marked exist only within the boundaries of a single public land.

The Florida Panther National Wildlife Refuge is relatively small. They encompass numerous panthers, but they move outside of this, and moving all through this area.

I don't want to scare anyone, but I also have to say these developments remind me a lot of developments that went in in Seminole County, particularly Heathrow and Lake Mary and the Springs

communities, that went in in Seminole County in areas next to public lands that had a large black bear population.

The panther refuge is loaded with black bears. Both of those communities that I mentioned had serious bear attacks because bears live by their nose, and when you put thousands and thousands of new homes, garbage, barbecues, et cetera, black bears are going to be going all through this area.

A guy in Heathrow set up the Bears of Heathrow and it had pictures and videos of bears all through this area. Who is going to be responsible for all these bears coming through Longwater and Bellmar when these things are constructed, and that's going to happen?

Is an incident going to happen? I can't say for sure. It's very likely, and if somebody is out walking their dog late night or at night, and a mother bear is coming through the area with her cubs, which they will be going through here, there is a much greater likelihood of an attack; that seems to be when the bear attacks happen, people walking their dogs.

You're bringing suburbia and the wilderness together and it is completely outside what the RLSA was asking you to do, was to direct development away from areas like this, and I think that it was a very big disappointment I have to say, I'm sure you're aware, that Kevin Godsea of the U.S. -- the manager of the U.S. Fish and Wildlife Service Panther Refuge spoke at the last Collier County Commission.

CHAIRMAN FRYER: 30 seconds.

MR. SCHWARTZ: Thank you. Instead of bringing up these issues of panthers, black bears, et cetera from the refuge, and from the areas moving through these new communities, he said, well, the only real consideration we have right now is the smoke from prescribed burns that might be coming through those communities, but I'm sure we'll work that out.

It was great disappointment that he didn't talk about human/animal interactions and greater roadkill, and, of course, people have already mentioned, I'll talk about that when we get to Bellmar, the drawdown of water in the panther refuge which is already a grave problem going to be exacerbated by this. So deny this application and do not pass it on to the Commission. Thank you very much.

CHAIRMAN FRYER: Thank you, sir. Next speaker?

MR. YOUNGBLOOD: Our next speaker is Bradley Cornell, and we will conclude with Karen Holland.

CHAIRMAN FRYER: Thank you. Mr. Cornell?

MR. CORNELL: Good morning, Mr. Chair and Commissioners. This is Brad Cornell, and I'm here on behalf of Audubon Western Everglades and Audubon Florida and its Corkscrew Swamp Sanctuary. Thank you very much for the opportunity to address you today about Longwater.

I'd like to share several points that I have assembled for your consideration. First, is on that issue of fiscal neutrality. It's a complicated issue, as is the methodology of evaluation, but I would like to suggest that build-out is the time frame in which that evaluation should occur, and when you look at the Rural Land Stewardship history, that should be -- fiscal neutrality should be a reasonable goal to meet.

Ave Maria, I believe, is a good example of how that fiscal neutrality role can be advanced positively.

Second, coastal migration is an important issue to consider with regard to how we manage the threat of sea level rise and climate change and intensifying storms, and the planning that has resulted in rural fringe mixed use districts and the rural land stewardship area overlays, while it wasn't intended to be adaptation to sea level rise and storminess, it will accommodate effectively migration from the coast in coming decades. It's going to be necessary all over Florida, and to emphasize that, FEMA is moving now to increase flood insurance rates, which will greatly discourage people from building additional housing on the coasts.

Next, I'd like to, for the rest of my comments, focus on some conservation issues, the conservation elements of this proposed Longwater and Bellmar and the conversion to town.

Conservation groups of Audubon Western Everglades, Audubon Florida, Florida Wildlife Federation, and defenders of wildlife have for over a year been negotiating with Collier County Enterprise representatives to improve the conservation elements of their proposals for these villages.

I want to say that there have been significant commitments on the part of the developer that include, first, panther wildlife movement linkages. A linkage from the south to the north with three road crossings, wildlife crossings and widened dimensions for that movement quarter that links all the way to the Shaggy Cypress, a huge cypress head that's on the north side of Longwater, and this is a significant improvement and vital for panthers and other wildlife.

Also, they have committed to a required coexistence plan with wildlife, including requiring bear-resistant trash containers for residences and villages, businesses in all the villages, and the ultimate town.

They've also committed to international dark sky lighting criteria being met. They have also committed to increasing voluntarily the credit consumption rate from the eight to ten credits per acre. I believe that comes with the town conversion.

And there's also a commitment for granting smoke easements for regional prescribed burning, including on Collier Enterprises' own stewardship sending areas.

It's also very important to recognize that there is a commitment here to upfront early conservation dedication of stewardship sending areas that's really invaluable SSA14 and 17, totaling 4,800 acres that will entitle this 999 acre village of Longwater is really important for conservation, and is advancing this much earlier than they would need to do it, based on the credit consumption.

It's also important to remember that once this is converted, the three villages being proposed are converted to a town, a total of 12,200 acres of SSA conservation land, including 2,600 acres at least of restoration, will be entitling the 3,500 acre town.

That town will also provide commercial job creation and trip capturing enhancements to the three proposed villages, which, admittedly, are not as strong as just villages alone. SRA -- and when you do that commercial addition, you're going to be adding increased stability for fiscal neutrality or positivity, as we've seen it in Ave Maria.

By the way on the town conversion, I do agree with the desire of the Planning Commission to have a greater role in reviewing that conversion.

On the water issue, I want to point out that, as a previous speaker had alluded to, conversion of farms to urban uses reduces water use by at least 40 percent, based on permits I've looked at in the rural land stewardship area. I also want to note that primary urban water uses, this is not just true in rural land stewardship areas, but everywhere, are for irrigating grass and lawns, and if we were to limit the irrigation of grass and lawns, which would be really a good conservation direction to go for Collier County, you would have even higher rates of water use reductions to be realized.

CHAIRMAN FRYER: Mr. Cornell, since you're a representative of a recognized organization, I'm going to give you some more time. You're at five minutes now. About how much do you want, sir?

MR. CORNELL: I just have three more points to make, and I do want to note that the conservancy used about two hours of time, which prevented me from speaking at the last hearing, which I was disappointed too, but I will be as concise as I can. I just have three more points to make.

CHAIRMAN FRYER: Thank you.

MR. CORNELL: So thank you. And on the issue of siting, I just want to point out the conservation benefits and the planning benefits of siting these -- this village, Longwater, and the other villages, next to north Golden Gate Estates, and that's to major Estates roads, Oil Well Road, Vanderbilt Beach Extension, which is not there yet, and Golden Gate Boulevard, and the villages are all sited on cleared farm field, of thousands of acres of cleared farm fields that are at immense proportions.

When you look at the telemetry on panthers, you don't see panthers using those fields very much at all, including the GPS 24-hour telemetry. And regarding protection of those farm fields, the pending five-year review amendments that have been transmitted to DDO include incentive for farmers to permanently protect at least 40,000 acres of active farms with agricultural stewardship credits.

So there is a concerted policy effort to keep agriculture, recognizing the value of that into the future. Mitigation for north Golden Gate Estates single-family homes impacts to primary and secondary panther habitat, habitat that is forested habitat, not cleared farm fields of primary, but this is primary

panther habitat in north Golden Gate Estates that is being destroyed one lot at a time for single-family homes. There is no mitigation provided by that construction. Mitigation for that under U.S. Fish and Wildlife Service and the Endangered Species Act is being provided by all the land owners in rural land stewardship area overly.

As they've developed SRA's, they're paying for north Golden Gate Estates primary panther impacts that are not being paid for. So that's an important thing to keep in mind.

So on the whole, Audubon supports approval of this SRA, not because the village is the ultimate goal of Audubon, but because of the very significant conservation benefits of protecting panther habitat, wetlands and flow ways in the Camp Key Strand and surrounding region. This is a huge conservation benefit. So thank you very much for considering this.

CHAIRMAN FRYER: Thank you, Mr. Cornell.

COMMISSIONER SCHMITT: Mr. Chairman, I do have a question.

CHAIRMAN FRYER: Just a moment, yeah, Commissioner Schmitt, and who else did, and then Commissioner Vernon.

COMMISSIONER SCHMITT: Since Brad certainly represents a major player in this, Brad, have you seen the recent document that was sent forward by the Conservancy regarding the myths related to the rural land stewardship?

MR. CORNELL: I've not seen a myths document, no.

COMMISSIONER SCHMITT: Because in there they were critical of the comments that were made by the Florida Wildlife Federation and disputed some of the issues related to primary zone, and panther habitat primary zone, but you did not see any of that?

I was just going to ask your opinion in regards to some of the comments they made criticizing the statements that were made on the record regarding Florida Wildlife Federation, but you've not seen that?

MR. CORNELL: I did not see that document. I will -- my point about the north Golden Gate Estates primary panther habitat is that there are different kinds of primary. That is forested habitat, which is the highest value in the view of the U.S. Fish and Wildlife Service, and the cleared farm fields, the rural crop areas, are a much lesser value, and if you look at the counts, et al study from 2006, you know, it was a very generalized mapping of primary, secondary and disbursal zones. The U.S. Fish and Wildlife Service is in the process of reconfiguring and reevaluating how they designate the highest priority conservation lands for panthers, and that's one of the issues you're bringing up.

COMMISSIONER SCHMITT: Okay. Thank you, that's all I have. Thank you.

CHAIRMAN FRYER: Commissioner Vernon?

COMMISSIONER VERNON: Good morning, Mr. Cornell. This is Commissioner Vernon, and I want to play a game called king for a day. So if you are king for a day here, and assuming you're going to -- you're in charge of this, you're going to approve this project, I heard you sort of gave a pro and con and concessions of what might happen if we don't go down this road of getting the sending and receiving mitigation.

You talked about fiscal neutrality in compared to Ave Maria. You talked about coastal migration, and the other thing I picked up on, the concern maybe there is a way we can eliminate irrigation, which might improve the water issue. So I'm kind of -- I'm not sure what I'd do with the coastal mitigation comment. I do understand it, but I'm not sure what I'd do with that. I've heard a lot on the fiscal neutrality, and how Ave Maria may have done a better job of covering that issue, and this is the first time I've heard limited irrigation.

And I'm not trying to limit what you might do, but let's say you're king for a day and you want to tweak this to make it better to address some of the concerns for the public that you're going to approve the project, what you would suggest, if you can answer that? I know I'm putting you on the spot, but I think you're pretty knowledgeable on this topic.

MR. CORNELL: I think we should be using Ave Maria as a model or an example of the ways that fiscal neutrality or positivity can be achieved, and certainly you have to look at the time frame for which that's to be evaluated, and I think if you listen to staff all the -- and that's true of anywhere, not just

rural land stewardship, you have to look at more people move to an area, and it matures and builds out, and that's when we start making that evaluation, and commercial is a big part of that.

You know, Arthrex being appended to Ave Maria was a huge boost, in terms of fiscal neutrality and the positivity of trip capture and job generation, and that's what I think we want to see happen.

So that would bring me to my second king for a day, is to see a full-throated conversion of these three villages into an aggregated town. I think that's where you see that job generation, that trip capture, the elements of sustainability, particularly when you look at its siting next to north Golden Gate Estates.

North Golden Gate Estates is known to be commercial poor, and it drives people down Golden Gate Boulevard and Immokalee Road and all of the east/west roads take them to the coast. We need to keep people more where they are in their neighborhoods in their regions.

So providing more commercial, providing more job generation, light industrial, that sort of thing, is going to be a huge plus for planning, and then the other thing is to recognize that we don't want to have -- we don't want to wait for the conservation.

So I represent conservation organizations, Audubon, two different kinds of Audubon, and what we're interested in is seeing these SRA, the villages or the towns generate conservation benefit, and that's what I think we have in the SSA, SSA14 and 17 and the town Longwater, and then look at the whole picture of the town conversion, that's the huge positive conservation benefit for the people of Collier County that is being overlooked, I think, as we consider this.

You don't get that permanent protection unless you have the SRA's. Let's make the SRA the best it can be, while recognizing its value, at least from a conservation perspective, is huge.

COMMISSIONER VERNON: Is there any more specifics you can give us on the Ave Maria comparison? Anything specific you can think of the Longwater applicant could do to bring it more in line with, I think, what is being held out as a good example with respect to Ave Maria?

MR. CORNELL: Well, several things have come out in the conversation already. The value of a stewardship district, I think it's a 289 district, Chapter 289, whatever the Florida Statute is, but that kind of model can be very useful for paying for infrastructure but, I, again, I can't get any more specific, other than to say the town conversion is going to afford these three villages their biggest leverage to fiscal neutrality and job generation and trip capture, because, frankly, the Rural Lands West town that preceded these three villages, was a much better and more advanced planned town like Ave Maria was.

So this is a sort of backwards-looking conversion of three villages into a town, and I think it captures some important elements of that, especially the commercial part that you see in the town conversion that will be right along Golden Gate Estates, and those major thoroughfares, but that's where you're going to get your big lift in fiscal neutrality, I think, and that's not my area of expertise. You're kind of asking the wrong person.

If you want to know about conservation, I think this is a very, very positive conservation deal. Fiscal neutrality is a very complex issue. It's going to take years to achieve it, and it has to do with how much commercial and how well planned your town is.

COMMISSIONER VERNON: All right. One other -- thank you for that. One other question, and that is you mentioned -- you didn't mention in response to my question, but, again, I'm going back to that irrigation, and I think that is an environmental issue.

Anything specific you can think of that can be done with respect to modifying the Longwater application with respect to reducing irrigation, further protecting the water?

MR. CORNELL: I think that's an issue that comes to the site development planning process, but I would say that Collier County in general and South Florida overall, we need to be moving away from turf. Irrigated turf has huge consequences for creating competition with surface wetlands.

You're irrigating that turf with either reused water that has high nutrients in it phosphorus and nitrogen, especially nitrogen.

If you look at the lower west coast water supply plan, the highest percentage of water use in urban areas is for watering lawns. It's a crazy thing. It's an unsustainable and very un-conservation oriented thing.

We can do a lot better, you know, have minimal grass and more native plantings or rock or other things that can supplant the demand for irrigation water. So the benefit you get from converting from farms to urban is reducing the amount of irrigation that farms need. Farms are huge consumers of water, but then we replace it with watering the grass. It seems like a foolish thing to do; that's a wider policy question that maybe our storm water or natural resources department can tackle.

COMMISSIONER VERNON: Thank you, Mr. Cornell. Thank you, Mr. Chairman. Appreciate that.

CHAIRMAN FRYER: Commissioner Klucik?

COMMISSIONER KLUCIK: Thank you, Mr. Chairman. Mr. Cornell, is that your name, Cornell?

MR. CORNELL: Yes, Brad Cornell.

COMMISSIONER KLUCIK: Great. I have been concerned when I'm hearing some of the people discussing, you know, what we're doing with the RLSA. And one of my concerns is that we've put a program in place, the county has put a program in place at great expense, and, you know, a lot of public debate, and with the goal to figure out how to accomplish two things; accomplish the growth that we need, and that we're going to see, and to try to do the best we can to be as environmentally conscious and protect as much of the environment as possible. So my question for you is are you concerned that if we go to great lengths, and the government and the public go to great lengths to put in a program like this, and every time someone tries to take advantage of it, meaning to use the program, the petitioners, the land owners, do you see a downside to it never being enough, and now it seems like there is people wanting to disrupt the whole program and scrap it?

And I particularly point to the telemetry data and some of my fellow commissioners pointed out that it almost seems like there is an impossible situation where you couldn't use any of the land for development, which is not what anyone envisioned the program to be, so if you would just address that generally.

MR. CORNELL: So it's like my last comment was to you all, if you don't have SRA's, you cannot permanently protect conservation lands, like Camp Key Strand or Okaloacoochee Slough or all of the lands down by the panther refuge.

It's only through the bargain that we made with land owners and farmers to, you know, basically incentivize these land owners to do what's good for conservation and farming and we get these agricultural stewardship credit incentives, we get those public benefits of conservation and farms through the landowner benefit of entitlement of development they otherwise would not be able to build.

And the -- I think the genius of this program, if I can put it that way, is that we have mapping that directs the development away from wetlands, flow ways, panther habitat and wood stork habitat to areas of cleared farm fields and generally appropriate sites that are low ecological value, but have high economic value for the land owners, and that's why the Ave Maria --

COMMISSIONER KLUCIK: Yeah, can I ask you to clarify then on that particular point?

It seems as though anyone who cares about conservation and habitat and the environment, that you just basically pegged it, that that's exactly what this program is doing.

Yes, it allows some development, which means some of the land is going to be consumed for development and growth, which is going to happen anyways, but this RLSA, this SRA program channels it and highly incentivizes the best use environmentally and highly dis-incentivizes the worst use environmentally; is that accurate?

MR. CORNELL: Yes. The worst use being one house on every five acres, which is sprawl; that's what Golden Gate Estates is. Golden Gate Estates, as beautiful as each of those lots is, that's a terrible plan for efficient use of land for housing.

So what we're trying to achieve here is more condensed urban type planning with preservation and restoration of the major ecological systems out there, and the mechanism is incentives; that's what we're advocating.

COMMISSIONER KLUCIK: And do you see -- you mentioned Ave Maria has a good result or,

you know, seems to be --

MR. CORNELL: Reasonable, yes.

COMMISSIONER KLUCIK: -- resulting in some of the intended goals, that's the fruit of the program and -- but what I think I'm hearing is that you actually would expect that to be the case for Longwater as well, based on what you're looking at?

MR. CORNELL: Yes, I would have rather seen the Rural Lands West town that was planned as a town right from the start be implemented, and, you know, town planning as Ave Maria was right from the start. So this is a sort of backwards planning, converting three villages into a town. It's better than three villages and --

COMMISSIONER KLUCIK: And can you explain -- can you explain to me the precise benefit that you see? I know that's not the petition before us, but people keep bringing it up, so I do think it's worth you, you know, giving your insight on that.

Why and what is the specific benefit of, if it were to happen, of the three villages consolidating to become a town? Why as an environmentalist and a conservation expert and champion, why do you see that as important?

MR. CORNELL: Because it results in a more fiscally neutral, more sustainable urban plan. You heard a lot of testimony from Joe Minicozzi and others at the last hearing about what sustainable urban type planning and growth is.

You know we can debate the specifics of a town conversion for these three villages, but it's undeniable that increasing the commercial, increasing the trip capture and the job generation is going to make this much more of a sustainable urban development forum than three independent villages that are kind of subpar, in terms of commercial provisions. So I think that's -- that's kind of the urban thing, and that's, mind you, that's not really my expertise, but it's important that we -- that the urban developments forums that come out of rural land stewardship actually work, because otherwise we don't get the conservation benefits.

The land owners are not going to be able to preserve as much land if they don't get to use as many credits to entitle these towns, that's really the bottom line for us as a conservation organization, and I think --

COMMISSIONER KLUCIK: Thank you. And can you clarify as well, we've had people speak and they focus on the word rural's as if the plan for the rural land stewardship area, that that whole adoption of that as a planning element or a planning tool, that somehow the idea is that what we see resulting from that would be rural, and as a matter of fact, I'm glad you used the word.

You're saying the actual goal is an urban form of development within this rural land stewardship area. So if you would, if I'm misunderstanding that, please, correct me, but if you could otherwise just kind of confirm that that's what I think I'm hearing and that actually is exactly what the RLSA was planned to do.

So the idea of focusing on the word "rural" is sort of a, I don't want to say a trick, but it's certainly not, if you say that everything in the rural land stewardship area -- I live in Ave Maria. It's not rural. It's nice. It's surrounded by, like, a wild and agricultural rural setting, but the development itself is anything but, and if you would you address that.

MR. CORNELL: Yeah, you're right. That is a little misleading. It dates back to the litigation that established this. We had 300,000 acres of rural lands that were primarily farms and very small agricultural operations in eastern Collier County, and so that was the way it was characterized, because that's the way it was, and much of it still is.

But as we -- as we move forward, our chosen method of compensating the land owners, the farmers, for protection of wetlands and panther habitat and natural resources, was development, and so in that compromise of incentivizing them with development, the best, most efficient, most sustainable development forms are urban, mixed use, high density compact developments, and that's urban, and, you know, if you achieve that success then you also achieve the mapped protection of Camp Key Strand or Okaloacoochee Slough, et cetera, et cetera, and that's what we're shooting for in that grand compromise.

The other fallacy is that somehow we are incentivizing people to move to Collier County to live in these places that otherwise wouldn't come here, and that's, I believe, untrue, and you can look at the county's interactive growth model. We're not incentivizing anybody to come here.

The people come here anyways because this is a beautiful place and everybody wants to live here. What we're doing is planning to accommodate them with the least amount of impact to our natural resource infrastructure.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Thank you, Mr. Cornell. I just have a couple questions, if I may, following up?

MR. CORNELL: Sure.

CHAIRMAN FRYER: You mentioned the town aggregation agreement, which is a subject that I'd like to know more about, sooner rather than later, and I expect that you are more familiar with its terms perhaps, than the average member of the public. Would that be a fair statement, sir?

MR. CORNELL: No. Well, only in that I've seen the mapping of how it lays out, and our discussions with representatives of Collier Enterprises. I did get a chance to read it as a backup document to your agendas, and so I'm looking forward to that conversation as well.

But I welcome its -- its proposal. I think it's the right thing to do. I also agree with you that you all ought to have a role in reviewing that and providing public comment and discussion on that as well, but I do think it's the right direction to move.

CHAIRMAN FRYER: Thank you. Thank you very much. I, of course, agree with you, with respect to a greater role for the Planning Commission.

I think it's essential that that happens before it goes to the Board of County Commissioners because the agreement, the draft that I've seen, which I don't believe is the latest draft, I think there have been some improvements, but the draft that I've seen would fundamentally change the rules of aggregating or creating a town in this case as a result of aggregating villages, and so if we don't have a role in setting those major rules that vary from the -- vary from the FLU and the Land Development Code, I think we end up having our hands tied when it eventually comes to us.

If it doesn't come to us until after a town aggregation agreement's been laid out with its own set of, well, more liberal rules perhaps with respect from the developer's viewpoint than the current future land use element and the current Land Development Code. So thank you for calling for a greater role on our part.

Another point you made had to do with the Rural Lands West Town Plan, which was put forth in the form of a plan, and under the scrutiny of the FLU, applicable FLU provisions, and applicable Land Development Code principles, now what seems to be coming forward, I think you referred to it Mr. Cornell, I don't want to put words in your mouth, but a backdoor approach, I may not have exactly what you said, but would you be satisfied that the town agreement, at least in its current form, or the form that you're aware of, that that is an adequate substitute? Does that get us to the same place had we gotten there in a more conventional way by starting with the land, the Rural Lands West Town and proceeded under the rules of the FLU and the Land Development Code, sir?

MR. CORNELL: No. I don't think it's as good as going through the town proposal that we had with Rural Lands West. I think I already said that. It's definitely a substitute for that, and it's a, if you will, sort of jerry-rigged kind of way to get to a town.

On the other hand, it is definitely the right thing to do, I believe, when you look at the alternative of three independent villages. This is a -- this is a much improved approach to urban planning.

I would have rather seen rural land stewardship right from the get-go, but this is a good substitute and definitely preferable to three independent villages.

CHAIRMAN FRYER: Thank you, sir. Anybody else have questions of Mr. Cornell? If not, thank you, Mr. Cornell. Do we have one more speaker, am I correct?

MR. YOUNGBLOOD: That's right, Mr. Chairman.

CHAIRMAN FRYER: Let me ask the court reporter, first. Are you okay? Good. We usually

take our breaks at 10:30. We'll have this speaker then we'll take a break. Okay. Who is the next speaker, please, Mr. Youngblood?

MR. YOUNGBLOOD: Karen Holland is our next speaker. We also have an individual participating via telephone that I would like to positively identify when Ms. Holland is concluded.

CHAIRMAN FRYER: All right. Ms. Holland, go ahead, please.

MS. HOLLAND: Thank you very, very much for this opportunity to tell you how I feel, and good morning, distinguished Planning Commissioners of Collier County.

I am not a resident of Collier County, but I do have an opinion on the development of this part of the county, and the impact that it would have not just on the panthers, but in life in general that includes people of South Florida, which is where I live.

I grew up in North Miami. I've experienced exponential growth in that area where it used to be, for lack of a better term, rural, and traffic is horrendous. If I can avoid going down there I do. I would like to thank Brad Cornell for his very informative information. It seems to me like ya'll have made up your minds about developing this area, and I don't know that I could change your mind, or that anybody else could change your mind.

I don't want to take up a lot of your time and quote the policies with the numbers and the letters or anything like that. I do like to speak for the panthers, and to quote the Lorax in Dr. Seuss, I speak for the trees.

The trees have an important role in all of our lives, and what I've seen in communities that have been bulldozed, there is not enough trees for all of us to breathe. I'd like you to think about that.

Now, I could spout all the facts and figures and tell you that humans need something like 77 or 88 trees per person, and land, trees all over the world are being bulldozed for developers, big corporations.

I do not envy the position that you all are in right now, because you have to contend with the developers and the environment and the panthers and citizens like myself, and the citizens that have spoken before me all present a really valid and important point, and I do hope that you consider what everyone has to say, and consider the fact that this point that we're out --- at in not just in Collier County, but in Palm Beach County, the whole world, has an impact, and you may think, oh, it's just a small area, a small patch, but it does make a difference.

It's kind of like that single use plastic. When you think about it, oh, it's just a plastic bottle, it's not going to amount to anything, but we are all, and we all have to be, responsible stewards.

We don't want to have an impact of Biblical proportions where we ruin this gift we've been given, and it's not just the gift of the animals, it's the animals, the trees, each other, and the fact that we need each other and we need the air to breathe.

With that in mind, I really don't want to take up a lot of your time, but as I'm listening, I'm taking notes and they are a little bit scattered on my little pieces of paper, but I do believe very sincerely if we develop the land to the point of there is nothing left, we're going to be in dire straits, and I would like you to think about that for a moment, and the underlying factor is one of trust. We the people, we the people of the United States, we the people of Collier County, of the world, entrust you to make the right decision.

CHAIRMAN FRYER: 30 seconds, Ms. Holland.

MS. HOLLAND: Granted, you have to deal with all those other people, all the people, the developers that I mentioned, all the people of Collier County, the people that own the land and sell the land, the people that just bulldoze everything. I'm hoping, I'm trusting, that you make the right decision.

CHAIRMAN FRYER: Thank you very much.

MS. HOLLAND: Thank you for the time.

CHAIRMAN FRYER: Thank you. What is the final person?

MR. YOUNGBLOOD: To the individual participating via telephone, phone number ending in 0227, could you, please, unmute yourself and tell us your name, and what you -- what item you would like to speak on?

CHAIRMAN FRYER: I'll tell you what we'll do. We'll take a break now for ten minutes to 10:44, and if that person is available, we will hear from him or her at that time. Stand in recess until

10:44.

(A recess was had from 10:34 a.m. until 10:45 a.m., and the proceedings continued as follows:)

CHAIRMAN FRYER: Let's reconvene, ladies and gentlemen. Mr. Frantz or Mr. Youngblood, were you able to reach the person who wanted to be heard?

MR. YOUNGBLOOD: Unfortunately not, Mr. Chairman.

CHAIRMAN FRYER: Okay. Thank you. That -- well, I'll ask if there are any persons in the room who have not registered, not spoken, but wish to be heard, now would be the time for them to be recognized.

I don't see anyone falling into that category, so without further ado, we will call upon staff for its presentation. Mr. Cohen?

MR. KLATZKOW: Just for a point of clarification, we're done with public comment; correct?

CHAIRMAN FRYER: Yes.

MR. KLATZKOW: I want to make sure that someone can't show up later and start the process.

CHAIRMAN FRYER: Well, I think that -- let me put it this way, particularly in the case of experts, if there are questions that arise after staff, and a Planning Commissioner wants to hear from an expert --

MR. KLATZKOW: I understand that, I was just talking about the general public.

CHAIRMAN FRYER: As far as the general public is concerned, yes, that is closed.

COMMISSIONER SCHMITT: Commissioner, just for clarity because of some of the documents we received, I would still like to reserve the right to call the Conservancy forward to address some of their concerns they sent us in the RLSA. Those are the type of things I still think we can go back and ask.

CHAIRMAN FRYER: And I think that would be completely in order. We're done hearing from individuals speaking as individuals.

COMMISSIONER SCHMITT: This is now -- I mean, I have numerous comments I want to make, but I'm going to hold off until the end, but I believe now we're going to hear from staff because there's been a tremendous amount of information out there, much of it misinformation, in regards to the cost and analysis, and is this the time that we're going to hear from staff in regards to some of those issues?

CHAIRMAN FRYER: Yes, sir, it is.

COMMISSIONER SCHMITT: Mr. Cohen, I'm sure, is going to address that, hopefully.

CHAIRMAN FRYER: This is staff's presentation and the Chair recognizes Mr. Cohen.

MR. COHEN: Thaddeus Cohen, Department Head Growth Management for the record. Good morning, and representing staff, and let me do that now, I want to thank you for this opportunity for the Growth Management Department and our partners to discuss the process that we've gone through in order to derive at the decisions that we've come to.

Sometimes people say, where do I start with all of the information that you've heard over the last two sessions, but, first, I want to talk in terms of our team, James Sabo, who will be my lifeline, because I'm a late substitute as far as being able to do this presentation, parts of it. It is part of our AICP manager. He's a comprehensive planning manager, as well as Sue Faulkner, who is here who is a Principal Planner, Ray Bellows that you know handles zoning and planning. Housing affordability, Cormac Giblin, environmental, Jaime Cook, public utilities, we have Eric Fey, and my understanding is Mr. Bellone will also discuss the financial aspects for some of the issues you've heard raised, as far as how it is we finance our utilities.

Transportation, Trinity Scott, Mike Sawyer, as well as Greg Root who may be available to answer any questions, and again you'll see how we discuss those, and economic assessment, Amy Patterson who is the Director of Capital Projects, Impact Fees and Program Management.

What we're going to do is go through our process. You'll hear today as to how we looked at the comprehensive planning aspect, zoning review, housing affordability, environmental review, infrastructure, which will be the utilities as well as the transportation planning and the economic

assessment, and then we'll end with our recommendations of approval.

And, Mr. Chair, what I will ask if you could indulge us, I'm going to ask that hopefully you will be able to write your questions, and wait until the end of our presentation. It is my belief that our presentation is comprehensive and that it will answer many of the relevant questions that have been posed to you in writing, as well as those in the public who have expressed those verbally.

CHAIRMAN FRYER: Mr. Cohen, I think your request is reasonable. I just need to run it by the Planning Commission, because what we're going to be asking ourselves to do is to hold off all our questions until the end. Does anyone object to that?

COMMISSIONER VERNON: I think it's a great idea.

COMMISSIONER KLUCIK: I actually think sometimes something can be clarified very easily. I understand the idea of asking a detailed question, but to ask for clarification on what was said because it's not clear, I think is something I would hope we could reserve the right to do.

MR. COHEN: We appreciate that.

CHAIRMAN FRYER: Is that okay?

MR. COHEN: Yes, sir.

CHAIRMAN FRYER: Okay.

MR. COHEN: Thank you.

CHAIRMAN FRYER: That's what we'll do.

MR. COHEN: Because often times what I think you'll see in our presentation and in listening to how the conversations have gone with the public, is that we would like you to -- we'll say hold that thought, because we've got it covered here, and, so, therefore, it allows us to have some continuity in our presentation, and, particularly, since we've taken some notes on some of the comments that were made in here today.

So from the planning side, I think front and center in this conversation, and you had it just recently with Brad Cornell, is that the RLSA in fact is the innovation, and there's been many conversations about what constitutes innovation.

But the fact is that it's my understanding that there's only two rural land stewardship areas in the State of Florida, of which Collier was the first; over a few decades only two.

The innovation is at least at this moment in time there is 55,000 acres of SSA's protected at no cost to the public. We think that's important. The RLSA Program complies with Florida Statute 163.3168, and as important, it's a voluntary program, and as you heard from Mr. Cornell, it's been a grand compromise that's been done decades ago as in order to protect rural lands. There needs to be some level of development that will be correspondingly capable of taking place. It's been established as a long-range vision, and there's incentivization in order to meet the objective of to protect natural resources, retain agriculture lands, and as you know, we've had this conversation previously when we made the changes to the rural land stewardship overlay that will be going again to the Board of County Commission for its final adoption, the agricultural component was something that had been added, because it was not there originally.

It also has plans for sustainable growth, and as we talked about the RLSA previously before you, and before the Board of County Commission, diversification of the economy was also one of the important components when we look at the RLSA.

So what is it that we do when one of these petitions comes forward? The proposed project we would suspect, and I like to think about it as more than a project, it's more of a generational idea of how a village, or a series of villages may be able to come forward, how does that meet the requirements of the RLSA? The comprehensive plan uses the documents of Attachment C as one of the criteria and the relevant policies in group four, in order to make a determine as to whether or not what we see before us today, before you today, is consistent with the Comprehensive Plan.

This is Attachment C, that's the document in which we reference from a comprehensive planning standpoint to determine whether or not this village before you meets those basic minimum requirements, and that's what we're bound by.

So there is a lot of conversations that take place as to what it is that we can and can't do, may or maybe should do, but this is one of the reference points that we have, and in so doing, one of the things that we look at is the size.

A village is somewhere between 100 to 1,000 acres. We say it's consistent because it's 99.8 acres -- 999.8 acres. Residential units per growth-based density somewhere between one and four dwelling units per gross acre.

We divide the number of units by those gross acres, it is 2.6, so it falls within the range, and residential housing types, we've discussed this quite some time when we were looking at the RLSA, a diversity of square foot single-family and multifamily type styles, lot sizes, so we find that it's consistent because it includes up to 2,240 square single-family homes and no fewer than 260 multifamily dwelling units.

So, again, as we go through that Attachment C, that's the guiding principles that we use to see whether or not we're still inside the criteria.

Maximum floor area or intensity, we say it's consistent. Civic, governmental and institutional uses, we find that it's consistent. Goods and services for a village center, you'll hear more about what we think constitutes a village center with neighborhood goods and services must be a minimum of 2,500 square feet gross building area per dwelling unit.

So we take the number of dwelling units times that 25 (sic) square feet, you get 65,000 required. It's consistent because an SRA allows between 65 to 80,000.

Recreation and open spaces, must have a park, public green spaces within the neighborhood. So we look at the plan and see whether or not they comply. We find that 10 acres are provided. Civic, governmental and institutional uses, 26,000 square feet, they show those, again, consistent, and a full range of schools is not required, and, therefore, was not provided.

So, again, you know one of the things that we've asked folks to do when they talk to us about the positions that we've taken is how does it compare to the attachments? How does it compare to criteria that we've judged it against, and whether or not the recommendations that we make to you are consistent with what we view as those criteria.

Credit calculations for Longwater Village SRA, and you can see here that the total number required and what's provided based on the two pending entitlements, SSA14 and SSA17, which is pending before the Board of County Commission, that they meet the requirements for the credit calculations.

So as we move you through the rest of this process, and we look at our policies, some of which were pointed out to us again today, Policy 4.7, it talks that there's four forms that are specific to the SRA and the development process that you can have -- excuse me -- 4.7.2 residential villages of 1,000 acres or less, diversity of housing. A village center is a focal point, parks, public spaces encourages pedestrian and bike friendly development, and then a compact rural development, and then we talk about the perimeters of the SRA going from high density to low density.

So this is the criteria that we've used, and I think it's a very good starting point for us to be able to have that conversation with you, and have the public understand the limitations that we have, and the steps that we've taken to ensure that our recommendations are solid.

And with that I would like to have Nancy Gundlach come forward and talk to you about the zoning review process.

CHAIRMAN FRYER: Thank you. Ms. Gundlach, do you want to have that space cleaned first?

MS. GUNDLACH: Oh, sure. Why not. Thank you. Good morning, Commissioners. For the record Nancy Gundlach, Principal Planner with the Zoning Division, and I will be presenting the zoning criteria, and the Longwater SRA is consistent with the Land Development Code, Section 4.08.00.

It provides the two context zones, the village center, and it demonstrates an urban to rural continuum, and the village center is right here; that's where the most dense development occurs, that's where we have some commercial development, some multifamily, and then we go out into the single, the

residential area and the neighborhood general.

There it is, village center to our neighborhood general, and it's important to note, village center, it's a context zone. It's not a location. It can be located on the edge, such as it is here, and like I said earlier, it's where intense development or institutional, commercial and residential development can occur.

And Longwater Village SRA is compatible with the surrounding agriculture lands. It provides the minimum buffering, the Type A along the ag lands and along the major roads, such as Oil Well Road and the proposed Big Cypress Parkway. They will provide the minimum required by the code, Type D landscape buffer.

COMMISSIONER KLUCIK: Excuse me. Can you clarify, the town center, I know it's on that slide, it's to the -- in the center left, correct, right there where your cursor is; right?

MS. GUNDLACH: Yes, right -- how about if I go to the slide before it?

COMMISSIONER KLUCIK: Yeah. Okay. What is the part that's further north there along Oil Well Road -- no, no, along Oil Well Road, that's also commercial?

MS. GUNDLACH: That's neighborhood commercial and that's abutting Oil Well Road.

COMMISSIONER KLUCIK: Okay. So it's not defined as village center?

MS. GUNDLACH: No.

COMMISSIONER KLUCIK: It's a different context?

MS. GUNDLACH: Correct. It allows for some commercial in the neighborhood general, so it's labeled neighborhood general commercial.

COMMISSIONER KLUCIK: And what would be the distinction then? What would we find in the village? What's -- why are those two things different as far as the descriptors? What's required in one, or more likely to be in the village center?

MS. GUNDLACH: Well, the neighborhood general could have the same things that the village center has.

COMMISSIONER KLUCIK: But is the village center required to have certain things?

MS. GUNDLACH: Yes, it is.

COMMISSIONER KLUCIK: Which are?

MS. GUNDLACH: It's your commercial, your institutional and it can have the multifamily as well.

COMMISSIONER KLUCIK: Thank you. Mr. Chairman, I'm sorry, is that the kind of thing that I'm allowed to do?

CHAIRMAN FRYER: You're right on the cusp.

COMMISSIONER KLUCIK: Would you prefer -- was that okay, or would you prefer I still curtail it more?

CHAIRMAN FRYER: Well, I'm going to say that was okay. Use your best discretion, sir. Thank you very much. Please continue, Ms. Gundlach.

MS. GUNDLACH: Okay. And then the SRA is walkable, and keep in mind that LDC Section 4.08.800 allows for a 2,500 foot block perimeter in the village center, and a 35 (sic) foot block perimeter in the neighborhood general context zone.

It also allows for alternative roadway cross sections, and the applicant is not requesting any deviations from the required sidewalks on both sides of the roadway, and that concludes my presentation.

CHAIRMAN FRYER: Thank you.

MS. GUNDLACH: And I'd like to welcome Cormac Giblin to talk about housing affordability.

CHAIRMAN FRYER: Welcome, Mr. Giblin.

MR. GIBLIN: Good morning, Commissioners. For the record, my name is Cormac Giblin, Planning Manager with Development Review.

I'll go through my review of the house affordability aspects of this SRA, and on the screen you have the two pieces of code that I use in my review.

One is from the Future Land Use Element, Policy 4.7.2 that says that villages are primarily

residential communities with a diversity of housing types, and then the second piece is in the Land Development Code, it's Section 4.08.07, which is within the SRA designation that says that villages offer a range of housing types and price levels to accommodate diverse ages and incomes.

In the applicant's economic assessment they include a breakdown of some proposed sales price values of all of the residential units to be constructed in the SRA and various product types, and based on the review and what they have provided in the economic assessment, we have come up with a recommendation -- recommended condition of approval, that Longwater shall commit at least 10 percent of the units, which would be 260 units sold at purchase prices near the moderate and gap affordability ranges.

Based on the previous slide, that would be their product types that are listed as town home villa I, coach, and villa II, or as an alternative land or units in or proximal to the SRA shall be reserved for the development of housing that is affordable.

And, Commissioners, since your last date you heard this two weeks ago, we were able to work with the applicant and actually add this last sentence of the recommendation in response to some questioning.

And that last sentence reads land reserved for housing that is affordable shall be identified within 48 months of SRA approval and be equivalent to 2.5 percent of the gross acreage of the SRA.

Now, these requirements do mirror very closely the proposed changes that the -- of the overall RLSA Program that have been working through the system, and the applicant has agreed to include this condition, this entire slide, as a condition of approval, and with that I'll turn it over to Jaime.

COMMISSIONER SCHMITT: Just one thing, Cormac, go back. You stated -- go back to your first slide. I'm sorry, just a point of clarification. I just want to make sure the public is aware.

Diversity of housing types, did you address that? I didn't see that on the slide. You consider the housing types that are being offered meet the criterias as diversity of housing types?

MR. GIBLIN: That was covered under the comprehensive planning review with the mix of single-family and multifamily and it's also covered here in this. This does show several different product types that are to be included in the SRA on this slide.

COMMISSIONER SCHMITT: Thanks.

COMMISSIONER FRY: Cormac?

CHAIRMAN FRYER: Commissioner Fry?

COMMISSIONER FRY: Affordable housing is your baby, as I understand you're always up here talking about it. Are you satisfied with the affordable housing components of this application?

MR. GIBLIN: I think that this is a huge step forward in the overall application of the rural land stewardship area, in terms of housing affordability. We've -- this has been a learning process as subsequent villages have come through and towns, and I think we're -- this is where -- this is a good place for the county to be.

COMMISSIONER FRY: You feel this will be -- become somewhat of a standard moving forward?

MR. GIBLIN: As I mentioned this is generally modeled on the standard that is to be included in the overall RLSA amendments that are running through the system now.

COMMISSIONER FRY: Thank you.

MS. COOK: Good morning, Jaime Cook, Principal Environmental Specialist with Development Review, and I'm here to explain to you the environmental review, and how we went about our review.

So the environmental review consists of two phases, the first being environmental. Staff reviews all the documentation that is submitted by the applicant, including a listed species survey, the vegetation inventory and a soils map. Environmental staff then works with our county GIS staff to ensure that the GIS data that was submitted is consistent with the documents provided, and the NRI values provided by the applicant were correct.

Staff also does onsite verification to ensure that the vegetation, soils and listed species surveys that were submitted are consistent with the current field conditions. Staff did conduct multiple site visits

during the review of the Longwater SRA.

For those of you that weren't on the Planning Commission before, I wanted to give you a little brief explanation of how the NRI assessment works. So when an applicant comes in with either an application for an SRA or an SSA, they submit a Natural Resource Index Assessment, or an NRI, as part of their application.

The original RLSA study defined baseline index values for the entire RLSA for each acre of land. NRI scoring is an attempt to reflect the environmental value of the lands. Its goal is to preserve the most valuable resources. It's not solely for a listed species protection. So when an applicant submits an application the -- they must quantify the number of acres, as well as the index value for each acre of land. Any lands that are proposed within the SRA that are -- have an NRI score of 1.2 or less, are eligible for development, and anything -- any lands over 1.2 must be retained as open space per the Land Development Code.

If the applicant has determined that the index values have changed from that original study, they must document those changes and provide justification for why they have changed.

For most -- in this particular instance for Longwater, the changes are mostly due to additional listed species surveys and changes in vegetation over time.

The NRI data is submitted electronically, and, again, the GIS data is evaluated by county staff to determine the NRI score for each one acre grid of parcel of land within that SRA. So for Longwater the NRI assessment consist of six factors which again are scored on an acre by acre basis.

With respect to Longwater, the stewardship designation, no lands within the SRA were designated as flow way stewardship areas, habitat stewardship areas or water retention areas. None of the area is within the area of critical state concern, so every acre of land within the Longwater boundary scored a zero for the stewardship factor. None of the lands are for proximity, none of the lands are enclosed by an FSA and HSA or a WRA.

However, there are a couple of areas along the northeastern boundary that are within 300 feet of a flow way stewardship area, so those areas received a value of 0.3 for the proximity index. The rest of the SRA received a value of zero for the index factor.

The listed species habitat, this factor is scored based on habitats listed as preferred or tolerated by the species, as well as documented observations of the occurrence of that species in the habitat.

Listed species surveys must be done in accordance with the Land Development Code requirements, including that they must be less than one year old, and they must be conducted by a qualified individual. They must follow Florida Fish and Wildlife and U.S. Fish and Wildlife Service protocol guidelines for the surveying, and they must include any previous data that they have on that site, even if it is greater than one year old.

Within the Longwater SRA, Sandhill Cranes were identified in their preferred habitat as well as Caracara in the southern pasture lands in the southern portion of the SRA.

Additionally, panther telemetry and listed plant species were identified in an isolated wetland in the southern portion of the SRA. Soils are classified based on the USDA and NRCS soils map, as well as South Florida Water Management District's classification.

Higher point values are given for soils that are found in wetland swamps and more aquatic environments, and lower scores are given to soils that don't retain water as well, such as in upland habitats and pine flat woods.

Soils typically do not change values much over time, and within the Longwater SRA range from zero to 0.3.

Restoration potential is the next factor. This NRI value is only used during the designation process for an SSA, not an SRA, so it's not applicable for this petition. And then finally land use and lands cover. This NRI factor looks at the types of vegetation on the property. Higher scores indicate wetland or upland habitats. Lower scores typically indicate non-native vegetation and impacted sites, such as the farm fields.

Most of Longwater SRA consists of active and passive ag lands with several isolated wetlands, so

scores range from zero to 0.4.

When individual factors are added up, the GIS output results are shown on the right-hand side of your screen. There are four acres of land within the SRA that received an NRI score above 1.2. Those you can see are highlighted in red on that map on the right-hand side. Those areas must be retained as open space in their natural state.

So in comparing the NRI assessment results with the applicant's master plan, you can see that those areas that did score over a 1.2 are being retained as open space.

The master plan shows this area as a park preserve, and they are also proposing to retain another isolated wetland in the central portion of the village, even though that area did not score over a 1.2.

Commissioner Fry, I believe you asked a question last time about setbacks to these retained areas. During the review of the SRA, I did request, and applicant agreed, to include setbacks to those park preserves so in the SRA document in the neighborhood general development standards table, as a footnote they are following the LDC for setbacks to preserves with 25-foot setbacks for primary structures such as single-family homes, and ten-foot setbacks for accessory structures.

Thaddeus briefly described the SSA's earlier and how they are generating the credits to entitle to Longwater development. I'm briefly going to explain to you how and where these credits are generated from.

SSA14 is 1,712.9 acres. It's located north of Immokalee Road, and as part of the Camp Keys flow way. It currently has 2,515.7 credits available. To get to that total, this SSA was established prior to 2009. So it was eligible for an early entry bonus credit.

Those bonus credits are derived on an acre by acre basis -- credits per acre basis, for any lands that are designated as habitat stewardship areas. They are -- they also received 1,850.5 base credits, which is just a mathematical calculation of the land use fliers being removed from the property multiplied by their NRI score, multiplied by the acreage of land.

Commissioner, I believe you also asked last time about how the NRI scores look compared to the SRA lands that were being -- for Longwater. So the graphic on the right shows the NRI scores for SSA14.

It's important to note that the scale for this one is slightly different than the Longwater one, just based on the NRI values itself. So the bright green, the turquoise and the blue areas are all areas that scored above a 1.2. Of the 1,712 acres, 1,461 or 85 percent of this SSA, had an NRI value of over 1.2.

CHAIRMAN FRYER: Commissioner Fry, you have a question, sir?

COMMISSIONER FRY: I didn't want to interrupt but when you were done I did have one summary question for you.

MS. COOK: Okay. SSA17 is 3,148.3 acres. It's located both north and south of Oil Well Road. The northern portion of that SSA encompasses Shaggy Cypress Swamp and the areas south of the Oil Well Road are wetland habitats within water retention areas.

SSA17 has not been approved yet by the Board of County Commissioners, so that early entry bonus was not available for this SSA. So all they are earning is base credits for this SSA.

Per GMP Policy 4.3 in the RLSA Section, that policy requires that the applicant has acquired or will acquire sufficient stewardship credits to implement their SRA uses. This allows the SSA to be approved either prior to or concurrently with the SRA at the board level.

Again, the graphic on the right shows the NRI scores for SSA17, and just like 14, the bright green, the turquoise and blue areas are all areas over -- that received an NRI score over 1.2. Of the 3,148 acres, 2,518 acres scored an NRI score over 1.2, which is 80 percent of that SSA.

Brad Cornell made a point earlier of talking about how these SSA's are essentially helping to entitle development in the Estates as well, and that is 100 percent correct.

As Commission Schmitt said, nobody is going through mitigation for single-family development out in the Estates. So upon review of the GIS data and field verification by the environmental planning staff, we agree with the applicant's NRI assessment. Again, there's four acres of land identified as having an NRI score over 1.2 within the SRA boundary, and the applicant has proposed to retain this as open

space in the park preserve.

Environmental staff recommends approval of the SRA petition with the following conditions: Prior to issuance of the first SDP or PPL a Listed Species Management Plan must be provided for review with approval from Florida Fish and Wildlife or the U.S. Fish and Wildlife Service for the Florida panther and all other listed species, and SSA17 must be approved or as a -- prior to or as a companion to the Longwater Village per GMP Policy 4.3. If you have any questions, I can answer them.

COMMISSIONER FRY: Two questions to answer.

MS. COOK: Sure.

COMMISSIONER FRY: First, thank you. You illustrated that the resource value of the SSA is way superior to the areas that are receiving lands --

MS. COOK: Yes.

COMMISSIONER FRY: -- for development. Can I assume, maybe stating the obvious, that a lot of those lands in the SSA's are undisturbed, unlike the areas where the applicant is proposing to develop?

MS. COOK: Some are wetland habitats that have been undisturbed. Others are being utilized as ag lands, either pasture or there are some active ag operations, and in the petitions for the SSA's, the applicant basically chooses which land layers to remove to earn -- to help them earn their base credits.

For both SSA's they're retaining the ag uses on the entire property, so those lands can be continued to be farmed if they are in active farming, or they can continue as pasture lands if they are currently.

COMMISSIONER FRY: Would they then -- those that are retaining the land for agricultural use, would they then be eligible for the additional credits that we pass through the amendment process?

MS. COOK: I don't know the answer to that question. I think that might be -- okay. We'll get back to you on that one.

COMMISSIONER FRY: Final question really, as an environmentalist, do you believe the NRI scoring index is accurate? Does it get the job done, in terms of helping us protect the most sensitive lands and develop on the less sensitive lands?

MS. COOK: Absolutely. Like I said, I've been out to all these sites. I've been to Longwater. I've been to SSA14 and I've been to 17, and what we are getting in protection in 14 and 17 is far superior to the benefits of those ag lands.

COMMISSIONER FRY: So even as a layperson, if we were to go out with you to the areas that are SRA versus SSA, we would actually be able to tell the difference --

MS. COOK: Yes.

COMMISSIONER FRY: -- without being a scientist?

MS. COOK: Yes.

COMMISSIONER FRY: Okay. Thank you.

MS. COOK: You're welcome.

COMMISSIONER VERNON: Mr. Chairman?

CHAIRMAN FRYER: Yes. Go ahead, Mr. Vernon.

COMMISSIONER VERNON: Kind of a minor point, but I was reminiscing about my questions from last time, and this kind of popped in my head again. Can you scroll back to where the four acres is being protected, I think the one with the subdivision?

MS. COOK: That one?

COMMISSIONER VERNON: Yeah, that one is fine.

MS. COOK: Okay.

COMMISSIONER VERNON: You see the four, well obviously, you know the four acres that are being preserved, it's just sort of, as a layperson, if those are then surrounded by houses, I'm thinking whatever species we're trying to protect may go somewhere else?

MS. COOK: Well, there -- the listed plants that were found in there could actually remain. The panther was panther telemetry data. It wasn't physical cats that were observed in the area.

COMMISSIONER VERNON: And then there was a bird, I think?

MS. COOK: The Caracara nest is down actually if you look -- I have a mouse. It was in this area right here where there --

COMMISSIONER VERNON: Oh.

MS. COOK: -- right in that area (indicating).

COMMISSIONER VERNON: Well, would the -- I guess the thought I had, I think in the northeast corner, which is sort of the edge of the project, I think, there was also a little bit of concern, very low level, but a little bit of concern. I think it was a flow way or something like that.

Would the developer have the ability to say, you know, what's more practical is to cut off one corner and give more room, say, for the panther than to put it right in the middle of a bunch of houses, or is that even -- or do you just have to follow these rules?

MS. COOK: They just have to follow the rules. This has to be retained.

COMMISSIONER VERNON: They really -- well, I'm saying if they can say, okay, we're going to propose four acres in the northeast corner as opposed to in the middle of the subdivision --

MS. COOK: No.

COMMISSIONER VERNON: -- they don't even have that option?

MS. COOK: They don't have that option.

COMMISSIONER VERNON: And why don't they have that option?

MS. COOK: The code specifically requires that any acre that has a 1.2 score -- higher than a 1.2 score, has to be retained.

COMMISSIONER VERNON: Okay. Thank you.

CHAIRMAN FRYER: Thank you.

MS. COOK: With that I will turn it over to Eric Fey to talk about public utilities.

CHAIRMAN FRYER: Thank you. Mr. Frantz, do you need to be heard for something?

MR. FRANTZ: No.

CHAIRMAN FRYER: Mr. Fey?

MR. FEY: Good morning, Commissioners. For the record, Eric Fey, Principal Project Manager of Public Utilities.

I'm going to be providing a summary of the status of our northeast service area utility extension project, along with some highlights from the interlocal agreement, which is a companion item to this SRA; that agreement was provided for your information.

I don't believe it would be making a recommendation on the agreement itself, but it is in your packet, and much of what was in it was discussed by public speakers in the opposition. As far as -- Mr. Cohen mentioned at the beginning, Joe Bellone and Amy Patterson will be before you to discuss the economic assessment portions; that will come later in our staff presentation. I won't be getting into that right now. Next slide, please, oh, that's me.

All right. This diagram is the -- an illustration of our northeast service area utility extension project. It consists of pipeline extensions connecting all these proposed villages to the northeast utility site, which is right here at this pole.

It also includes pipeline extension connecting the northeast utility facilities site to our regional systems for potable water and waste water via pipeline extended along 39th Avenue Northeast.

The third component is the 1.5 million gallons per day interim waste water treatment plan at that utility site. The pipeline segment necessary to establish service to the Big Cypress Stewardship District will be complete this June, and the interim waste water treatment plan will be completed in December.

Just to note, this is already in motion regardless of what decisions are made by the Planning Commission or the Board, as far as this SRA. We are expanding into the northeast service area, pursuant to board direction, and in accordance with our bond obligations.

COMMISSIONER SHEA: Quick question. When you provide service, do you provide fire service, water hydrants to these developments, or just potable drinking water?

MR. FEY: Fire service is also included within the --

COMMISSIONER SHEA: These lines are huge to handle the fire service then?

MR. FEY: Yes, transmission mains of 16 inches or larger. So our portion of the work is the transmission system. We are not extending any utilities within the SRA's themselves.

We have one condition of approval, and that is the agreement to provide potable water, waste water and irrigation and water utility services is adopted concurrently with the SRA resolution.

The board previously approved an interlocal agreement for Rivergrass also for potable water, waste water and irrigation services. Under the pending interlocal agreement for Longwater, the land owners will construct all internal utility system infrastructure, including water and waste water transmission mains, of sufficient size to serve the future Bellmar (sic) Village.

CHAIRMAN FRYER: Commissioner Schmitt?

COMMISSIONER SCHMITT: I just wanted to wait until he was done. The only question I have, this is all -- the expansion has all been approved by the Board?

MR. FEY: Correct.

COMMISSIONER SCHMITT: Great.

MR. FEY: Also the landowners will convey a five acre site in the vicinity of the general services context zone. Go back, that's approximately down here at that southwest corner of the SRA (indicated). This replaces utility sites that was committed to us in the Rivergrass agreement.

Thirdly, the landowners will reserve water and waste water capacity equivalent to 350 equivalent residential connections through prepayment of impact fees, and that's for water and waste water.

The Big Cypress Stewardship District will construct the transmission mains between Rivergrass Village and Longwater Village and will reimburse the landowners for the cost of up-sizing certain transmission mains within Rivergrass Village, as needed to service the Longwater Village.

The Collier County Water Sewer District will reimburse the Big Cypress Stewardship District \$2.7 million for their cost in establishing service to Longwater Village. That concludes my presentation. If any further clarifications are needed, I'm happy to address those.

CHAIRMAN FRYER: Commissioner Fry?

COMMISSIONER FRY: Eric, you mentioned irrigation water facilities being provided as well. Is that the reclaimed water system that we have available in Collier County?

MR. FEY: That's correct, and I wanted to -- I'm glad you asked that question. I wanted to point out in response to earlier public speakers' comments about irrigation, you know, 80 percent -- if you look at the plant capacities that they've approved at the northeast utility facilities site, and our regional system waste water is typically 80 percent of what we need for water, and then 95 percent of that waste water is converted to irrigation quality water.

So per this agreement that's pending with this SRA, we will provide that irrigation quality water to Longwater Village. So that will be, again, returned to the water table aquifer in the form of irrigation.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Commissioner Shea?

COMMISSIONER SHEA: Help me understand. Why would the county pay the \$2.7 million? Why wouldn't Longwater pay that?

MR. FEY: Well, let's imagine that they didn't have their own special district, and it was just a regular part of the county, we would be constructing the transmission system to service the development.

So as part of our interlocal agreement through our negotiations, we are covering the transmission system costs and they are covering their development costs.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: And unlike of Ave Maria where there's no transmission cost at all, because the water plant is located, and it's privately owned and located right within the center of the SRA?

MR. FEY: That's correct.

COMMISSIONER KLUCIK: So that cost was avoided, that doesn't mean that was a

requirement, that is how that developer chose to develop that site?

MR. FEY: That's correct, and at the time that Ave Maria was developed, it was not within the boundary of the Collier County Water Sewer District, and when Joe Bellone does his presentation, we'll run through the timeline that includes that expansion.

COMMISSIONER KLUCIK: It is now though?

MR. FEY: It is bordering, yeah.

COMMISSIONER KLUCIK: I'm sorry. So Ave Maria, it's kind of a moot point, but is Ave Maria now within the Collier County Water District?

MR. KLATZKOW: The Collier County Water District is the entire county; however, we do have independent water districts within it, such as Ave Maria.

COMMISSIONER KLUCIK: Got it.

MR. KLATZKOW: So you can think of them like islands surrounded by us.

COMMISSIONER KLUCIK: Right. Okay. I guess I'm just trying to figure out, is it an apples to apples comparison, or at the time was Ave Maria somehow different than the land that we're seeing in this petition right before us?

MR. FEY: Ave Maria was different in the fact that it was not within the boundary of the water sewer district service area, so it was not an option to provide the water sewer district to provide service, and so that's why Ave Maria had to do their own utilities.

COMMISSIONER KLUCIK: Okay. So the comparisons, they're like all comparisons, it's not quite as spot on as a direct comparison. It was actually a different situation when that application came through?

MR. KLATZKOW: When that application came through, Ave Maria was the only user out there. At that point in time it would have been uneconomical for the county to actually start to put in production and draw lines all the way down to meet them. It just -- we didn't have the customer base to do that. Today it's much different out there.

COMMISSIONER KLUCIK: Thank you.

MR. FEY: You're welcome. Next, we'll have Transportation Manager Trinity Scott.

CHAIRMAN FRYER: Thank you.

MS. SCOTT: Good morning. Trinity Scott, Transportation Planning Manager, and Mr. Fey just reminded me how short I am. That microphone was way up here. Sorry. I digress.

Today we're going to talk about two different types of analysis that occurred, contrary to what you've been hearing, with regard to the petition, the Longwater Petition.

We required the applicant to produce accumulative analysis for the traffic impacts that looked a Rivergrass, while we're not here to talk about Rivergrass today, but Rivergrass, Bellmar and Longwater.

CHAIRMAN FRYER: Have we seen that?

MS. SCOTT: It's in your packet in the TIS, in Section 2 of the TIS with the intersections.

CHAIRMAN FRYER: Thank you.

MS. SCOTT: The Metropolitan Planning Organization is required by state and federal regulations to plan for growth, and in anticipation of the growth in the eastern part of Collier County, in 2015 the county embarked on the Oil Well Road Randall Study, which was an extension planning study that looked at corridor alternatives to accommodate this anticipated growth. The study identified what is shown on the screen as alternative network two plus. This was adopted by the Board of County Commissioners in 2019.

This network was adopted by the Board because it was best for enhancing the future roadway network, relieves interactions along Immokalee Road, and provides grid connections while maintaining context sensitivity to the residents of Golden Gate Estates.

The network was incorporated into the recently adopted 2045 Long Range Transportation Plan. The Long Range Transportation Plan, Cost Feasible Plan, covers fiscal year 2026 through 2045.

The MTS Cost Feasible Plan fully funds construction of the following roadways by 2045: Everglades Boulevard from Vanderbilt Beach Road to Randall Boulevard, Randall Boulevard from 8th

Street to Everglades Boulevard, and Everglades Boulevard from Randall Boulevard to Oil Well Road, all of which are either directly impacted segments or parallel relievers to other roadways, but were ultimately identified in the county's planning study to set the stage for what the transportation network would look like in the future.

There are other roadways in this area that are not fully funded for construction through 2045 that are included within the Long Range Transportation Plan as well.

The 2045 Long Range Transportation Plan must include revenues that are reasonably expected to be available. Historically, Collier County has not utilized ad valorem taxes for capacity improvements for transportation facilities.

You'll also note there is no sales tax referendum as these funds start in 2025 and go through 2045, and while the sales tax referendum was passed, there is no provisions to extend it without going back out.

So all of the improvements that I've shown on the prior slide are anticipated with transportation impact fees and fuel taxes, which are gas taxes that you pay at the pump per gallon when you're purchasing your fuel.

So going back to what we anticipate beginning in 2026 and completed by 2045, it doesn't take into consideration the improvements that are anticipated in the next five years, as shown in your current adopted annual update and inventory report.

The following improvements are fully funded for construction in the five-year capital improvement element: Vanderbilt Beach Road Extension from Collier Boulevard to 16th as well as -- that's Phase I.

Phase II also begins at 16th Street Northeast and goes to Everglades Boulevard, 16th Street Northeast from Golden Gate Boulevard to Randall Boulevard, there will be a new bridge over the canal that will connect Randall Boulevard to Golden Gate Boulevard, Randall Boulevard from Immokalee Road to 8th Street.

COMMISSIONER KLUCIK: How far down does 8th Street go?

MS. SCOTT: 8th Street is probably about a half a mile, and it is where we have an existing bridge that goes down to Golden Gate Boulevard.

So you'll see with the improvements that we have planned or committed, there are significant projects to implement the county's direction of alternative network two plus, that will go a long way in accommodating the future roadway network, relieves the intersections along Immokalee Road and provide grid connections while maintaining that context sensitivity to the residents of Golden Gate Estates.

COMMISSIONER KLUCIK: Can I ask a question?

MS. SCOTT: Uh-huh.

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: So these are at what stage? Are these definitely going to happen, regardless of, you know, whether these things are approved before us today, or are these being done anticipating -- I mean, are they needed now, or are they needed anticipating the future growth is going to happen in the RLSA?

MS. SCOTT: We are mandated to plan for unusual growth, in that there will be people that move to Collier County, and so we use the county interactive growth model to try to anticipate where that growth is going to occur; whether it's in this SRA, another SRA, another different village, we anticipate the bulk of our growth to be in the eastern part of Collier County, and so these improvements are identified to accommodate the population growth that we anticipate coming to Collier County.

COMMISSIONER KLUCIK: Thank you.

MS. SCOTT: So we require the applicant to do an analysis, a cumulative analysis of all of the villages. This represents the roadways that would be deficient without any projects -- without any of the SRA's, Rivergrass and Longwater or Bellmar, based on the background traffic. So these roadways were deemed deficient based on background traffic alone.

COMMISSIONER SCHMITT: Is that what you just showed us?

MS. SCOTT: No. Those were the improvements that were being made. These are the roadways that would be deficient based on no SRA's, but they would be deficient based on background traffic alone.

COMMISSIONER SCHMITT: Current situation?

MS. SCOTT: Current situation with anticipated growth.

COMMISSIONER SCHMITT: Got it.

MS. SCOTT: When determining an applicant's fair share analysis, fair share contribution, we must look to Florida Statute 163.3180 that states facilities determined to be deficient with existing, committed and vested trips, plus projected background traffic from any source other than the development, shall be removed from the proportionate share calculation, and that improvement necessary to correct that type of deficiency is the funding responsibility of the maintaining agency.

So if that road way is anticipated to be deficient, based on background traffic utilizing traffic models, any source of growth other than the development, it has to be removed from their proportionate share, so I can't charge them for that.

COMMISSIONER SHEA: How do you differentiate what's their development, and what is just some future development? Aren't they part of that future development?

MS. SCOTT: They would be in theory anticipated, because we are planning for growth in that area, but we have them look at just straight projections of what the growth rates would be based on our current adopted AUIR.

They run it out to what their build-out is, and we look at that with and without their project traffic. So when we add their project traffic on to that, if they were the cause to make the roadway become deficient, then they would be responsible for that.

COMMISSIONER SHEA: Isn't that the argument that's been proposed, is that you plan for what's there now, plus some growth, and that's really then, and now they're not paying their fair share of the growth you have built into your planning?

MS. SCOTT: At the end of the day it's a state statute. It's not whether I like it or whether you like it or whether the opposition likes it. It's the state statute that says they are not required to pay their proportionate share for anything that is deemed to be deficient without their project traffic.

CHAIRMAN FRYER: Commissioner Fry?

COMMISSIONER FRY: Trinity, how about a scenario where you plan to upgrade the roads to address the projected deficiency, but the developments as they go in they cause even more deficiency, so they need to be upgraded even further?

I'm just saying maybe going from two lanes to four lanes as part of addressing the deficiency, but their additional traffic requires you then to go six lanes, does that then involve them in a proportionate share calculation?

MS. SCOTT: Yes, it could, that was not the case on any of these roadways. Our committed improvements that we are anticipating fixed the deficiency and allowed sufficient capacity for them to come online.

COMMISSIONER FRY: Thank you.

MS. SCOTT: So as I discussed previously, we have several planned or committed improvements within the area. For deficient roadways, once again, an applicant will only be charged on impacts on such roadways if its development traffic causes the roadway, with the assumed improvements, to fail.

So once a transportation facility is deficient, the cost of correcting that deficiency is removed and needed improvements are assumed to be in place. My slides got out of order.

Once again while we're not here to talk about Rivergrass, we did require that they include it in their cumulative impact analysis, because many of the roadways are policy constrained, such as Golden Gate Boulevard from Wilson to Everglades.

The Board of County Commissioners have made a policy decision that that roadway would only be four lanes. It's a policy decision they made many years ago, as well as Oil Well Road from

Immokalee Road to Everglades. It's necessary to look at parallel roadways to determine if sufficient capacity is available, based on plan and committed improvements.

COMMISSIONER KLUCIK: Which road for policy decision was limited?

MS. SCOTT: Oil Well Road between Immokalee and Everglades will remain four lanes, as well as Golden Gate Boulevard from Wilson to Everglades.

COMMISSIONER KLUCIK: Thank you, and your reason for the preface, that means you have to find a parallel path because it's not going to get wider on those?

MS. SCOTT: Exactly.

COMMISSIONER KLUCIK: Where is that going to be?

MS. SCOTT: So we look at those parallel roadways to determine if there is sufficient capacity, and when we look at those parallel roadways, roadways such as Pine Ridge Road from Collier County Boulevard to Logan, which relieves Vanderbilt Road, from Logan to Collier Boulevard, and Immokalee Road from Logan to Collier Boulevard, a new parallel facility is Vanderbilt Beach Road Extension which relieves Golden Gate Boulevard from Wilson -- Golden Gate Boulevard, Wilson Boulevard to Everglades Boulevard, as well as Randall Boulevard from Immokalee Road to Everglades, and Vanderbilt Beach Road from Wilson to Everglades, which will relieve Oil Well Road from Immokalee to Everglades.

So when you take into consideration deficient roadways that are deficient only on background traffic, the parallel improvements for the cumulative of all three villages together, you come down to three road -- I'm sorry -- four roadways.

COMMISSIONER KLUCIK: So just before you move on stay -- can you stay on that slide? You're striking all of those because parallel arteries or parallel streets are going to make it so we have the capacity that it says there is not capacity?

MS. SCOTT: Yes.

COMMISSIONER KLUCIK: Right now it says yes, we don't have capacity, that's what the yes means; right? There won't be enough capacity because of this village?

MS. SCOTT: Yes means that it is deficient in part due to the village traffic.

COMMISSIONER KLUCIK: And the reason you're crossing them off is because there are parallel streets that will be in place that have to be put in place anyways, that will make it so these yes's are not accurate anymore, because the capacity needed can move -- shift to these other roads?

MS. SCOTT: There can be diversion of traffic from one road to another road that would result in enough capacity to facilitate the SRA's.

COMMISSIONER KLUCIK: And then this methodology is your standard methodology; you would be doing this for any project?

MS. SCOTT: Yes.

COMMISSIONER KLUCIK: Sifting through and deleting like you're saying?

MS. SCOTT: Yes.

COMMISSIONER KLUCIK: You're just walking us through it?

MS. SCOTT: Yes.

COMMISSIONER KLUCIK: Thank you.

MS. SCOTT: So when we come down to it, there would be four roadways that the -- for the cumulative analysis that a proportionate share could be calculated based on. I go back to that state statute that's 163.3180 that states the applicant must receive a credit for the anticipated road impact fees. So their proportional share must exceed the amount of money that they would pay in their road impact fees.

The anticipated road impact fees for Rivergrass, Longwater and Bellmar are shown on the screen, \$53.6 million approximately. The proportionate share is significantly less. Therefore, no proportionate share would be necessary. Let me go into the Longwater specific analysis.

COMMISSIONER KLUCIK: So that balance there --

MS. SCOTT: Or non? It's not to scale.

COMMISSIONER KLUCIK: Right, the scale. The scale is saying that not only -- I mean, I'm

just trying to compare this to what I've been hearing during these proceedings from other people, not only is it not short, as far as what the developer is going to be contributing towards roads through impact fees, but it actually is excessive?

MS. SCOTT: The legally -- the legal amount that the county could charge from a proportionate share is not exceeded by the amount of road impact fees that are anticipated from the development.

COMMISSIONER KLUCIK: And did I hear you say that, therefore, they would be entitled to money back?

MS. SCOTT: No, they would pay their road impact fees.

COMMISSIONER KLUCIK: Okay. Got it.

MS. SCOTT: So with regard to Longwater specifically, based on Policy 5.1 of the transportation element, first I'm going to go over to the capital improvement element that allows the applicant to look at projects that are identified in years three, four, and five of our capital improvement element for consistency purposes.

So the following improvements that we went through previously are included in the capital improvement elements. This is just the map that shows them. You see there are extensive improvements within the area.

The following roadways are anticipated to exceed the adopted level of service in 2030, which is the build-out for Longwater without the project: Randall Boulevard from 8th Street to Everglades, Immokalee Road Wilson to Randall, and Immokalee Road from Randall to Oil Well Road. The following roadways are anticipated to exceed the adopted level of service in 2030 with the project traffic: Randall Boulevard, 8th to Everglades, Immokalee Road, Wilson and Randall, Immokalee Road, Randall to Oil Well, and a new one, Randall Boulevard from Everglades Boulevard to Desoto Boulevard.

So in comparing the roadways on the top to the bottom, the roadway at the bottom would be the only roadway that would be eligible for us to calculate a proportionate share, because the other roadways are deficient based on background traffic.

CHAIRMAN FRYER: Commissioner Shea?

COMMISSIONER SHEA: Define background traffic. I keep going back to what you said earlier, background traffic plus reasonable foreseeable growth; that's what I'm hung up on. What is that number, that foreseeable reasonable growth, because you're really planning for these developments?

MS. SCOTT: It is existing, committed and vested trips, plus projected background trips from any source other than the development. So when we are calculating out our growth, when we are planning for the new population, we are looking at that in generalities of what we anticipate that growth to be in eastern Collier County and southern Collier County off of U.S. 41, for the most part, with regard to our Long Range Transportation Plan.

So I am not getting to the level of detail of is it this development or that development. I am looking at -- I am planning to have over 500,000 people here by 2045. Where do we anticipate that growth in coordination with the Collier County interactive growth model, and what network do we need to be available to us?

COMMISSIONER SHEA: So how do you get to fiscal neutrality ever, if you're planning for some big number at the county's expense and the developers don't fall into that big number because -- because of the way the law is written that you have to -- it just seems like the county is funding all of the big transportation jobs in anticipation of growth and --

MS. SCOTT: Remember when I went back to the Long Range Transportation Plan, the bulk of the funding that we're utilizing for transportation improvements are impact fees that come from developers, and fuel taxes that are coming from the users of the system.

MR. KLATZKOW: Do you also get grants?

MS. SCOTT: We do get grants.

COMMISSIONER SHEA: When we get back to that scale issue, to me proportionate share, to me neutrality is about cost versus what you get in return. So that scale didn't mean anything to me, that was just how are the -- the impact fees should be related to the costs that is there --

MS. SCOTT: Amy will get into with regard with fiscal neutrality, but what I'm presenting to you today is what I can legally charge someone based on the Florida statutes, which is what we all must follow.

I don't have a choice whether I want to follow it or not. I must follow that, and so I cannot say that I want to charge this developer more money because I just want to.

COMMISSIONER SHEA: Well, I'm not suggesting that.

MS. SCOTT: I know.

COMMISSIONER SHEA: I'm suggesting the other way around, that you want to charge this developer more because that's what it's costing us.

MR. KLATZKOW: Yes, but the Board of County Commissioners places limits on us, and Amy will get into this more, but we do not charge the full impact fees that we can, that's a policy decision.

COMMISSIONER SHEA: Okay. We always say we have high impact fees, to me, neutrality is something separate that's -- impact fees are just a way of funding what's going on.

MR. KLATZKOW: Well, no, if a developer is supposed to be fiscally neutral, but you lower impact fees to what you really need to be, then you're giggling the game. How can it be fiscally neutral? If you really want to be fiscally neutral, you would set your impacts fees, all the impact fees as high as legally possible.

COMMISSIONER SHEA: Uh-huh.

MR. KLATZKOW: But we don't do that.

COMMISSIONER SHEA: But I guess my argument is exactly that, is fiscal neutrality versus impact fees if you're -- just because we have the highest impact fees in the state, doesn't mean we're actually collecting what we should be collecting for the infrastructure we're providing.

We're just limited because we have high numbers. I know Amy is going to get into that.

MR. KLATZKOW: Yeah, it's a Board policy.

MS. SCOTT: Amy will get into the fiscal neutrality piece, if I need to come back and speak about it.

CHAIRMAN FRYER: Let me, if I may, follow up on Commissioner's Shea's question, but I'm confused a bit as well. The statute that has been mentioned and quoted, 163.3180, it refers to the traffic of the development being taken out of the equation?

MS. SCOTT: Yes.

CHAIRMAN FRYER: So in this case we're looking at each individual village as opposed to the aggregate traffic of the affiliated villages?

MS. SCOTT: In this particular scenario we are looking at individual Longwater. However, in the prior slides we looked at the cumulative impact of the three villages, Rivergrass, Longwater and Bellmar, based on a build-out date of 2034, which is the build-out date in the Bellmar TIS.

CHAIRMAN FRYER: Another, a final question, we're going to have a hard break in four minutes for lunch, and this I believe ought to be directed to the county attorney, if I may, sir. The Statute 163.3180 has been construed by staff. My question respectfully, sir, is their interpretation of that statute the same as yours? Is yours the same as theirs?

MR. KLATZKOW: I have had discussions with staff on that statute ever since it was enacted, so we are in complete sync on it.

CHAIRMAN FRYER: You are in complete sync. Thank you. Okay. Three minutes, if you can, and then you can come back after lunch.

MS. SCOTT: I should be finished by then.

CHAIRMAN FRYER: I'm sorry. Commissioner Fry was in the cue, go ahead.

COMMISSIONER FRY: I just think these are important questions that Commissioner Shea brought up, and that is addressing also, I guess what I'm taking away from this conversation, is that you are projecting growth, and you are saying that the county has responsibility for the general growth, not down to specific community or development level, but that impact fees are estimated for all that growth, and they are factored into the equation, so that you're really only going back for a proportionate share to a

development for their unique addition to what's projected, does that make any sense?

MS. SCOTT: We are only going back for a proportionate share on anything that would fail only with them.

COMMISSIONER FRY: Okay.

MS. SCOTT: And we showed that there are certain roadways that would become deficient based on their project traffic alone, both cumulatively and individually.

COMMISSIONER FRY: But otherwise the impact fees in general are intended to kind of handle the burdens that the county takes on in supporting the traffic system?

MS. SCOTT: We utilize mainly impact fees and our gas taxes, our fuel taxes for capacity improvements. So the applicant calculated the proportionate share, it's in the traffic impact statement for the remaining roadways.

We looked at those numbers and felt that they were adequate, and so the calculated legal proportionate share that we would be able to charge the developer would be \$700,000 compared to the \$17.7 million of anticipated road impact fees. We also looked at operational mitigation per the --

COMMISSIONER KLUCIK: Can you just go back to the balance there and explain the significance of it? Can I guess?

MS. SCOTT: The proportionate share is significantly less than the anticipated road impact fees that we collect.

COMMISSIONER KLUCIK: So they're going to pay \$17.7 million, therefore, it would -- it's not authorized to try to collect the 700?

MS. SCOTT: Correct. It would have to exceed \$17.7 million in order for us to collect additional.

CHAIRMAN FRYER: Ladies and gentlemen, I'm going to call for our luncheon recess at this time, and also it's been requested from a person on this side of the dais that we go for a full hour for lunch today, and so without objection from the Planning Commission, we will do that as well. So we will be in recess until 1 p.m.

(A luncheon recess was had from 11:59 a.m. until 1:00 p.m., and the proceedings continued as follows:)

CHAIRMAN FRYER: We will now reconvene. First a housekeeping announcement. We have three matters today that need to be heard today for various legal reasons, and we're going to hear them in this order, first the communications tower, then NC Square and Immokalee BCHD, and we are going to go to those as soon as Ms. Scott finishes her presentation, and then when we finish with these others, we'll come back to staff.

So without -- we've got a quorum, but just barely, so please continue, Ms. Scott.

MS. SCOTT: Thank you. Once again, good afternoon, Trinity Scott, Transportation Planning Manager. So where I left off was talking about our operational mitigation. Our traffic impact statement guidelines adopted in 2006 allow for different types of mitigation for operational impacts.

However, in 2015 a new state statute was adopted that this a, quote, prohibited exaction means any condition imposed by a governmental entity on a property owner's proposed use of real property that lacks an essential nexus to a legitimate public purpose and is not roughly proportionate to the impacts of the proposed use that the government entity seeks to avoid, minimize or mitigate. This is applicable not only to operational improvements, but to capacity improvements as well. For the purpose of my discussion about them today, from a staff perspective, we looked at fair share mitigation for the operational improvements, which means the applicant would pay their fair share of mitigation of all needed improvements to bring the intersection to acceptable levels of standard.

Operational impacts are typically not impact fee creditable, so the applicant calculated their fair share mitigation for operational impacts which resulted in the applicant being required to pay \$622,000.

That leads right in to our first condition of approval. Within 90 days of the approval of the first development order, the applicant must pay \$622,000 to fulfill their fair share of mitigation for operational impacts that's supported by the applicant's TIS.

In addition, the developer shall be required to improve 18th Avenue Northeast from the project entrance to Desoto Boulevard to a minimum two-lane undivided rural roadway consistent with the Florida Green Book Instruction Standards. These improvements will not be impact-fee eligible, road impact fee eligible. The final item of note is that the school sites that are identified have not been evaluated for transportation impacts as part of this request. We will evaluate those at the time of our school board review, and that in the commitment it states that Collier County Public Schools is responsible for the road improvements necessary for both of those school sites.

And with that, that concludes my -- I'm sorry -- I just come back to the proportionate share for capacity improvements calculated based on state statute would be \$700,000. We anticipate \$17.7 million of road impact fees for the Longwater development.

Transportation planning staff has found the petition consistent and is recommending approval, and with that, I would have turned it over to Ms. Patterson, but I believe you're going to go on to different items.

CHAIRMAN FRYER: Thank you, Ms. Scott. Yeah. Any questions or comments for Ms. Scott? Hands down. All right. Thank you, ma'am.

All right. I'm going to call on Counsel for the Benton Road Communications Tower, Ms. Jahn, and we will hear that first. All those wishing to testify in this matter -- well, let me please identify it further. It's PL20180002327, it's the Benton Road Communications Tower CU, and all those wishing to testify in this matter, please, rise to be sworn in by the court reporter.

(The speakers were duly sworn.)

CHAIRMAN FRYER: Thank you very much. Disclosures from the Planning Commission. We'll start with Commissioner Shea, please.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER FRY: Staff materials, public record.

CHAIRMAN FRYER: Thank you. In my case it's the documents of public records, as well as communications with staff, and that is it. Thank you.

COMMISSIONER HOMIAK: I had nothing.

COMMISSIONER SCHMITT: Staff material only.

COMMISSIONER VERNON: Communication with staff.

COMMISSIONER KLUCIK: Staff only.

CHAIRMAN FRYER: Thank you. Ms. Jahn, you may proceed.

MS. JAHN: Good afternoon. I'm Mattaniah Jahn, 935 Main Street, Suite D1, Safety Harbor, Florida 34695, on behalf of Capital Telecom Holdings, LLC and Verizon. I have taken an oath. I have Lewis Publeese (phonetic) in person with me. I also have Pavitra Jaiswal virtually available for testimony from Verizon should you have questions about the RS means.

I also have Kelly Shanahan with RPM Engineering available virtually, should there be any questions regarding a nearby tower that is owned by Alpine Communications.

Just as a matter of housekeeping before we proceed since I have two virtual witnesses, would the board be -- or would the commission be willing to allow them to present remotely? Mr. Shanahan is in Boston. He is under COVID restrictions.

Ms. Jaiswal is on the east coast of Florida, but she has reverse quarantine requirements to protect persons in her dwelling.

CHAIRMAN FRYER: Thank you. Before I ask the Planning Commission, you prompted me to amend my disclosure. You and I, Ms. Jahn, we had an exchange of e-mails. So with that, I'm inclined to be very liberal in times such as these, unless someone else isn't. So it is the consensus of the Planning Commission that they may participate remotely.

MS. JAHN: All right. Moving on to my request summary and design. I do have a PowerPoint presentation. Let me get that pulled up. I apologize. I thought this had been preloaded on to the computer. It looks like I may have to transfer it over from a thumb drive.

COMMISSIONER SCHMITT: Staff to the rescue.

MS. JAHN: All right. I come before you today with staff recommendation of approval for a conditional use to allow a 220 foot AGL ground guide style communication tower on Parcel 32634720009. The parent parcel is vegetated acreage off of Benton Road.

I'm going to be showing you a series of aerials. In all of these aerials, up is north. The green marker is the proposed guide tower, and then you'll see a green box and a blue box. The green box are parcels owned by our landlord that involve the project.

There is a parent parcel that the project is on and then two parcels that the driveway goes over, and then there is a blue box below that of additional land owned by the landlord. This just helps to show the area that this is in. You can see this is on the western end of Benton Road. To the east is the Rural Estates. To the north is Woodland Estates, and further north is the Frangipani Agricultural Community, and then the Rural Estates are north of that.

Now we're zooming in on the Benton Road area itself. Again, we're down at the western end of Benton Road, and actually down off of Benton Road Extension, that is the local name for that north/south portion of Benton Road as you see it extend and make a right-hand -- or a left-hand turn.

This is a closer view of the parcel. So the parcel that we are on is vegetated acreage. The area itself has palmetto -- has palmetto cabbage palms throughout it, and as you proceed east on Benton Road, that transitions to pine canopy as you get toward Lamb's Lane.

To the north is a single-family house, then Benton Road, and then one more single-family house. To the south is a driveway with -- a driveway heading to a single-family house that's off to the southeast, if you can see my mouse here.

To the east is vegetated acreage, then you have two single-family houses, one to the northeast, and one to the southeast. To the west are Benton Road Extension and then vegetated acreage, and as I stated the mature cabbage palms throughout the area, and it transitions to Pine canopy as you proceed east.

The parent parcel is zoned agricultural with mobile home overlay, the future land designation is North Belle Meade. This is in the RFMUD Sending District Overlay. Development rights have not been severed from this parcel.

The site is a little bit different than many towers in agricultural zoning in your county. Normally, we would be permitted as of right so long as we meet all of the design standards, and when we are in agricultural zoning.

However, since we are in the overlay, we are required to obtain a conditional use for this project. So it is the environmental -- it is the environmental overlay that triggers the conditional use in this instance, instead of the planned environment.

The guide tower is located near the southwest portion of the lot that it is on. You can see that in this aerial. I'm now switching over to Sheet A1 from the plans, and this just shows what the aerial is showing before, except with the plan line works overlay. So when you look at this again, up is north. You will see a hatched area on our parent parcel, that is a native vegetation preserve that meets the 90 percent preservation ratio required.

This partial did not have any type of a managed preserve on it -- or has not had any type of managed preserve on it in the past.

The tower is located in the southwest corner surrounded by its equipment compound, and then you can see a circle around there. That is the fall zone radius that this tower is designed for. In the unlikely event of a structural failure, the tower will not collapse, but rather it will fold over upon itself at the pre-engineered crimp point.

This is Sheet C1. It is the line work that you saw overlaid on the aerial, just on the plan sheet to help make it clearer. It's a little bit easier to see the compound and the driveway that extends east and goes north avoiding Benton Road Extension.

I'm now showing you a Google Earth map that just shows a rough residential separation aerial. Your code requires a 50 percent tower height separation from all lot lines in the agricultural district, regardless of what's on the neighboring parcels.

In other parts of your code if we were going up against -- if we were being placed near a parcel that allows a density of six residential units per acre or greater, we would have a two and a half times tower height separation; that's the strictest -- that is the most strict separation requirement under your code, and this tower as designed exceeds even that separation, which does not apply in this instance.

So when you look at the distance of the nearest residential structure to the north is 1,056 feet or 4.8 times tower height. To the northeast is 1,038 feet or 4.7 times tower height. To the southeast is 710 feet or 3.2 times tower height. To the south is 851 feet or 3.8 times tower height. To the southwest is 857 feet or 3.9 times tower height. So from a design standpoint, we exceed the objective design requirements of your code.

Moving into RF need. The guide tower is designed for Verizon as the anchor tenant. They are replacing their deployment on a nearby tower approximately one-third of a mile to the northeast that is owned by Alpine Towers.

Verizon will be coming off that tower, and onto the new tower that is built to modern specifications. Verizon -- the tower will also be designed to collocate up to four carriers total.

I'm showing you Sheet C3 from the plans that are on file, and in this it just shows the tower's designed to collocate up to four carriers. It also shows that Verizon will be the carrier at the top.

The tower is a little bit unusual, in that it has two additional service providers that have requested to collocate. Normally I come into zoning with just an anchor tenant. In this instance you also have in the record a Letter of Intent and RF package from AT&T. They will be establishing new coverage in the area, and also a Letter of Intent from Altius Broadband. They are establishing wireless internet service in the area. Capital is making the remaining space on the tower available at market rates.

The height of this tower is driven by Verizon's needs to replicate the height of their current deployment on the Alpine Towers. This is the minimum height necessary to meet Verizon's RF need. AT&T and Altius will be collocated at lower heights on the guide tower.

This is Sheet C2 from the plan set, and this just shows the equipment compound at the base. It will be enclosed by your code-required concrete wall, and also the -- it will have the code-required landscape buffer, but the main reason I'm showing this to you is to show that the equipment area at the base is provisioned for collocation as well.

Now, one of the things that I often say about modern communication towers is that they serve a dual role. They fill in gaps in coverage in between other towers. These are normally what an engineer might call a densification tower, or what someone who is more of a land-use nerd like me might call an urban infill tower, and they also removed capacity strength from neighboring towers that are currently trying to serve in the area.

This tower is actually a little more fundamental than that because it's a backbone tower, meaning, that given the spacing of the towers in the area, which is what I'm showing you with this area, it's not really filling in gaps between towers. It's providing coverage to an area to begin with.

One thing to keep in mind, though, about the capacity aspect, is that a lack of capacity can rise to a prohibition -- or can arise to a significant gap in coverage under the FCC's interpretations of the Telecom Act.

They stated that in FCC Ordinance 18-133, Pages 17 through 19, Paragraph 37 through 40, and the thought process is that as the tower -- since towers are like roads, they only have so much capacity on them, and as they fill up, they become dysfunctional.

You may have excellent coverage, but you don't have capacity to serve you, then you functionally don't have coverage. That goes back part -- that goes back to Verizon's need. They're trying to modernize their deployment.

Basically they're going to be doubling the number of antennas in the deployment and they're going to be using modern antennas that have higher traffic capacity that will allow them to serve more users in the area.

So in this map of the area, up is north. The yellow dot is the proposed guide tower. There is a red dot off to the southwest, that is the one tower identified on this map that Verizon is not collocated on

down near Alligator Alley several miles away, and then you'll see five blue dots in the area, and those are all towers that Verizon is collocated on, and these are very spread out by the standards of a network that is trying to serve a suburban area that is fairly densely developed.

The tower that is labeled B immediately to our northwest, you can see it on this slide, is the Alpine tower that they will -- that Verizon is attempting to replace.

COMMISSIONER SCHMITT: Is that tower coming down?

UNIDENTIFIED SPEAKER: No.

MS. JAHN: No, the tower will not be coming down. What's going on is the existing tower lacks the structural capacity for Verizon's new deployment. It has other users including a radio station, and so those users stay on the existing tower.

UNIDENTIFIED SPEAKER: That's not true.

MS. JAHN: Verizon is co -- so from this map Verizon is collocated to the northwest, the southeast and southwest. There are no other towers in the area, except for the one tower that's identified on Alligator Alley, and that one is too far away to replicate the coverage that is currently provided on the Alpine tower. It's also too close to an existing Verizon installation.

If you place towers too close to each other, they will interfere with each other if they're on the same network. So if you put two Verizon towers next to each other, since they broadcast on the same channel, they would interfere with each other.

Moving on to the current -- the existing coverage that is in the area -- and I apologize. There's a scrivener's error on this map. They mislabeled the red and green. They reversed it. The green is reliable coverage and red is unreliable coverage.

We will be submitting a revised RF package following this hearing so that way staff has a chance to review it prior to this going to the Board of Adjustment. This area of service serves -- this tower serves an area centering on Benton Road and extending north to 2nd Avenue Southeast, south to Alligator Alley, east past Everglades Boulevard and west to Tobias Street. It provides coverage for the Benton Road area, Woodlands Estates, Frangipani Agricultural Community, a small portion -- a portion of the Rural Estates to the north and the east, you can see that past the canal, and then also Alligator Alley.

One thing to keep in mind is that as this deployment falls further behind the network, your hand-off towers to the northwest and the southeast have to pick up the stress or pick up the traffic strain. So replacing this tower also removes capacity strength from those two towers.

This is a map showing the area without coverage from the Alpine tower. This is just to illustrate the area that is served by this deployment, and it is very large, and then here is the after coverage showing that the coverage that is currently being provided on the Alpine tower is replicated on the guide tower.

This is just an informational slide to explain why towers are the heights that they are. Vegetation, so trees in the area, and buildings scatter cell signals. So the tower has to be tall enough to be above all of that vegetation and obtain a line of sight to the cell phones, especially given that this tower is serving such a large area that drives the height in this instance.

And this is just the search range that Verizon gave Capital Telecom when they were trying to obtain a site for an alternate tower. You can see it is relatively generous by search range standards. It's a half mile, but it doesn't allow for a lot of movement out of the area.

I am now showing a Letter of Intent from AT&T. They will be a collocator on this tower at 200 feet above ground level. They are establishing new coverage in the area. So this is the coverage that they currently have in the area, and their objective is to establish reliable indoor and reliable outdoor coverage, which is shown as green and yellow on this map.

Red and the pink or magenta that's shown on this map is unreliable coverage, and, mainly, you can see the areas that are populated are impacted largely by red coverage. The blue dot in the middle is Capital's proposed guide tower.

Here is the after coverage. This shows reliable coverage throughout the Benton Road area, and reliable indoor coverage up into the Woodland Estates area and reliable indoor and outdoor coverage in the Frangipani Agricultural Community and improvements in coverage in the Rural Estates.

COMMISSIONER FRY: Ms. Jahn?

MS. JAHN: Yes.

COMMISSIONER FRY: Was the previous graphic even with the existing tower in operation?

MS. JAHN: So AT&T is currently not collocated on the existing tower, and the collocation --

COMMISSIONER FRY: So this is AT&T?

MS. JAHN: Correct.

COMMISSIONER FRY: Okay.

MS. JAHN: So I showed a series of red and green maps. Those were Verizon's coverage. These red, yellow and green maps are AT&T's coverage, and I apologize for any lack of clarity in my presentation.

Next is the Letter of Intent from Altius. They are a broad brand internet company. They're not a cellular provider. They provide the type of internet service you would receive in your home or a building that you have.

Moving on to neighbor interactions. We held two community meetings, one in July of 2019 and one in November 2020. Both are described in your staff report, and you have the trans -- the summaries and the audio recordings available.

The highlights from the July 2019 community meeting are that the -- we had neighbors and staff members from Alpine attending that NIM.

The Alpine staffers who attended stated that their tower has plenty of structural capacity for updated Verizon deployments and future deployments, and, unfortunately, once that was said, the guide tower was viewed as unnecessary by the neighbors, and we have had -- and that has informed a lot of the interactions since then.

There are other things going on, especially with the maintenance of Benton Road. I'll be getting into that shortly.

One of the things that was very prevalent in the first NIM is that the neighbors were concerned about Benton Road, especially Benton Road Extension, so that's that western portion that goes north and south right next to our tower. You'll notice that we have a driveway that doesn't wrap to that extension, but instead goes east and up to the main portion of Benton Road.

In between the two NIM's, the first NIM and the second NIM, Capital rerouted the driveway east creating a much longer driveway that goes over neighboring parcels that are owned by the landlord to avoid Benton Road Extension.

They held -- we held a second NIM on November 2020. We had neighbors who attended and more Alpine staff members. Again, Alpine maintained that their tower has plenty of structural capacity on it.

The neighbors were concerned about Benton Road maintenance, environmental impacts of the guide tower and RF emissions. I will draw your attention at this time to the Telecom Act of 1996, and remind you that the act prohibits local jurisdictions from denying communication tower applications based upon environmental effects of RF emissions, and I would respectfully submit that any testimony or evidence that may be put into the record on RF emissions is not properly before you for adjudication. If you would like a copy of the Telecom Act, I do have it on hand. Next moving on --

CHAIRMAN FRYER: Ms. Jahn, I'm sorry to interrupt. So what you're saying is that under the Telecom Act environmental matters having to do with RF emissions are not to be considered, but other environmental matters may?

MS. JAHN: Correct. So if there were wetland impacts from the tower, those could be considered.

CHAIRMAN FRYER: Thank you.

MS. JAHN: Alpine filed an objection letter, and you'll see that in the file. It has a mistake of parcel in it. They were identifying a Monroe parcel, which is a parcel located to our southeast.

So some of the concerns drop out there, but the main takeaway from that letter were that Alpine did not feel that they had been contacted for collocation by Verizon. They were concerned about RF

interference from the guide tower, and they also believe that the parent parcel lacks legal access rights to a public road.

As far as collocation on the Alpine tower, Verizon is currently in a landlord/tenant relationship with Alpine, and, unfortunately, I'm not privy to the lease itself. I would not be able to discuss it, if I were, but Verizon seeks collocations before embarking on zoning, because it's a much quicker way to get on air, and keep the customers happy, which is their goal at the end of the day, is to provide reliable service to their customers. Happy customers is a solid business model. Instead, they are supporting a tower they do not own, and they have been supporting it for two and a half years, and I think that says something.

The other thing to keep in mind is that you have a structural analysis signed and sealed by a Florida licensed engineer. It's been in the record since we submitted back in 2018, showing that the tower, that the Alpine tower as designed, even removing the existing Verizon collocation, once you replaced it with a new one, failed from a -- structurally failed from a code standpoint.

That structural analysis has been verified by a third party engineer who has also provided a signed and sealed letter, basically saying that the math checks out.

RF interference, there is an AM Screen Report in the file showing there is no interference AM broadcast signals, but more importantly Verizon provided a noninterference letter, which touches upon their methodologies and protections for preventing interference, and what that letter basically says is that before Verizon builds a tower, they have to perform studies to make sure that there wouldn't be interference. Not only that, the FCC requires them to maintain their facilities so they do not interfere with other radio broadcasters in the area; otherwise, they could lose their license.

If you have additional questions on that, Ms. Jaiswal is available via CMT to testify on that.

Finally, parent parcel access rights. This is a map of -- I'm going to collectively call it Benton Road, but the access route consists of a portion of Woodland Estates Road from -- to the east from the canal up to Benton Road, then Benton Road all the way west past our parcel to the extension.

The line work doesn't show it, but there's additional right-of-way in this corner, and then we have Benton Road extending -- Benton Road Extension extending south.

Wherever you see a hatched line, that is an easement that has a grant of access to the general public. So as you can see, this is continuous. When Capital first approached this project, there were actually two breaks in those easements, and those breaks exist for everybody who is on the west end of the road. So if you own or operate any of these parcels past here (indicating), you do not have legal access as they filed it.

Capital actually obtained easements for both of those breaks in the road, and has legal access rights all the way back to the canal.

One thing I would like to point out is at the first NIM, Capital had the shorter driveway. They extended west to Benton Road Extension, you can see that in blue, and in between, they rerouted that driveway east, and the thought process is that, unfortunately, they can't give the neighbors everything that they want, but they can at least try to be neighborly by adjusting their design where they can, and one of the things they could do is put in this much longer driveway, which also involves more storm water systems, et cetera, to avoid the portion of Benton Road that neighbors were highly concerned about. So now the access rights extend continuously from the canal all the way to Capital's compound.

Next, you may have noticed some letters and e-mails from a Dan McMahon. He is a property owner who is located over a mile and a tenth to the northwest. He had several concerns. The two main concerns that I deduced from talking with him were controlled burns in the Preserve Management Plan on our parcel.

Unfortunately, Mr. McMahon's life has been interrupted by wildfires in the areas and he and his family -- he and his wife were concerned that controlled burns on the Capital property could lead to another wildfire.

Then the other concern was maintenance of the Woodlands Estates portion of the road, that is that portion along to the canal to the east.

Capital removed the controlled burn tool from the Preserve Management Plan, so that's one of your most efficient tools for removing invasive exotics from the preserve, which is a requirement that continues on, that Capital has to maintain the preserve free from invasive exotics.

They're just going to have to do it through less efficient ways than controlled burns. They are committing on the record that they would not engage in controlled burns on the property.

As far as maintenance along the road, I will be getting into that shortly when I discuss our interactions with Mr. and Mrs. Alvarez. If you read the summary or listened to the audio recording from the second NIM, you'll notice that a Mr. and Mrs. Alvarez participated and were concerned about maintenance of Benton Road.

From our -- from our dialogues with the neighbors and from our research it appears that the Alvarez's are the persons who spearhead maintenance of the Benton Road. We actually have met with them and discussed the maintenance of the road with them.

Unfortunately, their grader was damaged in the wildfires in 2019 and Capital is going to be assisting, is going to be repairing the grader. It needs new tires and wheel bearings, and also participating in ongoing maintenance through them on a recurring basis.

The other thing that they are going to be doing is when they complete construction, they will be placing gravel on the road in areas where there is ruts to help get the road caught up with itself, since it was behind on maintenance.

Finally, should their contractor cause any damage to the road from the construction activities, or any contractors in the future through any type of maintenance over the course of the tower's lifespan, they will have that contractor grade the entire length of the road.

Moving on to housekeeping, we have an FFA determination no hazard to air navigation. This tower will be equipped with red lighting, but it will be pointed upwards toward the airplanes, and will be the minimum lighting necessary to meet the FFA safety regulations, and it will be red lighting not white lighting. There's also a listed species survey for the parcel, showing no impact to native species.

I would remind you this parcel, which is currently unmanaged, is going to be brought under a Preserve Management Plan.

Now moving into the conditional use elements, consistency with the Land Development Code and Growth Management Plan. Communication towers are allowed in the RFMUD sending lands as an essential service because cellular service provides 911 service. This tower will maintain an improved coverage for Verizon, and provide new coverage for AT&T.

It meets all the objective requirements of your Land Development Code for tower design and placement. And I would remind you that normally when we are in agricultural zoning, a tower like this is permitted as of right. I would also remind you of our discussion earlier showing that the guide tower exceeds the design standards for communication towers in your county.

Ingress and egress, we just discussed the legal access along the Benton Road area, and I showed you there's legal access all the way to the -- all the way to the compound.

I would also draw your attention to the current vested traffic usage that is on the parcel right now. You can build a variety of uses on the property, even though it's sending lands, including a single-family home.

So think about the trips that a single-family home can generate, let's say it's at least one trip per month, and I believe I'm being a bit conservative there and understating it -- or one trip per day, my apologies, that's 30 trips per month.

The guide tower will typically be serviced by one trip per carrier per month, typically in a pickup-truck-sized vehicle. Given the preserve that will be placed on the property, the only thing that could be built on this five-acre parcel is the guide tower, there is no room to put anything else like a single-family home. So by approving this you are functionally reducing the vested traffic usage of this parcel from at least 30 trips per month down to four.

Noise, odor, glare and economic impact, the guide tower will not generate noise, odor -- noise, glare or odor. If there are any generators placed in the equipment compound, they will comply with the

Collier County Noise Ordinance and federal emission standards.

You heard our quick discussion on lighting. It will be red upward-pointing in the minimum needed to meet FFA safety requirements. The guide tower will be a dull gray finish during the day, helping it to blend better with the background.

I also respectfully submit that the guide tower will have a positive economic impact on the Benton Road area, Woodlands Estates area, Frangipani Agricultural Community and the Rural Estates, because they will maintain and improve coverage capacity and compatibility for Verizon, and provides new coverage for AT&T, as well as providing wireless broad band service in the area. One of the -- one of the main policies, goals, from the FCC currently is rural connectivity, and I would respectfully submit that this tower is basically a case study on what rural connectivity looks like.

We're very fortunate in that they were able to provide us -- provide space to what appears to be pent-up need to provide service in the area.

Last -- next I'd like to show you the 911 call specifics. In fiscal year 2017-2018, 80 percent of all 911 calls received by the Collier County Sheriff's Office came from wireless numbers. What that shows is that reliable wireless coverage is no longer a luxury, it is a necessity.

Your fourth factor for conditional uses is compatibility with adjacent property. You heard that under the LDC this tower will typically be permitted as of right. I respectfully submit we are compatible from a zoning and planning perspective.

I also respectfully submit that we further that compatibility by exceeding your design standards under the code. Please keep in mind that vegetation exists throughout the area helping to provide additional buffering. From an environment perspective we have a listed species survey on file showing no impact to native species. This parcel places 90 percent of -- this project places 90 percent of this parcel under a managed preserve.

So I respectfully submit that the guide tower will leave its parent parcel in better shape than Capital found it. With that, Capital respectfully requests the Planning Commission recommend approval of the guide tower to the Board of Adjustment, as depicted in the staff report and application.

We are agreeable to all staff's recommended conditions of approval. That concludes my presentation. I and my witnesses are available for any questions you may have.

CHAIRMAN FRYER: Thank you. Commissioner Shea?

COMMISSIONER SHEA: The access road that you're talking about, is that cutting through a wooded area?

MS. JAHN: It does cut through palm -- the palmetto coverage, yes.

COMMISSIONER SHEA: It just seems awkward to me to cut a road that's parallel to an existing road. I don't understand why -- I guess it's something you put in to appease neighbors, but it seems like coming out on Benton Road Extension would be far more -- for one vehicle a month it doesn't seem worth cutting a new trail through the existing terrain environmentally.

MS. JAHN: It was a desire to be neighborly. My project manager, I'm sure agrees with you, because he has to -- he has to build that road, but two things to keep in mind is, one, it is an attempt to try to design this site to be sensitive to neighboring users, and the neighbors are very clear that if we have to pass over Benton Road, the portion they would like us to pass over least is Benton Road Extension, because it has less gravel on it.

COMMISSIONER SHEA: It seems like from reading from the NIM minutes, they were more concerned about the construction traffic, not the one pickup a month that's going to maintain it. So we're building that road because of construction traffic that they're worried about.

MS. JAHN: If -- if you would like us to reroute this driveway to show a shorter driveway, I mean, they are currently committing to providing a driveway that is basically the same length of the portion of Benton Road Extension that they have, so I would be happy to discuss with my project manager about using that build-out towards -- towards Benton Road Extension.

One thing I would keep in mind is that currently those other two parcels, they can be cleared within the allowable portion of clearing on those two parcels. So they aren't intruding into -- they aren't

intruding below the required preservation rates on those parcels. So, again, if you would like to us look into a reroute, we will.

COMMISSIONER SHEA: That's all I have.

CHAIRMAN FRYER: Commissioner Fry?

COMMISSIONER FRY: So the impression I'm getting is the rerouting of the access road was a concession to appease the neighbors?

MS. JAHN: Yes. I can't change much about a communication tower. This is not a type of project that has a lot of things that can be redesigned and adjusted and moved. I can't. I don't have many of the tools that larger projects have, but one thing that we were able to do in this instance was reroute the driveway.

COMMISSIONER FRY: To Paul's point, did the rerouting of the driveway, did this result in a change in the neighbors' sentiments about the cell tower? Are they now in support of it, or at least not opposed to it?

MS. JAHN: Unfortunately, it did not cause a sizable change in neighbor incentives. Neighbor concerns appears to have shifted, so the concerns about Benton Road extended more to maintenance during the second NIM, and then concerns that we were going to call environmental damage to the area came up.

We tried on that front, but, unfortunately, I have a finish line that is moving a little bit there.

COMMISSIONER FRY: I think an important point here is really truly the need for the new tower versus the Alpine tower. Alpine has filed a Letter of Objection as you've said. Please clarify for us, again, why Verizon could not have put newer antennas on the existing tower, and why AT&T couldn't add on, and Altius could not also add onto the Alpine tower. In a nutshell, nuts and bolts, why is a new tower needed rather than the old tower?

MS. JAHN: The nutshell explanation, and if you'd like a deeper explanation, I can have Mr. Shanahan come on the air, is that tower that's out there is over 40 years old and built to older codes, and it already has quite a few users on it.

And when you look at the calculations for that tower, they presume a tower that is a well-maintained, and say what happens if we pull the existing collocation off, and put the new -- Verizon's new collocation on, and when they do that math, the tower fails, and that's before you even address AT&T adding their collocation.

So that tower, unfortunately, is out of step with the modern structural requirements. The codes have advanced since we have gained a greater understanding of wind resistance.

The other thing that's happened is that cellular deployments have become larger, so if we were back in the day of my father's day and he had a Qualcomm flip phone, and that's all we were using just to make calls, step out on the side of the road and make calls, the cellular network would be done. We would not be building more towers.

However, we are entering an era where everybody in the household has a cellular device, and they quite often have multiple cellular devices. For example, this tablet that I have is a cell phone. Do any of you -- I don't know if you have a smart watch in here, but many smart watches are cell phones.

They're coming out with new wearable medical devices such as when -- my cousin's insulin pump has a cellular component to it. So as we enter an era where the network is forming more of an infrastructure baseline for not just calls, but a variety of uses we use for our everyday lives, unfortunately, that means we put more capacity strain on the network, and we have to also close -- we also have in the case of the infill towers to infill gaps in the network that were previously acceptable.

COMMISSIONER FRY: You showed an exhibit that had a radius around the tower, and you showed the distance to the nearest residence, and I noticed that that circle extended across Benton Road Extension.

What would happen if somebody wanted to build a house right across the road from the cell tower to the west across Benton Road Extension they -- they're able to do that just knowing that the tower is there, that's their decision whether to build there or not? Is that how that works?

MS. JAHN: Correct. First I believe they have to buy that land from Alpine Communications. I believe they own all that land on that side. Once they secure the property rights to build a house, they would have to ensure that they are the proper RF district to make sure they're still sending, but from that point they could construct on the property.

They would not be affected by the tower because -- by the tower from a planning perspective, because it meets all the required setbacks that currently exist for agricultural zoning, and it also employs fall zone technology to keep it contained on the parent parcel should it ever fail.

COMMISSIONER FRY: Final question. Capital owns the parcel to the north I believe also -- or to the south?

MS. JAHN: Capital's land for the lot, yes.

COMMISSIONER FRY: Okay. Does the size of the tower restrict their development options? I know you said this particular parcel they cannot do any further development because of the tower, but what about the other parcels owned by the landowner, are they also restricted as well? Is it exactly the same scenario as the people that might buy across the street from Alpine?

MS. JAHN: So the parcel has development rights on this other parcel. Leaving the driveway routing east over those two parcels does reduce the buildable area on those parcels, because you have very strict clearing requirements for parcels in the sending lands, but beyond that, those are just parcels that are owned and have development rights.

COMMISSIONER FRY: I'm with Commissioner Shea. I'm not sure I see the need for moving the driveway if the neighbors are still opposed.

MS. JAHN: Okay.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Thank you. Any other Planning Commissioners have any questions for the applicant? If not, thank you. We'll hear from staff.

MR. FINN: Hello. For the record, I'm Tim Finn, Principal Planner. The project is compliant with the GMP and LDC; therefore, staff recommends approval.

CHAIRMAN FRYER: Thank you, Mr. Finn. Any questions for Mr. Finn? If not, thank you, sir.

COMMISSIONER SHEA: May I?

CHAIRMAN FRYER: Yes.

COMMISSIONER SHEA: I just thought of a question.

CHAIRMAN FRYER: Commissioner Shea has a question.

COMMISSIONER SHEA: Does staff care whether the entrance is on the north side or on the Benton Road Extension side? Does it make a difference to your review process and approval?

MR. FINN: It does not, because we're neighbor friendly. We do support routing that road, that road as presented by the lot line.

COMMISSIONER SHEA: But you also support the entrance onto the extension part of Benton Road also, if they chose that?

MR. FINN: If they chose that, yes.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: Thank you. Any other questions or comments from up here? If not, thank you, staff. Mr. Youngblood, who do we have that would like to speak?

MR. YOUNGBLOOD: Mr. Chair, we have four speakers signed up. The first is John Brugger followed by Al Baxa.

CHAIRMAN FRYER: Thank you. Sir, I'll ask you to state your last name. I didn't quite catch it.

MR. BRUGGER: Good afternoon. My name is John Brugger, and I'm an attorney representing Alpine Towers, Alpine Broadcasting, which is WAVV 101.1 here in Naples.

I want to point out, which you're probably familiar with, the Collier County code with regard to construction of the towers. This section applies to specified communication towers that support any

antenna designed to receive magnetic signals, energy signals, et cetera.

The section standards for construction and facility citing is intended to minimize where applicable, adverse impact from towers and antenna through careful design citing vegetative screening to avoid potential damage to adjacent properties from tower failure, to maximize the use of specified new communication towers, thereby minimizing the need to construct new towers and to maximize the shared use of specified tower sites to minimize the need for additional towers, to lessen impacts new ground mounted towers could have on migratory and other species and birds, to prevent unnecessary habitat fragmentation and/or disturbance in siting and designing new towers, and consider the concerns of Collier County Mosquito District as to low flying mosquito control aircraft.

If you go on and read through the code, it talks about there will be exceptions made for essential services. Essential services are governmental authorities, fire department, Collier County Government, the sheriff, et cetera.

When Alpine was permitted to build its tower back in the 1980's, they were required to buy enough land so that if their tower fell vertically, even though they're collapsible, that they own 1,000 feet.

They have a 1,025 foot tower, they had to own 1,000 feet in each direction, so if it fell on top of something, it was on their own land, and there was no structure or person being hurt or damaged. I've got here, which I'd like to hand out to people -- do I bring them over?

CHAIRMAN FRYER: What do you have for us, sir?

MR. BRUGGER: I've got a picture of the tower, and the next person I'm going to ask to speak is Al Baxa.

CHAIRMAN FRYER: How many copies do you have?

MR. BRUGGER: Ten.

COMMISSIONER SCHMITT: Ray, can you put that on the visualizer as well? Thank you.

MR. BELLOWS: Can I have a copy, too, please?

MR. BRUGGER: This is a depiction of the current arrangement of antennas on the Alpine tower.

I crossed off the names of a number of users because they're federal agencies and we've got non-disclosures. We've recently replaced our antennas with those agencies and the tower was checked by those agencies with regard to strength and structure before they would place their antennas on the tower.

At this time I would like to ask Al Baxa, who has been the tower engineer for the last 30 years, to come up and discuss the strength of the tower, that there's availability of space on this tower, and the lack of a need for the another tower in this area as contemplated by the Collier County Code.

CHAIRMAN FRYER: Does this complete your presentation?

MR. BRUGGER: Yes, sir, it does.

CHAIRMAN FRYER: Okay. Thank you. The gentleman you've referred to, is he a registered speaker? Yes. Okay, sir. Please come forward.

MR. BAXA: Yes. Good afternoon, my name is Al Baxa. I'm chief engineer for WAVV Radio. I'm also the manager for the rental properties for Alpine Tower, Alpert Tower.

And first of all one of the things that had been suggested is that the tower did not meet current standards for wind rating, and I guarantee you it meets and exceeds all current wind standard ratings.

The tower has been maintained, well maintained, and second of all it's not 40 years old, but it has been maintained throughout the life of the tower and currently is in perfect condition. There's no problem with the tower whatsoever.

There's also plenty of room for AT&T or Verizon or anybody else. Verizon is already on the tower, but there is plenty of room for any expansion, and there is absolutely no need for a second tower in that area, especially less than a quarter of mile from our tower.

CHAIRMAN FRYER: Thank you, sir.

MR. BAXA: Uh-huh.

CHAIRMAN FRYER: Next speaker?

MR. YOUNGBLOOD: Next speaker is Kenny Lawry, followed by Daniel McMahon.

MR. LAWRY: Okay. I'm sitting here listening to everybody. I live out there in the same area, and I heard what the lady said over there, they got some good points and everything, but I don't believe that they're putting that new road in to appease the neighbors.

It's more because the other part, the extension of Benton Road is more of -- it's more sandy, and it's really crappy, in other words. So I don't think they want to use that. They're putting that in there, and they're destroying untouched Florida, and I'm not sure, I can't speak for the neighbors that live there, maybe they don't want them driving by their house, but I don't think they really want them clearing the land on the other side of them either. So I'm not sure what the neighbors right there, Shirley and Don Haring want. I don't know if they want trucks in front of their house driving by, but they're going to have it anyway, but that part of the extension road where the smaller driveway would be, is just a crappier part that they have to maintain even more to get their trucks up and down it, so that's really why they don't want to do that.

However, the other people, Alpine and whatever their name is, my neighbor actually gave legal access a long time ago to them, and they made an agreement to maintain Benton Road every once in a while. They never abided by their agreement with them to once in while grade Benton Road. So they never did that.

So everybody is full of crap in my personal opinion, and so who is to say if they'll maintain Benton Road once they get their tower in there either. And have they done an environmental impact on that? I know she said something about they have a list of species that could be out there, but living out there, I got bear, panther, gopher tortoise. I don't know. Just do what you guys want to do, you know...

CHAIRMAN FRYER: Well, thank you for that. Next speaker?

MR. YOUNGBLOOD: Our next speaker is Daniel McMahon followed by Donald Haring.

MR. MCMAHON: Hi, good afternoon. Dan McMahon here. I'm a resident and landowner on Woodland Estates Road, and my first concern was them wanting to use our private road for commercial purposes.

I don't really have any problem with that, but after trying to work with them, trying to get any commitment whatsoever to help maintain at least Woodland Estates Road, the road that I live on, they couldn't give any commitment unless everybody within a few square miles formed an association.

It's really difficult since everybody are independent landowners, independent farmers and such. Also their plans to use Woodland Estates Road, that's not even the nearest access to the closest bridge, per Florida statutes, which would be along 28th Avenue Southeast Extension.

There is a lot of people with interest both in Woodland Estates Road and Benton Road who were not actually notified about this meeting or what it was necessarily about. There was a sign put out there, but most people think it's for the relocation of Benton Road, since the sign says Benton Road Relo.

We've also had trouble with fires out there. Their initial plan included prescribed burns, which I believe they've removed from their plans, but 12 of us lost our homes last May, including myself.

My house caught on fire May 13th. The fire department arrived May 17th, so it took them four days, and that was Miami-Dade Fire Department was the first one to arrive at my home.

Coming out of the bridge where they wanted to turn on to Woodland Estates Road, there is only a 17 foot clearance to make that 90 degree turn. It's my understanding that Collier code now requires a 20 foot clearance for fire trucks, and the turn just doesn't meet that.

The other points were just there already is a tower out there. I don't quite see the necessity to add another tower located within a few hundred feet of the first tower.

Also in the plans I didn't see much information for the lightning grounding or dissipation once it goes into the ground, which would also help prevent fires. A lot of our concern is fires out there, obviously, with 12 of us losing our homes, and since they are private roads, as residents we do maintain them. We have an interest in maintaining them. Commercial interests don't necessarily have that same interest.

I understand that WAVV helped participate in making our initial grading of Woodlands -- or

Benton Road. I built, myself and my brother, built the majority of Woodland Estates Road, so I would like those things to be taken into consideration. Thank you, sir.

CHAIRMAN FRYER: Thank you, sir. Next speaker?

COMMISSIONER SHEA: May I ask him a question?

CHAIRMAN FRYER: Yes, of course.

COMMISSIONER SHEA: When you say you don't have an HOA type, how do you maintain the road? Do the people just get together and have a weekend when they do something for the road? How do you maintain it?

MR. MCMAHON: The road is mostly maintained right now by people who have equipment, and sometimes people rent equipment. We do it on our own. Sometimes people ask for money. It's fairly informal. It's kind of a large area to kind of have, like, a neighborhood association.

CHAIRMAN FRYER: Thank you. Commissioner Fry?

COMMISSIONER FRY: All gravel roads?

MR. MCMAHON: Yes, all gravel roads.

COMMISSIONER FRY: To what extent -- what distance do you have to travel on gravel roads to get to your home?

MR. MCMAHON: To my home it's about three-quarters of a mile.

COMMISSIONER FRY: From the nearest paved road. What is the nearest paved road that you travel on?

MR. MCMAHON: That's 28th Avenue Southeast.

COMMISSIONER FRY: Thank you.

MR. MCMAHON: If you don't mind I can bring up one issue? This was -- I thought the access to Woodland Estates Road was resolved in litigation. Myself, the county, South Florida Water Management, we were all sued back in 2008, and under the third amended agreement with South Florida Water Management and the county it was stated that the residents along Woodland Estates Road could control who has access to that road, and that was in the executive summary for that agreement.

CHAIRMAN FRYER: Okay, sir. Thank you.

MR. MCMAHON: Thank you.

CHAIRMAN FRYER: Next speaker?

MR. YOUNGBLOOD: Our final speaker for this item is Donald Haring.

CHAIRMAN FRYER: Mr. Haring?

MR. HARRING: I came down to Florida approximately 1984-85 and I looked around for property. When I went to Woodland Estates, there were deputy sheriffs. It was Hunter, Kirkland, Ryan and Campbell. Campbell still lives there.

The main road that came across the bridge made a short around turn, came back and 28th Avenue curved around. It was a winding dirt road that ended up at Julie Templeton's place.

When I went down to the courthouse and I looked at the paperwork, I found out that the area was incorporated by Miles Collier and Collier Enterprises back in the 50's, and one square mile was sold off in five-acre parcels. They had a print on there. I did surveying work when I was in the military, and the print showed all the future proposed roads that was supposed to go there. I looked for the original documents for the incorporation, but could never find it.

Finally after struggling to get garbage pickup, mail delivery and so on at the house, because they would not come across the canal to service us, so Jim Coletta went ahead had a room set up for us at the library there at 13th Street on Golden Gate Boulevard where we had our meeting, and we had the road company, Waste Management, he was there, fire, and I forget who else was there, basically most of the community was there, that's when we found out we were actually an incorporated town or community, and we're not entitled to anything unless we established a master association, and a homeowners association, which we did not have, and which was not provided for by Collier Enterprises.

I went ahead and took care of my property, my land. My sister and my mother moved out there. So I own the end of Benton Road was my house on the north side, the end of Benton Road on the south

side was my sister and my mother. A fellow came along and wanted to get a driveway down to his place, and he lived due south of my sister. My sister and her husband got together and they hired Lance Whidden with a bulldozer and he cleared a path from Benton Road due south approximately one mile long.

Today they now call that Benton Road South. It's not. It's a driveway, and it's not even on public land. It's on WAVV FM radio tower property. So WAVV FM tower land comes up and it -- my property line on the west side, and their property line on the east side are the same property line, so that's how we meet.

So that road was not public, was never public. When they started to talk about the tower and I brought this up, then they went around said they want to do this, do that, whatever, it's still not a public road. It's still private property.

My house sits on that corner, and if they build another tower there, I'll be sitting out there looking out my lanai a tower in this direction and a tower in this direction. We don't need it. I've talked to most of the families out there. We have mostly widows. We have four females that are by themselves, and we have, I think, four Leonese families there, one Philipino, and some of these people came from the south blocks from Picayune Park. They used eminent domain and forced everybody out to our area. So it's kind of a mixed community, and trying to get people to get together to get a master association or HOA it's -- its virtually impossible, so getting things done...

Now then we got together, I chipped in money. Flaco contributed. He had a bobcat and he sold that. We put the money together. We bought a road grader and we put about four or \$500 worth of parts into it, and that's how we maintain the roads so...

We have our share of fires. We just had 3,700 acres burn, and we were in the middle of it. I lost my shop, all my tools, the lanai in the front, the lanai in the back, the screen is burned on both sides.

The fire department was notified at 3:00 in the afternoon. They showed up at 6:00 in the evening. So it's -- it's not perfect out there, let's put it that way, but we do have -- it's a very, very environmental area. I have bear come up to my garage. I have bobcat. I have panther. I have --

CHAIRMAN FRYER: Sir, you're at five minutes. Wrap it up, please.

MR. HARRING: Okay. Thank you. So we have just about everything else. In fact, currently I have a pair of turkeys out there. So it's strictly environmental and it is called North Belle Meade. Thank you.

CHAIRMAN FRYER: Commissioner Fry?

COMMISSIONER FRY: Sir, a question for you. So you mentioned seeing two towers, where you see one already, and now you would see two towers. You mentioned fire risk. They've agreed not to do prescribed burns, but what other objections do you have? I just want to make sure I'm clear on what your objections to this particular tower are.

MR. HARRING: Well, every time we fix the roads up, and I've talked to Allen, to Norman, when Norman was alive, and when the service techs come in there, they barrel down that road. So we let it go.

Finally it gets so bad every car in the neighborhood's got bad springs in it. We pay to fix it. As soon as we pay to fix it, they barrel down the road. Having more people coming in with pickup trucks is going to tear it up as fast as we can fix it, and it's all out of our pockets.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Thank you, sir. Are we finished with speakers? All right. Anybody here in the room who is not registered, but wishes to -- or spoken and wishes to be heard in this matter? If not I'll ask the applicant if she wishes to rebut?

MS. JAHN? All right. I am going to need Mr. Shanahan first for -- for testimony, so if we could connect him.

CHAIRMAN FRYER: All right. I'm not sure who will be doing that.

MS. JAHN: I know he is.

CHAIRMAN FRYER: Mr. Frantz is doing that in the back of the room.

MR. SHANAHAN: Hello.

CHAIRMAN FRYER: Commissioner Schmitt has a question.

COMMISSIONER SCHMITT: I have a question, but I'll wait, because a couple of issues I wanted to ask Ms. Jahn.

CHAIRMAN FRYER: Okay. Commissioner Klucik?

COMMISSIONER KLUCIK: I was just going to ask if it looks like we're going to oppose, any commissioners are going to oppose this, then maybe we need to hear from the applicant, but if it looks like we're planning to approve it, then it seems like, you know, we're spending time doing something that maybe isn't going to influence our vote.

CHAIRMAN FRYER: Well, we're guided by ordinances and statutes in how we proceed. At this point it's up to the applicant if she wishes to put on rebuttal, that's her right to do it.

COMMISSIONER KLUCIK: Sure.

CHAIRMAN FRYER: Thank you.

MS. JAHN: All right. May I please have the overhead projector and Mr. Shanahan --

MR. SHANAHAN: Hello. Am I unmuted?

MS. JAHN: Yes. Mr. Shanahan, would you please state your name and address for the record?

MR. SHANAHAN: My first name is Kelly, last name is Shanahan, and I'm remote here in Quincy, Massachusetts.

CHAIRMAN FRYER: County attorney, will you please remind me what we're doing about swearing in people in this category?

MR. KLATZKOW: It doesn't matter.

CHAIRMAN FRYER: Okay. All right. Please continue.

MS. JAHN: Mr. Shanahan, are you familiar with the Capital Telecom Project off of Benton Road? They internally call it Naples Park, and it is called by the county Benton Road Relo?

MR. SHANAHAN: Yes, I am.

MS. JAHN: How are you familiar with it?

MR. SHANAHAN: I have been contacted by yourself and your project manager to serve as a witness about particularly the Alpine tower. I'm the engineer who ran that analysis, structural analysis, back in 2017.

MS. JAHN: Okay. And would you, please, talk to us about your background and qualifications?

MR. SHANAHAN: Sure. So I'm a licensed professional engineer licensed in the State of Florida, as well as five other states. I've been practicing in telecom for the greater part of ten years now.

Over those years I've performed hundreds of analyses on tower sites and rooftop sites and all kinds of cell tower installations, and that has been the bulk of my duties over the past ten years is, you know, producing reports exactly like the one you've seen from me.

MS. JAHN: Okay. I'm about to pull it up and put it under the Elmo here. Thank you for your patience. This is a little bit voluminous. Okay. My apologies. My PDF software is giving me just a bit of trouble. Okay. Mr. Shanahan, can you see the document that I'm showing you on the screen?

MR. SHANAHAN: Yes.

MS. JAHN: And what is this document?

MR. SHANAHAN: That is the Tower Structural Analysis Report that I authored in 2017 regarding the existing Alpine tower -- excuse me -- 2018.

MS. JAHN: Would you, please, discuss your methodology for the analysis?

MR. SHANAHAN: Sure. So as you can see on that cover page, the source I was given was an existing analysis report that was dated 2011, that report, to tell me the existing tower composition and existing tower loading.

Below that you can see the loading that was given to me by Verizon to run on the tower; that's a total of six antennas, three sectors, two at each sector, nine remote radio units, and then two surge suppressors, that's the Verizon specific loading. I used an industry standard and specialized tower

analysis software program, T&X Tower, input the existing T&X Tower geometry, the proposed loading, and this report that you're looking at represents my input and output and conclusions regarding the ability of the existing tower to support the proposed loading proposed by Verizon.

MS. JAHN: Does this report make any assumptions about the current condition of the Alpine tower?

MR. SHANAHAN: Yes, I was not able to visit in person with it being on private property. This wasn't mapped specifically for this analysis. So in this analysis I have to assume that all the tower was constructed properly, maintained well, and that everything remains in good condition.

MS. JAHN: So it's possible that the maintenance could be worse than what's reported -- than what is the assumptions of this report; is that correct?

MR. SHANAHAN: Yes that's possible.

MS. JAHN: Okay. What were the conclusions of your report?

MR. SHANAHAN: I determined that the tower would not be able to support the proposed load shown in this table. If that loading was put on the tower, I found that the legs in several sections would become overstressed 123 or 124 percent of their allowable capacities. It exceeds the allowable capacity.

The tower legs as well as the horizontal near the bottom, the stresses induced in this scale number is what exceeds what is allowable, which, obviously, could have catastrophic implications.

MS. JAHN: Now, a question about this report prepared by you as an engineer. Is it important that a report like this is prepared by someone who has the licensure and training of a professional engineer?

MR. SHANAHAN: Absolutely, yes.

MS. JAHN: And why is that important?

MR. SHANAHAN: As a professional engineer, public safety is, you know, paramount. I have the training and the qualifications necessary to perform the math, perform the calculations, interpret the results, and, ultimately, you know, provide for public welfare.

If someone untrained were to run this analysis, anybody can use software, but it takes specialized knowledge and training to use it well and appropriately.

MS. JAHN: Okay. I am now showing you Mr. Brugger's exhibit. As an engineer -- okay. Do you see it?

MR. SHANAHAN: Excellent.

MS. JAHN: As an engineer, what does this tell you about the Alpine tower?

MR. SHANAHAN: This looks to me like it's the tower loading, it appears to call out different tower appurtenances at different elevations.

MS. JAHN: Does it say anything about the structural capacity of the tower?

MR. SHANAHAN: No.

MS. JAHN: Essentially what is this exhibit?

MR. SHANAHAN: It looks like to be kind of a schematic diagram.

MS. JAHN: So a drawing; correct?

MR. SHANAHAN: Yes.

MS. JAHN: Thank you. All right. Let me -- do the Commissioners have any questions from Mr. Shanahan at this time?

CHAIRMAN FRYER: Planning Commission, any questions?

COMMISSIONER VERNON: I guess I have one, it's actually probably for Mr. Brugger as attorney for WAVV, but I'll ask this expert. This is Commissioner Vernon. As an expert, and you may not know the answer to this, but what can you conceive of the harm to WAVV if this tower application is approved?

MR. SHANAHAN: I'm sorry. I'm not sure I understand the question. Are you asking about the new tower or the existing?

COMMISSIONER VERNON: I'm asking what is the harm to the existing tower and the existing tower owners if the new tower is built?

MR. SHANAHAN: That's, I would say really beyond the scope of my involvement with the project. I really only can speak to the structural capacity of the existing Alpine tower.

MS. JAHN: For the Chair, I do have an RF engineer, Ms. Jaiswal, who is prepared to testify. To the extent that you're talking about harm, Alpine is losing a tenant. So if you're talking about some type of economic harm, it's not harm. They're just losing a tenant.

If you're talking about interference, Ms. Jaiswal is ready to discuss the way that this tower would not interfere with the Alpine tower.

COMMISSIONER VERNON: No, I don't think I need that. My question is probably more appropriate for WAVV. I just thought since I had him there I would ask him, so I'm good with you guys.

MS. JAHN: Okay.

CHAIRMAN FRYER: I have three Planning Commissioners who would like to speak. I will ask them in the order that they were lit up whether they want to speak now or wait. Commissioner Shea?

COMMISSIONER SHEA: This is probably a general question, but here we are in a technical dispute, let's say, over the integrity. Does the FCC play into this at all in terms of permitting, licensing? Do they weigh in on the capability or structural capacity of these towers, or are they a non-player, because we are not experts in this?

MR. KLATZKOW: Unless I'm missing something here, this is a conditional use application, and I think this discussion has nothing to do with the application.

From what I'm gathering here this is an economic issue between the existing tower owner, who would like to retain or increase the business, and another tower company that wants to get in there. Ultimately, Verizon apparently made the decision that they need this new tower, but none of this has anything to do with the conditional use. You've got criteria in front of you and none of the criteria talks about anything like this, again, unless I'm missing something here.

COMMISSIONER VERNON: May I respond to that?

CHAIRMAN FRYER: Yes, you may.

COMMISSIONER VERNON: No, I think that's exactly what I was trying to get at, so I concur with you on that point. Is this anything more than -- is there something I'm missing, other than being an economic issue for WAVV?

MR. KLATZKOW: No. I think one guy has a Bodega and another one wants to go in.

COMMISSIONER VERNON: I certainly want to give Mr. Brugger a chance to say if it's something different than what you and I think it is.

Don't forget there is a second issue, which I know we're not discussing now, but that's the issue that concerns the neighbors, which is a different issue.

CHAIRMAN FRYER: Thank you.

MR. KLATZKOW: And that goes to the conditional use.

COMMISSIONER VERNON: Now, I'm with you. I'm on the same page you are.

CHAIRMAN FRYER: Commissioner Fry? I'm sorry. Were you finished, Commissioner Vernon?

COMMISSIONER VERNON: Yes, sir. I do have a question on the neighbor issue, but I'll wait.

CHAIRMAN FRYER: Okay. Commissioner Fry?

COMMISSIONER FRY: Also I assume one of the criteria for approving the conditional use is the need for that conditional use, and to me does not make this irrelevant, in that, if the existing tower could support the Verizon equipment, to me that's a material fact. If you're saying it cannot, was the report created in 2017 provided to Alpine Communication?

MS. JAHN: The report has been in the record since we filed it in 2018 and was based off of a report that was prepared between Verizon and Alpine when they were evaluating the structure. So it has been there and available for them to scrutinize and dig into and pull apart for two and a half years.

COMMISSIONER FRY: Has Alpine submitted any kind of refuting reports that refute findings of your study?

MS. JAHN: Just the drawing on your Elmo. So to my knowledge there are no reports or calculations. My research of Mr. Baxa is he does not possess a professional engineer license.

I grew up in radio stations, so the tower engineer is the person who keeps the transmitters working and manages all the back workings of the actual station, its operation, but he is not, from the record I've researched, he's not a professional engineer and he has not placed any information in the record showing he has the qualifications to evaluate the structural capacity of that tower.

COMMISSIONER FRY: And I'm not -- I haven't heard any impacts on WAVV 101 whatsoever from this. They'll stay where they are, I assume, and nothing would change for them, but the neighbors do have concerns, and one is the maintenance of the roads. We've talked about you created this alternate driveway path to it.

We've heard that the Benton Road Extension is actually a private road that's really more of a driveway, so what is the best you can offer to assuage these neighbors' concerns about the maintenance of the roads?

MS. JAHN: As far as the road goes, you know, they're willing to -- they are willing to commit on the record that they'll repair any damage caused from construction over the life. If you would need some type of a bond put on record, I can talk to my project manager about that.

As far as the maintenance, as you can see the neighbors, unfortunately, are not organized here, but Capital has done as much as they can as far as being a proactive neighbor. They found the people who maintain the road and they are participating in maintenance through them.

So we're a little bit hamstrung. Again, if you would like some type of a bond put up, I can talk to my project manager about that, and we can talk about making a commitment on that.

COMMISSIONER FRY: Mr. Chairman?

CHAIRMAN FRYER: Yes, go ahead.

COMMISSIONER FRY: We have an application, and we have expert testimony, and we have no counter-expert testimony, and we have the staff saying yes. So it seems like we're looking -- we're fishing for a reason to hold this up. I just don't understand.

CHAIRMAN FRYER: Well, I'm inclined to agree with you, but I want the applicant to finish her presentation if she wishes. Commissioner Schmitt?

COMMISSIONER SCHMITT: Just for the record, was it Mr. Shanahan that was on the phone, you said?

MS. JAHN: That is correct.

COMMISSIONER SCHMITT: And he was hired by Verizon to evaluate the existing tower for structural capacity to hold the Verizon communications systems that they wanted installed; is that correct?

MS. JAHN: He was actually hired by Capital to provide an updated structural analysis on the tower. So Verizon performed an analysis and Capital performed an analysis.

COMMISSIONER SCHMITT: Okay.

MS. JAHN: You will also notice in the record that Kimley-Horn analyzed Mr. Shanahan's math and provided the signed and sealed letter saying that his analysis comports -- or his analysis comports was the applicable rules and methodologies for such an analysis.

COMMISSIONER SCHMITT: Just for the record, the final conclusion is he concluded that the tower was not sufficient for equipment to be installed?

MS. JAHN: That is correct, and if I may throw a piece of one logic out at the Board. Take a look at their diagram. They're showing 250 feet is available. May I have my -- I think I just hit the button here to go back, don't I?

This is AT&T's Letter of Intent, and if you look, they say that their optimal height would be 250 feet. The space that's shown that's available on the Alpine tower, but they're taking a 50 foot decrease to be collocated on this tower.

So instead of making a decision to collocate on the Alpine tower, where they only have to pull a building permit and they're up there, they are walking alongside Capital and Verizon for a 50 foot shorter collocation, and I think that just underscores that there is a lack of structural capacity on this, because the

rational decision would be to collocate -- take the easier route and to collocate and get your higher altitude.

COMMISSIONER SCHMITT: I agree with Mr. Klatzkow. This is an issue between two competitors. I'll go to the next question because it was brought up and it's in the record. There are no jurisdictional wetlands in this area; is that correct?

MS. JAHN: That is correct.

COMMISSIONER SCHMITT: So there's no requirement for a Section 404 permit, Clean Water Act, but you did do a consultation with U.S. Fish and Wildlife?

MS. JAHN: We do have a listed species --

COMMISSIONER SCHMITT: Endangered Species Act.

MS. JAHN: Yes, I can pull that up.

COMMISSIONER SCHMITT: No need. I read it. We have testimony here about various listed species, but everything has been coordinated. Are you going through the federal permitting process then, or is everything you have from U.S. Fish and Wildlife sufficient to proceed?

You had the Bonneted Bat, you had the Indigo Snake, you have other issues, black bear, all those kind of things are being mitigated and taken care of in regards to the consultation with U.S. Fish and Wildlife. Are there any issues outstanding with any federal permitting, in regards to environmental?

MS. JAHN: No. And if -- and also with our documentation, if during construction they were to find any type of Bonneted Bat boroughs or nests or anything like that, there is a mitigation plan in place to put in, I'm going to call them bat houses, but there's -- all that paperwork has been provided, and is in the record, and additional is being provided through the site development process, because that gets more granular as you dig into it.

MR. KLATZKOW: If the county were able to set up a mechanism, would the applicant be willing to do their fair share of payments towards maintaining the road?

MS. JAHN: Capital would be willing to pay based upon their fair percentage portion, their fair share, yes.

MR. KLATZKOW: Okay.

CHAIRMAN FRYER: Ms. Jahn, you have a right to continue your rebuttal, but my sense is you may be seizing victory.

MS. JAHN: That concludes my presentation.

CHAIRMAN FRYER: Fine. If Commissioner Vernon wants to bring Mr. Brugger back up, we'll give you a chance to.

COMMISSIONER VERNON: No. No. I'm good on that. I just -- I did have one more question, but I think --

CHAIRMAN FRYER: Well, go ahead.

COMMISSIONER VERNON: -- I think our attorney essentially brought it up. How do we -- I guess I just want to drill down on it a little bit. How do we determine your fair share of maintaining?

CHAIRMAN FRYER: Leave that to staff.

MR. KLATZKOW: In between now and the time this gets to the Board of County Commissioners, because it's my feeling that the commissioner district may weigh in on this, we're going to have to get together with the neighborhood and the applicant and figure out some mechanism that this road would be properly maintained and the applicant can pay their fair share.

It's -- it's going to have to be voluntary because this is a private road, but if everybody is willing to create something, we can create something.

CHAIRMAN FRYER: It would be an elegant solution.

COMMISSIONER VERNON: Okay. I'm good. I'm good.

MR. KLATZKOW: Again, it's completely voluntary. I can't compel anybody on a private road to maintain it.

COMMISSIONER VERNON: Well, if they commit to doing it, then they're committing to something.

MR. KLATZKOW: Yes.

COMMISSIONER VERNON: It's not voluntary; correct?

COMMISSIONER VERNON: Yeah. Okay.

MR. KLATZKOW: Yeah.

CHAIRMAN FRYER: Thank you. Commissioner Shea?

COMMISSIONER SHEA: I'm not where all you guys are. I think the gentleman, the structural engineer has a right to be heard of in response to the question that he's not qualified to do that type of analysis. His testimony was discounted. I think he gets a rebuttal.

CHAIRMAN FRYER: You may ask him to come back. It's certainly within your prerogative.

COMMISSIONER FRY: If I might add to this, something I'm looking forward to hearing is if you have seen this -- this report has been in the public record for since 2017, why hasn't Alpine submitted a formal engineering report that disputes the finding that shows it would support Verizon's new equipment?

MR. BAXA: Well, first of all, we were never notified about this report, and when they did this particular study, they did not come to us to get all the information they needed to do a proper study about the anchors, the guidewires, you know, the structure of the tower.

Now, it's also very common when more equipment is added to a tower to do tower modifications. In other words, beef up the structure of the tower, which has been done several times over the life of this tower.

First of all, I do want to say I'm not a structural engineer. I don't pretend to be. I am a broadcast engineer, but I do manage the rental property for Alpine, the tower, but it's not at all uncommon for structural design changes to be made to the tower so it will support more.

COMMISSIONER SHEA: But you probably have a structural engineer, I would think?

MR. BAXA: Yes, we do.

COMMISSIONER SHEA: You keep adding things?

MR. BAXA: Yes, we have someone we use all the time, and if Verizon would have come to me and said, look, this is what we want to do, I would have gone to our structural engineer who has all the data, and he would have come back and said, okay, this is what needs to be done to support the equipment that they want to put on it, simple as that, but Verizon never communicated with me.

Verizon has been very difficult to communicate with period, but that's another story altogether, but, yes, the tower can be modified so that it can support whatever they want to put on it.

COMMISSIONER FRY: Is there anybody here -- go ahead.

COMMISSIONER SHEA: The only other thing, going on the other point, I would suggest that if -- the construction is going to be where you're going to do most of your damage to the road, and I mean the entire road as you're hauling in.

So I would suggest that you redress the entire road and get it back to as good or better and then determine the maintenance share. I just don't see you having a big share with one pickup truck. It's the -- I would ask that you just redress that whole area after construction, because it's going to do its damage there.

MS. JAHN: If you'd like I can bring --

COMMISSIONER SHEA: Just a question, if it's a problem.

MS. JAHN: I can bring Vince Casiero up. He's a principal in Capital Telecom, if you'd like a commitment on the record from him. But they are willing to commit to a redressing, regrading at the completion of construction to set a baseline.

MR. KLATZKOW: Which could be a condition of your approval.

COMMISSIONER SHEA: And also possibly the condition of using the alternate entrance and redressing of that extension road. Too. I'm not saying we're going there. I just want to know if that's a problem?

CHAIRMAN FRYER: Anything else, Commissioner Shea?

COMMISSIONER SHEA: No, that's it.

CHAIRMAN FRYER: Commissioner Fry?

COMMISSIONER FRY: Just to clean up an odd end, I guess I'm a little bit confused why if Alpine believes that the tower will support new Verizon equipment, and the study was published in 2017, is there nobody here from Alpine that can speak to why there isn't a conflicting engineer report submitted that shows that this tower is not needed? Because that would matter to me if that evidence were here, but with the -- in the absence of that evidence, I don't see how we can vote against this when they have submitted evidence that does support?

MR. BAXA: Well, we were never approached. Verizon never approached us with this. They just went ahead and hired their own engineer to do the study and never -- I wasn't even aware that this existed, that that report existed. It was never provided to us.

COMMISSIONER FRY: Do you work for Alpine?

MR. BAXA: Yes. Yeah.

COMMISSIONER KLUCIK: Commissioner Fry? I don't -- I think that it's an interesting piece of information that they were never informed, but I don't -- there's not an obligation when you put something in the public record as part of your supporting material, and that's -- maybe it's unfortunate that there's not more communication between the people that are involved.

MR. BAXA: Uh-huh. Right.

COMMISSIONER KLUCIK: It's not like it was submitted into the record two weeks ago. It was submitted into the record two years ago.

COMMISSIONER SHEA: Yeah, but where is the public record? I mean, it didn't show up in our package, so is that part of the public record? Where would --

COMMISSIONER KLUCIK: No, it's something that you can ask -- anyone can ask the planning people for the supporting documents when there's something submitted.

COMMISSIONER SHEA: I guess I would ask the planning people, was that document she's referring to in the package we had to review?

COMMISSIONER KLUCIK: That's what I'm assuming. When he said it was submitted, I'm assuming it was submitted to our planning staff.

MS. JAHN: Yes, it was included in my very first submittal in 2018, and I'm getting ready to pull up Alpine's objection letter. They have been a party to this application as an objector since at least July 2019.

So they've had plenty of time to go over my entire application file with a fine tooth comb. I don't know the he said/she said that may have gone on in the leasing before now when they were trying -- when they were trying to explore collocation.

By the time it gets to my desk, it's because collocation is done. It's not an option anymore, and the only thing that's left is that they have to take the long path of supporting a tower that Verizon doesn't even own. It's not like they're moving to a tower they would own, but supporting a new tower to provide service for them going forward.

MR. KLATZKOW: I'm sorry. Are you representing Verizon or the tower company?

MS. JAHN: Verizon is our -- Verizon is our anchor carrier, so there is a -- there is an intertwining of interest there.

MR. KLATZKOW: Well, no, but at the end of the day, you're representing the tower company, not Verizon? Verizon is a tenant to the tower company; is that correct?

MS. JAHN: It's an odd land to describe for representation, because -- so I only have an AOR from Capital.

MR. KLATZKOW: Okay.

CHAIRMAN FRYER: Anybody else have any questions for this witness? If not, thank you, sir.

MR. BAXA: Thank you.

CHAIRMAN FRYER: I'm going to want to ask a quick question of a knowledgeable staff person on this matter, if someone could come forward, and it's a very simple question. I just want to

know whether this engineer report has been on City View, and if so for how long, Mr. Finn?

MR. FINN: For the record, I'm Tim Finn, Principal Planner. Yes, it was part of the packet.

CHAIRMAN FRYER: Okay. How long has it been on City View?

MR. FINN: Since 2018.

CHAIRMAN FRYER: Thank you.

MR. FINN: Welcome.

CHAIRMAN FRYER: Any other Planning Commissioners have questions for Mr. Finn while he's up here?

MR. KLATZKOW: Just a quick question for Mr. Finn. I'm trying to solidify the record here. The argument that we're doing this because this equipment can't go on the existing tower, do you have any knowledge as to that issue, whether it's true or not?

MR. FINN: As to the equipment going on the new tower?

MR. KLATZKOW: The argument is that you can't put in a new tower if you can use an old tower. Has staff looked into that issue at all?

MR. FINN: No, we haven't.

CHAIRMAN FRYER: Thank you. All right. Anything else from the Planning Commission?

COMMISSIONER SCHMITT: Question?

COMMISSIONER VERNON: If you don't mind before you call the question, I would like the three parts to this. Just so we're all clear on the same page, I'd like if you guys -- well, I'd like it for Ms. Jahn's client to come up and confirm these three things.

First, that they will take -- your client will take care of complete maintenance during construction; that hasn't been brought up yet so I'm asking that.

Second, complete repair after construction. Third, pay a fair share of road maintenance, regardless of whether or not they form an association. So I'd like for that to be part of the motion, but I first wanted to get his commitment on the record.

MS. JAHN: Before I -- if I may, will you please define complete -- define complete maintenance and complete care here?

COMMISSIONER VERNON: Well, I think like Commissioner Shea said during construction, there is probably going to be damage caused by the construction, and I think the applicant, your client, should pay for all of the repair caused by that.

MR. KLATZKOW: You want the road brought back to its current standard?

COMMISSIONER SHEA: Yes.

COMMISSIONER VERNON: Yes.

MR. KLATZKOW: We would have a staff person who is going to inspect the road prior to the construction and then sign off that commitment has been done.

COMMISSIONER VERNON: Yes.

COMMISSIONER SCHMITT: If I could add, that would -- basically it's a gravel road, so you're talking about possibly scarifying, grading and then compacting, that's basically what we're talking about, maybe some patch and fill if there was any ruts, but if they have scarify and re-compact, it's nothing more than a grader and probably a vibe roller, so it's -- that's what we're talking about, and I would concur.

COMMISSIONER VERNON: And then just the in between caused during construction, and I don't know how long construction will take, I'd like the road to be maintained so it's not becoming more problematic for the people to live there during construction.

MS. JAHN: Okay. I'm going to -- thank you for those clarifications. I'm going to bring Vince Casiero up. Mr. Casiero, please state your name and address.

MR. CASIERO: My name is Vincent Casiero, and my address is 820 Morse Turnpike, Short Hills, New Jersey.

MS. JAHN: Are you associated with Capital Telecom Holdings?

MR. CASIERO: Yes, I am.

MS. JAHN: How are you associated with it?

MR. CASIERO: I am a principal.

MS. JAHN: Do you have the authority to bind the corporation?

MR. CASIERO: Yes, I do.

MS. JAHN: Okay. Do you have -- as presented to yourself there have been three conditions presented to you. The first one is to return the road to at least the condition it was in that you found it, freshly graded and compacted, and that would be from the bridge over the canal to your driveway.

MR. CASIERO: Uh-huh.

MS. JAHN: The second one was to repair damage that's caused during construction, and then the third one was after construction is complete, to pay your fair share based upon usage of the road.

COMMISSIONER VERNON: Regardless of whether they form an association.

MR. CASIERO: I agree with the three conditions.

COMMISSIONER SHEA: Can we have the fourth one to change the entrance?

COMMISSIONER HOMIAK: Why? Why?

COMMISSIONER KLUCIK: What does that have to do with --

COMMISSIONER SHEA: Because I don't want to see them cut another road down virgin territory for no good reason, that's all.

COMMISSIONER HOMIAK: The property -- somebody owns that private. They have to put in a driveway anyway. They want to put their own driveway in on their own property that they're leasing.

COMMISSIONER SHEA: Okay.

COMMISSIONER HOMIAK: I don't get it.

CHAIRMAN FRYER: All right. Sir, you have heard the three conditions that were suggested, and you've agreed to them, and just to add a belt to those suspenders, they will also be conditions of our approval if we should decide to recommend approval.

MR. CASIERO: That's acceptable.

CHAIRMAN FRYER: Thank you, very much.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, go ahead.

COMMISSIONER KLUCIK: I don't want to sell Paul's idea and suggestion short. We didn't really consider it, so, I mean, if you want to talk about it more, I mean --

COMMISSIONER SHEA: No. No, actually, the fact is that I forgot that it was a private road, that section, that one of the speakers mentioned that. So coming out the other way, Karen is correct, it doesn't make sense.

COMMISSIONER HOMIAK: They have a right to put a driveway.

COMMISSIONER SHEA: Pardon me?

COMMISSIONER HOMIAK: They have a right to a driveway.

COMMISSIONER SHEA: No. No. I understand. I get it.

CHAIRMAN FRYER: Okay. Mr. Bellows?

MR. BELLOWS: For the record, Ray Bellows. I would just like to clarify the first condition. If we try to bring it up to its current standard it may be below standard now, if we can just say it will be paved and graded?

COMMISSIONER SCHMITT: No. No. Not paved, graded and compacted is basically what it needs.

MR. BELLOWS: Yes.

MR. KLATZKOW: Staff is going to inspect the road before any work starts so we know the condition of the road. They are going to maintain that road in that condition during the construction process, and when the construction process is done, they will bring that road back to where it was when it first started.

MR. BELLOWS: Or better?

MR. KLATZKOW: Well, I don't care if it's better.

MR. BELLOWS: It might end up being better.

COMMISSIONER KLUCIK: We have something to move?

CHAIRMAN FRYER: Applicant, do you have anything further at this time?

MS. JAHN: I do not.

CHAIRMAN FRYER: All right. We will close public comment and deliberate and entertain a motion if one is appropriate at this time.

COMMISSIONER SCHMITT: Motion.

CHAIRMAN FRYER: Let's hear it.

COMMISSIONER SCHMITT: First of all, Paul and I are the only engineers, so we're outnumbered by attorneys, and one thing we don't want to do is stand in the way of arguing engineers; right? It's like standing in front of arguing attorneys. But, no, I have to believe that what was put on the record regarding the cell tower and the confirmation of the mathematics behind it, I'm not going to dispute that.

I would make a recommendation for approval based on the conditions as stated on the record, and as cited. So I'd recommend approval of conditional use of PL20180002327, the Benton Road Communications Tower with the stipulations as proposed, and note we have to make a separate vote as EAC.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER VERNON: Vernon seconds.

CHAIRMAN FRYER: Any further discussion? If not, we're voting as Planning Commission this time around. All those in favor, please, say aye. Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Passes six to one. Now we have an EAC issue and our role is limited to environmental matters other than radiofrequency.

MR. KLATZKOW: Correct.

CHAIRMAN FRYER: May I have a motion?

COMMISSIONER SCHMITT: I make a motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER VERNON: Vernon seconds.

CHAIRMAN FRYER: Any further discussion? If not, all those in favor, please, say aye. Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

COMMISSIONER SHEA: Me.

CHAIRMAN FRYER: It passes six to one. Thank you very much. We will stand in recess now until --

MR. KLATZKOW: Do you want to see this back on a consent agenda, or just pass it to the board?

CHAIRMAN FRYER: I don't personally feel it needs to be coming back to us. What does the Board feel?

COMMISSIONER SCHMITT: I believe Ray can certainly tidy up the loose ends and get this

ready for the board.

MR. MULHERE: Mr. Chairman?

CHAIRMAN FRYER: Yes.

MR. MULHERE: May I ask a question about the agenda --

CHAIRMAN FRYER: Yes.

MR. MULHERE: -- on behalf of my client?

CHAIRMAN FRYER: Yes.

MR. MULHERE: It will be 3:00 before we get back. You have two more items?

CHAIRMAN FRYER: Yes.

MR. MULHERE: And did you continue the public hearing on Longwater or no, you just paused it?

CHAIRMAN FRYER: Yeah, we paused it.

MR. MULHERE: At this point it doesn't look like we will be able to continue. Can we continue it so that we don't have to sit here for --

CHAIRMAN FRYER: I understand your question, and let's ask the Planning Commission how late we'd be prepared to stay today?

COMMISSIONER FRY: Are we supposed to clear all the other items on the agenda before going back to Longwater?

CHAIRMAN FRYER: No, we've got NC, and then we've got the Barron Collier thing, which will probably consume the rest of the day.

COMMISSIONER FRY: Yeah. I think we should be merciful.

MR. MULHERE: Thank you.

CHAIRMAN FRYER: Any objection to that?

COMMISSIONER HOMIAK: Oh, I don't know.

MR. MULHERE: I know I deserved that.

CHAIRMAN FRYER: Then may I have a motion that we will continue Longwater and Bellmar until -- continue to a date certain, I guess, which would be our next meeting?

COMMISSIONER SCHMITT: With the stipulation that we're at the point where Ms. Patterson was going to come and present her argument?

CHAIRMAN FRYER: Exactly.

MR. MULHERE: Correct.

CHAIRMAN FRYER: Any objection to that?

MR. MULHERE: No objection.

CHAIRMAN FRYER: Then that's our consensus. Thank you. All right. We are in recess until 3 p.m.

(A recess was had from 2:54 p.m. until 3:01 p.m., and the proceedings continued as follows:)

CHAIRMAN FRYER: Commissioner Shea has asked for an opportunity to explain his no vote, which of course is certainly in order, and I yield the floor to Commissioner Shea.

COMMISSIONER SHEA: So the reason I voted against it was I feel like the neighbors are now paying the price of two big companies who don't live in the neighborhood not being able to communicate.

As an engineer I can guarantee you that big tower can be made structurally adequate to carry whatever is going on, but I feel like the two companies were not communicating and the victims are the neighbors, and why I voted against it was to force them to go back to the table and maybe talk, because it doesn't sound like they've been talking, so that the neighbors don't become the victim of two companies who don't live in the neighborhood not agreeing, so that's the primary reason.

CHAIRMAN FRYER: Thank you, sir. Commissioner Fry?

COMMISSIONER FRY: I just -- I support what Mr. Shea is saying. In my case I voted for it because of the lack of evidence submitted by the -- by Alpine that conflicted with the engineering -- the formal engineering report that was submitted by the applicant. So in the absence of that, I found it hard to say no, but, absolutely, why would we have two towers when one would do the job.

CHAIRMAN FRYER: Thank you, sir. All right. The next matter we will hear are two companion applications. They are PL20180002233, which is the Growth Management Plan Amendment, the NC Square mixed use overlay application, and also -- and that's before us for adoption, and then we have the companion PL20180002234, the NC Square MPUD application.

All persons wishing to be heard in this matter, please rise to be sworn in by the court reporter. (The speakers were duly sworn.)

CHAIRMAN FRYER: Ex parte disclosures from the Planning Commission starting with Commissioner Shea?

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Thank you. Documents and public record as well as communication with staff and the applicant's agents.

COMMISSIONER FRY: Ditto.

COMMISSIONER HOMIAK: Spoke to Mr. Davies and Ms. Harrelson.

COMMISSIONER SCHMITT: I did as well, yes.

COMMISSIONER VERNON: Communications with staff.

COMMISSIONER KLUCIK: Communications with staff.

CHAIRMAN FRYER: Thank you. Mr. Davies, you may proceed.

MR. DAVIES: Thank you, Mr. Chairman. Good afternoon, Commissioners. For the record, Noel Davies with the law firm of Davies Duke on behalf of the petitioner. This is a mixed use project in the Rural Fridge Mixed Use District. We're at the intersection of Immokalee Road and Catawba Street approximately three and a half miles east of 951. You'll recall we were before you back in November for the GMPA transmittal hearing. We're now back, as the Chairman mentioned, for our adoption hearing, and this is for the GMPA, and also our companion PUD application.

The full project team is here today. Jessica Harrelson is our professional planner with Davidson Engineering. Carl Thrushman is our professional engineer also with Davidson. Mike Myers our environmentalist with Passarella & Associates, Gerald Hendry, our economist with Maxwell, Hendry & Simmons, Norm Trebilcock, our transportation engineer with Trebilcock Consulting Solutions.

I'm going to have Jessica walk you through the details of the zoning, the master plan, buffering development standards. Before I do that, I wanted to share a quick word about this client and his vision for this particular development.

This would be the first privately-funded affordable housing project here in the county. As you all can I'm sure attest to, our housing affordability challenge here in the county reached a crisis some years ago now, and it's encouraging certainly to see some of the public private partnerships that are going through the county process, but this one would be funded entirely by the developer.

There is not a county subsidy here, and my client has agreed to place the appropriate restrictive covenants on the property through an affordable housing agreement with the county that would encumber the parcels at issue today, in accordance with the county's affordable housing standards for the full 30 year time period, and that 30 year rule would be recorded in the public records and would apply to any successors in title as well.

We're not proposing that just a portion of the housing on the site be affordable, it's the entire residential component of the project. All 129 units are required to meet the county's housing affordability metrics.

To that end you'll recall your discussion at the last hearing regarding not just a maximum unit count but a minimum. My client has agreed to build a minimum of 120 affordable housing units, maximum of 129, and that has all been incorporated into our GMPA language and these are owner occupied town homes and condos, not apartment rentals.

The other point of the discussion last time related to our proposed list of commercial uses. We've refined and reduced our use list even further. Our uses include C2 and limited C3 neighborhood commercial uses. The purpose of the commercial component of this project is primarily to service the affordable residential units.

The intended patrons of the commercial are those onsite residents, as well as those in the immediate surrounding vicinity; talking more mom and pop retail, not big box.

We have also included a daycare center facility onsite, which will be a nice amenity for the working families living right next door.

As far as public engagement, we have received significant support for adding to the much-needed supply for affordable housing, and there has been no formal objectors to the project.

With that, Mr. Chairman, if I may, I'll turn it over to Jessica and she -- then we can answer all questions once she goes through the full slide deck.

CHAIRMAN FRYER: Thank you. Ms. Harrelson?

MS. HARRELSON: Good afternoon, for the record Jessica Harrelson, Certified Planner with Davidson Engineering.

The property is 24.4 acres in size and is zoned rural agricultural within the Mobile Home Overlay and Rural Fringe Mixed Use Overlay Receiving Land.

The future land use designation is Rural Fringe Mixed Use District Receiving Lands. The purpose of the growth management amendment is to establish the NC Square mixed use overlay that will permit a minimum 120 residential units and a maximum 129 residential units, 44,400 square feet of neighborhood commercial uses and a 12,000 square foot daycare limited to 250 students.

Density above the base of one unit per five acres will be achieved during the Affordable Housing Agreement with the owner and Collier County, and rezoning of the property is in the form of a PUD, being presented as a companion item to you today.

All provisions for the PUD ordinance are being met and includes a wildfire prevention and mitigation plan, and language pertaining to the need for a black bear management plan. We are requesting to rezone the property to the NC Square mixed use PUD consisting of a commercial tract that will permit uses within the C1 through C2 zoning districts, and limited C3 that are appropriate to serve as neighborhood commercial uses.

Neighborhood commercial uses are convenience type uses that serve surrounding residents, typically within a three-mile radius. The PUD prohibits gas stations, stand-alone drive-thru, restaurants, homeless shelters and soup kitchens.

The residential tract permits multifamily town home, model homes and leasing offices. The PUD master plan illustrates a compact mixed used development with 13.79 acres of developable area.

Within the residential tract development will consist of 87 multifamily condominiums, with a maximum zoned height of 40 feet, and an actual height of 47 feet, and 42 town homes with a maximum zone height of 35 feet and an actual height of 42 feet.

Residential setbacks are 200 feet from Immokalee Road, 25 feet from preserve areas, and 30 feet along remaining boundaries. Within the commercial tract development will consist of up to 44,400 square feet of neighborhood commercial land uses, and a 12,000 square foot daycare, maximum zone height is 35 feet and actual height 42.

Setbacks are 50 feet from the right-of-ways and 30 feet along the remaining boundaries. There are two separately proposed preserve areas collectively 6.2 acres in size.

The plan meets LDC requirements for perimeter landscape buffers with 20 feet Type D buffers along the rights of way, a 15 foot Type B buffer along the western property line and 10 feet Type A buffers along the remaining boundaries where the site abuts a landscaping company.

Access to the site is proposed as a right-in, right-out along Immokalee Road, and a full-access driveway connection on Catawba Street, and a dedicated eastbound right turn lane will also be constructed.

Onsite storm water management areas will be designed to Collier County and South Florida Water Management District standards. There is one deviation being requested. The LDC requires that preserves be interconnected within a site, and we are proposing two separate preserve areas with the justification that Preserve No. 2 down here to the south, it's located -- it's contiguous to preserve wetlands along the adjacent property to the east.

This allows interconnectivity of these preserves and encourages wildlife movement in an east/west direction away from Immokalee Road. Preserve No. 2 is also comprised of drained bald cypress, and the proposed storm water discharge to this location will improve the hydrology to this preserve area.

Preserve No. 1 was established in response to a Phase I cultural resource assessment which found that this area contains archeological significance; therefore, no development is proposed within this area and will be preserved in perpetuity.

The PUD limits the site to 463 two-way a.m. peak hour trips and 467 two-way p.m. peak hour trips.

A NIM was held on August 6th. No one from the public attended, and to-date we have received no opposition for this project.

The developer has agreed that 100 percent of the residential units will be affordable housing units, and all will be owner-occupied. The Affordable Housing Agreement will grant the land for 30 years from the date of CO for each unit.

The development will serve Collier County residents' earning incomes in the moderate and gap categories. The units will be restricted by the median household income with corresponding price points for each unit.

The project complies with the goals of the Rural Fringe Mixed Use District. The project is located within the receiving lands, which has been deemed the most appropriate for development in the rural fringe. The project will preserve 25 percent of the total site area.

It is located along a six-lane arterial roadway with existing infrastructure in place to accommodate the project, and NC Square as a mixed use development there will provide housing affordability in Eastern Collier County.

The project complies with recommendations outlined in the recent White Paper. This includes promoting mixed use development, promoting housing affordability and recommends higher density and elimination for TDR's for development, providing housing affordability. The White Paper further states that during public workshops, participants were supportive of increased density, and passionate about the need to address affordable housing within the rural fringe.

Participants were favorable towards mixed use development and supportive of employment, goods and services, and a mix of housing types in the receiving lands.

And to conclude, this exhibit illustrates location the schools, fire and police stations and health care facilities within a five-mile radius of the project. All of which, the employees at these facilities will benefit from this development, and we believe this development meets the goals of the housing element of the Collier County Growth Management Plan.

CHAIRMAN FRYER: Thank you very much.

MS. HARRELSON: Thank you.

CHAIRMAN FRYER: Any questions from the Planning Commission for the applicant?

COMMISSIONER VERNON: Commissioner Vernon. I just want to say this is a pretty cool change from what we're used to seeing, and I think, fairly new to the board, but this is the only project that I've said I really like this project, and I've -- I think I said it four times. I think that with the housing prices going up the way they are, affordable housing is going to become more and more and more important. It's privately-funded. I love that. It's 100 percent affordable. I love that. So I love this project.

CHAIRMAN FRYER: Thank you. I do, too. Any other Planning Commissioners wish to be heard? If not, we'll hear from staff.

MS. GUNDLACH: Good afternoon, Planning Commissioners. I'm Nancy Gundlach, Principal Planner with the Zoning Division. I have with me here today, we have Sue Faulkner from Comprehensive Planning. She has a few comments she would like to share with you before I make my statements.

CHAIRMAN FRYER: Okay. Ms. Faulkner?

MS. FAULKNER: Good afternoon, Sue Faulkner with Comprehensive Planning. I would just like to say you did see this project once before. It was forwarded to the Board of County Commissioners. They did approve to send it off to the DEO, Department of Economic Opportunity, and with that I wanted to let you know that we did receive letters back no comment. Nobody had anything of concern with this project from any of the agencies, and with that we'd like to recommend that you approve the project to the Board of County Commissioners again.

CHAIRMAN FRYER: Thank you, Ms. Faulkner.

MS. FAULKNER: Uh-huh.

MS. GUNDLACH: Okay. Sue was just speaking on behalf of the companion Growth Management Plan, and I'm speaking on behalf of the PUD rezone for NC Square. Staff is recommending approval, and just a reminder, you're going to be voting on it acting as EAC, the Environmental Advisory Council.

CHAIRMAN FRYER: Both capacities?

MS. GUNDLACH: Both capacities, that's correct.

CHAIRMAN FRYER: Thank you for reminding us on that. Any questions or comments from the Planning Commission? I just have one. I'm thoroughly satisfied with this project, and I've had numerous conversations with the applicant's agents, and the concerns that I had were resolved 100 percent to my satisfaction, so I'm fine with everything.

There is just a couple things that I would suggest that you might do, staff, when you take this along to the BCC. On page, let's see, 1176 of the packet of 4452 is the cover language for the ordinance, and the GMP ordinance, and this continues to talk about the maximum of 129, which is good, but I would like to insert the minimum of 120.

Now, it doesn't need to be inserted in the substantive part of the ordinance, because it's there, but just so we draw sufficient attention to the commissioners that that concession has been made. I'd ask that it be put in the ordinance preface language on that Page 1176.

The same concern or request comes up again Page 1498 of the packet, which is Staff Report Page 4 of 18, and this has to do with the MPUD. Again, please, insert the reference to the minimum of 120 dwelling units where it refers to the maximum. And with that I have no further questions or comments. Anyone else?

COMMISSIONER SCHMITT: No, I defer to Commissioner Vernon to make the --

CHAIRMAN FRYER: Let's be sure there is no public speakers.

MR. YOUNGBLOOD: Mr. Chairman, we have one public speaker who is with us, Kristen Claunch.

CHAIRMAN FRYER: Okay. Ms. Claunch, is she here or on the phone?

MR. YOUNGBLOOD: I have a form that she states she was here at one point today.

CHAIRMAN FRYER: All right.

MR. YOUNGBLOOD: And one speaker registered online, and I do not see that individual so...

CHAIRMAN FRYER: Okay. All right. Well, that being the case we will close public comment and have deliberation or entertain a motion.

COMMISSIONER VERNON: Vernon moves.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHMITT: Second.

COMMISSIONER HOMIAK: For the GMP?

CHAIRMAN FRYER: For the GMP.

COMMISSIONER VERNON: For the GMP.

CHAIRMAN FRYER: Yeah, we actually have to have three --

COMMISSIONER SCHMITT: Three votes.

CHAIRMAN FRYER: Yeah. So this is on the GMP to recommend adoption, and it's been moved. Did I hear a second?

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: Any further discussion? If not, all those in favor, please say aye. Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Passes unanimously. Now the MPUD. Is there a motion?

COMMISSIONER VERNON: Commissioner Vernon moves.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: Any further discussion? If not, all those in favor please say aye. Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Passes unanimously. Thank you, applicant. Thank you, staff.

MR. DAVIES: Thank you, Commissioners.

COMMISSIONER KLUCIK: I just want the record to reflect that I don't think I said much during that.

CHAIRMAN FRY: I second that.

CHAIRMAN FRYER: So noted.

COMMISSIONER KLUCIK: In law school, Mr. Chairman, my classmates gave awards --

CHAIRMAN FRYER: Oh, boy.

COMMISSIONER KLUCIK: -- when we graduated, and I got the golden hand. Can you imagine why?

COMMISSIONER FRY: Was that the back of the hand or the front?

CHAIRMAN FRYER: All right. Okay. Next on our agenda are two more companion applications, proposed Immokalee Road Estates Commercial Subdistrict, which is a large scaled GMPA, and that is, let's see, PL20160000221, and it's companion, PL20200000546, the BCHD Partners 1 CPUDZ.

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

(The speakers were duly sworn.)

CHAIRMAN FRYER: Thank you. Disclosures from the Planning Commission, starting with Commissioner Shea, please?

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER FRY: Staff materials, public record.

CHAIRMAN FRYER: Documents in public record as well as communications with staff and the applicant's agents.

COMMISSIONER HOMIAK: I spoke to Mr. Davies.

COMMISSIONER SCHMITT: Spoke to Mr. Davies as well.

COMMISSIONER VERNON: Communications with staff.

COMMISSIONER KLUCIK: Communication with staff.

CHAIRMAN FRYER: Thank you. We'll begin.

COMMISSIONER SCHMITT: Spoke with Jessica, as well. They were both on the phone.

CHAIRMAN FRYER: On this one?

COMMISSIONER SCHMITT: No. This one she left, that's right. Thank you.

CHAIRMAN FRYER: Okay. Thanks. We'll begin with the applicant's presentation. Mr. Davies, you may proceed.

MR. DAVIES: Thank you, Mr. Chairman. For the record, Noel Davies on behalf of the Petitioner, BCHD Partners 1, LLC which is an affiliate of Barron Collier Companies.

You'll recall we were here back in September for the transmittal hearing for this GMPA. You all recommended approval at 180,000 commercial square feet. The Board of County Commissioners transmitted us to the State at 200,000 square feet.

This is the adoption hearing on both the GMPA and the companion PUD application. We are seeking 200,000 square feet of commercial uses. The project is located on Immokalee Road just north of Randall Boulevard where Immokalee starts running north/south.

I do have the full project team here today. Austin Howell is here from Barron Collier Companies. Wayne Arnold is our Professional Planner from Q Grady Minor & Associates. Norm Trebilcock is our Transportation Engineer with Trebilcock Consulting Solutions. Bruce Layman, our ecologist with Peninsula Engineering, and Russ Weyer, our economist with Real Estate Econometrics.

Here is the specific parcel assemblage. There are three parcels fronting Immokalee Road. This is Immokalee, and a western finger parcel which goes back to 4th Street Northeast. Note that this parcel will not have any physical commercial structures built on it. It is specifically designated for water management for buffering.

These are the specifics regarding our comp. plan and PUD applications. We're creating a new commercial subdistrict and rezoning to Commercial PUD.

Again, we were previously before you in September and at the board in October. The nature of our request is a maximum of 200,000 square feet, and our uses include C3 plus the following C4 uses: Car washes, medical and dental labs, air-conditioned climate-controlled self-storage, and nursing and professional care facilities.

Here is our proposed subdistrict language for the GMPA. We've added some clarifications, you'll see the highlights, to make sure any self-storage use would be air-conditioned, climate-controlled, and that there will be absolutely no access or construction of physical commercial structures on the western parcel that abuts 4th Street Northeast. Again, here are the permitted uses from the PUD, and we have also included certain specifically prohibited uses. For example, you'll see in highlights no psychiatric hospitals or drug and alcohol rehab centers.

This is our proposed master plan. You can see the western parcel there denoted by Water Management. You'll also see the preserve at the north end, then three primary commercial tracts at the northeast, southeast and southwest portions of the site.

We've also agreed, and you'll remember the discussion from last time with respect to an interconnection at both the north and south ends of the parcels, here and here.

We've been working closely with our neighbor to the south on the specific language of the Interaction Agreement. A draft is included in your backup materials, and that document will be fully executed in advance of our BCC hearing.

Here are the development standards: These include 10,000 square foot minimum lot area requirements, internal/external setbacks, other site development, those restrictions, they are all outlined here. We've requested two minor deviations, one for a direct redesign, the other regarding 50 foot wide internal roads. Your staff has reviewed these and is recommending approval on both, and here is the Interconnection Agreement that provides the shared access and interconnection with our neighbor to the south.

County staff is recommending approval at 200,000 square feet, and we only have one point of disagreement with your staff. We are seeking hours for amplified sound up to midnight on weekends, and staff is recommending a condition of 9 p.m. on weekends. For purposes of clarification, I'm back at

the master plan.

Petitioner is willing to agree to that staff condition for the internal areas of the site, those areas closest to the residential on 4th Street Northeast, for example, the southwestern tract marked C here, and we'd like midnight on weekends for the hours for just these two tracts here marked C in the northeast and southeast; both of those tracts front Immokalee Road.

That concludes my brief overview, Mr. Chairman. The full team is here. Thank you, Commissioners, and we're happy to answer your questions.

CHAIRMAN FRYER: Thank you, sir. Commissioner Fry?

COMMISSIONER FRY: Noel, I saw a comment in the packet. It was that Chairman Saunders requested an analysis justifying the additional 20,000 square feet.

We approved 180,000, staff recommended 180,000, now, I guess is approving 200,000, but was there an analysis done that actually underscores the need for the additional 20,000? It was supposedly based on a market analysis.

MR. DAVIES: Yeah, so there was no additional analysis done since I was last in front of you. We do stand by our original findings. We did the full market analysis that supports the request of the 200,000.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Any other comments from the Planning Commission? I have a few. In some respects I believe this is an improvement to what we saw before, and others I think it's a step backward. I, too, was going to raise Commissioner Saunders' concern. Actually staff was recommending 178,000, which is less than we went for. I'm not going to go back into excruciating detail on the problems that I had with the economic analysis, but suffice it to say, I had a lot of significant differences of opinion and problems with it.

I was able to get over my concerns by reason of a reduction in the intensity from 200,000 to 180. If we're going back up to 200,000 and we don't have what Commissioner Saunders asked for, I find myself in exactly the same place I was before, but worse.

Worse off from the standpoint of an agreement with the applicant, because the applicant's gone back up to 200,000, so that remains a point of serious contention.

COMMISSIONER HOMIAK: The commissioners voted for it for transmittal.

CHAIRMAN FRYER: No, they absolutely did. I mean, they did. They did, and they may vote for it again, that's --

COMMISSIONER KLUCIK: When you say they, so the County Commissioners voted for the 200?

CHAIRMAN FRYER: Yes, they did.

COMMISSIONER HOMIAK: Yeah.

CHAIRMAN FRYER: And they may do that again.

COMMISSIONER KLUCIK: And that's what's before us now is something -- it's just an update of what has already passed through the system once, and now it's making it, for a different reason, it's making its second pass through?

COMMISSIONER SCHMITT: This is the adoption.

COMMISSIONER KLUCIK: Oh, right, before it was transmittal, right, but basically we're here looking at the same size as went through for transmittal?

COMMISSIONER VERNON: I don't think so, unless I'm missing something.

COMMISSIONER KLUCIK: It left us. How did it leave us?

CHAIRMAN FRYER: It left us at 180,000.

COMMISSIONER KLUCIK: Right.

CHAIRMAN FRYER: And then the County Commissioners approved it at 200 with Commissioner Saunders' request for more study information to demonstrate --

COMMISSIONER SCHMITT: It came to us as 200,000.

MR. DAVIES: If I may clarify? So the request has always been for 200,000. At the

transmittal hearing in front of the Planning Commission last time, there was a motion made with respect to the 180,000; that's what was your recommendation, your unanimous recommendation of approval for this project was at 180,000.

I think I made a statement at that time that I was not going to stand in the way of a recommendation of approval, notwithstanding that was something less than what my client was requesting, which was the 200,000.

The request has always been the 200,000 presented -- we did the presentation to the Board of County Commissioners. Commissioner Saunders did make a comment with respect to this additional study on the economic analysis, and there was a unanimous approval at that transmittal hearing to transmit it to the State at 200,000.

Now we're back in front of you. Nothing has changed. There's no additional parcels or less parcels. It's the same application. We have a companion PUD application that goes into the specifics of the site planning, which is a companion to our comp plan amendment GMPA; that was the only application before you technically at the transmittal hearing.

COMMISSIONER KLUCIK: And, Mr. Chairman?

CHAIRMAN FRYER: Yes.

COMMISSIONER KLUCIK: And what did you understand was the nature of what Commissioner Saunders -- it passed unanimously at 200,000 with this request or this concern that Commissioner Saunders had, and how did he express that, and, you know, first of all, it shouldn't hinge on what one commissioner said, but it's certainly worth considering. So what was that? Because now I'm hearing that Commissioner Saunders' request hasn't been heeded or --

MR. DAVIES: Yes, and to clarify, that was not a condition of the transmittal, that was not a condition of approval of the GMPA to the State. I believe that Commissioner Saunders' comment was memorialized and is in the packet or the staff report and summary for this item on the agenda memorandum, and I believe it related to the commercial needs analysis, and it related to, I think, additional studies with respect to the 200,000.

COMMISSIONER KLUCIK: He wanted additional studies?

MR. DAVIES: He made a comment with respect to that, but that was not a condition of the transmittal.

COMMISSIONER KLUCIK: Okay. So really nothing -- nothing seems to stand in the way, I mean, at this point if the 200,000 is before us, is what the Commissioners sent for transmittal, and now it's back to us, and we can either take it as it is, or try to make an issue out of that extra 20.

CHAIRMAN FRYER: Yeah, I think that's a fair statement.

COMMISSIONER VERNON: If I can jump in?

CHAIRMAN FRYER: Yes, go ahead, Commissioner Vernon.

COMMISSIONER VERNON: I should remember, but I don't really remember, but I'm gleaning from this that based on discussions we moved it down from 200 to 180, that got approved, and I don't remember what the concerns were, and I guess that's what I want to know, from either the Chairman, if you recall, or the applicant.

CHAIRMAN FRYER: Let me start and then Mr. Davies.

MR. DAVIES: Yes, sir.

CHAIRMAN FRYER: Before I do I need to send my usual message to Mr. Troy Miller that I need the power supply for the deliberator.

The main issues that I had at the time were as a result of the economic analysis that was submitted to us. I did not think that it made the case for the kinds of commercial activity within the appropriate radius that should be addressed, and that it didn't take appropriate account of property that -- thank you -- that had been zoned commercial but hasn't been approved yet. It took some account, but not appropriate account.

And I have been concerned about that since the very beginning, that if we've got property out there that is already appropriately zoned for commercial, we need to address that and give serious

consideration to that before we change the zoning of something else.

And one of the things that staff said in its earlier report to us was that down there in that southern area where this is supposed to come up, it was never contemplated to be commercial, and so I was looking for the case to be made, and in my judgment the case wasn't made.

I understand that the vote that really matters has been taken, at least on the transmittal issue, and I may well -- my vote may not matter going forward, but unless I'm informed by the county attorney that somehow this is the law of the case and I can't vote no, I intend to vote no, if that can't get resolved.

The second issue I have is with the hours of operation. I would be willing to listen to explanations that might change my point of view on that, but midnight is an awfully late time. Now, I realize we're fronting on Immokalee, and some steps have been taken to protect the eastern edge of the Rural Estates. I'm not sure adequate protection, though, has been offered.

So from my perspective, Mr. Davies, I would like to hear some more from your client, or you, about why you need to go all the way until midnight on weekends.

MR. DAVIES: Thank you, Mr. Chairman. So first with respect to the economic analysis, we do stand by the prior analysis that was done. It was done in detail, done in accordance with the governing regulations for that, and supports the request for the 200,000.

With respect to the hours of operation, I brought back up the proposed master plan. The rationale behind that, Mr. Chairman is, as you pointed out, we're on Immokalee Road. This is a six-lane road. The impact or potential impact with respect to the residential along 4th Street is sufficiently mitigated by my client's agreement to have that condition of 9 p.m. apply to anything west of this internal road that you see on the Master Concept Plan, on the master plan, and so we've limited that request based on the staff condition only to midnight on weekends for these C parcels here that abut Immokalee Road.

CHAIRMAN FRYER: May I respond? With respect to the economic analysis, it's my recollection, and I'm pretty clear on this, that your consultant was operating on 150,000 square feet.

MR. DAVIES: Respectfully, Mr. Chairman, I disagree. That was based on an original version of the report which was when this assemblage was only 15 -- approximately 15 acres.

The additional approximately five acres was added, and the request was amended from 150 to 200. A supplemental economic report was provided that provided the support for the full 200,000 request.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes.

COMMISSIONER KLUCIK: Do we want to hear from staff, and their view on the economic analysis?

CHAIRMAN FRYER: Oh, absolutely, yeah, for sure. We're going to hear from staff.

COMMISSIONER KLUCIK: Sure. I'm sorry. I guess you're doing it in order.

CHAIRMAN FRYER: Yeah, sometimes I default to that approach.

COMMISSIONER KLUCIK: You're like that. I like that about you.

CHAIRMAN FRYER: Well, thank you. Commissioner Fry?

COMMISSIONER FRY: My recollection of the transmittal hearing before us was that staff differed from the 200,000 calculation. They said it was 178,000.

MR. DAVIES: Correct.

COMMISSIONER FRY: Then our recommendation basically followed staff's recommendation. So I will be asking staff, do you now believe that 200,000 was the right number? If not, you know, let us know that, but that was my recollection. We were following staff's recommendation overall.

MR. DAVIES: That's correct.

CHAIRMAN FRYER: All right. Any other questions or comments for the applicant? Vice Chair?

COMMISSIONER HOMIAK: But the 200 is a maximum. It doesn't mean it's going to be built.

CHAIRMAN FRYER: Correct. Correct.

COMMISSIONER HOMIAK: It has to be a demand for it or it's not going to happen.

CHAIRMAN FRYER: Yeah. Indeed.

COMMISSIONER HOMIAK: So...

CHAIRMAN FRYER: Anything else for the applicant? If not, we will hear from staff.

COMMISSIONER KLUCIK: While we're waiting for staff, Mr. Chairman, I just want to reiterate what I told you privately, that I think you are excellent at conducting a meeting, and, you know, being very logical and keeping us on track and to a sensible agenda, and I appreciate that.

MR. KLATZKOW: He's looking for another golden hand award.

CHAIRMAN FRYER: Thank you. It should be there when you get home. Thank you very much. I appreciate that. Ms. Faulkner?

MS. FAULKNER: Sue Faulkner, Comprehensive Planning. We did have it in our staff report that we acknowledge that Commissioner Saunders had requested a more in-depth look at the commercial market study, and we noted that the petitioner did not provide that to us. So that is in our staff report for this round.

CHAIRMAN FRYER: Thank you, and I saw that.

MS. FAULKNER: Okay. Anyway, and in the overall, there was one slide, and it just was what the ordinance currently states for the recommendation -- oh -- and sorry for the interruption.

CHAIRMAN FRYER: No problem.

MS. FAULKNER: I just go first, and because GMPA must be approved prior to the zoning ordinance, this recommendation is to approve for allowable uses, C3 commercial intermediate zoning, and the C4 uses of motor freight, transportation and warehousing, car washes, medical and dental laboratories and nursing and professional care facilities; that's how it reads in our ordinance.

There has been an e-mail I have seen to recommend a couple of changes in the wording. If we are directed to do so, we will take that forward, but in our case of the GMP, revisions to that are extra specificities that are not necessarily needed in a GMP, so we'll take your direction on that as to how to move forward with that.

The development is limited to 200,000 square feet, and the western portion is only for native preservation, storm water management and buffer areas. The interconnection shall be provided with properties fronting on Immokalee Road, and so those are the highlights we ask you to approve in the GMPA.

As I said, there are some additional things we have been made aware of as of yesterday, and if you want to move forward with those, I think they were mentioned in the consultant's presentation.

So it refers to the climate control of the warehousing, if you want that phrase put into the GMP. We don't normally do that much detail in the GMP. And the other was about the western portion and describing it in great detail, and if you wish to have that in there, we'll do it.

CHAIRMAN FRYER: May I jump in?

COMMISSIONER FRY: Sure.

CHAIRMAN FRYER: The -- the reason that that was changed, and I had a good conversation with Mr. Davies about that, he had referred at the NIM to, I think this was 4225 SIC Code, as the code that covers mini self-storage that's climate-controlled and it's really quite a bit more general than that.

In order to get the climate-control piece in the mini self-storage piece, you've gotta extend it out actually six digits SIC code. So my request to him, and I think he was okay with it, was let's stick with 4225, but limit it to air-conditioned or climate-controlled and mini self.

MS. FAULKNER: Okay. It might be possible to put it in the PUD, and not put it in the GMP.

CHAIRMAN FRYER: And I don't care where it goes.

MS. FAULKNER: Right. Normally, we wouldn't get that specific.

CHAIRMAN FRYER: Yeah, I understand, and it doesn't matter to me whether -- I just don't want it to be incorrect, and right now being as broad as 4225, we don't want that anywhere.

MS. FAULKNER: Okay.

CHAIRMAN FRYER: Okay?

MS. FAULKNER: All right.

CHAIRMAN FRYER: Thank you. Commissioner Fry?

COMMISSIONER FRY: Sue, before you go --

MS. FAULKNER: Yes.

COMMISSIONER FRY: -- to Karen's point I understand if the market does not justify 200,000 square feet, you wouldn't build 200,000 square feet, but staff did recommend initially 178,000 square feet, and really disputed the study that said 200,000 feet were needed. What has changed?

MS. FAULKNER: Change in staff. I apologize. I wasn't in on the first half of this project. It was another member of our staff, and when I reviewed it, I'm okay with the 200,000.

If you feel you'd like to once again move that to the Board of County Commissioners, they've already changed that back to 200 when done before, so that's --

COMMISSIONER FRY: Well, we were supporting your recommendation, so I want to understand why --

MS. FAULKNER: I apologies. I don't have a good reason not to support 200,000 in my case, I'm okay with it. And as Commissioner Homiak said they don't build it if it isn't meeting a need.

CHAIRMAN FRYER: Thank you. Chair recognizes Mrs. Jenkins.

MS. JENKINS: Thank you. Anita Jenkins, Zoning Director. The change comes about when we have Board direction and take actions to transmit. So if they ask to us transmit at 200,000, we're going to accept that as Board direction and transmit at 200,000 and bring that back to you.

COMMISSIONER FRY: So they -- basically they bought into the economic analysis provided by the applicant versus what staff recommended?

MS. JENKINS: Yes. Yes. They went from the Planning Commission's recommendation of 180,000 to approving 200,000, and that's what was transmitted, that's the ordinance before you today, and staff is recommending approval.

COMMISSIONER FRY: Thank you.

MS. FAULKNER: Whatever she said.

COMMISSIONER VERNON: Ms. Jenkins, I may just not understand the procedure, but I guess I'm struggling at little bit with, we did analysis, whether we relied on the staff recommendation or not, we came up with 180,000.

The Board of County Commissioners decided 200,000, then I'm kind of, like, you know, if I'm asked to review it again, then I don't want to change my mind simply because the board told me to, the Board of County Commissioners, because if that is the procedure we should follow, then it doesn't make any sense it comes back to us.

So I'm looking for a little bit of a different reason than that's what the Board said. I assume, and I could be wrong, because I don't know the procedure that well, but I assume it comes back to us for an independent evaluation, separate and apart from what the Board decided to do; does that make sense?

MS. JENKINS: Sure. Yes. And you can consider from the staff report that came to you at transmittal to what you have before you today.

Staff is going to take the Board's direction from transmittal and what was transmitted in that ordinance, and bring it back to you for adoption, and we are recommending approval of what's before you today, but you can consider all of the information you had before in making your recommendation for adoption from transmittal.

COMMISSIONER VERNON: And I do understand we have a different staff member, and you have a different marching order, but I'm trying to figure out whether -- and I wish my memory was better, but I'm trying to figure out what substantively, forget about what the Board of County Commissioners did, but substantively what changed from the first time we looked at it and the second time we looked at it, other than the Board voting, that should make us agree to the 200,000, and, Noel, or anybody who wants to respond is fine with me.

MS. JENKINS: There have been no additional analysis done. The Collier Interactive Growth Model recognized 178,000. You suggested 180,000, and the client's or the applicant's analysis said

200,000. So the Board recognizes that and recommended transmittal at 200,000. No additional information has been provided.

COMMISSIONER VERNON: Switch gears briefly. I may have missed it, and I apologize. What was -- you're proposing for, I think, it was weekends midnight, and I think staff recommendation remains 9 p.m. for weekends; is that right?

MS. JENKINS: I would have to ask Nancy to get into the details of the PUD.

COMMISSIONER VERNON: Oh, okay.

MS. FAULKNER: And the only other thing I'd like to add was this was forwarded with 200,000 to all the State agencies, and it came back with no comments.

CHAIRMAN FRYER: Thank you. Ms. Faulkner, don't go too far.

MS. FAULKNER: I'm not.

CHAIRMAN FRYER: Okay. Thank you.

MS. GUNDLACH: Nancy Gundlach again, and we do have some recommendations of approval, and one of them is that there should no amplified sound during weekend hours between 9 p.m. and 8 a.m., and the second condition of approval is that we provide a 15 foot wide Type B landscape buffer, and I'm going to show you right -- can you see that little landscape buffer we put in? That would be the 15 foot wide landscape buffer.

I'm sure you received some of the e-mails that came in regarding the water management area along the Estate Street. This would help the screen buffer obscure the view of the rear of the shopping center from the Estate residences.

CHAIRMAN FRYER: Thank you. Questions for Ms. Gundlach? Okay. I would like to ask Ms. Faulkner a question, if I may, please?

MS. FAULKNER: Sure.

CHAIRMAN FRYER: And this -- I apologize in advance for putting you on the spot, and we had somebody else last time.

MS. FAULKNER: I understand.

CHAIRMAN FRYER: And now we have you. We're delighted to have you, but something troubles me, and this is a concern that actually spills over beyond just this application.

But in the economic analysis and I have a document in front of me from ESRI showing a demographic and income profile, and lo and behold they are projecting persons per household at 2.8 in 2010, and 2.78 in 2022, 2.78 persons per household. Now, when you analyze this information, do you use the persons per household metric?

MS. FAULKNER: Yes.

CHAIRMAN FRYER: You do. Okay.

MS. FAULKNER: Yes.

CHAIRMAN FRYER: Am I correct that others in staff use persons per housing unit?

MS. FAULKNER: I think that's more in transportation maybe that that's used, is my understanding from recent discussions another week when we had the Village in front of us.

CHAIRMAN FRYER: Yeah.

MS. FAULKNER: Yes.

CHAIRMAN FRYER: Persons per housing unit, and I appreciate it, it was explained to me in a staff meeting, that the difference in those metrics that the PPHU was intended to take account of vacancies, and I'm okay with taking account of vacancies, but I think it needs to be scientifically calculated, and it needs to be shown in a way that is credible, rather than just, well, we've picked this number, and our notion of how many vacancies there is going to be is somehow baked into this number.

But now we're back to persons per household, and we're at 2.78, which this is a case where the economic analysis is calculating, or is aimed at showing as many people as possible to justify economic demand?

MS. FAULKNER: That's true.

CHAIRMAN FRYER: Whereas when Village folks are in front of us wanting to talk economic

cost and expenses per person, we get numbers that are far, far lower than this. Does that seem to be a reasonable situation for us to find ourselves in, in your opinion?

MS. FAULKNER: In my previous experience PPH is something that's definitely used. Persons per household is a very common factor used in planning. I've been doing this for 15 years, and, yeah, it's frequent.

CHAIRMAN FRYER: Yeah, and I don't mean to be pressing you. I'll just ask you one more time in a slightly different way and move off of it.

We're up here trying to find scientific support for very, very important calculations, persons per household, and whether that is offered to us to show how much demand there's going to be for commercial activity, in which case this number is pretty high, or whether it's offered to us to show us how little the cost of the infrastructure is going to be for the residential occupancies.

MS. FAULKNER: I think that's a very smart observation that you've made, and I agree with it; that is the truth.

CHAIRMAN FRYER: Yeah. Well, I think I've made my point. Thank you very much, Ms. Faulkner. Appreciate it. I take it no one else had questions?

COMMISSIONER VERNON: I want to talk --

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER VERNON: -- I'd like to talk to the applicant again.

CHAIRMAN FRYER: Absolutely, you're entitled to do that.

COMMISSIONER VERNON: Noel, are you in agreement with, and you may have said this and I missed it, with the landscape buffer deviation?

MR. DAVIES: Yes, we are.

COMMISSIONER VERNON: The other issue, you heard my discussion with Ms. Jenkins, and also as to the time. What I'm hearing is, with respect to the 200,000 feet, is what I'm hearing from you, and I guess I want to hear something a little bit different, is that, well, everybody else approved 200,000 so you should, and with respect to the time change, I got staff telling me one thing, and then you're telling me we want something different.

So I'm trying to get at what is your argument, the factual, legal, equitable, anywhere you want to go on those two points, so that I can make an independent analysis of whether I want to follow staff, or follow our previous decisions or be swayed by your arguments?

MR. DAVIES: Thank you, Commissioner Vernon. On the 200,000 it's not my position, to clarify, that everyone approved it so you should. My position to the contrary is that we provided a detailed economic analysis including with the county regulations that governs such analysis. The county staff did review that.

I think the record is clear as to what happened at transmittal. You heard staff respond to their current position on it, and that's not -- that's not me saying, well, everyone, or the Board said you should do 200, so you should, and that's the only basis.

The basis is sounded in the professional economic analysis as well as was shared with the county in a detailed full analysis on the demand for commercial in this part of the county, and if there wasn't the requisite demand, I can assure you that my client would not be wanting to make the investment in this parcel to do this development.

The basis is sound and the basis is in accordance with the county requirements for such reports, and so we do stand by our original request. Nothing has changed since the original request of the 200,000.

With respect to the hours, so I think just a point of clarification there. So our request was for midnight on the weekends. Staff came back and said, oh, let's bump that down to 9 p.m. on weekends.

We are in agreement with this buffering condition, that was the second of staff's condition. The first one we are in agreement to in part, which is that we're happy to agree to it for everything west of this internal road that I'm marking the cursor on, but with respect to the tracts identified on the Master Plan in C, which are the ones that immediately about the six-lane Immokalee Road there, we would like the

opportunity -- and, again, this is not mandatory, but it's to have the flexibility to have a use with amplified sound up to midnight on the weekends, if, you know, if that so happens to be in place.

MR. KLATZKOW: Across the street from there is a residential neighborhood. I mean, you're just saying Immokalee Road, but right across the street from Immokalee Road is a significant residential neighborhood that you want to have amplified music on the weekends to midnight, which I'm assuming is basically bar music, because I can't think of any other use you'd have. The county is going to be getting complaints from that neighborhood as you're blasting music at midnight.

COMMISSIONER VERNON: Actually, that was kind of going to be a question, because I know your focus has been on protecting 4th Street, and I was thinking exactly what the county attorney was thinking and was going to ask, is there any kind of buffer in front of the stuff that fronts that Immokalee Road?

MR. KLATZKOW: And I know Commissioner Schmitt would remember the Stevie Tomato thing, when you had amplified music that close to commercial, it is a problem.

MR. ARNOLD: If I might, Mr. Chairman. I'm Wayne Arnold, for the record.

CHAIRMAN FRYER: Go ahead, Mr. Arnold.

MR. ARNOLD: Just to speak to that issue, immediately east of us is the Orange Tree Community. There are two neighborhood commercial tracts that abut Immokalee Road at the signalized intersection. So our immediate neighbor is not and will not residential to the east. We're also in -- I represent the parcel that's coming in and will be before you next month with regard to the mixed used project immediately south. They have outparcels that are in alignment with where Mr. Davies indicated there would be commercial to midnight, and just to mention, too, I know Mr. Klatzkow mentioned bar music, but under your ordinance amplified sound can be something as simple as a TV or even the speaker system that's at a lot of our more modern fueling facilities where they have small music or advertisements that are playing. Those businesses are 24 hours.

The other item that I would say with regard to that, it's only in a PUD where you have those limitations. You don't have these hours of restriction, other than you have a noise ordinance that's applicable throughout the county. So if I'm run-of-the-mill C1 through C5 zoning, I'm not subject to any limitations.

CHAIRMAN FRYER: Commissioner Fry?

COMMISSIONER FRY: So, Wayne, to the north is what? What's going to the north?

MR. ARNOLD: So the north is Estates designated property now, there's no action pending with regard to the property.

COMMISSIONER FRY: Could be residential some day?

MR. AROUND: Could be, probably unlikely, but could be.

COMMISSIONER FRY: And to the south, again, what did you say it was?

MR. ARNOLD: It is a proposed mixed use project. It's property owned by Collier County. I represent the owner who is under contract to purchase it from Collier County.

COMMISSIONER FRY: It would be commercial? It would not be residential?

MR. ARNOLD: It is commercial along the frontage on Immokalee Road. There is a residential component that abuts 4th Street Northeast.

COMMISSIONER FRY: I'm curious how the applicant would feel if we -- maybe midnight is too late, 9:00 seems pretty early to me. How about something like 10:00, would that be an acceptable compromise?

MR. ARNOLD: I'll let Noel speak to that.

MR. DAVIES: If that's the will of this Commission, I'm not going to make any concession with respect to that, but if that's the will of the Commission, you are certainly welcome to make a motion to approve it with that condition.

COMMISSIONER FRY: Okay.

COMMISSIONER VERNON: If I can jump back in?

CHAIRMAN FRYER: Go ahead, Mr. Commissioner.

COMMISSIONER VERNON: I think Mr. Arnold said, if I understood him correctly, on the east side of Immokalee Road, that's commercial? Like, there's commercial in front of the residential that the county attorney was referring to?

MR. KLATZKOW: Troy, can you come in here for a second?

MR. ARNOLD: Jeff has an image that he put on the visualizer. It's an areal photograph.

MR. KLATZKOW: We just can't get the Visualizer on.

MR. ARNOLD: The commercial tracts are vacant, except for the tract that was developed for the commercial shopping center that's at the corner of Randall.

COMMISSIONER VERNON: I'm sorry. Can you say that again? I was trying to look at the picture. So right now it's empty, but it's zoned commercial?

MR. ARNOLD: There's a -- yes, it's a commercial tract.

COMMISSIONER VERNON: But there is nothing there now?

MR. ARNOLD: There are just -- correct. If you look at the aerial photograph, clearly there's residential to Orange Tree to the east.

COMMISSIONER VERNON: And are there going to be any buffers? I asked this before, but I wasn't clear on it, maybe I didn't ask it fully.

Are there going to be any buffers on the east side of the subject site abutting Immokalee Road?

MR. ARNOLD: Yes, we have a 20-foot wide required landscape buffer along Immokalee Road.

COMMISSIONER VERNON: How high is that going to be?

MR. ARNOLD: It's a standard right-of-way buffer. It would contain a hedge if we have parking adjacent to it, otherwise, it's a tree every 30 feet.

COMMISSIONER VERNON: Okay. And going back to 4th Street, do it by football fields if you know, how many football fields from the back side of the possible noise, which is the east side of this subject site? How many football fields to 4th Street?

MR. ARNOLD: I'm not a football guy, but I'd say it's a little over 750 feet.

MR. KLATZKOW: That's two and a half football fields, Chris, not counting the end zones.

COMMISSIONER VERNON: Thank you. Okay. All right. That's all I have.

MR. ARNOLD: Thank you.

CHAIRMAN FRYER: Thank you. I have another question or comment for Mr. Davies. In our discussions you, I think, agreed to clarify the language about psychiatric patients.

MR. DAVIES: Yes, sir.

CHAIRMAN FRYER: You're still willing to do that?

MR. DAVIES: Yes.

CHAIRMAN FRYER: Okay.

MR. DAVIES: That was in my initial presentation. I had the language highlighted. I can pull up my presentation again if you'd like?

CHAIRMAN FRYER: It's the same thing you showed me a couple days ago?

MR. DAVIES: Yes, it clarifies that a psychiatric hospital is a prohibited use, and that includes a drug or alcohol rehab center.

CHAIRMAN FRYER: But any treatment of psychiatric payments for psychiatric disorders -- not payment, but conditions?

MR. DAVIES: Those uses are all prohibited.

CHAIRMAN FRYER: All prohibited. Are you also willing to agree that there would be no structure constructed on that western plot that abuts 4th Street?

MR. DAVIES: Yes, sir, absolutely. No commercial, physical structures.

CHAIRMAN FRYER: Okay. And so those two provisions will find their way into the ordinance if it passes. Well, it will find its way forward to the Board of County Commissioners because it's now a part of the record.

All right. Anybody else have anything for the applicant? Anybody need to hear more from staff? Yes?

COMMISSIONER FRY: Yes, question for Sue.

CHAIRMAN FRYER: Ms. Faulkner?

MS. FAULKNER: Hello.

COMMISSIONER FRY: Hi, Sue.

MS. FAULKNER: Hi.

COMMISSIONER FRY: Did you do your own independent analysis of the requirement for commercial square footage to arrive at 200,000? I'm just wondering what was wrong with the first analysis that we heard at the last meeting.

MS. FAULKNER: I didn't actually do the analysis at all. It was another staff member. I'm here to do the presentation and I was not the one doing the analysis.

COMMISSIONER FRY: But a new analysis was done between the transmittal and the adoption?

MS. FAULKNER: I don't know everything that was involved in her work, but she wrote the staff report, and I don't know what else was involved in what she did.

COMMISSIONER FRY: Okay.

MS. FAULKNER: I'm sorry.

COMMISSIONER FRY: No problem. Thank you.

MR. KLATZKOW: It was based on the county's Interactive Growth Model. The original one. There wasn't any great staff analysis. They just plugged numbers in, boom, 178,000 came out.

COMMISSIONER SHEA: So 178 would come out again today?

MR. KLATZKOW: Yes.

COMMISSIONER FRY: Okay. Are you saying -- I guess want to be clear. The economic analysis performed by the applicant was far more detailed than --

MR. KLATZKOW: Well, I have no idea. The data analysis -- the data analysis that the county used, and we use it for everything, came up with one number, and the applicant came up with a different number.

CHAIRMAN FRYER: Ms. Jenkins? Anita?

MS. JENKINS: Yes, Anita Jenkins. Yes, the applicant's analysis is much more detailed. We look at commercial goods and services on a square footage basis based on need, not specific to the type of uses that their market analysis gets into.

So the Collier Interactive Growth Model says the number of square footage to support the population, but not the specific detail of the use.

COMMISSIONER FRY: Thank you, that clarification is very helpful. Thank you.

CHAIRMAN FRYER: Thank you.

MS. FAULKNER: And if I could, please?

CHAIRMAN FRYER: Of course.

MS. FAULKNER: I had mentioned language changes, and I was not recommending that we proceed with any further language in the GMP portion of the adoption.

CHAIRMAN FRYER: Yeah, okay, but we're not going to -- we're not going to have SIC Codes in the GMP at all.

MS. FAULKNER: Right.

CHAIRMAN FRYER: Right?

MS. FAULKNER: Yeah, that's what I heard.

CHAIRMAN FRYER: Okay. Thank you. Thank you. I mean, I don't mind putting them in there, we've got to use the right ones, and either by modifying language or taking it out to six places.

MS. FAULKNER: All right.

CHAIRMAN FRYER: Okay. I appreciate your desire not to get that specific in a GMP. I'm with you on that. Do we have any registered speakers?

MR. YOUNGBLOOD: We have two registered speakers via Skype. First one is going to be Ralph Brookes, and following Ralph Brookes is Shannon Themel.

CHAIRMAN FRYER: Mr. Davies, did I cut you off? Were you resting?

MR. DAVIES: If I may, I just wanted to clarify the applicant's -- the applicant is in agreement with that as well, the prior discussion.

CHAIRMAN FRYER: Thank you.

MR. DAVIES: If it's the will of the Commission to put it in the GMPA, that's fine. If you want it both in the GMP and the PUD, that's fine. We would prefer to just have it in the PUD as well, because the PUD is really reserved for the specifics of the use.

CHAIRMAN FRYER: That's where I am as well. As long as there is nothing incorrect in the GMP and 4225 would not be what our intention is. So if that's out of the GMP, we can put the correct language and SIC code in the --

MR. DAVIES: Yes, I think that's in the GMPA per the prior hearing, but it's further modified based on the specific language of the PUD document.

CHAIRMAN FRYER: Perfect. Thank you. All right. Now we go to public comment. We have how many, two?

MR. YOUNGBLOOD: Yes, sir, we have two. Mr. Ralph Brooks, are you with us, sir?

CHAIRMAN FRYER: Mr. Brookes?

MR. BROOKES: Yes, I am. I'll waive my comments at this time.

CHAIRMAN FRYER: Thank you. Next speaker?

MR. YOUNGBLOOD: Shannon Themel. Shannon, are you with us?

CHAIRMAN FRYER: Ms. Themel?

MS. THEMEL: Hi, yes, I'm here. Can you hear me okay?

CHAIRMAN FRYER: Very well. Thank you.

MS. THEMEL: Thank you. Hello. My name is Shannon Themel. I reside at 2910 4th Street Northwest. I'm the direct neighboring property to the north of the lot being discussed for rezoning, and I would like to express my concerns.

My husband and I are in opposition of the rezoning of the residential land that is in between two single-family homes into commercial property. The future plans of this property include a large storm water retention pond as presented.

One of the major reasons of living in the Estates is being surrounded by the natural habitat, wildlife and privacy afforded by the trees and forest. The storm water retention pond will eliminate this.

The storm water retention pond will also increase the amount of mosquitos, which carry various life-threatening diseases such as West Nile Virus. Along with the increase in mosquitos, there is an increase in the use of mosquito control practice, such as spraying insecticides. The storm water retention pond will increase the amount of venomous snakes around the area, in which we already see many Water Moccasins as is. We're also worried about alligators on top of this.

We are concerned about children drowning. I have a toddler and there are many children on our street. Accidental drowning is the number one cause of death amongst young children.

We are very concerned that the storm water retention will affect our water quality, since we are well water. We are concerned that the storm water retention pond will decrease our home's value, due to the fact the buyers purchase homes in the Estates to be around the natural habitat, wildlife and want added privacy.

Our quality of life and privacy will be destructed by the addition of the storm water retention pond to the adjacent property. This large commercial storm water pond will draw attention of others as a place to walk or fish.

This will add unwanted visitors and traffic to our street, bring attention to our property, and vastly increasing our potential of becoming a victim of robbery.

We have offered to purchase to the property from BCHD to take it out of the equation, to no avail thus far. The plan is to use the fill being dug from the storm water retention pond to prep the land for any businesses being built. However, this not the original plan to use any fill from this lot, since it was planned to be an access road.

We greatly appreciate BCHD for being a great neighbor and trying to work with us, but we need to come to a conclusion on this, as it is in the best interest of the community of 4th Street Northeast to leave the property as a residential lot.

Fourteen other residing homeowners have written their oppositions as well. Our ultimate goal is to purchase the land and leave it as a buffer for us and our neighbors as well as preserve the natural habitat for the wildlife.

I would also like to add that we are in support of commercial project located to the east of us along Immokalee Road. Regardless of your decision, we look forward to working with BCHD to the best of our abilities and being a good neighbor as well.

CHAIRMAN FRYER: Thank you. Commissioner Fry?

COMMISSIONER FRY: Ma'am, as I remember -- Commissioner Fry here. As I remember at the transmittal hearing the neighbor -- the main concern from neighbors was connection to 4th Street Northeast, and the water retention pond, in my estimation, appears to be an appeasement of that concern, by putting nothing there except for the water.

So was -- did you speak at the transmittal, and if so, what were your thoughts on the connecting road?

MS. THEMEL: We were unable to speak at the committal (sic), and we were also opposed to that idea as well. Originally, the original, original very first plan, was for us to be a preserve, but I understand where the preserve is, and why it is there. We just wouldn't -- we're not -- we don't want to be completely surrounded by water on two sides of our property.

COMMISSIONER FRY: I'm frankly looking at it. You're the home to the north of that parcel?

MS. THEMEL: Correct.

COMMISSIONER FRY: And then there is another home just to the south of it, you'll have an intervening water retention pond in between?

MS. THEMEL: Correct.

COMMISSIONER FRY: I think -- I mean, I definitely understand your concern, so, thank you.

MS. THEMEL: Thank you.

CHAIRMAN FRYER: All right. So no one is lit up at this point. Does any Planning Commissioner have questions or comments?

COMMISSIONER SCHMITT: I have a question for Mr. Davies on water retention, but I'll wait until --

CHAIRMAN FRYER: We're going to go to rebuttal.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Mr. Davies, rebuttal?

MR. DAVIES: Thank you, Mr. Chairman. Yeah, there were original concerns, to your point, Commissioner Fry, with respect to the potential for access on that western finger parcel, and we did make it clear. We made that adjustment to make sure that there was not going to be any access, emergency or otherwise, along that parcel, and so you can see on the master plan that this is designated for water management purposes.

With respect to the child safety comment, I have young children, too, I would certainly understand that concern. I believe at the time of SDP, we will provide the necessary fencing that's required, and we're willing to certainly do that and to comply with all SDP requirements for appropriate chain-link fencing of the water management facility.

COMMISSIONER FRY: Noel, when it came through us at transmittal, what was the use of that property designated at that time? Was it water retention or was it preserve? How was it designated?

MR. DAVIES: I think we always had it as water management, preserve or open space, something to the effect. I believe there was a staff condition of the original approval, with respect to the emergency access, and there was a discussion, and we made clear in the language and Chairman Fryer pointed out as well, the clarification is no physical, commercial structures on that western parcel, no access, and that's where we're putting our water management.

COMMISSIONER FRY: You would be constructing a fence to protect -- you would be constructing a fence to protect children from wandering into the water management?

MR. DAVIES: Yes, happy to do that. Happy to do that.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Commissioner Schmitt?

COMMISSIONER SCHMITT: Noel, the water management, was that -- is the size of the water management dictated because of your South Florida Water Management permit and the storm water runoff, is that all through the calculations and the size that's shown here is what is actually needed?

MR. DAVIES: Yes, I believe so. Mr. Howell just whispered in my ear. I think even the original plan, the proposal was for water management, and to your point, Commissioner Schmitt, it was based on those requirements for a South Florida Water Management District permit.

COMMISSIONER SCHMITT: Is there -- it is interesting, because most people, whether it's a water retention lake or a pond or whatever folks call it, some people call it nice waterfront property. It's interesting, because a lot of people want to live, just look across the street, the size of the lakes over there, they tend to be an amenity. Had you given any thought of because of the opposition everybody on that street is opposing water management in this little finger, and I know I told you yesterday I didn't have many issues with this, but I'm looking at, is there any option you can make that the preserve, and take your preserve area now and convert that into water management?

MR. DAVIES: No, I don't believe so. I think there are ecological concerns with respect to the preserve and that's why the preserve is designated in its location at the northern end.

COMMISSIONER SCHMITT: Okay. What ecological issues are there? Are there listed species that's been identified?

MR. DAVIES: I think there might --

COMMISSIONER SCHMITT: Has it been a JD determination? Is this wetlands, or a 404 impact permit issue; is that what we're talking about here?

MR. DAVIES: Wetlands, I believe, at the northern end of the designated preserve area.

COMMISSIONER SCHMITT: Have you submitted the -- have you gotten a JD --

MR. DAVIES: Not yet.

COMMISSIONER SCHMITT: -- jurisdictional determination?

MR. DAVIES: No.

COMMISSIONER SCHMITT: You're not --

MR. DAVIES: Let me clarify.

COMMISSIONER SCHMITT: So what I'm hearing then is, "We don't want to do it. This is the way we presented it, and we don't want to do it the other way, because there is no other reason than we don't want to do it." I guess that's what I just heard.

MR. DAVIES: No, sir. Let me clarify if I may?

COMMISSIONER SCHMITT: Okay.

MR. DAVIES: I believe that the preliminary ecological analysis done by the applicant's agent, and Mr. Layman is here and I would ask him to respond more specifically to the preserve question, was the impetus for designing the preserve the way we designed it, and in the location that it did, or that it exists, or has been presented today.

COMMISSIONER SCHMITT: You've already said there's been noted ecological, is there historic issues involved in the preserve? I look at this and that's what I look at. I look at, this is going to go to the Board with a significant amount of opposition. Everybody on that street is now opposing to the water management in this stub out, I'll call it, or this finger, that extends to the west, and it seems like what they want to do is look at reconfiguring. Wayne?

MR. ARNOLD: For the record, I'm Wayne Arnold. Part of the analysis that we did, we submitted an environmental assessment. Mr. Layman, Peninsula Engineering, is a biologist. He's walked the site, evaluated the site. We've turned in the information to the county staff.

There's a presence of a wetland along our northern boundary. Your comprehensive plan, your

Land Development Code say the highest priority for preservation is a wetland, or if you have the presence of listed species.

Plus, the parcel, if we would put a preserve in the location of what we call the finger parcel, it abuts two developed pieces of property. At least in the case where it's provided in this instance, it abuts an undeveloped piece of property. So when that property comes in, the county staff is going to tell them you need to put your preservation area adjacent to your neighbor's preservation area, so we start getting a contiguous preservation area, so that's practically why it's shown that way, Mr. Schmitt.

It just doesn't work for us to think that we would just go excavate a wetland for water management, because as Mr. Davies said, the issues that they have, you look around, I mean, there are alligators all over South Florida, whether you have a pond on your property or not.

There will be a fence here per your excavation ordinance. It is required to have a fence around the lake. It's also required to have a setback from the street. So there are protections already in place through your ordinance.

CHAIRMAN FRYER: Commissioner Fry?

COMMISSIONER FRY: I see the appearance here of the possibility that there wasn't enough land in the parcel adjacent to Immokalee to do what you needed to do, so a residential plot was purchased, sandwiched between other residential plots, to accommodate the water management area, and now at the -- at the opposition of the client's -- has the opposition changed from the beginning of this? I don't remember opposition of water management there. I remember opposition to an interconnection.

COMMISSIONER SCHMITT: Yeah, that's what I recall as well. I thought the -- I honestly thought that the water management was an acceptable alternative and certainly, as I said, most people consider a water feature an amenity.

Is this -- this is not a dry detention? This is a -- this is a pond? This is a water retention pond?

MR. DAVIES: Yes.

COMMISSIONER SCHMITT: Okay.

MR. DAVIES: And I believe that the opposition comments have changed. The primary theme previously was with respect to access or lack thereof, which has been accommodated. We're recently finding out about the water management objection.

COMMISSIONER FRY: What is the buffer around that water management area?

MR. DAVIES: I'm going to invite Mr. Arnold to give you the details on that.

COMMISSIONER FRY: Wayne, I guess I'm looking to know, you've got opposition from the neighbors to the water retention. You're saying it can't be relocated, it's a necessary location for the water management. Mr. Davies mentioned a commitment to put up a fence to protect children from wandering into that.

MR. ARNOLD: Yes.

COMMISSIONER FRY: What about in terms of -- and I don't know if the neighbors want this, because I agree with Joe, usually water is preferable to seeing roads and buildings and things, but what if -- what would you be willing to do in terms of buffering? What is the existing buffering, and what else could be done to buffer the neighbors from the water retention pond?

MR. ARNOLD: The buffering that we show on our master plan is a 15 foot white Type B, which you've heard that term a lot. It requires a capacity of up to six feet, with either a wall, hedge, et cetera, so that's required, and the buffer along 4th Street is 20 foot wide Type B buffer.

We have a setback that's required from the -- Mr. McLean, you can correct me, but I believe it's 50 feet from a county right-of-way for our excavations. So there would be a 50-foot wide area that the lake would not be present. As Mr. Davies said, I think, and as I mentioned to Mr. McLean I don't want to have to fence off an area that doesn't really need to be fenced off, but certainly the excavation ordinance provides for fencing as an option, as opposed to a large berm or something, you can put in a fence in lieu of. I think as Mr. Davies said, there is a six foot chain link that we are happy to put in adjacent to the residential property.

COMMISSIONER FRY: The speaker made it sound like you've had very good faith

conversations. They said you had been -- BCHD has been good neighbors, and they appreciate the dialogue.

So I guess my concern here is simply that if it has to go there, and this board decides to approve it, that they -- that they're worked with in terms of buffering it, and protecting them, their families from it as much as possible. I can't pretend to know what they want exactly.

MR. ARNOLD: I can't either, Mr. Fry. I was not involved in those conversations. I know that they, as mentioned just a few moments ago, they would like to buy this property, that's just something that Barron Collier's affiliate has not been able to come to terms with, because it's necessary as part of the development we're proposing.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Commissioner Shea?

COMMISSIONER SHEA: Point of clarification. You keep using the word "lake." I thought along the lines of what Joe was saying. This is a typical dry wet -- or dry retention area. When you get storm water, it flows into it. As long as the storm runoff doesn't exceed the capacity, it stays in it, and infiltrates down through or evaporates, but it's not a standing lake. You keep using the term "lake." To me that's a different exposure.

MR. ARNOLD: Well, we haven't designed the water management system, and this is Austin Howell with Barron Collier Companies, who is in closer discussions with Peninsula Engineering who is actually doing the site civil work. I'll let him respond to that.

COMMISSIONER SCHMITT: Wayne, I guess I asked the question. I thought Noel answered that. You've already gone into your South Florida Water Management permit. Go ahead.

MR. HOWELL: Austin Howell with BCHD. So we have met twice with the Themels, the speaker that was on the phone, so on their property, on their side they have a chain link fence.

We're perfectly happy to do the chain link fence around the storm water pond. We are utilizing that area as a storm water pond because we will likely need the fill out of that area.

We are evaluating working with our engineers seeing what we can do to strengthen that up in order to have that; that's a cost decision for the Themels at that point in time. So we have -- our basis in the land is a lot more than the residential parcels across from there, so there's a cost that comes with that, that we're working through and we're still working through with them on that.

COMMISSIONER SHEA: But do you expect that hole to be filled with water constantly, or it's going to cycle with the rainfall events and runoff; right?

MR. HOWELL: Like every lake it will be based on the water table and how much rain we have, but I expect there to be water in there, that's correct. We're okay with providing a chain link fence around it with a buffer.

COMMISSIONER SCHMITT: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Schmitt and then Commissioner --

COMMISSIONER KLUCIK: Point of order. Point of order. I am going to be departing for a prior commitment and I just wanted the record to reflect that's why I'm not going to be voting.

CHAIRMAN FRYER: Thank you, sir. Thank you. Understood. Thank you, farewell. Commissioner Schmitt?

COMMISSIONER SCHMITT: What's the projected depth for this lake, as far as for fill, for digging for the fill?

MR. HOWELL: I would have check with our engineers, but my assumption would be normal 10 to 12 feet, would be my guess. I'd have to check with our engineers.

COMMISSIONER SCHMITT: Some lakes go 20 feet, 25 feet.

MR. HOWELL: I don't anticipate it to be that deep but...

COMMISSIONER SCHMITT: Then you're into the water table, it's always going to be filled with water. So you've not applied for your ERP at all?

MR. HOWELL: No, we haven't gone through our ERP process and we haven't gone through our federal permitting process.

We have identified that north area along the boundary where the wetland is and the wetland is contiguous to the northern property, which is why we placed that preserve area there. Trust me, that's not where I want the preserve, but that's the most logical place for it.

COMMISSIONER SCHMITT: And the size of the lake shown here is still not confirmed yet, meaning that's going to depend on your ERP and your calculations?

MR. HOWELL: Correct, yes, and we are evaluating with our engineering team, Peninsula Engineering, on what we can do to strengthen the lake near the Themels' house, to see if we can have an area that won't include -- won't be lake right adjacent to it, but we're still going through that process.

COMMISSIONER SCHMITT: There is no outfall in that direction planned in any way? This is not --

MR. HOWELL: No. I believe everything it goes -- on our master -- sorry. You'll look on our plan, and it will be the lake, and it will go to a dry retention area, and right about where the buffering that Nancy pointed out, we have the additional buffering along there. There is a dry retention area and it runs through there to the roadway to the east.

COMMISSIONER SCHMITT: Last question then. Again, this is all based on the size of the commercial property, the road network within this proposal, this is where all the anticipated runoff will go?

MR. HOWELL: Yeah, our runoff should be contained -- like I said, that's an engineering question that we have to check with Peninsula Engineering, but, yeah, the runoff would be internal and run to the roadway.

COMMISSIONER SCHMITT: All right.

COMMISSIONER SHEA: And you're not lining the pond with anything, any impervious permeable material, you're allowing natural infiltration; right?

MR. HOWELL: Yes, I believe that's --

COMMISSIONER SHEA: I mean, that's obviously what you want.

MR. HOWELL: Correct.

CHAIRMAN FRYER: Any other questions or comments from the Planning Commission for the applicant? If not, anything further from the applicant?

MR. HOWELL: No, sir.

CHAIRMAN FRYER: Thank you. Thank you very much. We will close public comment and we will commence our deliberation, and entertain a motion at the appropriate time. Who would like to lead off?

COMMISSIONER FRY: I'll start off.

CHAIRMAN FRYER: Okay, Commission Fry?

COMMISSIONER FRY: Just looking at the aerial, the house of the speaker is in the corner, and if they were -- even if they relocated the water retention area to that upper left corner where the preserve is, that would even be a more expansive, probably square shaped water retention area. That's a wetland, correct, and you can't -- I'm just saying I don't think there would be any benefit to relocating the water retention area where you have the preserve.

MR. HOWELL: Just to -- so they have a shop and a house. The house, I believe, is about halfway down the parcel.

COMMISSIONER FRY: That's a shop in the back?

MR. HOWELL: You're looking at two different things.

COMMISSIONER FRY: That's the shop I'm seeing, the large structure?

MR. HOWELL: Correct, that's my belief.

CHAIRMAN FRYER: Commissioner Shea?

COMMISSIONER SHEA: The only -- I'm jumping back to the commercial square footage. I guess I haven't seen anything different that would override our previous deliberations and Mr. Chairman -- or Commissioner Saunders also raised the question.

I would propose if we approve it, we go back to the 180 that we originally approved. We put a

lot of time into figuring that out, and we haven't seen any additional information.

CHAIRMAN FRYER: Well, in my humble opinion that's entirely appropriate and in order if you want to make a motion?

COMMISSIONER SHEA: Well, let's have some more discussion --

CHAIRMAN FRYER: Okay.

COMMISSIONER SHEA: -- but I would.

COMMISSIONER VERNON: I'll weigh in on that, but really just repeat what you said, but maybe a different perspective. I think we did a careful analysis, and I think being quasi-judiciary, I've seen no evidence to change our mind. It's almost like a rehearing.

I'm not comfortable and I think it's good that everybody knows this, the applicant, the public, fellow members, I'm not going to change my mind because other groups have approved it. Otherwise, it shouldn't be coming back to us.

So I, for those reasons, I wasn't going to approve the 200,000. I would approve the 180, because I think that's a repeat. And also I do think midnight is a little late given the neighborhoods around.

I would propose -- I would either buy into what Carl was suggesting, 10:00, or maybe amenable to 11:00, but not midnight. That seems too late to me. I appreciate the fact they're putting the fence in and the landscape buffer, so that's where I sit on this.

CHAIRMAN FRYER: Thank you. Commissioner Schmitt?

COMMISSIONER SCHMITT: As long as I've been here, in fact, the earlier days, everybody screamed because there was no commercial out in this part of the county, and since I've been on this Board, we've had, well, I can't say several, but there have been commercial development out there, and everybody says it's needed.

I have no idea what they're going to build there, but I'm sure they have some idea of what the market needs and what the market would support.

So I think it's a good proposal. I, too, I mean, it looks like the consensus of the board is going to stay with the original proposal, if that's the consensus, I'll go with that.

I have to believe that the Board had 200,000. I told Mr. Davies I did not differ with the Board, and if the Board so deems, they'll probably increase it.

CHAIRMAN FRYER: Uh-huh.

COMMISSIONER SCHMITT: And I think maybe that's a fight that they'll have to take back to the Board. I do have concerns, again, that this water management issue was not an issue at the last hearing, if I recall, with the Board.

So now the board is going to be faced with residents along this, what is this, 4th Street, who are now concerned about the water management, pond, which was not an issue in the -- in the transmittal. So it's -- this is a tough one, and here we are voting when -- we're voting because now we have residents opposed to the development.

I guess if there is a buffer, there is going to be fence. I really don't know if it's going to be what I would call very appropriate, or what you would call appealing to have a fence, what I think sometimes people refer to as an amenity, but if for safety's sake, that's what the residents want, they put a fence around it, and put a buffer around the preserve and/or the water management, then I guess we'll consider it, and I, too, agree on the time frame.

CHAIRMAN FRYER: Thank you. Anyone else wish to be heard on this? If not, a motion would be in order.

COMMISSIONER FRY: When you say, Joe, you agree on the time frame, are you talking 10:00, 11:00?

COMMISSIONER SCHMITT: 10:00.

COMMISSIONER VERNON: I'm fine with 10 or 11.

CHAIRMAN FRYER: 10.

COMMISSIONER FRY: 10 would be my vote.

COMMISSIONER SCHMITT: I remember a little development over there in Immokalee. It

was a -- I would say that was outdoor entertainment, but it was also outdoor entertainment with music and sound and a band and, Jeff, was that?

MR. KLATZKOW: It's football. At the end of the day, it's Sunday night football --

COMMISSIONER SCHMITT: Sunday night football.

MR. KLATZKOW: -- is the big noise factor, plus, you've got the people sitting out at the bar talking, and cars and motorcycles because of that. It's mostly, if I'm remembering right, it was mostly the TVs from Stevie Tomatoes Sports Bar.

COMMISSIONER SCHMITT: Right. It was that, and of course the people who are smokers will sit outside anyway, and that's where they're going to dine and drink.

MR. KLATZKOW: And you may have COVID again, so everybody is going to be outside again anyway.

COMMISSIONER SCHMITT: We hope not.

COMMISSIONER FRY: I could go either way. To be honest, I think that Jeff's answer and Anita's answer that the Interactive Growth Model that came up with 178,000, staff has more or less dropped their objection to the 200,000; that concerns me in a way, that staff would come back with a different opinion on the same issue, just because the County Commission voted one way, but I can see both sides of this coin, in terms of if it doesn't justify 200,000, they won't build 200,000, and they did have a more detailed economic analysis they submitted, than a model used by staff to come up with 178,000. So I would go with the will of whatever the motion, either 180 or 200,000.

CHAIRMAN FRYER: Anyone willing to make a motion? I will then. I'll move that this application be approved at 180,000 square feet not to exceed, and with 10 p.m. outdoor sound curfew, if you will, or limitation, that's my motion.

COMMISSIONER SHEA: For the entire property; right?

CHAIRMAN FRYER: Yes. Is there a second?

COMMISSIONER SHEA: Second.

COMMISSIONER HOMIAK: The time is for the entire property?

CHAIRMAN FRYER: Yes.

COMMISSIONER HOMIAK: Not just fronting Immokalee?

CHAIRMAN FRYER: No. No, the entire property. Any further discussion. If not, all those in favor, please, say aye. Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Passes unanimously.

MR. DAVIES: Thank you, Mr. Chairman. Thank you, Commissioners.

CHAIRMAN FRYER: Thank you, Mr. Davies. All right. Old business. We've got the Collier Enterprises Town Plan. It's actually old business. I think it was put under new business. I think really old business, since we spent an hour on it on, I think, February 18. Will there be a presentation?

MR. SABO: James Sabo for the record.

CHAIRMAN FRYER: Yes, Jim.

MR. SABO: We need two motions, GMP.

CHAIRMAN FRYER: Thank you. So that was GMP, that's right. For those conditions to be inserted in the appropriate place, they don't need to be put in the both places; that will be my motion for the MPUD. Is there a second?

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: Any further discussion? All those in favor, please, say aye. Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Passes unanimously. Thank you very much. Okay. Collier Enterprise Town Plan. Will there be a report from staff on that?

MS. JENKINS: Good afternoon. Anita Jenkins. The Town Plan Report will follow Bellmar, so not today.

CHAIRMAN FRYER: Okay.

MS. JENKINS: We have continued that other petition until the next meeting.

CHAIRMAN FRYER: Well, you're asking -- well, I'm not sure. I think we continued Bellmar and we continued Longwater.

MS. JENKINS: Yes, and I heard this morning Mr. Shea said to include the Town Plan after those petitions and not at the beginning of the meeting.

CHAIRMAN FRYER: All right. Whatever the wish of the Planning Commission might be. I'm getting concerned, because staff plans to submit this I think at the second April meeting to the Board of County Commissioners.

COMMISSIONER SHEA: Yeah, I just want to qualify what I meant.

CHAIRMAN FRYER: Yeah.

COMMISSIONER SHEA: If there's time now, I'm okay with it. I didn't want to take away from the other cases, and we've already cut them off and ended them for the day, so I'm okay hearing it now.

CHAIRMAN FRYER: That's what I thought you said.

MS. JENKINS: The staff presenting the Town Plan is not here now.

COMMISSIONER VERNON: That ends that.

CHAIRMAN FRYER: Well, not necessarily. We can have a discussion.

MS. JENKINS: Well, the applicant is not here either.

CHAIRMAN FRYER: Okay. I guess we can't. All right. I would like to talk, though, about scheduling this, because is it going to continue to be right at the very last part of our agenda right up until it goes to the Board of County Commissioners, because I don't think that's a good idea. Anybody want to weigh in on that?

COMMISSIONER SCHMITT: Did we get -- I need an idea of -- we still have to get through both petitions.

CHAIRMAN FRYER: Yes.

COMMISSIONER SCHMITT: And what is scheduled at the next meeting along with those two petitions?

CHAIRMAN FRYER: Seven matters, I think.

COMMISSIONER SCHMITT: Seven other matters?

MS. JENKINS: They're not -- they're not -- there were matters advertised, but we will continue those matters and finish with the SRA's at the next hearing, if you can.

COMMISSIONER SCHMITT: They will be one and two then on the agenda?

MS. JENKINS: Yes. Yes.

COMMISSIONER SCHMITT: Most of the public comments we heard related to both petitions.

MS. JENKINS: Right.

COMMISSIONER SCHMITT: And I guess from the standpoint, Mr. Chairman, I guess we have to open public opinion again for Bellmar, and ask for any public input as a matter of record, and a matter of a complete hearing. So does that -- everybody rung the bell once. Are they going to ring it again? I don't know.

MS. JENKINS: Well, I think some did state they were speaking on both.

COMMISSIONER SCHMITT: Yes.

MS. JENKINS: So we will have to determine for you were they were speaking on both, or were they just speaking on Longwater. So we have to finish staff's presentation on Longwater next, and then you can consider that, and then we'll begin with Bellmar.

COMMISSIONER SCHMITT: Staff's presentation on Longwater will that be -- will it be a similar presentation for Bellmar or are we getting the facts and figures related -- pretty much related to both?

When I think of Amy Patterson's presentation, it's going to be a global presentation on the cost, but is there going to be granular going down to the Bellmar petition again when we hear Bellmar?

MS. JENKINS: I would have to ask James about that presentation. I haven't been involved in the workings of their presentations on those matters.

COMMISSIONER SCHMITT: My concerns, again, are all the plethora of misinformation on funding and costs, and that all needs to be put on the record.

MS. JENKINS: Yes.

MR. SABO: For the record, James Sabo, comp planning manager. The two petitions are separate and distinct.

COMMISSIONER SCHMITT: Right.

MR. SABO: So we have a presentation for both Bellmar and Longwater. They're very similar, obviously, but there will be an entire presentation dedicated to Bellmar as well.

COMMISSIONER SCHMITT: And that brings me to the next issue. Do we have enough time? I'm looking at the calendar, that's the first of April, and then, yeah, and I am going to be gone the 15th. I will not be here for the 15th of April.

I would really like, I mean, having sat through much of the meetings, I would certainly hope we can get to a conclusion on the 1st, if not, consider a possible second day.

CHAIRMAN FRYER: Understood. I share everyone's concerns, but let me take this back to what I was thinking was an agenda item. We're not going to hear it this afternoon, I understand, but I'm very concerned about time running out on the Collier Enterprises Town Plan, and it seems to me that we need to have a meeting so that we can decide what input, if any, that we believe we should have.

Because once it goes to the Board of County Commissioners as an agreement, it's going to constrain our ability to evaluate it 12 months later when it comes in as a formal application.

COMMISSIONER SHEA: Can we have a special meeting where we come in for a couple hours and just hear it, or is that inappropriate?

CHAIRMAN FRYER: Well, we can certainly put this on for special meeting, whether we can get through it in a couple hours or not, I mean, if we can we will.

COMMISSIONER SHEA: Uh-huh.

CHAIRMAN FRYER: I don't think promises can be made at this point. What do other members of the Planning Commission feel about this? Am I the only one that thinks this should be heard by the Planning Commission? Let me just put that out there, because if that's the case, we can short-circuit all of this.

COMMISSIONER SHEA: I agree with you.

COMMISSIONER SCHMITT: I want to hear the Town Plan, but I think it's valuable. Do you want to do it before we actually vote or --

CHAIRMAN FRYER: No. No. No. Not on Longwater and Bellmar, we're going to vote on those, that's been decided, but what I'm concerned about, I want us to be heard before this thing goes to the Board of County Commissioners, and that's going down -- Ms. Jenkins, do you have a date on that,

the 20-something? Is that a special meeting in April?

MS. JENKINS: Ask me the question again.

CHAIRMAN FRYER: When are the Board of County Commissioners going to be presented by staff with this proposed town agreement?

MS. JENKINS: Right now it's targeted for May 25th.

CHAIRMAN FRYER: May 25th?

MR. KLATZKOW: When you say targeted we can always push it off; right?

MS. JENKINS: Right. I mean, we have projections. You're getting our look-aheads, every continuance backs things up, so they're projections.

MR. KLATZKOW: It's not written in stone.

CHAIRMAN FRYER: Gotcha. Okay. Just so I am clearly thinking about this and don't remain confused, and it's perfectly fine this has been done and we understand the look-aheads are estimates and they change based upon things, but am I correct this has been moved back from a late April to a late May date? It's fine if it is, I just wondered.

MS. JENKINS: Right.

MR. KLATZKOW: It's 20 years in the making, I mean...

CHAIRMAN FRYER: No. No. No.

MR. KLATZKOW: Another couple weeks --

CHAIRMAN FRYER: Well, I will be less worried about it, if that's the case. I'm going to be more relaxed about when we hear this thing, if indeed it's not positioned to go to the Board of County Commissioners until late May, that's good news for me, but before we leave this, I just want to find out, and I've heard from Commissioner Shea, and I'd like to hear from others, if they believe that it is important for us to be fully heard on this matter before the town agreement goes to the Board of County Commissioners some time in May or later?

COMMISSIONER FRY: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER FRY: I certainly would like the opportunity to hear a presentation about the Town Plan and be convinced why it doesn't need to go through us first, and I'm willing to consider that it doesn't need to, or that it wouldn't, but I do believe that we should have the ability to hear about it, ask questions, and be a part of that process.

CHAIRMAN FRYER: Okay. So you're suggesting that we maybe need to have two hearings, a preliminary hearing to decide whether we have to have an in-depth hearing?

MR. KLATZKOW: I think you guys should hear it. All right. I truly think you guys should hear it and I think it would help the Board, and the worst possible thing would be you guys decide not to hear it, and the Board decides to send it to you, and then that's a real delay.

CHAIRMAN FRYER: Yeah. I take that point completely and if, Commissioner Fry, if that works for you, let's just -- everybody is else onboard with that, let's hear it.

COMMISSIONER VERNON: Yeah, I don't think I'm as concerned about it. I kind of thought it was a point of information for us, but I do think if any of my fellow board members think it's important, I want to support them in that. So I am supportive of what you three want for that reason.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: I believe, given where we are with two SRA's, one almost done really, I mean, we're to the point where we're going to hear staff and probably some deliberations, some information and we're going to go into the next SRA. I'm pretty confident we will be able to get to the Town Plan on the 1st, I think.

CHAIRMAN FRYER: On the first of?

COMMISSIONER SCHMITT: The next meeting, wouldn't we not? The meeting is the 1st of April. You don't think we'll make it?

CHAIRMAN FRYER: I don't think so.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: I could be wrong, but I -- I would like for us to decide when we want to hear it, and be sure that whenever that date is, that is conforms to staff's scheduling so it can be presented and the applicant, if the applicant, I guess there is an applicant on that, and they want to be heard, could we identify a date right now that we could do that?

MR. KLATZKOW: We could do it the first thing. Is Thaddeus giving the discussion?

MS. JENKINS: Yes.

MR. KLATZKOW: I'd rather not have Thaddeus have to sit around if he doesn't have to. You can make that the first item on the agenda.

CHAIRMAN FRYER: I'd like to do that.

MR. KLATZKOW: Be done with it.

COMMISSIONER SCHMITT: On the 1st?

CHAIRMAN FRYER: No, not necessarily on the 1st because I'd like to get finished with Bellmar and Longwater. If we can put it on April 1st and then April 15th is our next meeting. If we can put that on the first item on our agenda for April 15th, that would certainly satisfy my concerns.

COMMISSIONER VERNON: That's fine with me.

COMMISSIONER FRY: Joe had indicated he won't be here.

COMMISSIONER SCHMITT: You guys certainly can proceed with it. I'll watch the tape.

COMMISSIONER VERNON: We have plenty of time, and I prefer -- I mean, I value your institutional knowledge, and I would prefer you be here, so I prefer we wait until Joe is here, really, all of us are here.

COMMISSIONER SCHMITT: We're all the way to the 6th of May; right? Correct?

COMMISSIONER VERNON: But that's still in advance; right?

CHAIRMAN FRYER: I'm fine with that. Is that the wish of the Planning Commission? The first item on for May 6th, and we actually -- it's possible we're not going to finish Bellmar and Longwater on the 1st, and we might have to take them up on the 15th. So this is going to go to, what's the date again, May --

COMMISSIONER SCHMITT: -- 6th.

CHAIRMAN FRYER: May 6th, okay. That will be the first agenda item on for us and it will be a full hearing. The applicant will be notified. Staff will present. We'll hear from the public and we'll weigh in. All right. Is there other old business?

COMMISSIONER VERNON: I --

COMMISSIONER SCHMITT: There was the general idea of possibly going to a second day, the first and second, to try to get those SRA's, or you don't see a need?

CHAIRMAN FRYER: Well, it's a potential need. Should we ask staff to check on the availability of rooms, that way we run into Commissioner Fry's unhappiness being away from making money.

COMMISSIONER FRY: It's not unhappiness. I enjoy this. It's an economic feasible study that I've performed.

COMMISSIONER VERNON: I have the same economic feasibility study.

CHAIRMAN FRYER: And I want to defer to -- I'm retired and loving it, but I understand other people aren't.

MR. KLATZKOW: I have the special magistrate scheduled to be here on the 2nd, so you're not going to have it.

CHAIRMAN FRYER: We wouldn't have that date anyway. All right. Well, let's --

COMMISSIONER SCHMITT: The following week is Easter, and that's just -- if we --

COMMISSIONER HOMIAK: The following Thursday?

COMMISSIONER SCHMITT: No, you've got the 1st, and Easter is on the 4th, so that whole week of Easter would probably not be a good week, but if we had to bump it another one to the 8th, the following Thursday...

CHAIRMAN FRYER: Yes.

MR. KLATZKOW: We've got the Coastal Advisory Committee here one to five.

CHAIRMAN FRYER: And also the HEX probably. Well, we have a date certain and a time certain now for the town aggregation, and we'll have to keep looking. We want to get Bellmar and Longwater done as soon as possible.

We're not going to have two meetings in direct sequence one day and then the next day, but it looks like the following Thursday would not be available, but we may try to look for yet another day, so if we need to, to wrap that one up or those two up, we'll get them wrapped up, and then the 15th will come around, we won't have Commissioner Schmitt with us, but we'll have a full house otherwise, I believe. Everybody in agreement with that?

COMMISSIONER VERNON: Sure.

CHAIRMAN FRYER: Does that seem like a plan?

COMMISSIONER VERNON: Sure. I have a bit of a related issue.

CHAIRMAN FRYER: Go right ahead.

COMMISSIONER VERNON: It seems to me that I think some of these things are taking a little bit longer than the public hopes, and the applicant hopes and we hope, and I wish Mr. Klucik, Commissioner Klucik was here, because I think we both sort of agree on that point, although, we have very different approaches to that.

I think, you know, to me paramount is making sure the public is heard, and from my perspective, and I have been appointed to other boards in the sunshine and sat in your seat as the chairperson, and sat as somebody and done a ton of arbitration, which is a private court proceeding.

And typically especially when you're dealing with lay people, typically you wait until the end of your presentation before you ask questions, and certainly I want that to be a guideline, but I think it would be faster if we didn't interrupt the flow of the public speakers, and I would think we could think about cutting them down to three minutes instead of five minutes. I don't know as they really need -- and I think the chairman, and we have the discretion of giving somebody more time if they need it, but if we went from five minutes to three minutes, we sort of had -- and again a guideline, not a rule, but not to interrupt them. If we have any clarifying questions, ask them at the end, that might speed up the process.

I think everybody gets a chance to be heard, and I'm just trying to find things so we don't -- three months from now we're not backed up again, and there may be other thoughts on things we can make sure the public is heard, make sure the applicant is heard, but find a way to speed up the process a little bit, because I think everybody would like that.

CHAIRMAN FRYER: I happen to agree with you. What do the other Planning Commissioners think about that? Is three minutes the right length of time?

COMMISSIONER FRY: Agree.

COMMISSIONER HOMIAK: I don't think they need more than that.

CHAIRMAN FRYER: Okay. Let's do that, and let's strongly encourage one another ourselves not to interrupt individual members of the public while they're speaking, and if we have questions, try to hold them, if we can possibly do so, until they're finished talking. Does that also sound like a good idea?

COMMISSIONER HOMIAK: There was a time we just let them talk and we didn't ask them questions.

CHAIRMAN FRYER: Well, yeah, that's true, there was, and, you know, certainly there will be times that we're going to want to ask questions of the members of the public, but for the most part, you know where their interests lie. I mean, they're concerned about the property values and their property taxes.

So we know they're advocates for their points of view, but they're usually not experts, and probably are not going to be able to provide the level of comment at an expert level that would be helpful to us. But having said that, we absolutely do need to let the public have a reasonable amount of time to speak. Three minutes sounds like a good idea. Joe?

COMMISSIONER SCHMITT: Yeah, and it's been -- with the Board it's three minutes, and in all the years, even when I was with staff, we kind of waffled, but typically it was three to five minutes, no

more than five. Three would have been somewhat the lower limit, but if there's someone that comes in who represents an organization like the Conservancy or the Wildlife Federation, or one of the other agencies, I'll call it reputable agencies, I don't mean that as a derogatory --

CHAIRMAN FRYER: Recognized.

COMMISSIONER SCHMITT: Recognized, let me talk -- thank you, correct me on that, recognized agencies, because there's a lot of organizations out there, but we have -- who bring experts and provide expert testimony, so we've typically given them the time due to give their expert testimony, and I don't want to -- I don't want to defer from that practice.

CHAIRMAN FRYER: I agree completely with that. Thank you. Anyone else want to weigh in on any of that? Okay. Good, that's is how we will go forward, and we will make an earnest plea to our esteemed colleague who had to leave early and hope that --

COMMISSIONER HOMIAK: We can have an ordinance or something.

CHAIRMAN FRYER: Hope that works out for him.

COMMISSIONER SHEA: We can put a hand on his seat.

CHAIRMAN FRYER: The golden hand. Okay. All right. Any other old business? If not, any new business? Yes, sir.

COMMISSIONER FRY: Yes, sir. One.

CHAIRMAN FRYER: Who is that?

COMMISSIONER FRY: Fry.

CHAIRMAN FRYER: Yes, Commissioner Fry?

COMMISSIONER FRY: I guess I have an observation and a request of staff, and, personally, I don't like the term staff, because you are all highly-experienced professionals, and I just think that's a -- it's not the right term, but I can't tell you how much I value, and I'm speaking for myself, but I really think it's valuable when you guys express your analysis, your personal analysis.

Especially when you object to something in a package, I feel like I've seen enough and observed there have been objections raised and certain points within the process of application, then they seem to go away, and I feel there are salient points, and things to do and a simple one as this one where the 178,000 staff decision just evaporated and now, okay, 200,000, or in the RLSA amendment process you had a vision statement that had all these great ideas and then they went away, the congregation of applications and villages and things, and then they just -- I've seen some things I thought really solid ideas that maybe wouldn't win the day, but I thought were legitimate points to make. I just wanted you to know, I respect your opinion, and I would really like to hear those things.

If you guys come in lock-stepped with the applicant on the application, and almost appears like, you know, decided not to fight at some times in terms of things maybe are not important to you, but I feel like at times you've expressed objections that did seem important and just seem to have evaporated over time.

It makes it very much more difficult for us if we do have concerns that might agree with things that you brought up, or feel maybe you're not saying, makes it more difficult for us to draw the hard line, and I guess be the objective body that really, as Jeff has pointed out to us numerous times, we are responsible for the planning of this county. All right. I think it's one of things I didn't realize how important our role was, I'd say, for two years.

MR. KLATZKOW: That's why he call you the Planning Commission.

COMMISSIONER FRY: Thank you for that. I noticed the term initially right off the bat, but we're a preview board for the County Commission, but I have a renewed sense of responsibility, and I think the RLSA reinforces that, in that we're talking about defining the development of 185,000 square feet, 45,000 homes over --

CHAIRMAN FRYER: Acres.

COMMISSIONER FRY: Acres, thank you, 30, 40 years perhaps, and I think that's a great sense of responsibility, and I really would like to do it right, and, you know, the change from the town of Rural Lands West, and now Villages come along and we're back into a town now. I mean, I just take this very

seriously, and I really would just invite staff to speak up, you know, and I remember Mr. Sabo on One Naples, he was expressing the stair -- the wedding cake design, and wanting more setbacks and things, and that give us -- that gave us ammunition and reinforcement for us to express our concerns. When you guys have no concerns, it's really hard for us, well, I think I have a concern, you know. So I'd just -- I'd really like -- I would really like to ask staff to be steadfast in your beliefs and what you think is right, and give us the honest truth, you know, and how you feel about things and what your analysis is.

MS. JENKINS: Okay. Appreciate that.

CHAIRMAN FRYER: Thank you. Thank you. I agree with what you said, Commissioner. There's nothing wrong with sometimes changing one's mind. You know, people who refuse to change their minds are rather naive, but when minds are changed, it's nice for us to hear cogent reasons why that has happened, so I think that's what you were saying.

MS. JENKINS: Right. Anita Jenkins here, too, and the difference between a legislative decision, which is your comp plan which gets you to 200,000, that's a legislative decision, not a quasi-judicial decision in the PUD where you have the designs and the standards, but if you're -- if it's a comp plan, it's a legislative decision by the Board of County Commissioners, it's just different than a quasi-judicial of a PUD.

COMMISSIONER FRY: And that was just an example, but hopefully my point isn't loss and it may be a poor example, but it's just that I think we do rely on you. I put heavy weight in the staff.

I believe you put a lot of time and effort into it, and I hope you have a working environment where you are able to speak up, and where we're able to hear what you actually think, rather than towing some company line, county line, that type of thing so...

MS. JENKINS: Thank you.

CHAIRMAN FRYER: Okay. Thank you. Any other new business?

(No response.)

CHAIRMAN FRYER: If not, public comment? Anybody want to be heard on anything that was not on our agenda?

(No response.)

CHAIRMAN FRYER: Seeing none, and without objection, we are adjourned.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 5:02 p.m.

COLLIER COUNTY PLANNING COMMISSION

EDWIN FRYER, CHAIRMAN

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

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