

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
October 7, 2021

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

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

ABSENT:

Joe Schmitt
Christopher T. Vernon

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Mike Bosi, Planning and Zoning Director
Jeffrey Klatzkow, County Attorney
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

MR. BOSI: Chair, you have a live mic.

CHAIRMAN FRYER: Thank you, Mr. Bosi.

Good morning, everyone, and welcome to the October 7, 2021, meeting of the Collier County Planning Commission.

I ask that everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Before I ask the secretary to call the roll, we must dispose of a remote participation matter for Commissioner Klucik. And I've been informed by staff and also by the county that there are a new set of standards in place now. We still vote on permitting remote participation by board members, but the standard, I believe, has changed to extraordinary circumstances, and that will be the standard going forward, I guess, until we have another pandemic or something terrible like that. And we will have to deliberate that and ask for the person who desires remote participation to supply a reason so that we can base our decision on a reason.

However, for this morning, since this is all new to us, it would be my proposal, in fact, I'll put it in the form of a motion, that we permit Commissioner Klucik to participate remotely this morning. Is there --

COMMISSIONER FRY: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It carries unanimously.

All right. Commissioner Klucik, are you on, sir?

COMMISSIONER KLUCIK: I am. Can you hear me?

CHAIRMAN FRYER: Warm welcome to you.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: And I'll now ask the secretary to call the roll, please.

COMMISSIONER FRY: Thank you, Mr. Chairman.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER FRY: I'm here.

Chairman Fryer.

CHAIRMAN FRYER: Here.

COMMISSIONER FRY: Vice Chair Homiak.

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRY: Mr. Shea.

COMMISSIONER SHEA: Here.

CHAIRMAN FRYER: Mr. Klucik.

COMMISSIONER KLUCIK: Present.

CHAIRMAN FRYER: Mr. Vernon.

(No response.)

CHAIRMAN FRYER: Mr. Schmitt.

(No response.)

COMMISSIONER FRY: Mr. Chairman -- or, Mr. Chairman, we have a quorum of five.

CHAIRMAN FRYER: Thank you, Mr. Secretary.

Let's see. Commissioners Schmitt and Vernon have excused absences. And just for clarification, the standard is different for an absence; it's more rigorous for a remote participation. So just everyone please keep that in mind.

Addenda to the agenda, Mr. Bellows.

MR. BELLOWS: The first item on your agenda is the AUIR, and that has been continued to the October 21st Planning Commission meeting.

CHAIRMAN FRYER: Okay. May I have a motion and a second for that continuance, please.

COMMISSIONER FRY: So moved.

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Okay. That came late, but I know it was meant to be a yes.

So the AUIR will be continued until October 21.

Also -- and I mentioned this to staff in my regular staff meeting on Tuesday, but so everyone knows, I am asking that we add an item of old -- to our old business that would request a status report from staff on the continuance policy that we have passed, and it simply awaits signature. But we need to see that final language. And when we come to old business, I'll ask for a status report on that as well as a request for a date when we will begin considering our administrative procedures. So that will come up at the proper time in old business.

Planning Commission absences.

COMMISSIONER HOMIAK: Could we change the election of officers? I thought we were having it next meeting.

CHAIRMAN FRYER: Yeah, that's going to be under new business, and I'm coming to that.

COMMISSIONER HOMIAK: Oh, I'm sorry.

CHAIRMAN FRYER: No, that's all right. That's okay. Fair question.

Planning Commission absences. Our next meeting is October 21. Does anyone know if he or she won't be able to attend that meeting?

(No response.)

CHAIRMAN FRYER: All right. Sounds like at least the five of us will be here, so that's a good thing.

And -- well, you were right to bring that up because --

COMMISSIONER HOMIAK: It's the addenda --

CHAIRMAN FRYER: Addenda to the agenda, that's what it is.

COMMISSIONER HOMIAK: See?

CHAIRMAN FRYER: Yeah. Well, you were right, Vice Chair. Thank you.

We can go either way on this. It just seemed -- you know, when I discovered that there were only going to be five commissioners here or participating, I thought maybe it would be better if we wait until the second meeting in October to take action on election of officers. It just -- it appeared somewhat unseemly in a situation where the three officers could reelect themselves by a vote of 3-2.

COMMISSIONER FRY: What would be wrong with that?

CHAIRMAN FRYER: So without objection --

COMMISSIONER SHEA: I second.

CHAIRMAN FRYER: Okay. Without objection, we will -- we do need to attend to it in October by tradition, so we'll do it the second meeting. And thank you, Vice Chair, and my sincere apologies for questioning in any respect the pearls of wisdom forthcoming from you.

Okay. Approval of minutes. We have --

COMMISSIONER FRY: Mr. Chairman, may I interrupt just for a --

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER FRY: Is anyone else finding it somewhat warm in here?

CHAIRMAN FRYER: I am.

COMMISSIONER HOMIAK: Yes.

COMMISSIONER FRY: I wondered if we might have it cooled off a bit.

CHAIRMAN FRYER: Whoever takes care of that I hope is listening and can do something about it. Ordinarily we ask Amy, but I'm not sure she is listening. Well, I'm going to ask somebody from staff to attend to that.

COMMISSIONER HOMIAK: They're here.

COMMISSIONER FRY: Is there a commissioner of climate?

COMMISSIONER HOMIAK: Thumbs up.

CHAIRMAN FRYER: Oh, we've got thumbs up. Okay. That's been taken care of, and thank you.

Approval of minutes. We have one set before us. It's those of our September 2, 2021, meeting. Are there any corrections, changes, or additions to those minutes?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER FRY: Second.

CHAIRMAN FRYER: Further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KLUCIK: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: They pass unanimously. Thank you.

BCC report, recaps, Mr. Bellows.

MR. BELLOWS: Yes. On September 28th, the Board of County Commissioners heard on their regular agenda the Blue Coral Apartment PUD rezone and companion Growth Management Plan amendment; that was approved 5-0.

The Soluna RPUD was pulled off the summary agenda, and it was heard on the regular agenda, and that was approved also. That was a residential PUD, and that was approved 5-0 by the Board subject to Planning Commission.

CHAIRMAN FRYER: Thank you.

And when you say "subject to Planning Commission," I think you mean with the --

MR. BELLOWS: Yes.

CHAIRMAN FRYER: -- suggested changes? Yeah, okay, good.

MR. BELLOWS: Thanks for the clarification.

CHAIRMAN FRYER: Thank you very much.

Chairman's report, nothing today.

Consent agenda, nothing before us today on consent. So we go right to public hearings. The first two matters are companions. PL20190002355, the Immokalee Road/4th Street Northeast Mixed-Use Subdistrict large-scale Growth Management Plan amendment, and PL20190002356, the Randall Curve MPUDZ. And the GMPA is legislative and here for an adoption hearing, and the PUD is a quasi-judicial being heard by us for the first and only time.

As is our custom and, without objection, we will hear them together and vote on them separately but, of course, we will consider the entire hearing as being quasi-judicial in nature because those rules are more restrictive.

So with that, all those wishing to testify in this matter, please rise to be sworn in by the court reporter.

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

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

MR. EASTMAN: No disclosures.

COMMISSIONER FRY: No disclosures beyond our packet, county e-mail communications.

CHAIRMAN FRYER: Thank you.

In my case it's materials from staff and materials from the applicant, meetings with staff and the applicant, communications with members of the public, documents of public record, and a site visit.

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

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Commissioner Klucik?

COMMISSIONER KLUCIK: I had a pre-meeting with staff.

CHAIRMAN FRYER: Thank you very much.

With that, Mr. Yovanovich, you may proceed.

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

With me today -- actually this is one of the unusual ones. I'm the applicant. I have the contract as trustee because there's going to be -- actually all four items that are on your agenda today are kind of companion with each other, and I'll explain that in a little bit greater detail.

Wayne Arnold's here. Is Mark here? Dan Waters is here to answer any engineering-related questions. Jim Banks is here to answer any transportation-related questions.

I'm going to just do a project overview. You've seen a lot of this before when we did the Comprehensive Plan first. You're seeing the PUD for the first time. But if you have any specific questions of anybody on the team, I'll bring them up, but I'll do a project overview.

As I started to say, the four items on your agenda, the two related to Randall Curve and the two related to the Estates Shopping Center, are related because there's an agreement between the county and me as trustee for the acquisition of the Randall Curve property, and as part of that contract, it also required us to go through and make certain changes to the Estates Shopping Center property. And in both PUDs you will note that there is a public service tract of land that will be conveyed to the county as part of that agreement. So these four petitions really are interrelated with each other and are being --

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: Yes. Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Just for an important clarification, you're trustee of who -- or what is the nature -- the trusteeship?

MR. YOVANOVICH: It's a land trust, and I'm the trustee of the land trust.

CHAIRMAN FRYER: Is there more than one?

MR. YOVANOVICH: There's several. When you look -- when you look at -- when you look at the contract, you will see that, Mr. Klucik, the land that was acquired for the Estates

Shopping Center property was acquired over time, and I'm the successor trustee over -- my partner, Ken Johnson, was the initial trustee, and when he, fortunately, got to retire, I succeeded him as the trustee. Hopefully --

COMMISSIONER KLUCIK: And who has the official interest? Is that something that you can reveal?

MR. YOVANOVICH: It's in the documentation. Crown Enterprises, Bob Crown, is the -- is the beneficiary of the trust. Does that help -- you okay, Mr. Klucik?

COMMISSIONER KLUCIK: Thank you. Yes. And I just wanted to know, are you a fool?

MR. YOVANOVICH: Am I what?

COMMISSIONER KLUCIK: Are you a fool? Because you're -- you know, anyone who has themselves as an attorney has a fool for a client.

MR. YOVANOVICH: There have been times that I've disagreed with myself, yes.

COMMISSIONER KLUCIK: All right. Cheers.

MR. YOVANOVICH: Thank you.

So it's like -- I'll try to get back to where I was.

We also worked closely with the Golden Gate Estates Civic Association and the nearby residents of the Estates Shopping Center in coming forth with this proposal. And all of that was really discussed as part of the original contract for the Randall Curve property. You'll note Shy Wolf is here. They're on the next petition for the Estates Shopping Center. But all of these arrangements were part of the original proposal that led to us successfully getting the contract to acquire the Randall Curve property.

So with that, I'll put -- the location of the property, it's a little over 50 acres. It's on the curve, thus Randall Curve. To the west is 4th Street Northeast. To the south and east is Immokalee Road. To the north, directly to the north -- let's see if I can get this right again. Right here, you heard a petition not too long ago for one of the Barron Collier Companies' entities in which 200,000 square feet of residential -- I'm sorry -- of retail and office and other uses were approved on the property. There were no residential uses approved as part of that Growth Management Plan amendment and PUD.

Down here is Publix. So there is basically -- there's commercial across the street. I think it's anticipated and envisioned over time that this portion of Immokalee Road will be the commercial center, if you will, for the Estates area. And it has been the desire of the Golden Gate Estates Civic Association that retail services be provided on the perimeter of Golden Gate Estates along Immokalee Road and not within the center portion of the Estates, which is where the Estates Shopping Center property is located.

So we are -- we believe we are fulfilling the wishes of the Golden Gate Estates Civic Association. And you will see in relative close proximity are the two properties. Essentially, what we're doing is we're transferring 140,000 square feet of approved retail and office uses from the Estates Shopping Center to the Randall Curve. So the net effect is we're adding 10,000 square feet of retail and office in this general vicinity. And we went through all of that when we talked about the Growth Management Plan at the transmittal stage.

We're here to amend the Golden Gate Estates -- the Future Land Use Map to create a subdistrict, and we're also here to create a PUD. The language -- I just wanted to point out that we will have no access to 4th Street Northeast as part of this project, and we're rezoning the property from Estates to an MPUD.

On this slide, this is the exact language that was transmitted; however, the last sentence in D starting at this point right there was added since transmittal to clarify what was always intended; that the public uses -- and I'll explain later. We're dropping group housing, but the public uses for the county were never supposed to be part of the original 150,000 square feet that can be developed as the retail uses. So we clarified that since transmittal, and then we changed the word "buffer" to the word "preserve," and I think those are the only changes to the GMP language that happened

since transmittal.

This is the proposed MPUD master plan. Where it says C/P, that will be where the county's one-acre parcel is located, and that's where the public uses will be allowed.

You will see that we have commercial along the frontage of Immokalee Road, and we have residential along 4th Avenue [sic] and behind, basically, the internal frontage road for the project.

The development standards and uses for the commercial are included here. If you -- so these uses are the uses that will be allowed along the frontage of Immokalee Road. They're basically C-3 plus uses. The "plus" are the car washes, dental laboratories, medical laboratories, indoor self-storage, nursing and professional care; otherwise, it's C-3 through -- C-1 through C-3 commercial uses that are allowed on the property.

COMMISSIONER FRY: Rich, are you presenting both the GMPA and the PUD at the same time?

MR. YOVANOVICH: Yeah. At the same time, yes. That's what you-all said you wanted us to do. Okay. So I'm into the PUD. Sorry I didn't transition.

The proposed residential standards -- I'm sorry. Wayne reminded me to tell you that the public district uses are subject to that same standard or table I just showed to you for the development standards.

These are the residential parcel standards. We have agreed to delete the group housing use, and that will require several areas of revision within the PUD. So we will be deleting references to group housing both in principal uses in the table, I think we had a deviation related to group housing. So there will be some revisions to the document to eliminate references to group housing.

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Just -- I'm just trying to figure out, where would anyone be allowed to do group housing then? Because I'm just trying to figure out if eliminating that -- what's the reason for eliminating that?

MR. YOVANOVICH: I'll tell you. There's two reasons. The primary reason is it's very unlikely that group housing would land on this site, and there were additional staff analyses that staff wanted us to do that was going to be time consuming and, in our mind unnecessary, so we decided to eliminate the group housing use just -- and to just move forward.

COMMISSIONER KLUCIK: Okay. That's fine. I just was curious.

MR. YOVANOVICH: Yes. And the public-use tract, that's the tract that goes to Collier County that I mentioned earlier. It's an acre in size in this particular PUD.

In my conversation with Chairman Fryer yesterday, he asked us to add some prohibited uses on this property. He requested that we prohibit probation offices, parole offices, and correctional facilities, so we will add to the public-use tract those prohibited uses.

We have several proposed deviations relating to the internal aspects of the development. Staff's recommending approval of all of them. If we want to get into details, I will bring Mr. Arnold up to go through those.

Your staff is recommending approval subject to several conditions. We are -- we are fine with the condition that the interconnection shall remain open to the public. That was always the intention, that it would be an open interconnection. Number 2 is no longer necessary since we're eliminating the group housing.

Number 3 is we have agreed to a setback of 10 feet from an internal or private road right-of-way, so I think that addresses Comment No. 3 for staff, and Mr. Fey has been -- he was -- has been provided that information, and I believe he's here to testify that, yes, that's acceptable.

I think we're now okay with No. 4 as written. We better understand it after clarifying with Nancy this morning, and we're okay with No. 5.

Obviously, if the Comp Plan amendment is, in fact, adopted, we believe the PUD is

consistent with the proposed Comprehensive Plan amendment.

There are no transportation deficiencies caused by our project.

And with that, that concluded our overview. We did have a neighborhood information meeting, as was required. There was a concern originally about access to 4th, which we made clear was not going to occur.

And, with that, I think we're done with the presentation for both the Growth Management Plan and the PUD as it relates to the Randall Curve property. And with that, we're available to answer any questions you may have.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Rich, I was looking at the uses in the GMPA versus the MPUD. Are they -- they seem like they're slightly different. The GMPA is C-4, but the MPUD is C-3 plus?

MR. YOVANOVICH: Remember at the transmittal hearing, you-all transmitted it as you C-4 but you said in the PUD you wanted it to be C-3 plus, similar to what was done at the property just to the north. So we left the GMP the way it was. And I know some of you may have concern about that and prefer that they both be consistent, but we -- the direction to us was make sure the PUD was not C-4; it was C-3 plus the C-4 uses, the specific C-4 uses you wanted.

COMMISSIONER FRY: What would be the applicant's position if we did feel that consistency was important between the two?

MR. YOVANOVICH: To us, if you wanted to require that we modify the GMPA to be C-3 plus with these uses, that's fine.

COMMISSIONER FRY: Okay, all right. Thank you.

CHAIRMAN FRYER: If I may follow up on that. And Mr. Yovanovich and I had a conversation about this yesterday. And we -- I think came close to perhaps a meeting of the minds on a way to reduce the reach of the GMPA so as to better reflect the PUD language. And this was -- Mr. Arnold had -- at transmittal had indicated that, if necessary, the GMPA uses could be revisited after we had the PUD uses in front of us, so that table has been set.

And where we came down was something along the lines -- and I won't put words in Mr. Yovanovich's mouth. But what I personally would like to see and would recommend to the Planning Commission and to the applicant is that we have language along the lines of C-3 plus community level commercial uses along with big box stores and grocery stores. And those are great terms of art, but that's the concept that I think I heard the neighbors wanting. And, certainly, the commercial-needs analysis was limited to community-level uses, which are less intense, of course, than all the array of C-4 uses.

Another -- another thought would be to simply specify that it be C-3 plus, generically, quote-unquote, lower intensity C-4 uses. I'm not so thrilled with that because I think that would -- that might conflict with the intent of allowing a grocery store or big box store.

So, Mr. Yovanovich, do you want to reply to that?

MR. YOVANOVICH: Yeah. And we did have that conversation, and Mr. Arnold and I did some thinking about how the proper phraseology would go. The latter language that you and I talked about I don't think gets us there, because it's -- I don't really know what that means, but I know for one sure thing it means is big box is not a lower intensity use.

I think -- I'm going to put up on the visualizer basically the language that was in the property to the north in the Comp Plan, that language. And if we want to -- if we want to use that as the base -- and just so you know, when we went through our neighborhood information meeting, we did mention the possibility of a big box, and it was in one of the earlier versions of our PUD. So at the time the NIM occurred, a big-box user such as a Lowe's, a Home Depot, a Costco, a Sam's, those were all potential uses we were asking for.

As we've gone further along in the process of designing the site, it's not currently contemplated that these uses would go on the property, but we would -- we don't -- if you want to add those uses to this list of uses, you know, the big boxes, in case plans change, we can come back

and simply amend the PUD, go through the public hearing process to do that, to do those uses, but not have to also amend the Growth Management Plan.

So we're -- and, say, if you're uncomfortable with the C-4 language that we wrote, we're okay with the C-3 plus, what you see here, which you did for Barron Collier Companies, add -- and then we can come with up the right phraseology. And I think we have a SIC code number for that.

What we had originally in the PUD was under item number -- under food stores -- I'm going to put this up there so you can see it, but I'm going to read it first. Under the PUD, we originally had food stores miscellaneous, 5411 and 5499, and it said, including convenience stores with fuel pumps, warehouse clubs, and discount superstores. We had the same similar language for general merchandising stores, 5311 through 5399, and then we had lumber and other building materials. These were all in the PUD at the time we did our NIM.

So it's there. And I'll flip over. It was also here. 97 and 105, which are the membership warehouse clubs. So we had those uses. If you want to add those four uses to this list in the GMP -- they're not in the GMP today. I'd have to come back and amend those. I'm not asking you to add that to the PUD today, but keeping it with what we talked about, Mr. Fryer, yesterday, I think that's consistent with what we talked about as a potential alternative just to leaving the C-4.

CHAIRMAN FRYER: Yeah. I think that that certainly goes perhaps -- perhaps all the distance. I don't know. I need some clarification, though. First of all, have you looked at these 99 SIC code uses? That's really where you find anomalies that go way beyond what a reasonable person would want to do.

MR. YOVANOVICH: Remember, the 99s are -- we're not -- none of the ones I read to you were 99s. They were -- it's 5211. There's no -- there's no SIC code for a membership club.

CHAIRMAN FRYER: Would you go back to the previous page. You've got 5399.

MR. YOVANOVICH: Oh, and 5499. I don't have those in front of me, but -- Wayne, do you know? We'll have to look at that during -- but we'll quickly look at that.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: But these were in the -- these were in the -- these were in the PUD -- but this is the Comp Plan, remember. It's --

CHAIRMAN FRYER: I understand.

MR. YOVANOVICH: The specific PUD would come back as to which of those SIC codes we would ask for.

CHAIRMAN FRYER: I do -- I understand. But if there are patently inappropriate items under -- because, you know, the 99s are always very, very broad. It's the catch-all. And I'm not saying that there are definitely problems in there, but there frequently are.

MR. YOVANOVICH: So let me read you 5399, and mercifully, there's only four things.

CHAIRMAN FRYER: Okay. Go ahead.

MR. YOVANOVICH: It's only catalog showrooms; general merchandise except catalog mail-order retail; country general stores retail; general merchandise store retail; and general stores retail.

CHAIRMAN FRYER: Okay. I don't have any problem with those. I don't know about other members of the Planning Commission.

MR. YOVANOVICH: So that was 5399.

CHAIRMAN FRYER: Yeah.

MR. YOVANOVICH: And 5499, mercifully, is also a short list.

CHAIRMAN FRYER: Read away.

MR. YOVANOVICH: Coffee stores, dietetic food stores, egg dealers, health food stores, poultry dealers -- these are all retail -- spice and herb stores, tea stores, vitamin food stores, and mineral water retail.

CHAIRMAN FRYER: I'm not uncomfortable with any of those.

MR. YOVANOVICH: And I agree, a lot of times those 99s can have a really long list of --

CHAIRMAN FRYER: Well, that's where we found probation, parole, and correctional. So it's a good place to look for the -- I know. And before I go to Commissioner Shea, I want to go back to the first slide you had up there that was borrowed from the other GMP. And this will be quick, and then I'll get to Commissioner Shea.

The word -- where is it -- "intermediate" in C-1, I'm not familiar with the term "intermediate zoning district."

MR. YOVANOVICH: That's your -- if I remember correctly, that's how it was described in the Land Development Code.

CHAIRMAN FRYER: Well, the parlance that I'm familiar with is -- the categories are neighborhood, community, and regional commercial centers. And so if you tell me that intermediate is the equivalent of commercial -- of community, I'm fine with it, but I just don't know that independently.

MR. YOVANOVICH: I'm going to let your staff answer that question, because I think -- I'm just going to let your staff answer that question.

CHAIRMAN FRYER: That's fine.

MR. BOSI: Within the Land Development Code, the C-3 zoning district is commercial intermediate district. That is the initial term of the C-3 zoning district.

CHAIRMAN FRYER: So you don't get anything beyond C-3 when you say "commercial intermediate"?

MR. BOSI: C-3 intermediate district is the C-3 zoning district. It is intermediate between neighborhood and regional.

CHAIRMAN FRYER: Okay. Thank you.

MR. BOSI: And that would fall upon community.

CHAIRMAN FRYER: Okay. All right. I'm clear. I just wasn't able to make the connection. Commissioner Shea.

COMMISSIONER SHEA: Just a quick clarification. There's a lot of uses you threw in there. Is fueling still something that you want to do there?

MR. YOVANOVICH: Yeah.

COMMISSIONER SHEA: And how does that wellfield, Mike, affect that?

MR. YOVANOVICH: Well, fueling is a C-2 use, so --

COMMISSIONER SHEA: I'm talking about being in -- some of this is in a wellfield area.

MR. YOVANOVICH: I understand. And the most intensive wellfield area is the one I discussed -- I stood up as a member of the public to speak on, remember? That's the most intense one. And that one prohibits tanks, underground tanks and aboveground tanks, from being within 500 feet of the wellhead. We're not in the most intense zone. So we will have to meet -- one of your -- one of the conditions from staff is to meet the law, which we have to do anyway, with regard to wellfields, and we're going to do that. But we're not in the most intensive zone. The next project, the Estates, we are in that, and we'll address that.

COMMISSIONER SHEA: So can -- Mike, can you just give me a real brief definition of these different zones? Like, what's 20-year mean? This is a W-4. What does that mean in terms of the kind of protection to the water field?

MR. BOSI: I can give you the 10,000-foot version.

COMMISSIONER SHEA: That's all I need.

MR. BOSI: I believe that that's the length of time that it would take for a pollutant to reach the individual wellhead.

COMMISSIONER SHEA: Okay.

MR. BOSI: So it's quite a distance.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: Okay. Thank you.

Anyone else wish to be heard? Anyone on the dais wish to be heard on this? Commissioner Klucik? Anyone?

COMMISSIONER FRY: Just a clarification. So we're -- we were -- we're expanding the uses in the GMPA or clarifying the uses in the GMPA, but our discussion now is simply related to the GMPA.

MR. YOVANOVICH: GMP, correct.

COMMISSIONER FRY: MPUD stays as it is presented?

MR. YOVANOVICH: Stays as it is, yes.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: And so -- go ahead, Commissioner.

COMMISSIONER SHEA: I just had a follow-up, just since we're going to talk about it again. Who establishes these zones, these protection zones? The state? The county? And who manages and controls it?

MR. BOSI: Those are locally established and locally maintained and monitored.

COMMISSIONER SHEA: So Collier County decides this is the blanket of a 20-year or W-4 or whatever, and then you put the appropriate codes in place to protect that?

MR. BOSI: Correct, correct.

CHAIRMAN FRYER: All right. So if I understand correctly where I think we've evolved to, at least where I believe I am, is that we would go with, in the GMPA, the language which is in the adjacent GMPA, with the addition of references to big box stores and general manufacturing.

MR. YOVANOVICH: I would prefer we --

CHAIRMAN FRYER: Not manufacturing, merchandise.

MR. YOVANOVICH: I would prefer that we just add the four categories that I put up on the visualizer.

CHAIRMAN FRYER: Read them again.

MR. YOVANOVICH: It would be food stores, miscellaneous. The numbers were 5411, 5499, including convenience stores with fuel pumps, warehouse clubs, and discount superstores.

General merchandise stores, 5311 through 5399, including warehouse clubs and discount retail superstores.

Lumber and building materials dealers, 5211, including home improvement stores. And the last one was membership warehouse clubs with gas and liquor. There is no SIC code for that.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: So those were the four uses we put in the Growth Management Plan which, in my mind, is you're actually reducing -- we originally transmitted C-4. Now you're doing C-3 plus in that process.

CHAIRMAN FRYER: I am comfortable with that resolution. What about other planning commissioners?

COMMISSIONER FRY: Also comfortable.

COMMISSIONER HOMIAK: That's fine.

CHAIRMAN FRYER: Okay, good. Very good.

MR. YOVANOVICH: And that's exclusively to the GMPA.

CHAIRMAN FRYER: GMP.

MR. YOVANOVICH: I know I'm beating a dead horse, but I just wanted to make it real clear -- and not the PUD.

CHAIRMAN FRYER: Understood, understood. We'll now hear from staff, please. Mr. Sabo.

MR. SABO: Mr. Chairman, Commissioners, James Sabo, Comprehensive Planning manager. Give me one moment, please, to pull up the presentation.

CHAIRMAN FRYER: Sure.

MR. SABO: Good morning, again. I'm still James Sabo.

CHAIRMAN FRYER: Mr. Bosi, did you wish to be heard?

MR. BOSI: Oh, I have to apologize. When I spoke before, I did not identify myself.

Mike Bosi, zoning director, for the benefit of the court reporter.

CHAIRMAN FRYER: Thank you.

Mr. Sabo.

MR. SABO: Thank you. This is the Immokalee Road/4th Street mixed-use subdistrict. It's a GMPA here.

A little bit of background. The staff recommendation was to transmit to the DEO with C-3 plus uses. Obviously, we've discussed that this morning, so we are good with that.

April 19th it was transmitted to DEO from the Planning Commission, unanimous, and then Board action on May 25th, it was transmitted to DEO unanimously as well. That was -- that was transmitted with C-4, but we understood that you're changing that to C-3 plus; we get it.

All right. So the text exempts the Estate designation prohibition on more than one principal dwelling unit, so they're proposing the 400 residential units, multiple family. Text exempting the residential uses and group housing uses, they're eliminating group housing, so that takes care of itself, and then replacing the word "buffer" with "preserve" as mentioned by the applicant.

The recommendation here for GMPA is no adverse impacts on public infrastructure. The maximum daily trip cap identified is 753. That's in the PUD. Proposed C-3 plus uses as we mentioned. And then we recommend forwarding it to the BCC with a recommendation of approval.

Now just a little bit of background on the Immokalee/Randall study area, because this was a part of the background for our recommendation. The study area was identified in the Golden Gate Area Master Plan to identify this area, which is here, as a potential activity center. Our task was to assess the current conditions, provide direction to address the unique requirements in that neighborhood, and identify needs for future development, analyze the potential level of investment, a long-range policy for this area.

Summary of existing conditions: The majority of the area, about 58 percent, is vacant, according to the appraiser. That includes approved but not yet developed properties, which Mr. Yovanovich had mentioned, which is BCHD up here, and then 93 percent of the study area is zoned as Estates, and a majority of the land use is designated as Estates.

The recommendation from that study that we are still currently working on was a new mixed-use subdistrict, an activity center at that intersection, Randall Boulevard and Immokalee, encouraging a mix of retail, restaurant, office, medium-density residential, civic public uses, mix of housing options, provide for the daily needs of residents, and attract an employment base.

So, again, our recommendation is to transmit to the -- or forward to the Board of County Commissioners and then transmit to DEO.

I will turn it over to Ms. Gundlach, who will cover the PUD, but --

CHAIRMAN FRYER: Before you go away.

MR. SABO: -- sure, I can answer some questions.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Mr. Sabo, I did not see the word "activity" or the phrase "activity center" mentioned. I don't think I see it. That has a very specific definition, activity centers, which they're defined elsewhere in the county. Are you talking about formally changing the designation of that area to an activity center as defined elsewhere?

MR. SABO: That's -- that's our understanding of the recommendation from the Golden Gate Area Master Plan is to look at this area. And it says mixed-use subdistrict here. You know, it could be as simple as just a district or, you know, further enhancing it as an activity center. So the jury's out right now.

MR. BOSI: And Mike Bosi, again, zoning district.

I will say that based upon the study and the type of uses that were recommended, as well as the discussion that has happened not only for the -- during today's hearing, but the prior discussion of limitation of C-3 plus for the commercial PUD to the north, staff would be inclined to follow the

direction of the Planning Commission that instead of -- the designation of this area as an activity center wouldn't be as intense as other activity centers, there would be some restrictions that would recognize the Estates in the context sensitivity of the surrounding property owners to have an appropriate mix of commercial and economic employment opportunity uses that fit the type of C-3 plus environment the Planning Commission has envisioned and we're trying -- we're crafting for this area.

COMMISSIONER FRY: I would -- I guess the term "activity center" implies, you know, a greatly increased density, as we've seen in other activity centers, which would impact the residents, and I would think would generate some pushback, you know, say maybe not that intensity. Right now we're taking it project by project and approving uses. So I guess I'm confused. Are we talking about continuing as we are, project by project, or are we actually talking about a general reclassification of that area?

MR. BOSI: It would be a redesignation within the Future Land Use Element and the Golden Gate Area Master Plan as an activity center, but the uses and the arrangement of uses that would be permitted would be different than what our traditional activity centers would be.

COMMISSIONER FRY: And that would come back through --

MR. BOSI: Oh, that would have to go through -- we'd have to go through the whole -- the entire public process for the development of that with the Planning Commission and the Board of County Commissioners with two individual hearings, a transmittal and adoption hearing for both of those.

COMMISSIONER FRY: So that has no ramifications on today's proceedings?

MR. BOSI: No, it has no ramifications, but today's proceedings, I think, informs where we will go with that discussion with the community.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: That's right.

And if I may, before we go to Ms. Gundlach, I'd like to ask Mr. Sawyer, since Mr. Sabo brought up traffic, if Mr. Sawyer wouldn't mind coming up and addressing a concern I have that is in line with what I spoke with him about on Tuesday.

And to set the stage here, we're talking about Immokalee Road Segment 45.0, which is going to be deficient, I think, in 2028 or is projected to be deficient by then. It has 525 more trips, peak p.m. trips available to it. And when you look at the 753 trips being asked for, according to the traffic study, 85 percent of those trips will go on this segment of Immokalee which, if my arithmetic was correct, brings you to about 640, and 640 is obviously larger than the 525 remaining. Could you tell us why we should go ahead with this.

MR. SAWYER: No problem. For the record, Mike Sawyer, Transportation Planning.

What we need to look at is not only the overall number of trips that are being generated by the development, but we also need to look at the direction and how they're being distributed out onto the system. Specifically in this area, what we found with the TIS is that there would be approximately 188 eastbound trips. The 525 that we've got from the AUIR as far as remaining capacity is eastbound on that particular link.

CHAIRMAN FRYER: Okay. Now, I don't have the AUIR in front of me at this point, but it seems to me that we frequently are looking at two-way counts when we look at that number. Am I wrong? Am I misremembering?

MR. SAWYER: From -- as far as remaining capacity, that is the remaining capacity on that roadway system p.m. peak, and it is directional.

CHAIRMAN FRYER: It is, okay.

MR. SAWYER: (Nods head.)

CHAIRMAN FRYER: All right. Okay. So -- all right. And then this would be revisited, won't it, before -- before ground is broken?

MR. SAWYER: Absolutely. Every time that they come in for either platting or for individual SDPs, those will be reviewed, and there will be new TISs generated each and every

time.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: Mike, I'm glad you're up there. On page -- and I'm looking at Page 605 in our packet, which is a 2027 Roadway Link Volume Capacity Analysis, and there are three segments that have an F that are failing.

And I just -- but they seem to be mitigated by the expansion -- the extension of Vanderbilt Beach Road and also bridges on 8th and 16th Street. I just wonder if you could expand upon that. I think it's important for everybody to understand how, when we have expectation of roads failing, how we still go forward with these projects and say that they are -- they meet the traffic requirements.

MR. SAWYER: Absolutely. You're correct, there are a number of improvements that are going to be coming in within the next, you know, five-year planning horizon. The first would be the improvements at Immokalee and Randall at the intersection as well as the improvements on Randall itself going from the intersection to 8th. You're also correct that we do have the bridges at 8th and 16th. Which, again, network-wise, are going to improve that overall capacity of that immediate area.

And, again, like you're indicating, Vanderbilt extension, again within the five-year plan, is also going to be a reliever for Immokalee.

COMMISSIONER FRY: When you refer to improvements at the Randall intersection, what are you referring to? And the bridges, what exactly are you referring to there and why --

MR. SAWYER: The bridges -- the bridges are actually in place. There will also be a signal at Randall and Eighth that's already planned, and we're working on that currently.

Those allow a relief from going -- again, we're looking at directional relief in that area both in the a.m. as well as in the p.m. P.m. you're basically looking at additional alternatives for people going from the urban center back out into the Estates. Hopefully that answers the question.

COMMISSIONER FRY: So the bridges are in place?

MR. SAWYER: Yes.

COMMISSIONER FRY: So we should see impact from those bridges in the 2021 AUIR next --

MR. SAWYER: We should, yes, yes.

COMMISSIONER FRY: And then what improvements are being made at the intersection at Randall? Is it just simply lanes?

MR. SAWYER: There's additional turn lanes that are being made. There's actually two phases. This is going to be the first phase. We've been working with FDOT concurrent with this. There's going to be additional turn lanes that are going to improve that intersection, the functionality, as you can see what we've got.

The flyover would be a potential Phase 2 of that depending on how much improvement we experience with the Phase 1 with the additional turn lanes that you're seeing.

COMMISSIONER FRY: What are we seeing there? What -- can you explain that?

MR. SAWYER: Yeah. Basically, what you're seeing is that there will be three lanes --

COMMISSIONER FRY: Is that a before and after? What are we looking at?

MR. SAWYER: No, no, no. What you're seeing is Phase 1 on the left, okay. That's going to be the immediate improvement that is going to be -- that actually we're working on currently, and then the flyover that you're seeing is the one on the right.

COMMISSIONER FRY: But that's not really in the plan budgeted --

MR. SAWYER: No, it is not.

COMMISSIONER FRY: -- for the future.

MR. SAWYER: It is an eventual potential solution if we don't see all of the improvement that we're expecting to have from Phase 1.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: When you say "relief" -- I mean, we're dealing in numbers here, and you say "relief." There's no number there; there's no quantification of what that means. Does that mean it's going to get a little better? Is it going to cover everything that we're worried about? What does "relief" mean?

MR. SAWYER: Relief means that what we're --

COMMISSIONER SHEA: Just getting better?

MR. SAWYER: The idea is that we both address the shortfall that we're currently looking at, but then we also have an additional amount of improvement that will get us out well into the future.

Now, well into the future is hard to actually determine, but the idea is that we get -- generally with intersection improvements, we generally hope to have approximately a 30 percent increase in the capacity. If you look at the studies that we've been doing both on Pine Ridge as well as the current study that we're working on that's going to be going to the Board for Immokalee, generally what we look for on those intersection improvements is to have an additional capacity of approximately 30 percent with those intersection improvements.

COMMISSIONER SHEA: So, basically, you're saying you're looking at everything we know of and then some, and to what standard of service would that be that we're anticipating in the future with these -- this relief and everything else that's going out there? It just seems like we -- when we say "relief," that doesn't mean it's helping anything.

MR. SAWYER: Understood. I don't have -- I don't have a level of service that I can give you that we're anticipating. I don't have that information right in front of me. I can tell you that, again, what we're -- what the improvement is is to address any of the shortfall that we currently have but then also add in a safety factor going into the future so that we're not having to do another improvement for somewhere around at least the next 10-plus years.

COMMISSIONER SHEA: Okay. Thank you.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Just along the lines of what Commissioner Shea is asking, just as a nutshell, are we saying that with these improvements and with the extension of Vanderbilt Beach Road and these bridges, that these roads will no longer be an F status in 2027; is that the objective?

MR. SAWYER: Correct. Absolutely, yes. That's the intent.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Thank you.

MR. SAWYER: Absolutely. Yeah, we don't just look at the immediate need. We look at what we're anticipating having going out, and that's anticipating the amount of growth that we have projected for the -- for this area.

COMMISSIONER SHEA: What level of service are you targeting then? What would you anticipate?

MR. SAWYER: I wish I had a good answer for that. I don't have that in front of me. I apologize.

COMMISSIONER SHEA: But there is an answer? I mean, there --

MR. SAWYER: There is an answer. I just don't have it in front of me right now, and I don't want to misspeak.

CHAIRMAN FRYER: Thank you.

Anything else for Mr. Sawyer? If not, thank you, sir, you're excused.

MR. SAWYER: Sure.

CHAIRMAN FRYER: And do we hear from Ms. Gundlach next?

MS. GUNDLACH: Good morning, Commissioners. I'm Nancy Gundlach, principal planner with the zoning division.

And staff is recommending approval of the Randall Curve PUD rezone. And the agent

already covered our conditions of approval. So if you want me to elaborate on any of those, I'd be happy to.

CHAIRMAN FRYER: No one is signaling.
Anyone have any comments at this time before I have some?
(No response.)

CHAIRMAN FRYER: Okay. My concern is a general one, and you heard me talk about it day before yesterday having to do with the timing of the NIM in relation to changes to an application, changes that are less favorable to the public and more favorable to the developer that the public did not have a chance to know about or object to at the NIM.

And in this case, we've got 12, now 11. If you delete the Deviation No. 1 which goes with group housing, we've got 11 deviations. At the time of the NIM, I believe there were four, and then it expanded to 15 at some point, and then it's back down now to 11.

And I am confident, based upon the comments that you and your colleagues made to me on Tuesday -- and I wish to make a record of it right now -- that the first four, now the first three, having to do with fuel pumps do not touch upon issues of public safety. They're more about aesthetics and buffering and the like. So from that viewpoint, I don't have a serious -- serious concern about this but, nonetheless, on the subject of overall policy and I -- I know what you and your colleagues told me, but it would probably be better coming from your mouth or theirs, what county staff's policy is or practice with respect to requiring a new NIM after a deal changes.

MS. GUNDLACH: Thank you.

MR. BOSI: Mike Bosi, Zoning director, again.

And the way that's phrased within our Land Development Code is a significant difference from what was presented at the original NIM that we would request another NIM to be held, and that's surrounding intensity and density is traditionally how we would evaluate a proposal that had individual changes from the first NIM to before it would get to a public hearing.

And if there was a change, an increase; normally not -- a decrease, we wouldn't require it. But if there was an increase in intensity or density, then that would require -- staff would require the applicant to hold another NIM and have that discussion with the surrounding property owners.

A change within the deviations have -- has not been identified to date, but if the deviation was something that we felt that was of significance, I think that we could make a case for that because it is nebulous in the sense that the code just says "significant difference." And it's been traditionally ruled or has been sat with the intensity and density aspect.

CHAIRMAN FRYER: Thank you. I mean, that's a reasonable approach, but it may not be the perfect one, and it may be appropriate for us to consider enlarging that somewhat and recommending to staff that a second NIM be required any time there is a "more favorable to the developer" proposal that has come out subsequent to the NIM and less favorable to the public. And in addition to intensity and density, you do have aesthetics as an issue, and there are probably others that the public would want to be heard on.

Now, in this case, the deviations that the public didn't see have to do with signage and the like, and these are things that we typically allow for anyway. So I'm not uncomfortable as this relates to this particular application, but I think it would be worthwhile for us to think about, you know, what the standards -- what we believe the standards ought to be for requiring another NIM when a deal becomes less favorable to the public and more so to the developer after the NIM. So that's really all I wanted to say on it.

Anybody else want to weigh in on that?
(No response.)

CHAIRMAN FRYER: Ms. Gundlach, do you have anything further?

MS. GUNDLACH: Just that we're recommending approval. Thank you.

CHAIRMAN FRYER: Thank you very much.

Staff have anything further?

MR. BOSI: No, sir.

CHAIRMAN FRYER: Okay. Do we want to have any kind of a conversation before we hear from the public?

MR. BELLOWS: Mr. Chairman, for the record, Ray Bellows. I believe we do have some public speakers on this.

CHAIRMAN FRYER: Thank you. I just wanted to see if anybody wanted to talk before we hear from the public. Ordinarily we would hear from the public first, but I didn't want to cut anybody off.

(No response.)

CHAIRMAN FRYER: All right. Mr. Youngblood, who do we have in the public who wishes to speak?

MR. YOUNGBLOOD: Mr. Chairman, we have five individuals present with us for this item along with a couple online. Our first public speaker is Chad Oristano followed by Liz Harmon.

CHAIRMAN FRYER: All right. Sir, I'll ask you, if you don't mind, to please spell your last name.

MR. ORISTANO: O-r-i-s-t-a-n-o.

CHAIRMAN FRYER: Thank you.

MR. ORISTANO: I live not too far from where they're planning to build this storage facility, and I'm not for -- I'm not -- there's no problem with growth, but if you notice, we should change the name of Immokalee to Storage Road. Every time a builder or contractor comes in, builds these massive store [sic] facilities that realistically are not needed anymore in Collier County -- we have five just on Immokalee, which should not be in the zoning, should not be allowed in that area. But besides that, we need more resident places like, I would say, dance studios, things that are going to be utilized where it would stop the traffic flow from going out to going back into town or whatever you want to call it so the traffic is not as stuck.

That's pretty much it. I don't know why I'm nervous. This is crazy. I'm usually not nervous.

CHAIRMAN FRYER: You did a great job.

MR. ORISTANO: But the other thing is is that that spaghetti thing that you put up there with the street, the traffic, there was an accident there yesterday. There's an accident every day on that road.

I'm definitely not for the fact that they want to build more housing or apartments. If you go down the road, we were told that we were going to have a new Mercato center or whatever. It looks like an apartment complex with a giant storage facility in the middle. I don't know if any of you guys live out there in our area. Do you guys live in Golden Gate or no? I guess no.

COMMISSIONER FRY: Closer in, Estates.

MR. ORISTANO: Closer in. Yeah, if you just drive around there and you drive down Immokalee, you'll see this giant condo facility that you guys just approved, and then there's a supposal Mercato type of facility, it looks like a strip center in front and a giant storage facility.

And the storage facilities, I do have an answer on how to solve that. Do not allow permitting for garage sales, and guarantee you a lot of people will get rid of their junk.

And I get why they want the storage facilities. There's -- when you do a storage facility, it's very lucrative. You don't need any employees. You only need one employee, and then you don't need parking. So then, of course, they can build a monstrosity because you don't need the parking from zoning or planning, and you don't need to have any employees.

So I do ask, if you're going to build something in our community, to please make it where it's local stores, things that people can own, pet shops, things that people need so we're not going into town. A Lowe's, a Home Depot, fine, even though that's a big box store.

And then also reoccurring, whatever you decide on, please figure out how to fix that street and that corner so we're not having accidents every day.

I know the guy came up and speaked. You can just stand out there. There's a ton of car

accidents. Yesterday there was one. I'm sure there will be one today during rush hour, and that's about it. So if it's local, community helpful, I would recommend, but we don't need apartments anymore over there. We don't need -- that's not what we moved there for. Thanks.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: Chad, I just want to -- you're -- the viewpoint you've presented has been shared by several of us on numerous occasions. This is not the first project that has a storage facility.

And so I'll just share with you a little bit about what the dialogues have been in the past. And we've -- you know, we do see the same thing you do, a proliferation of these storage units. And the case that's presented to us is, I guess, I'll say, hard for us to deny because they are low traffic generators, and everybody's hot button is always traffic. They're very low traffic generators. They are -- now have some aesthetics in that they have the appearance of windows and things so they look, I guess, more presentable than in the old days. They are -- I will say -- you said there's no need for them. They would not be being built if there was not a demand for them, and they would not be lucrative if there was not a demand for them.

I have a similar frustration as you. I guess I just don't have a -- we don't have grounds, I believe, to say to a property owner, when they have a pretty benign use like a storage facility, to say no or that there's something better, because the other uses would tend to generate more traffic, more parking, all those things.

MR. ORISTANO: So you hit a point. They're not used that well. You know, people -- I mean, people do use them. People get them all the time, but that's because in Collier County you're not allowed to do a garage sale unless you have a permit. If you wipe that out, people will have a garage sale to get rid of their junk, but -- that's the one thing.

But they are needed. I totally get it. Bring -- put them in Fort Myers, put them in other areas, because you only have to go to them once, you said about traffic.

The other thing is, the aesthetics are not pretty. I know that everybody wants to say these -- they look like prisons to me. But anyways, that's besides the point. They're giant buildings. They're not needed. People can sell their stuff if they don't have nowhere to put it. Especially if you live in the Estates, we don't need it. We have land. We can build a little storage thing behind our property and be done with it.

But most of all what we need -- traffic is a main thing, right? There's no reason to go to Dollar General or go to Lowe's or Home Depot way into town. Bring that traffic over here. You want to bring jobs. A storage facility doesn't bring jobs. It's a massive building that does not create any jobs whatsoever. Zero jobs.

Bring the businesses that we need. Bring mom-and-pop food places, restaurants. We need definitely out there -- I'm sure everybody can say we need child services, like a little, you know, daycare. We need a -- 100 percent need a dance studio or gymnastic studio, things for the families to do so they're not bringing their kids into town. That's all I ask. If you can bring something that's for the community in that area -- we don't need apartments. We definitely -- that's definitely going to cause more traffic. We don't need townhouses, apartments. We don't need any of that.

But if you go look down the street of Immokalee and see what they just built that they sold to you guys, these, you know, hedge funds, what they sold to you guys is a joke. That doesn't look like Mercato. That's what we were sold. It looks like an apartment complex in Miami with a giant storage facility and a little tiny strip in the front with a little bit of -- you know, a little strip.

And I'm -- something's wrong, and I'm not saying it's you guys. Something is happening where Collier County is turning into storage facilities and apartment complexes with a little strip. That's what they're selling you. They're not selling on local community; that's what it was known for.

I moved to the Estates not too long ago to get away from that. I wanted to be in the

new -- you know, a nice area away from the massive building, and all I ask is if it can be, like, more township. Go to Atlanta. They have these little cute townships around the housing communities that you go. It's a little thing. Just like Ave Maria has a little thing, you know. Make something where it's, like, restaurants, community based, things that the community can do so you do alleviate traffic. Yes, there will be traffic, 100 percent, but the traffic's not going into town. We have no reason to go into town because we can congregate in that area.

So I hope that answers your question. I definitely think storage facilities -- we're going to change a road. Immokalee Road is no longer Immokalee Road. It's Storage Lane. Just call it -- there's five right down the road. Storage Lane, Immokalee Road, that should be the new name. We're good?

COMMISSIONER FRY: Thank you.

MR. ORISTANO: Thank you, guys. Thanks.

CHAIRMAN FRYER: Next speaker, please.

MR. YOUNGBLOOD: Mr. Chairman, our next speaker is Liz Harmon followed by Steven Harrison.

MS. HARMON: I don't need to speak.

CHAIRMAN FRYER: Okay. Thank you. She waives off.

MS. HARMON: Thank you.

CHAIRMAN FRYER: Who was the one --

MR. YOUNGBLOOD: Steven Harrison is our next speaker.

CHAIRMAN FRYER: Mr. Harrison; is that correct?

MR. HARRISON: Yes, sir.

MR. YOUNGBLOOD: Followed by Kim Ellis.

CHAIRMAN FRYER: You have the floor, sir.

MR. HARRISON: I'm a resident of the Estates, but for about the last four years I've been following the Randall Boulevard expansion plan as well as the now expired developer agreement for the land on the south side of Randall flanked on one end by the fire department and by the other end by the fire -- forestry department fire tower.

Randall is now one of those roads that you mentioned. It's a failed road right now.

Okay. That's better. Thank you.

Randall is now classified as a failed road. The current plan is to expand it to a six-lane right-of-way taking a massive amount of frontage down Randall to 8th. Impacted by this is the North Naples Fire Department. As I read it, it comes to, like, within 20 feet of the front door of the existing building that houses the fire trucks with no curb cut in front of it. Is any part of this deliberation of how to use the 47 acres across Immokalee to relocate the Fire Department so they have access? But they're going to be landlocked by the way the current design is for Phase 1 of the Randall Boulevard correction.

There's another travesty in the design. If you look at the current design Phase 1, it has a single left-hand turn for westbound Immokalee Road traffic to go eastbound on Randall. Is somebody disagreeing?

CHAIRMAN FRYER: Continue, sir.

MR. HARRISON: Well, with all this development across the street, you know, how to handle the traffic westbound as well as potentially eastbound on Randall becomes crucial, because you're not going to be able to put a stack of 20 cars waiting to turn left in this single left-hand turn which then merges with the eastbound Randall traffic, two lanes, I believe. So you've got, in my opinion, a hole in the design of the engineering on the Randall expansion.

The fire tower is similarly expected. Going to six lanes, I calculated it goes to, like, within 10 feet of the building, and they won't have access.

Different subject. The developer agreement now expired on the land owned by the Randall Boulevard Land Trust is very, very onerous in favor of the county, requiring drainage, offsite storage facility, signaling, big buffers, several other things. I'm very curious if there's a

developer agreement on this proposed tract across the street in what has been agreed by Mr. Yovanovich's client with the county, including of any concessions on impact fees. Is there a developer agreement?

MR. KLATZKOW: Hold on. Mr. Harrison, you may be in error. It's the county's position that that original development agreement remains in good standing. That agreement was a condition to the Comprehensive Plan amendment that was done at that time, and we believe it's --

MR. HARRISON: My information was it's more than 10 years old, and it's now null and void.

MR. KLATZKOW: Well, that's your information. It's the county's position that because it was a condition of the Comprehensive Plan amendment, that it's still valid and that it's still a matter of discussion.

MR. HARRISON: Whatever the uses are that you ultimately agree on for this one, including setbacks and so forth, will there be parity with any other development that happens on Randall Boulevard?

Please consider using the public sector -- or the public land use as possible use for the fire tower and/or the fire station.

CHAIRMAN FRYER: Thank you, sir.

Next speaker.

MR. YOUNGBLOOD: Our next speaker is Kim Ellis, followed by John Pelletier.

MS. ELLIS: Hi. I've lived out in the Estates since 1985.

MR. BELLOWS: Excuse me.

CHAIRMAN FRYER: Say your name.

MR. BELLOWS: Could you move the microphone closer to you.

MS. ELLIS: Probably need to make it -- point it down a little bit. Can you hear me now?

Okay. My name's Kim Ellis, E-I-I-i-s. I've been a resident of the Estates since 1985 and a member of Golden Gate Estates Area Civic Association since its inception, since before Jim Coletta was a commissioner. He was the president of the board. I was on the board with him. And as far as I'm aware, we haven't had any meetings since prior to COVID. And I don't remember seeing any of this information at any of the meetings.

So I'm wondering -- I don't even think they're an association anymore. And if they are, how many members they have, because we haven't heard a thing out of them in years. So I'd like to know when you put your information before them and how you can say that you're speaking on behalf of them. That's my -- oh, I thought you mentioned that you had put your information before Collier -- Golden Gate Estates Area Civic Association, and that they were good with it. Because there really isn't --

CHAIRMAN FRYER: Ma'am, please address us.

MS. ELLIS: Anyway, that's it. Okay. That's on that topic.

The other one is there is only one bridge, and that's at 8th Street. 16th is, from what I understand, going to be built, but it's not there now. So there is really only one bridge. And I think it's important that you know that there -- that what -- that some of the things you're being told are really not true, and that's why -- you know, why I decided to speak. I wasn't going to speak. I was here to listen and see what the site plans look like for very -- for the -- mostly the 3rd Street South to Golden Gate Boulevard shopping center which, when that was brought before the Estates residents, was 20 acres, and on this paper it says 41 acres. And if I'm remembering correctly, 41 acres is the size of what Coastland Mall is on.

And the other point I want to make is these two projects are completely -- completely different areas of Golden Gate Estates. We've always understood, as Estates residents and the Estates zoning code and being members of various committees out there, that the development -- the main development would be in the fringe. And we need box stores, and we need restaurants and all of those things, and I'm all for this. I'm excited about it, actually.

But within the Estates itself, we allowed for sub -- you know, community centers, and they

were five acres each. And you see that at the corner of Golden Gate Boulevard and Wilson Boulevard with Walgreens, the little strip shopping center across the street from it, and 7-Eleven where G's used to be. And now you want to put in something the size of Coastland Mall on the other corner. It just doesn't make sense.

And I know that it's not going to be the size of Coastland Mall all shopping, but you've got residences in there. We've never heard a word about that. I can't think of anybody that knew there were housing going in there. And it was supposed to be 20 acres, a little bit of shopping and Shy Wolf Sanctuary, and we were as excited as heck to have Shy Wolf Sanctuary up the street.

But this is completely different and, yeah, it's -- I'm opposing it. I think it's just a travesty that you're standing up saying we all know about it when we know nothing of it.

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

MR. YOUNGBLOOD: Our next speaker is John Pelletier, and then we will go online to Rhonda and John Venuto.

MR. PELLETIER: Oh, hi, Commissioners. My name's John Pelletier, and I live right on 4th Street Northeast, which is that street that is abutting the 50 acres we're talking about today.

Back in 2019 there was a proposal about the bus barn industrial-type use, and the residents on our street, as well as numerous residents in the county, kind of got together and voiced our opinions, and that was rejected. We all know about that.

So, you know, we all agree that we want pleasant amenities. The gentleman, the first speaker, kind of hit it right on -- the nail on the head, all those amenities we're looking for.

So now I see this 400-unit apartment building and I see what they're doing right at the corner of Immokalee Road and County Barn -- sorry, Collier, 951, that's unacceptable out by us. I mean, that -- it's -- it turns the residents, the Golden Gate Estates resident area into a metropolitan like that. I mean, if you looked at that, it's awful. And that first gentleman did mention that.

So, anyway, and that's -- that's 400 units also. So four-story buildings, five or six of them, all right there.

So anyways, I understand the need for apartments, but this is the central hub right now of Golden Gate Estates. Pleasant amenities is really what we're looking for.

The neighborhood meeting did include the other property. It was pretty confusing when I was reading it. So I'd -- I'd request another informational meeting, if we can, on that.

So I have three items. Reduce or delete this 400-unit idea. This is not what -- I'll just speak for myself. This is not what I'd like to see. I live on this street. I'm going to be passing it every day for as long as I live there, hopefully another 27 years.

And then the preserve that's abutting our street, I know this is early, but this preserve that's there -- and I think it's going to be 75 feet wide, if I'm not mistaken, you can see right through it. You know, the trees are overstory trees. I would ask that they enhance it by adding more vegetation, oak trees, cocoplum, things like that. Again, I might be early, but it would be nice to get that into the wording.

And then, again, just lastly is hold another informational meeting just to discuss this property. I don't think that last one -- you've read the minutes. It was not a lot of talk about the 400 units.

So, anyways, that's all I have to say.

CHAIRMAN FRYER: Thank you, sir.

MR. PELLETIER: Thanks.

CHAIRMAN FRYER: Next speaker, please.

MR. YOUNGBLOOD: Our next speaker we're going to go online for, Rhonda and John Venuto. Mr. and Mrs. Venuto, are you with us? Unmute your microphone, please.

MR. VENUDO: Hello. Can you hear me?

CHAIRMAN FRYER: We hear you.

MR. VENUDO: Hello.

CHAIRMAN FRYER: We hear you. Please proceed.

MR. VENUDO: We didn't plan on speaking. We just wanted to hear what was going on.

CHAIRMAN FRYER: Okay.

MR. VENUDO: But we're definitely not in favor of the apartment complex, the 400-unit going up.

CHAIRMAN FRYER: All right, sir. Thank you very much.

Next speakers.

MR. YOUNGBLOOD: That is our final speaker on this item, Mr. Chairman.

CHAIRMAN FRYER: Okay. All right. Thank you.

Anybody who is in the room and did not register to speak but wishes to do so, now would be the time by raising your hand and letting me know of your preference. And I see no hands, so we will -- I see a hand.

MR. MEDINA: I live --

CHAIRMAN FRYER: No, no. Come on up here. Have you been sworn in yet, sir?

MR. MEDINA: Over here?

CHAIRMAN FRYER: No, by the microphone. Have you been sworn in? Have you been sworn in, sir?

MR. MEDINA: No, no, I haven't.

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

CHAIRMAN FRYER: State your name.

MR. MEDINA: Anyway, I'm Ernesto Medina, and I was just listening to, you know, the gentleman here. I don't recall your name.

MR. ORISTANO: Chad.

MR. MEDINA: John [sic]. I really -- I mean, I enjoyed hearing your express of the --

CHAIRMAN FRYER: Sir, you're here to address us, if you don't mind. And also, I'm going to ask you to spell your last name.

MR. MEDINA: I'm sorry. Medina, M-e-d-i-n-a.

CHAIRMAN FRYER: Thank you.

MR. MEDINA: And I live on 4th Street, first home at this street. And I've been -- I mean, I didn't plan to speak but, actually, if I had the opportunity, that's great.

I'm just trying to enforce, you know, his opinion, and my wife and I are not in favor for this big complex of apartments. Obviously, as he was saying about the storage units also -- that's also a no-no.

But we have kids at home, and we really -- you know, we always travel into the city for anything, you know, whether it's, you know, doctors' appointments or grocery shopping. Well, actually, not really grocery shopping now that we've got the Publix right across.

But as far as, you know, gymnastics, you know, all those things. But there's quite a lot of -- quite a few things that I don't have in mind. But we also love to have, you know, family, a community family, you know what I mean? I mean, I'm trying to express myself the best I can but, unfortunately, like he said, I'm a little nervous as well.

But there's a lot of -- I mean, there's a lot of signing [sic] going on in the neighborhood about having stuff like that, but we really don't need, you know, more traffic brought over to the neighborhood.

But, hey, that's all I can say, but thank you so much for the opportunity, and I really admire what he said.

CHAIRMAN FRYER: Thank you very much, sir.

I'll ask staff, do we need the gentleman to fill out a speaker form?

MR. BELLOWS: No, he doesn't need to.

CHAIRMAN FRYER: Okay. Thank you.

Next speaker, or is that it? Anybody else in the room want to be heard?

Yes, sir, please.

MR. MERKLE: I have not been sworn in.

CHAIRMAN FRYER: You have been sworn in or you've not?

MR. MERKLE: Not.

CHAIRMAN FRYER: Okay. We'll take care of that.

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

MR. MERKLE: I do.

CHAIRMAN FRYER: State your name, please, sir.

MR. MERKLE: My name is Thomas Merkle, M-e-r-k-l-e. I just purchased a house down on 4th Street Northeast, so I'm a little late to the game here, so please bear with me.

I'm more concerned right now about the environmental impacts of any of the nonpermeable surfaces. I have not seen or read anything to that date, and I'd like to get more information on that, also, with the groundwater issues and any fuel tanks or subterrain storage well as all, as wellheads not really that far. We're talking a couple hundred feet, so 20 years. I'd like to get more information on that.

CHAIRMAN FRYER: Thank you. Anything further?

MR. MERKLE: No, sir. Thank you for your time.

CHAIRMAN FRYER: Thank you, sir. All right. It's 22 minutes after 10. I was alerted by the County Attorney to the fact that staff needs to weigh in on a matter. And we will take that up immediately after the break, and the break will run until 25 minutes --

COMMISSIONER HOMIAK: Are there more speakers?

CHAIRMAN FRYER: No.

COMMISSIONER HOMIAK: Oh.

MR. YOVANOVICH: Are we closing public comment at this point?

CHAIRMAN FRYER: Yeah. I'm coming to that.

MR. YOVANOVICH: Okay.

CHAIRMAN FRYER: Is that why you asked?

COMMISSIONER HOMIAK: Sort of. I thought there was another speaker.

CHAIRMAN FRYER: Okay. All right. So we'll ask for staff to weigh in on the subject. I don't know whether you're aware of what we're talking about or not, but you can speak with the County Attorney and find out, and we'll turn to staff immediately after that.

And since there appear to be no further public members who wish to be heard on this, we will close the public comment portion of the hearing, and we'll stand in recess until 25 minutes of 11.

(A brief recess was had from 10:23 a.m. to 10:35 a.m.)

CHAIRMAN FRYER: Let's reconvene, please, ladies and gentlemen.

Mr. Yovanovich, I think we're going to hear from staff first before we have rebuttal.

MR. KLATZKOW: Let me -- if I may, can you put this on. There's an agreement between the county and the applicants involving this parcel. And in this agreement, as I scroll down, D, the purchaser of the property or the applicant is waiving any future damages relating to the flyover that the county may or may not be constructing in the future.

If we construct this flyover -- this is -- this is a 20-year-down-the-road kind of thing. Having an agreement that nobody remembers buried somewhere is not going to help the county 20, 30 years from now.

In order to give everybody what I think better notice of what this is, including the future owners of any businesses there -- and I've spoken with the applicant -- I'd like this provision put into the PUD. We're going to have to modify the language from a contractual language to a land-use language, but I would like to see it in there, and I believe the applicant is okay with it.

CHAIRMAN FRYER: County Attorney, you don't see any reason why we would need to have it come back on consent?

MR. KLATZKOW: No, I do not.

CHAIRMAN FRYER: Thank you. What is the number, again? Is it just D or is it --

MR. KLATZKOW: It's just D.

(Mr. Eastman is leaving the boardroom for the remainder of the meeting.)

CHAIRMAN FRYER: D. Thank you.

All right. Anything further from staff?

MR. BOSI: No, sir.

CHAIRMAN FRYER: Okay. Thank you.

If not, Mr. Yovanovich, do you have a rebuttal?

MR. YOVANOVICH: Well, I think Jeff -- I'm sorry -- Mr. Klatzkow wants me to say that's fine, for the record. So it's fine for the record.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: So we'll put it in the PUD.

CHAIRMAN FRYER: Good. And without objection from the Planning Commission, we will not ask to see it again on consent. We will just rely on the County Attorney's Office and staff to get it drafted correctly. Is that -- no one objects, I take it?

COMMISSIONER HOMIAK: That's fine.

CHAIRMAN FRYER: All right. Back to you, Mr. Yovanovich.

MR. YOVANOVICH: I just wanted to supplement some information that was provided regarding future planned transportation improvements in the next five years in the area. And on your screen -- and I could bring Mr. Banks up if you need further discussion. I think you've seen this before -- are the proposed improvements to Vanderbilt Beach Road, Wilson Boulevard, a lot of improvements out east to address traffic circulation to give people alternative routes from east to west. And I think Ms. Ellis said something about the bridge on 16th isn't there yet, but it is shown on the map. So it is a planned improvement. If it's not there, it will be constructed in the next five years. So there are -- in addition to the improvements that Mr. Sawyer brought up, there are more improvements out east to provide these alternative means of getting in and out of Golden Gate Estates.

We had a neighborhood information meeting. It occurred before the pandemic occurred. We did discuss everything that we have in the PUD at that neighborhood information meeting.

What you have -- and you have this all the time, is -- you have some parts of Golden Gate Estates that say, we don't want this, and then we have other parts of Golden Gate Estates that say we don't want this. I forget what year it was, but when we did the Estates Shopping Center, which is already approved -- and it was approved at 190,000 square feet. I'll get into that in greater detail. But that came up as part of this discussion about people not knowing really what was going to occur out there.

We went to the voters; it was on the ballot, the Estates Shopping Center and the Growth Management Plan amendment related to it. So it went to the voters. That's the one and only election I've ever run. I went on the ballot. I went out and spoke to the public, and it was 75 percent/25 percent wanted the Estates Shopping Center approved.

At that time people were saying, we really want it on the outskirts of the property, outskirts, and specifically pointed to these parcels up here. So we're coming in and we're doing what the people have asked for because over time people have said we really, really, really want this on the outside fringes of Golden Gate Estates, Immokalee Road.

So we have moved 140- of the 190,000 square feet to a six-lane highway where it's different than the center of Golden Gate Estates.

We have designed the master plan to keep the preserve along 4th Avenue -- or, I'm sorry, 4th Street. We have -- we have an obligation that if the preserve doesn't meet your buffer requirements, we have to supplement it. So we will supplement the preserve with additional landscaping as part of the process, if it's not thick enough, doesn't have the midstory you're required to have. That's already in a requirement.

I'm sure the residents on 4th Street don't know that because they don't do this every day like we do, and you hear it twice a month. So there will be additional supplement to the preserve if we don't meet the buffer requirements.

We are -- this is -- this is an area of the county that I think it makes sense to have residential. It makes sense to have more commercial. There's no residential in the Barron Collier piece north of us, so there's been coordination of that to make sure that there's not an overabundance of residential. Barron Collier didn't ask for any residential on their piece of property.

We've designed the site to make sure we're not intrusive. I don't -- it's an un -- if you drive by any project that's under construction, they're never pretty. Baumgarten is under construction. I mean, it's not the finished product. It doesn't have the landscaping. It doesn't have all of the tenants in there. It doesn't have all of the buildings in there. So to say you don't want Baumgarten, I don't want it either until it's completed and it looks pretty.

If you go to what's on Golden Gate -- I'm sorry -- Goodlette-Frank Road, we retrofitted a shopping center with apartments because there wasn't enough demand for retail on that corner. It's on the northwest corner -- northeast. Man, I was so close. The northeast corner of Golden Gate [sic] and Pine Ridge Road. That didn't look very pretty, and I live right there. I drove by it every day. You know, it didn't look pretty when it was being built. It looks really nice now.

And this is going to look very nice when it gets done, and it's going to have bigger buffers from the 4th Street residents than what you see on Goodlette-Frank Road.

So we are -- we have designed this to be compatible with our neighbors. It was intentional to relocate the commercial that was approved on the Estates Shopping Center to this piece of property. It will include, I'm sure, restaurants and other uses that will benefit the community. We're in the process of seeking those tenants. But that's what the client -- that's their clientele. The people who are going to build this shopping center, that's their -- or this area, retail, that's their -- that's who they deal with. So we will be bringing a lot of the uses mentioned. I can't promise you you're going to get a gymnastics studio on this piece of property, but you'll have a lot of uses that the neighbors want. That's intentional as well.

Your staff is recommending approval. This is consistent with -- and I listened to all of the studies that were going on, and Mr. Sabo took you through that. What did the community vision have for this quadrant? We're consistent with what the community vision was.

With that, that's really all the rebuttal I have. I would welcome any further questions, and we're requesting that the Planning Commission recommend to the Board of County Commissioners that they adopt the Growth Management Plan amendment and also recommend that the Board of County Commissioners approve the MPUD.

And with that, I'm here, and everybody on my team is available if you have further questions.

CHAIRMAN FRYER: Thank you.
Commissioner Fry.

COMMISSIONER FRY: Rich, just a few questions.

The point of storage units and why there's so many and that they're an eyesore, the proliferation of them, we've had this discussion before, but I think because it's been raised, I'd like you to speak to that. And I'm going to have you speak to a couple of other things that we heard in the public comment.

MR. YOVANOVICH: Well -- and I spoke to Chad briefly during the break.

MR. ORISTANO: Hold on.

CHAIRMAN FRYER: No, no, no, sir. That's not how we do it.

MR. ORISTANO: He's addressed my name. He addressed my name.

CHAIRMAN FRYER: Just a moment, sir. You're out of order. We have closed the public speaking portion of.

MR. ORISTANO: He addressed my name, so I don't want him to use my name.

MR. YOVANOVICH: Okay. I take it back.

CHAIRMAN FRYER: You're not hearing me, I guess.

MR. ORISTANO: Don't address my name, please.

CHAIRMAN FRYER: Go ahead, Mr. Yovanovich.

MR. YOVANOVICH: I understand.

CHAIRMAN FRYER: Anything further?

MR. YOVANOVICH: No, I have to ask -- Mr. Fry asked me questions about --

CHAIRMAN FRYER: Go ahead.

MR. YOVANOVICH: -- self-storage. Self-storage is a popular use, for obvious reasons, in Florida. Those of us who relocated from up north, some of us, in our early years when I was 13, we had basements, we had other areas where we could store things. Now my self-storage unit is my garage because that's where my Christmas decorations go, Halloween decoration goes. All the things that would normally go in someone's basement go in my garage because I don't want to go use a storage unit. But there are a lot of people who want to use storage units.

These storage units are designed to look like office buildings. They're very attractive, they're low traffic generators, and they're being built because there are a lot of residences -- residential property owners who need and want this extra space for their personal possessions, whatever they may be. And they are --

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: Yes. Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Well, I would simply state that I'm sure -- I would agree that they're designed, as much as possible, you know, to look nice, and I'm not going to disagree with that; however, one just went in in Ave Maria within the last couple years, and it just so happens that I look after a property for a relative that's, you know, right on -- you know, just borders it, and we see, you know, I don't know, some sort of an industrial fence with RVs and boats. That's what this residential property owner sees.

So I just -- you know, it's not -- we can talk about how nicely it's designed, but we also need to be, you know, realistic that as nice as you do that, you know, at some point there's an industrial look to it. And I understand maybe this one isn't going to have RV and boat storage.

MR. YOVANOVICH: We didn't ask for RV and boat storage. I'm sorry, Mr. Klucik. I didn't mean to interrupt you.

COMMISSIONER KLUCIK: Yeah, I'm just -- it's a CubeSmart facility, and that's -- you know, it has self-storage with -- you know, with a lot where people can also store things outdoors. And so, you know, if what you're saying is that that's not permitted, the outdoor storage is not permitted, that's fine, and then, you know, the concern I have is largely alleviated. Is that what you're saying?

MR. YOVANOVICH: Yeah. We asked for indoor self-storage. We didn't ask for any outdoor.

COMMISSIONER KLUCIK: No. I'm asking if it's permissible. Is outdoor storage permissible?

MR. YOVANOVICH: No.

COMMISSIONER KLUCIK: It's not permissible, okay.

MR. YOVANOVICH: It's only air-conditioned indoor self-storage is what we've requested, and that's what's in the PUD.

So back to Mr. Fry, the reality is these are popular for a reason. People need the space. And they are designed to be attractive looking. We're not asking for the industrial type, the old industrial mini warehouse that you would see in the industrial park. I don't want to name any names to give anybody any free advertising, but if you look around, they are -- they are attractive buildings, and they are low traffic generators, and they are good neighbors.

COMMISSIONER FRY: Rich, what --

I have a few questions, Mr. Chairman.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER FRY: Rich, what communication, if any, has the applicant and yourself, Mr. Arnold, had with the Golden Gate -- Golden Gate Estates Area Civic Association?

MR. YOVANOVICH: Mr. Ramsey, to my knowledge, is still the president of the Golden Gate Estates Civic Association. Prior to the pandemic, obviously, we had far more communication, and that was during the design of what's before you today. So all of that was discussed with Mr. Ramsey and others at the civic association.

I couldn't tell you where they are now, but we had that in the original design in the materials that are in front of you. How he disseminates information to the members of the Golden Gate Estates Civic Association, I don't know. I know that I have personally had conversations with -- and it's on the other project, but they're related -- personal conversations with some of the residents along where the Golden Gate -- I'm sorry, the Estates Shopping Center.

But the conversations have been with the leadership of the Golden Gate Estates Civic Association.

COMMISSIONER FRY: All right. Last area I wanted to explore are the apartments, which they were included -- this is the second time this is coming through. This is the adoption hearing. It went through us already --

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: -- and the County Commission. It was approved with 400 units, correct?

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: Ordinarily in the PUD, do we not see renderings? And maybe, did I miss renderings, sightlines, any of that?

MR. YOVANOVICH: No, we don't normally do that. In this -- can we switch back?

COMMISSIONER FRY: We see them all the time, though, and we're only reviewing GMPAs and PUDs, so...

MR. YOVANOVICH: How do I get to my PowerPoint without destroying things here?

COMMISSIONER FRY: The concern was raised --

MR. YOVANOVICH: I just want to go back to the site plan.

COMMISSIONER FRY: Okay. The concerns was raised over the aesthetics, the heights of the apartments.

MR. YOVANOVICH: That looks more like your staff report, your staff presentation. I don't know if James has the master plan in his or not; I know I have it in mine. If I have to, I could put it on the visualizer, the old technology.

MR. SABO: I've got it, Rich. Where did it go? Oh, there it is. Right there. Is that it? Boom, there you go.

MR. YOVANOVICH: There we go. I appreciate it.

The master plan shows you how we have -- where we have put the residential. We made sure that the preserve wrapped around and created the buffer from 4th. There was a lot of concern -- there was a lot of concern that we were going to connect to 4th, and we eliminated that connection to 4th because the residents on 4th made it very clear that they did not want traffic from our project going on their local road. So we -- even though we thought it kind of made sense, since there's a traffic signal there, we respected that -- that comment from the public, and we've discontinued having any access to 4th. All of our access will be in and out of Immokalee Road plus the interconnection with our neighbor to the north that will get us to a traffic signal on Immokalee Road.

So we designed the site, the master plan specifically, with the neighbors to our west in mind on 4th.

COMMISSIONER FRY: I mean, I see where it's laid out, and I appreciate the buffering and the setbacks. But we routinely -- is it my imagination, or do we not routinely see renderings and sightlines of apartment developments?

CHAIRMAN FRYER: We get the sightlines from the master plan. Renderings -- renderings are received when they're offered, which happens --

COMMISSIONER FRY: But they're not a standard part of the PUD?

CHAIRMAN FRYER: It's not a required part.

MR. YOVANOVICH: And you're right, when people have said to us, we don't want to see you, we have gone and done sightlines and brought them to you; I've done that. We did not get comments at the NIM that -- we're opposed to the 400-unit apartment complex based upon "we don't want to see you." I don't remember comments saying we don't -- I know the question was, are you doing affordable housing? And we said, no, we're doing market rate. But we have in this particular case, you know, our preserve that's at least -- I think that's at least 75 feet in width along 4th.

So didn't think it was necessary. When we think -- when people have raised that issue, yes, I've done that, Mr. Fry. I wouldn't say in every case, but I have when -- most recently a couple weeks ago when I was before you on Soluna, the residents were concerned about what they were going to see, and we brought you the sightline studies. We didn't see that as an issue for this particular parcel.

COMMISSIONER FRY: Can you give us a summary of what the layout of the buildings that's planned and the heights, aesthetics? What kind of protections do the neighbors have of an eyesore being -- I know that's never the -- that's never what's presented as an eyesore, but the concerns have been expressed, so...

MR. YOVANOVICH: They're four-story units. They're going to be market rate. I'm looking to see if we can come up with -- is it going to be similar to the architecture of Baumgarten? I'm trying to find you a picture that somebody can e-mail me that I could put on to show you the quality of the apartments. They're going to be market rate, high-end apartments. You're not -- so with that, I don't have the layout, because I don't know that it's been totally finalized yet, but we do -- they'll be four-story buildings.

COMMISSIONER FRY: So when the -- that approval process will take place subsequent to this?

MR. YOVANOVICH: Correct, that's the typical --

COMMISSIONER FRY: The architecture, the setbacks, the buffering, all that stuff will be nailed down?

MR. YOVANOVICH: That will all be part of the Site Development Plan review and approval.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: I'd like to tag onto that if I may, Mr. Yovanovich. The -- one of the speakers asked about enhancing the buffers -- and I think I got this correct -- at the preserve to supplement the overstory trees that are already there with some understory buffering. Would you -- would your client be willing to consider doing some more of that?

MR. YOVANOVICH: We are -- we are required to supplement the buffer in the preserve area to the extent it does not meet the county's required buffer, and we will do that. We will do that.

CHAIRMAN FRYER: Okay. And so you're talking at ground level?

MR. YOVANOVICH: Right.

CHAIRMAN FRYER: Understory vegetation.

MR. YOVANOVICH: Yes. I believe there's going to be -- there's going to be hedges and some trees that may be necessary -- definitely a hedge, but maybe some additional trees that will be planted in the preserve where the preserve doesn't meet the requirements.

CHAIRMAN FRYER: Okay. Am I correct that there are some locations along the preserve where you have tall trees but no ground-level vegetation present?

MR. YOVANOVICH: Yeah, right. So there will be supplement -- where that gentleman or gentlewoman -- I can't remember who said it --

CHAIRMAN FRYER: Mr. Pelletier, I think.

MR. YOVANOVICH: -- there will be supplements where there are holes.

CHAIRMAN FRYER: Okay. All right. Thank you for that clarification. Go ahead.

COMMISSIONER FRY: I just want to interject. Is there an opacity threshold, you know, 80 percent opacity over one year or three years?

MR. YOVANOVICH: I don't know the answer. Mike, do you know if there's an opacity when it's residential to residential? I know there is when residential to commercial but we have residential to residential there.

MR. BOSI: Off the top of my head, I don't know the requirement for the one-year opacity.

MR. YOVANOVICH: Mr. Templeton's here. He can answer it. He's the resident expert.

CHAIRMAN FRYER: I'm going to ask us to try to speak one at a time.

MR. YOVANOVICH: I'm sorry. That was my fault.

MR. TEMPLETON: For the record, Mark Templeton, residential review. If it's a residential to residential, it's a Type A buffer; it's a tree every 30 feet, there's no shrub requirement, there's no opacity requirement.

CHAIRMAN FRYER: There's no shrub requirement?

MR. TEMPLETON: Not if it's residential to residential.

CHAIRMAN FRYER: Well, that's different than what Mr. Yovanovich said.

MR. BOSI: Mike Bosi. And that is citing per the code requirement. Ms. Gundlach brought up the PUD that has the language that talks about the enhancement to the buffering if the preserve is inadequate.

CHAIRMAN FRYER: Okay. Let's hear that. Let's hear that from Ms. Gundlach.

MR. TEMPLETON: Right. Where a Type B is required, it will need to be enhanced. There's a six-foot-wide reservation buffer area shown on the master plan, and that's -- that area's for if there's any shrubs that are needed to meet that opacity requirement. The Type B buffer does require an 80 percent opacity within one year.

CHAIRMAN FRYER: To what height?

MR. TEMPLETON: Six feet.

CHAIRMAN FRYER: Thank you.

Ms. Gundlach, do you have anything to add to that, or did that cover it?

MS. GUNDLACH: Just that that's a commitment in the PUD.

CHAIRMAN FRYER: Okay. All right.

MR. YOVANOVICH: Okay. And to be totally transparent.

COMMISSIONER FRY: But we're talking about opacity.

CHAIRMAN FRYER: I knew it.

COMMISSIONER FRY: You knew that was coming? That one took a while to land.

MR. YOVANOVICH: If I could just bada bump.

We will commit along that road, 4th, to have a hedge to six feet in height.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: Okay. Let's just put that in there so there's no ambiguity that the hedge will be there.

CHAIRMAN FRYER: All right.

MR. YOVANOVICH: The reason I said I wanted to commit to that is because, technically, there's no requirement for me to put that hedge residential to the Estates. That's why I wanted to have that additional hedge in there.

CHAIRMAN FRYER: Yeah, and we appreciate that. Thank you.

Let's see. Anything further from staff? Anything further from the applicant?

(No response.)

CHAIRMAN FRYER: Nothing from staff. How about the applicant? Mr. Yovanovich, anything?

MR. YOVANOVICH: No, I have nothing further unless you have further questions.

CHAIRMAN FRYER: All right. Well, without objection, then, we will turn our

attention to deliberation and see if we can develop a resolution. Thank you.

Who would like to lead off the discussion?

(No response.)

CHAIRMAN FRYER: Well, I can -- I'll say a word or two, and then maybe someone else can chime in.

I began this with some significant misgivings. As a result of conversations with staff and commitments that the developer -- that the applicant has made and subject to the condition that the Estates Shopping Center density and intensity is reduced as planned, subject to that condition, I'm not uncomfortable with this, and I'm prepared to vote in favor of it, and I'd like to hear from -- Commissioner Fry, go ahead, sir.

COMMISSIONER FRY: Well, it has been through us before, and it's been through the County Commission, and I think with the same assumptions in place, same general assumptions, borrowing the square footage from the southern development and bringing it north. The apartments were in the -- were in the plan all along. I wish there was a rendering. I do believe that the residents, you know, have a right to understand, as well as us, to see what it might look like, not that we've ever had a concern. Everything that's been presented has been high quality, but we have concerns expressed by the public.

I would note, you know, there is no one here officially representing the Golden Gate Estates Area Civic Association in opposition to this.

I came from a neighborhood.

MS. ELLIS: We're opposed.

COMMISSIONER FRY: Are you board?

MS. ELLIS: Of what?

CHAIRMAN FRYER: Ma'am, we'll have to --

COMMISSIONER FRY: I'm sorry. I shouldn't be --

CHAIRMAN FRYER: Well, no, that's your prerogative, Commissioner. If Commissioner Fry wants to hear from you, you come on up to the mic and tell us what capacity you're speaking.

COMMISSIONER FRY: I think what I'd love to hear is that, you know, Michael Ramsey has been mentioned. We have not had -- unless you are an official representative of the Golden Gate Estates Area Civic Association speaking on behalf of them, I'd just like you to clarify your position.

MS. ELLIS: Okay. Let me clarify for you.

COMMISSIONER FRY: Please.

MS. ELLIS: I have been in Golden Gate Estates since 1985. I bought my first home there, I raised my children there, and I'm still there, okay. So calculate that number of years.

And that entire period of time I have been involved in every Golden Gate Estates Area Civic Association, including the Homeowners Association of Golden Gate Estates, which that was just a name, really. We don't have a homeowners association that charges any fees. It's the people of Golden Gate Estates all getting together.

As far as speaking on behalf of any of those organizations, they no longer exist, okay. Golden Gate Estates Area Civic Association could be still filing paperwork to say that they're an association but, actually, now we do something different, and we hold meetings with Bill McDaniel every second Wednesday of the month at the Florida University Extension center out there, the ag center by the new park, okay.

So when Golden Gate Estates Area Civic Association was first started, my -- Big Cypress Elementary School wasn't even there, and I had my first two children, and we went to all those meetings to get the park and, you know, do those things for the community. So I've been involved every step of the way, but today I'm speaking on behalf of me.

And I'd like to say, I wish more of my neighbors were here. Lucky me, I can make my own schedule for my job. I know everybody on my street, and most of them are at work today. I

did speak with a few of them, so I could tell you I'm speaking on behalf of me; Laura Jones, who's been on the street as long as I have; Manny Herrera, who operates a business here in Collier County; Pam, oh, Peterson, my next-door neighbor. So those are people I know that I spoke to regarding this meeting today, and they all have the same views that I do. And I can give you their names, addresses, and phone numbers, if you'd like.

CHAIRMAN FRYER: Thank you, ma'am.

MS. ELLIS: With that being said --

CHAIRMAN FRYER: No.

MS. ELLIS: -- there's 400 residences going in, and that's wrong.

CHAIRMAN FRYER: Ma'am.

MS. ELLIS: The traffic is what we're talking about. What? Oh, he gets to ask me my capacity and nothing else? That's it.

CHAIRMAN FRYER: I have not yet tried to eject someone from a meeting, but it's coming close. And when the -- when the public has their chance to speak, I'm very liberal about giving them opportunity to make all their points. The commissioner asked you what capacity -- no, you don't need to step back to the microphone.

MS. ELLIS: I just want to make sure you know you have my full attention, that's all. I apologize.

CHAIRMAN FRYER: I hope I do.

MS. ELLIS: You do.

CHAIRMAN FRYER: Okay, good. That -- when a commissioner, even after we have closed public speaking, if a commissioner has a question, that question can be answered, but that's not an invitation to the public to rove around and touch other subjects that weren't inquired about, and that's what you were doing.

MS. ELLIS: We don't do this every day, so thank you for that explanation.

CHAIRMAN FRYER: Thank you very much for your attention.

COMMISSIONER FRY: And I thank you for the clarification.

MS. ELLIS: Absolutely.

COMMISSIONER FRY: And I guess where I'm -- I mean, I came from a neighborhood. It's called Oakes Estates. We're part of Golden Gate Estates; we're a little closer in. But I -- typically, when we have meetings like this, people from the public speak, and there very often are -- if there's formal opposition, there's an official representation from that association, so I wanted to clarify what your position was.

So I guess I'm getting to my thoughts on this. It's been through us before. I believe there was a NIM probably before the initial -- before it initially came through for transmittal. Now it's coming through for adoption. I'm not seeing any major changes in the plan. The apartments were part of it. The buffering, I appreciate the hedge.

I think there is always a little bit of a disconnect. There's always people that aren't aware of the NIMs, that aren't aware of the process. It's -- you know, it's never a perfect science, but you've honored your commitments to this. And you've had -- if the Golden Gate -- if it still exists, they're not here to speak today in formal opposition. I haven't heard any new opposition.

I do believe this is -- you know, contrary to what we might like, there are a lot of people moving here, and a lot of them are going out Immokalee Road. And that's a -- that's the reality of it.

The other reality that I don't particularly like either is I share the concern about the self-storage units. I think as a resident I share the wish that we had other things moving in in their place that a lot of us would consider more -- you know, more of interest to us; however, the market drives these things, not us sitting up here. We cannot tell the market what makes money. We cannot tell private entrepreneurs what they need to do with their land. People have private property rights.

This is an area where I think there's a consensus that 75 percent or so voted, you know,

kind of similar to about the Golden Gate Estates. The southern shopping center, you mentioned the election that you ran for that. I'm not seeing -- I'm not seeing justification -- although I have some concerns, I'm not seeing justification to vote no against this. I do think the commercial services are needed.

Apartments are always questioned in terms of do we need them? And I -- after three years on this board, I think I'm of the opinion now, they wouldn't be going in if they weren't needed. Businesspeople don't spend their money stupidly, in most cases. They do their research, and if they find a market for residential apartments, they build them.

You will have to meet the standards of the county in terms of aesthetics, sightlines, parking, all those types of things, so I guess I would have to vote in favor of this today.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Well, my comments are a little briefer because Karl basically made them all. I'm -- for the same reasons Karl pointed out, I'm in support of it as well. I think it fits in with the long-term plan infrastructure and the county's planning the growth in those areas and trying to efficiently manage the infrastructure, and I think it fits in with the plan. I don't know when you -- I think Karl or somebody mentioned, you know, depending on what happens with the other, we're not voting on this with any reference or contingency to the next two items, right?

CHAIRMAN FRYER: Well, I'm going to propose that we do. If -- I have every reason to expect that the next will also pass, at least from my perspective, without having heard all the evidence yet. But we wouldn't -- we wouldn't want to pass this increase and then not passing the decrease that comes along with the Estates Shopping Center.

COMMISSIONER SHEA: Why?

CHAIRMAN FRYER: Well, because I think it's -- that is not supported. That kind of a result is not supported by the REEI commercial needs analysis. That --

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: -- would be more intensity than has been supported by this evidence. In my judgment, this is to be looked at as a swap, and that's one of the positive aspects in my judgment.

Okay. Anyone else want to be heard on this?

COMMISSIONER HOMIAK: No, I'm going to support it. I did last time. I think it's a better -- moving the square footage of the commercial from the Estates Shopping Center to Immokalee Road is a better fit.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik, would you like to be heard on this, sir?

(No response.)

CHAIRMAN FRYER: I take that as a no.

All right. Let's see. I'm going to try to summarize what I think are the conditions, and then I'll ask for a motion, and I'll look for help from the Planning Commission and from Mr. Yovanovich and from staff if I don't get this right. But I believe -- and we'll take it one at a time on the -- let me ask this question because --

COMMISSIONER FRY: I think Robb is trying to speak.

CHAIRMAN FRYER: Oh, Commissioner Klucik, do you want to be heard?

COMMISSIONER KLUCIK: Mr. Chairman?

COMMISSIONER SHEA: Are you getting that, Terri?

CHAIRMAN FRYER: You're not coming across loud and clear, sir.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir. Commissioner Klucik, I'm sorry to say, we're --

COMMISSIONER KLUCIK: Just to let you know I'm here.

MR. KLATZKOW: It's Steve Hawkings come back.

CHAIRMAN FRYER: All right, sir. Thank you for letting us know your presence.

COMMISSIONER KLUCIK: Yeah. No, I don't have anything to add. I just wanted you to --

CHAIRMAN FRYER: Thank you. Thank you very much.

I noticed at a recent Board of County Commissioners meeting that --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: Can you hear me?

CHAIRMAN FRYER: No, not very well.

COMMISSIONER KLUCIK: Can you hear me now?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: Oh, sorry. All right. So I didn't really hear anything, any response. I just was letting you know that I didn't have anything to add, and I'm present.

CHAIRMAN FRYER: Thank you very much --

MR. YOVANOVICH: Well said.

CHAIRMAN FRYER: -- for that clarification.

Mr. County Attorney, I noticed at a recent Board of County Commissioners meeting that at the request of one of the County Commissioners the GMPA and the PUD were voted upon in one motion. Is that a practice that we could adopt as well?

MR. KLATZKOW: Yeah. That's always been my recommendation.

CHAIRMAN FRYER: Okay. All right. That seems to be more efficient, and that way we can talk about the conditions without trying to connect the conditions to which resolution it would apply. So after we identify these conditions, we're going to ask for a motion to approve both the GMPA and the MPUDA.

And here's what I think we've got. First of all, we've got group housing has been removed. We've got probation, parole, and correctional uses will be prohibited. We've got a -- permitted uses for the commercial to be expressed as C-3 plus, and the plus in question is the image that Mr. Yovanovich put on the screen to identify the neighboring GMPA and some additional uses. Do you want to refer back to those just so that we can absolutely be clear what, in addition to that, will go in?

MR. YOVANOVICH: I will. Briefly, we had food stores miscellaneous, including convenience stores with fuel pumps, warehouse clubs, and discount superstores. Those were 5411, 5599. We had general merchandise stores, including warehouse clubs and discount retail superstores. That was 5311 through 5399. We had lumber and other building material dealers, including home improvement stores. That was 5211. And then, finally, we had membership warehouse clubs and gas -- with gas and liquor, and there's no SIC code for those. So those would be added to the Growth Management Plan.

CHAIRMAN FRYER: Okay. Thank you. Then the next one has to do with the amended real estate sales agreement that had Provision D in it regarding the flyover commitment.

MR. YOVANOVICH: Right.

CHAIRMAN FRYER: And that will also go in. Then the next one is to make our action subject to approval of the reduction that's been applied for in the Estates Shopping Center in the next agenda item to be heard. Then a 6-foot-hedge commitment along the preserve, and then I think there were three staff conditions, were there not?

MR. YOVANOVICH: Do you want me to answer that? The answer is yes, there's three remaining. Actually, there's four.

CHAIRMAN FRYER: Four remaining staff conditions?

MR. YOVANOVICH: Yeah. Other than -- we took care of it by -- we took care of Staff Condition No. 2 by eliminating group housing and Staff Condition No. 3, Mr. Chairman, was we agreed to a setback of 10 feet from internal or private right-of-way.

CHAIRMAN FRYER: Okay. Thank you. Now, does everyone understand what we're about to vote on? If so, I'd entertain a motion at this time.

COMMISSIONER FRY: I'll make the motion to approve the GMPA and the MPUD.
Just to clarify, the uses in both the GMPA and the MPUD will now be synchronized?

CHAIRMAN FRYER: No.

COMMISSIONER FRY: No?

CHAIRMAN FRYER: No. The uses in the PUD --

COMMISSIONER FRY: Oh, I'm sorry.

CHAIRMAN FRYER: -- are going to be as --

COMMISSIONER FRY: As they are. We're amending the uses in the GMPA.

CHAIRMAN FRYER: That is correct.

COMMISSIONER FRY: Okay. Thank you for that.

CHAIRMAN FRYER: Any further need for clarification or comments?

COMMISSIONER HOMIAK: I'll second the motion.

CHAIRMAN FRYER: It's been moved and seconded to approve both the GMPA and the PUDA subject to the conditions that have been stated. Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, applicant.

MR. YOVANOVICH: Thank you.

And I'm looking at the clock. Is there any reason from up here at the dais why we can't go right into our next two matters?

(No response.)

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

***So the second two applications are also companion items. They are PL20190002353, the Estates Shopping Center Subdistrict large-scale Growth Management Plan amendment, and PUD -- excuse me -- and PL20190002354, the Estates Shopping Center, which had been called a CPUDA, but I believe it's actually an MPUDA because of the multiplicity of uses being proposed.

Once again, the GMPA is legislative and here for an adoption hearing. The PUDZ is quasi-judicial, being heard by us for the first time and only time. And we'll hear them together and, without objection, we'll also vote on them together as well so that we don't need to parse out any conditions that we have. And we'll treat the entire proceeding as quasi-judicial because those rules are more restrictive.

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

CHAIRMAN FRYER: Thank you.

And disclosures from the Planning Commission, starting with Commissioner Fry.

COMMISSIONER FRY: Staff materials, public record.

CHAIRMAN FRYER: Thank you.

Materials from staff, materials from the applicant. Meeting with staff, meeting with the applicant by phone, communications with members of the public, documents of public record, and a site visit.

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

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Thank you.

Before that, Commissioner -- yeah, I know, but do you want to be heard before we hear from Commissioner Klucik?

MR. BOSI: No.

CHAIRMAN FRYER: Okay. Commissioner Klucik.

COMMISSIONER KLUCIK: Just staff material, staff meeting.

CHAIRMAN FRYER: Okay. Thank you.

Mr. Bosi.

MR. BOSI: Bosi Mike, Zoning director.

Just a clarification. Ms. Jaime Cook has reminded me that you are acting as the EAC in the capacity related to the preserve deviation for the Estates as well.

CHAIRMAN FRYER: All right. Mr. County Attorney, any reason we can't wrap all those three together?

MR. KLATZKOW: No, sir.

CHAIRMAN FRYER: Thank you very much. Then that's what we'll do, and thank you for that.

All right. We have completed our disclosures, so the floor is offered to Mr. Yovanovich.

MR. YOVANOVICH: Hi. Good morning. It's Rich Yovanovich for the applicant.

Basically the same team is here to address questions on this GMP amendment and PUD. You heard -- the project location is on the visualizer. It's approximately 40 acres in size. This is the configuration for the current Growth Management Plan amendment and the proposed Growth Management Plan amendment. To the right here is the 7-Eleven. Commercial here on this corner, CVS here, offices approved here, and then Estates; all along here is all Estates.

You saw the slide earlier to show you what is, in effect, happening. We're taking 140,000 square feet from the shopping center and moved it to the previous -- the Randall Curve property we just talked about.

We're here to amend both the existing subdistrict in the Growth Management Plan amendment and to amend the existing PUD to make it an MPUD.

I'm going to -- essentially, in a nutshell, what we're doing is we're going to have slightly over 10 acres on the hard corner of Wilson and Golden Gate Boulevard is where the commercial is going to be. The county will get an approximately 10-acre tract between 1st and what will then become the approximately 17-acre tract for Shy Wolf, which would then face 3rd, and I'll show you that on the master plan.

The subdistrict deletes several limitations that were in place when this was originally going to be a grocery-anchored shopping center, and now it recognizes that, essentially, we're going to be a much smaller, basically, neighborhood center for the Estates.

This was the original approved master plan. The preserves and buffers were located where they were because we were going to have a grocery-anchored shopping center, basically, on this side of the property.

What we're proposing on the next -- on the new master plan is this is where Shy Wolf would be, this is where the county's going to be, and this is where the commercial is going to be, and we reconfigured the preserves to make sure we had adequate buffers between us and homes to the north.

This was the original grocery-anchored shopping center. This is, as I just showed you, the three tracts that are in the PUD, and you will see how the preserve is broken out and what the actual development footprints are for each of the tracts. And for those of you who may not be able to see it, Tract A has 10.17 acres, Tract B has 7.64 acres, and Tract C has 13.69 acres. Those are all net of the preserves that are required by -- for on each of those sites.

The prohibited uses remain the same in the PUD that exists today. The development standards are identified here for the commercial tract; and the setbacks are all identified in the PUD. These were presented to -- at the neighborhood information meeting.

The proposed uses on the public-use tract, that's the county's tract, I'm going to assume that

the prohibitions that we included in the Randall Curve regarding parole offices and probation offices and correction facilities would now be identified as prohibited uses on this public-use tract all subject to county staff signing off on that, since this is going to be the county staff parcel.

On the semipublic uses, that is where Shy Wolf is intending to go, and those uses are identified basically to support their endeavors on the property. The development standards for both the public-use tract and the semipublic tract are new to the PUD because those uses weren't previously allowed. These are consistent with what we showed at the NIM.

We have a few deviations related to -- one of which you'll be voting on the preserve. You can see that on the northern portion of each of these lots. And then we have two deviations related to, basically, Shy Wolf's operations. Staff's recommending approval of all of them.

The staff report, we disagree with the limitation of 9:00 p.m. We understood that as a limitation that made sense when it was a grocery-anchored shopping center, but now that the retail uses are on the hard corner of Wilson and Golden Gate Boulevard, we think that our request of 10:00 p.m. is reasonable for those uses. We will agree to the 9:00 p.m. restriction for outdoor music -- I'm sorry. Yes, we agree to that, and the operational standard of 9:00 p.m. I think we're fine with.

I have a slight tweak to Recommendation No. 3 because it says the applicant shall meet or exceed the FDE [sic] program; that's related to well sites. I don't know what "or exceed" means, so I can't agree to something that I don't know what it means. I do know what it means to meet the FDEP program, and we're happy to meet the FDEP program.

I don't want to be subject to a staff person who reviews and thinks that we should do something else, and she's going to say, well, you agreed to that because you agreed to exceed. So I can't agree to that language. It's too vague, and it gives too much wiggle room to the reviewer to dictate the uses that can occur on the property.

We are fine as you -- this is -- this is the -- this is the area that's the most highly protected area for wellfields. We're in Wellfield Area 1, and we will agree to the condition that we can have no tanks within 500 feet of the wellhead. That's the law. We'll agree to that. And we have no objections to meeting the law, and we're going to go ahead and meet the law.

We are requesting your approval of both the Growth Management Plan amendment as well as the PUD amendment subject to the revisions we made to the staff recommendations. You've heard the Growth Management Plan amendment before. The PUD implements the Growth Management Plan amendment.

I don't know if we'll have opposition to this or not. We'll soon wait and hear.

But with that, that's our presentation, and we're available to answer any questions you may have regarding this --

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: -- petition.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: So, Rich, this would be the final step to allow the Shy Wolf vision to be realized; is that correct?

MR. YOVANOVICH: Yes.

COMMISSIONER FRY: They have a contract for it, but it depends on this being approved?

MR. YOVANOVICH: We've got to get this approved for Shy Wolf to relocate to this property.

COMMISSIONER FRY: If this is approved, are there -- is there a chance that they will not relocate? That it's a --

MR. YOVANOVICH: If that happens, then we can only build homes based upon the Estates -- the Estates zoning district standards, minimum lot size two-and-a-quarter acres.

COMMISSIONER FRY: Okay. So the central tract, Tract B, 7-point-some acres, 7.64 acres, what are the most likely -- is it possible to predict what the most likely uses are for that?

How did it come about that that was -- became granted to the, you know, to the county --

MR. YOVANOVICH: That was part of the original contract that I mentioned early on --

COMMISSIONER FRY: Okay.

MR. YOVANOVICH: -- which was for the acquisition of the Randall Curve property.

So we had committed to the county we would provide them a tract down here to provide county services, and the services have been reviewed by county staff, and I'm assuming the uses are what the county wants to put on the property. Actually what they're going want to put on there, I don't think they know at this point, but you'd have to ask county staff that.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Just a confirmation. I think you answered the question. But if Shy Wolf were to back out, that would be residential, but the Tract A and B would still stay the way you're proposing them?

MR. YOVANOVICH: Yes, yes.

COMMISSIONER SHEA: In other words, we don't hear the whole property again?

MR. YOVANOVICH: I'm sorry?

COMMISSIONER SHEA: In other words --

MR. YOVANOVICH: I think I know what you're saying.

COMMISSIONER SHEA: -- call your -- Tract A and B will still go ahead regardless of what happens on Tract C?

MR. YOVANOVICH: Correct, yeah. The backup plan is if, for whatever reason, Shy Wolf is unable to close, we would -- we would still be -- the county still gets its -- it gets its land, and all the square footage is transferred, and we have the commercial on the hard corner.

CHAIRMAN FRYER: Thank you. Any other questions from up here?

(No response.)

CHAIRMAN FRYER: I have a few. I think they're brief.

MR. YOVANOVICH: Did I miss anything?

CHAIRMAN FRYER: No.

MR. YOVANOVICH: Okay.

CHAIRMAN FRYER: Nothing that we didn't talk about --

MR. YOVANOVICH: Okay.

CHAIRMAN FRYER: -- yesterday.

First of all, in the GMPA, Mr. Yovanovich, when you and I spoke yesterday, I asked whether the animal shelters, the provision in A3, animal shelters, et al, whether that could be limited to non-profit public benefit organizations.

MR. YOVANOVICH: I did have an opportunity to ask Shy Wolf that. And if you ask for that commitment, we are prepared to give that commitment.

CHAIRMAN FRYER: Okay. Does anybody on the Planning Commission object to asking for that commitment?

(No response.)

CHAIRMAN FRYER: I see no objections. Thank you very much.

All right. Then we're going to put in probation, parole, and correctional, as you stated.

And there was a -- let's see. Where was this? Permitted uses on Exhibit A, there is boilerplate language that basically says any uses that are not expressly provided for permitted are prohibited, and I just want to move that up to where it doesn't modify only commercial, but it modifies all uses so that unless a use is permitted it is deemed to be prohibited.

MR. YOVANOVICH: And we don't have any objection to that because that's actually what the Land Development Code says --

CHAIRMAN FRYER: I know. And I assume there are no objections from the Planning Commission for that reason?

(No response.)

CHAIRMAN FRYER: Okay, good.

And I personally do not have a problem deleting the words "or exceed" following "meet." I think "meet" is probably all we could fairly ask for having to do with the applicable standards. Does anybody object to that?

COMMISSIONER HOMIAK: No.

CHAIRMAN FRYER: Okay. I don't see any objectors to removing the "or exceed" provision. And you're going to comply, obviously, with the no tanks within 500 feet of a wellhead.

So I believe those are all the questions I have. No one is lighting up on the deliberator. So unless -- Mr. Yovanovich, if you don't have anything further, we'll call the staff.

MR. YOVANOVICH: No.

CHAIRMAN FRYER: Okay. We'll turn to staff now, Mr. Bosi.

MR. BOSI: Thank you, Chair. Mike Bosi, Planning and Zoning director.

From the GMP amendment standpoint, we are recommending approval and are in agreement with the further limitations that were suggested by the Chair.

With that I would accept any other questions you may have related to the GMP side. Ray Bellows will take care of the MPUD --

CHAIRMAN FRYER: Okay.

MR. BOSI: -- staff report.

MR. BELLOWS: For the record, Ray Bellows, Zoning section planning manager.

I've been working on this project with our consulting land-use planner, Laura DeJohn. And we are recommending approval with a note that you are sitting as the EAC, so you're going to vote on Deviation No. 3, which is to allow the preserves that are not connected within the site, so the way it's depicted on the master plan.

CHAIRMAN FRYER: Thank you, sir.

MR. BELLOWS: We are also noting that the recommendation of approval is subject to the Growth Management Plan that's a companion to this is adopted and in effect.

CHAIRMAN FRYER: Yeah.

MR. BELLOWS: And that the three conditions, certainly we don't object to elimination of "or exceed." We are still recommending that the 6:00 to 9:00 timeframe be held and the prohibition of outdoor music.

CHAIRMAN FRYER: Okay. So we have that to discuss. That's where staff and the applicant differ.

Commissioner Fry, did you --

COMMISSIONER FRY: Prohibition of outdoor music?

MR. BELLOWS: The PUD currently prohibits it. And this amendment is proposing to allow the hours from -- up to 9:00 p.m.

COMMISSIONER FRY: With inside music until 10:00 p.m.

MR. BELLOWS: Outdoor music retains -- remains prohibited. The applicant will agree to 9:00 p.m. restriction on outdoor music. That's what they're proposing.

COMMISSIONER FRY: But indoor music --

MR. BELLOWS: Yeah, indoor is --

COMMISSIONER FRY: -- until 10:00 p.m. or --

MR. BOSI: The indoor music would be allowed as long as the establishment's open.

COMMISSIONER FRY: Okay. So there are no hours on the indoor music. It's just simply the outdoor music.

CHAIRMAN FRYER: It would be subject to the nuisance laws what could be heard outside, but otherwise not.

COMMISSIONER FRY: Okay.

CHAIRMAN FRYER: Okay. Ms. Cook, did you wish to be heard? Jaime?

MR. BOSI: A representative from Public Utilities would like to speak to the condition

that that was the motivation behind the -- on Staff Condition No. 3, the applicant shall meet or exceed the FDE [sic] program.

CHAIRMAN FRYER: All right. Well, we'll hear from whomever wishes to speak on that.

MR. BOSI: Mr. Eric Fry [sic].

CHAIRMAN FRYER: Mr. Fey.

MR. FEY: Good morning, Commissioners. For the record, Eric Fey, principal project manager for Public Utilities.

As far as the words "exceed," understanding the ambiguity of that, I don't think we would object to taking that out.

We're -- and I want to be clear that Public Utilities is not going to provide service to this project. So our review on this application's not applicable, and so I'm merely here to, you know, make some -- propose some suggestions --

CHAIRMAN FRYER: All right.

MR. FEY: -- on certain measures we can take to reduce risk to public health, to the Collier County Water/Sewer District, and to the property owner's liability because of the existing well. So understood that we can't ask the applicant to exceed, you know, FDEP rules, there are certain best-management practices that can be undertaken to reduce risk.

And some of them that we've identified, first and foremost would be just smart land planning, and there's no conceptual plan submitted with these petitions, but we have seen the conceptual plan in the ASW application. And the convenience store with fuel pumps is presently shown on the northwest corner of Golden Gate Boulevard and Wilson Boulevard. Obviously, if that can be moved farther away from the well, that would reduce risk.

The conceptual plan shows a blank area next to the well, and as a former land development engineer myself, I'm assuming that that is reserved for stormwater management. Now, there is a Florida Administrative Code provision that stormwater management detention areas maintain a setback of only 50 feet. So that will be, obviously, enforced, but if you have a spill at a convenience store with fuel pumps that is then transported into a surface water management area, you've now reduced that travel time that Mr. Bosi mentioned earlier in the Wellfield Protection Zone. You're now short-circuiting that groundwater flow, and you're surface flowing it to the well. So we would suggest that surface water management areas be kept as far away as possible from the wellhead.

Thirdly, we did have some suggestions for increased testing and monitoring, which is required under a conditional use permit and -- because they're in the Zone 1. There would be a conditional use permit, and a -- I forget what the second term is, but our tank program would regulate any fuel pumps on the site. And there are certain testing and monitoring requirements that they have to meet. And we have -- I have a table here if you care to see it of some suggestions we got from our tank program manager about what could be increased testing and monitoring commitments.

CHAIRMAN FRYER: This is coming -- all these are coming as suggestions from staff?

MR. FEY: Correct. These are not stipulations for approval.

CHAIRMAN FRYER: Okay.

MR. FEY: Again, our review on the petition is not applicable.

CHAIRMAN FRYER: Okay. Mr. Yovanovich, you want to reply?

MR. YOVANOVICH: I do, because this is the first time I'm hearing any of this, and if I were to do this, you'd tell me to request a continuance and come back with the documentation.

I don't think it's fair to make suggestions and have me respond to suggestions for the very first time. You know, if he wanted these suggestions, they should be in the staff report, they should be clearly written, and I can say no, no, no, and no. We'll deal with this in Site Development Plan review, and we'll be consistent with the code. This is exactly what I was afraid of when we started with that phrase "or exceeds."

And I don't think we should -- I don't think we should have to respond to these suggestions without any fair notice. If he wants to put those in and give me time to think about it before the Board of County Commissioners so I can give you an educated response to the suggestions, that's fine, but I can't respond to them right now.

CHAIRMAN FRYER: Thank you.

Planning Commission, your thoughts?

COMMISSIONER FRY: Eric, so why are these -- are these truly being introduced today for the first time?

MR. FEY: I don't contest what Mr. Yovanovich said. I didn't provide them to him. I provided them to Growth Management staff. But this all came up fairly recently. Public Utilities wasn't aware of a proposed convenience store with fuel pumps until August, so...

COMMISSIONER FRY: I guess, Mr. Chairman, I see merit in the idea. I'm not sure that I think it is appropriate to force an immediate response from them, but I do think it would be appropriate for them to be entered into the public record to be addressed at the county commission meeting, as Mr. Yovanovich has proposed.

MR. YOVANOVICH: Yeah. I think, just for the record, if I may, August is a few months ago. It's not recent. So this is the meeting that I was summoned to -- I was summoned to talk to county staff about pollution control concerns. So that's -- this has been more than just -- these could have been easily included in the staff report for today.

MR. KLATZKOW: Just -- there's one staff recommendation. Not different departments coming in here saying, well, I know it's not in the recommendation, but there needs to be one staff recommendation. If this is not part of the staff recommendations at this point in time, it's not relevant, all right. If, by the Board of County Commissioners you want to put this as a staff recommendation, at that point in time it will become relevant. And I don't know what else to say.

CHAIRMAN FRYER: Thank you.

Other members of the Planning Commission want to be heard on this?

COMMISSIONER HOMIAK: Wasn't -- the FDEP regulates the tanks anyway.

CHAIRMAN FRYER: Yes, I believe that's right.

COMMISSIONER HOMIAK: Then why would you introduce something at the last minute that --

CHAIRMAN FRYER: Well, I was going to ask Mr. French to --

COMMISSIONER HOMIAK: It isn't required.

CHAIRMAN FRYER: I was going to ask Mr. French to speak. And I think we need to hear a single point of view from the county, if Mr. French can express that.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner Klucik, first.

COMMISSIONER KLUCIK: Yeah, I would say -- I'll express the same view as our Vice Chair, that I'm -- I'm of the mind that, you know, we have a requirement. Our main concern is that it's met. They have to meet it anyways. And it just doesn't seem like it makes sense to make that any muddier than -- it seems crystal clear, and it seems like what we're talking about now is muddying it, and I just don't think there's a benefit.

CHAIRMAN FRYER: Thank you.

The Chair recognizes Mr. French.

MR. FRENCH: Good morning, Commissioners. For the record, Jamie French, deputy department head with Growth Management Department.

Commissioners, the "exceed" language is simply nothing more than to heighten awareness as far as the location. The applicant has come forward and asked to relocate this from Tract B to Tract A which, of course, is closer to the wellhead.

In conversation -- and, listen, we recognize that -- that hard code, that Florida Administrative Code. The county does not have any other recommendation than what's come forward from staff, and we have no other ordinance, enabling ordinance, that would allow us to

restrict anything other than the 500 feet as recognized by the Florida Administrative Code. So -- and this was brought up at your last meeting.

So, again, this is an awareness piece just to say if the applicant would come forward during the Site Development Plan, if there's any alternative methods to prevent any type of intrusion of any type of petroleum product that would get within that 500 feet, certainly, we would -- we would do everything we could to compel the applicant to do that through the design side. But, no, there is no code that exists that would prevent the applicant from anything other than the 500 feet outside of the wellhead area for the tanks.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: Mr. Fey also mentioned surface water management areas as being a shortcut to the pollutants getting to the wellhead. Is that also part of the FDEP's program and their restrictions? Do they take that into account also, or is it a pure 500 feet from the wellhead?

MR. FRENCH: I believe it's just the 500 feet from the wellhead, sir. You know what, Mr. Fey can answer it.

MR. FEY: Just again, for the record, Eric Fey, principal project manager with Public Utilities.

There is a DEP setback for a number of different uses I mentioned earlier. And if it would help, I have a diagram that shows four of them. But I mentioned earlier the surface water management setback is pursuant to FAC 62-532, Table 1, 50 feet.

COMMISSIONER FRY: Do they meet that?

MR. FEY: We don't know. We don't know where they're exactly proposing that.

MR. YOVANOVICH: We will.

COMMISSIONER FRY: They will have to meet that. They will have to meet that.

MR. FEY: That will be reviewed at SDP, but point being, you're now reducing that 500-foot setback to 50 feet if you have contaminated stormwater discharged into a detention area that's 50 feet from a well.

COMMISSIONER FRY: So what you're really presenting are considerations for the review of the SDP at this point?

MR. FEY: And consider -- if the Planning Commission wishes -- you know, you set a precedent, as Mr. Yovanovich indicated, with RCMA. I think you included fuel pumps and piping in addition to the tanks. That's above and beyond the Florida Administrative Code requirement for underground storage tanks.

CHAIRMAN FRYER: What is staff's position, I mean, its one and only position with respect to piping?

MR. FRENCH: Our position is as stated by Mr. Bellows, sir.

CHAIRMAN FRYER: Okay.

MR. FRENCH: We simply just wanted to raise awareness by putting that on the record in response to requests that I've both received from Mr. Yovanovich of a meeting that I was unaware of until Mr. Yovanovich brought it to my attention as he presented here as a member of the public, and then my conversations with Public Utilities is just simply to bring awareness to that as I indicated at your last Planning Commission meeting.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Yeah. I'm not sure, really, what all this means. But when I look at the map and I see the county well, and I know we depend on that well for drinking water, to me anywhere -- you know, anywheres near it is going to sometime in the future affect us. I don't see how we can delay voting on this for the reasons that Mr. Yovanovich said.

But I would like to see some of the considerations, particularly the way the stormwater runs off. Why create a situation we don't need to have when we can design a situation where it

runs away from the well. So, I mean, I'd like to see in the review process that we have more interaction on that, and I'm sure Mr. Yovanovich is fine with that.

MR. YOVANOVICH: If I can, when I got up during the public comment, you-all assured me there was really no need for me to speak because you weren't setting any precedent, and then I hear the word "precedent" come out of staff's mouth. So that was my concern.

We haven't designed the site yet. We will look at that -- I just want you-all to know we had a gas station on the corner of 1st and Golden Gate Boulevard that is also in the same wellfield zone. So we've always had a gas station in this wellfield zone.

COMMISSIONER SHEA: But it is farther --

MR. YOVANOVICH: I understand, but remember the Commission wanted us to take all the commercial off of everything to the west of 1st and move it to the east of 1st and Wilson. To make this work where the county gets the acreage we committed to in the contract, all the commercial moved over.

We will -- we're concerned. It's -- you know, frankly, it's our drinking -- it's probably the drinking -- for those of us -- I'm not on it. For those of you who are on the county's water system, it may be your water. We're not trying to hurt your water.

But I can't agree to conditions until we get through the process and we design the site and we figure out what we can do. I can't agree to anything in advance -- in advance. I don't think it's fair to ask us to. But we will meet the code, and we will -- and we will work through this process.

If you remember, I started saying, what's -- I asked the staff -- I think it was the geologist or hydrogeologist -- what's your real concern? And it isn't the tanks. He doesn't think that's going to be the pollutant -- pollution source. It isn't the pumps. Those are the two things I thought were the real concern. It's what I mentioned: Someone was going to put a tennis ball in the handle, walk into the store, and somehow there was going to be a mass spillage because the nozzle didn't do what it was supposed to do, automatically shut off.

So we're talking about -- we're not talking about the major sources of where pollution could occur. We will, Mr. Shea, look at our site and see what we can do. But I can't -- I can't have any kind of agreed-to standards at this point in the review process.

COMMISSIONER SHEA: I understand that. I'm just saying, you know, there are codes, and there are best-management practices.

MR. YOVANOVICH: I understand.

COMMISSIONER SHEA: I'm hoping that you'll get together and adopt best-management practices.

MR. YOVANOVICH: We have typically worked everything else out with staff, but if their best-management practices result in a practical "you're not getting a gas station," we're going to push back.

COMMISSIONER SHEA: Sure.

CHAIRMAN FRYER: Let me see if I can summarize where I believe the Planning Commission is and then ask to be corrected if I'm wrong.

Staff has made its public record of these suggestions. They do not, in my judgment, need to become a part of our resolution, and, for reasons stated, I don't think they should be part of our resolution. Obviously, staff can make a different recommendation in a different report to the Board of County Commissioners and, to my way of thinking, as long as it was more limiting of the applicant's rights, it would not need to come back to the Planning Commission. So we would be done with it by acting upon it in the format that it has come to us before we heard these suggestions. I think that's what I'm hearing from the Planning Commission. Does anyone disagree?

(No response.)

CHAIRMAN FRYER: Okay. By the nodding of heads, it seems that that's where we want to be.

All right. Anything further from staff?

MR. BELLOWS: Nothing further.

CHAIRMAN FRYER: Okay, thank you. Now, it's time -- oh, Mr. Fey, did you want to say something?

MR. FEY: Yes. Thank you, Mr. Chairman. I just wanted to clarify that we weren't asking for the petition to be delayed or for the gas station use to be removed.

CHAIRMAN FRYER: Thank you.

MR. FEY: And the other thing is, as far as suggestions go, you know, I neglected to mention an oil/water separator would obviously help to prevent that petroleum contamination of getting near the well.

The other thing that was on my list that I failed to mention was if we were to get some easements for monitoring wells that we would install, that would be something that we could be proactively checking the groundwater supply.

MR. KLATZKOW: All right. Is staff recommending that we get the easements?

MR. FEY: If that were something that the applicant were willing to commit to --

MR. KLATZKOW: No, no, no, no. There's one staff recommendation, damn it.

MR. FEY: There's one staff recommendation.

MR. KLATZKOW: Okay. Is that recommendation requesting the easements for this?

MR. FRENCH: No, sir.

MR. KLATZKOW: Okay. Then we're done.

MR. FRENCH: Yes, sir.

CHAIRMAN FRYER: Thank you. All right. It's time for us to hear from members of the public.

Mr. Youngblood.

MR. YOUNGBLOOD: Mr. Chairman, we have five speakers in person with us and two online. We will start with Craig. Craig, excuse me if I mispronounce your last name, Maschinot.

CHAIRMAN FRYER: Okay. Thank you, sir. And, sir, before you start speaking, I'm watching the clock, and it's 11:50. Twelve noon would be the time when we would ordinarily take a court reporter break. And I expect that that is in order, is it not? Yes. So we will take a break at noon, and then we'll have -- it will be a short break, a 10-minute break, and then we'll come back and we'll try to get all of this wrapped up and then go to lunch after that on our own time.

All right. Sir, would you please spell your last name.

MR. MASCHINOT: Craig Maschinot, I'm a resident.

MR. YOUNGBLOOD: Mr. Chairman?

CHAIRMAN FRYER: Yes, go ahead.

MR. YOUNGBLOOD: Craig has written down that he is yielding time to Steven Harrison.

CHAIRMAN FRYER: Is Mr. Harrison present?

Okay. All right. We'll give you 10 minutes then, sir. Spell your last name for me.

MR. MASCHINOT: M-a-s-c-h-i-n-o-t.

CHAIRMAN FRYER: Thank you.

MR. MASCHINOT: My biggest concern is, as I was writing notes, was actually three things: Contamination is priority, because I live right there, and I also feed out of a well. I know that there's distances and all that, but the biggest concern is is floods out there and not somebody putting a tennis ball in the thing and doing that. But when it rains and you get 10 inches of water overnight, that's how you're going to get the water out of these tanks and get into the drainage and get out into everybody else's drinking water.

My other concern is this music, music, music till 9:00 at night. Is there going to be a bar there? Is that what the proposal is to that or -- there's no mention of a bar or anything. So I wanted to -- concern -- I have concerns about is that, because I don't really feel like listening to music every night in my backyard when I'm trying to barbecue right now but won't be.

CHAIRMAN FRYER: Yeah, I don't believe a bar is --

MR. MASCHINOT: What music are they referring to then?

CHAIRMAN FRYER: Well, I don't know. We'll find out, though.

MR. MASCHINOT: Yes, sir.

CHAIRMAN FRYER: I mean, we're going to be talking about that.

MR. MASCHINOT: So contamination and pollution was my main concerns. It's noise pollution, for one. But there's also a well south. Water flows in Florida from north to south, if I'm not mistaken. There's a well behind Walgreens on Wilson that you-all need to address, too, that that gasoline could get into. And those are probably the three things that I'm concerned about: Music at night, late, on a Sunday evening, and contamination of my well and my neighbors' wells.

CHAIRMAN FRYER: Thank you, and we will certainly --

MR. MASCHINOT: Thank you for your time, and God bless America.

CHAIRMAN FRYER: Thank you. Agree.

Who's next, please?

MR. YOUNGBLOOD: Steven Harrison.

CHAIRMAN FRYER: He's ceded his time.

MR. YOUNGBLOOD: Yeah. Craig ceded his time.

CHAIRMAN FRYER: But your fellow speaker didn't use all the time. So go ahead, take five.

MR. HARRISON: The residents thank you for the transfer of the commercial size, but this 40 acres is, like, 1.7 million square feet, and you're talking about 10 acres or about 40 -- 400,000 square feet for the commercial. We thank you for that.

Something to help Mr. Yovanovich. As I recall, there was a series of county wells that parallel the canal that's right along the Vanderbilt Beach Road extension. And if I recall correctly, they're going to an aquifer 1,800 feet down. These questions of contamination of residential wells that go to 80 feet or 100 feet down might be a moot point.

Our concern may also be ameliorated by what you're doing on housing. As far as housing, we'd like to preserve the pastoral nature of the Estates with large lots, appropriate houses, and so forth. The agenda talked about 12 units. Is that now a moot point? Are these single-family units that meet the two-and-a-quarter acre minimum lot size? We need to know a little bit more about the residential component.

CHAIRMAN FRYER: I'm sure, when rebuttal comes around, Mr. Yovanovich will clarify that.

MR. HARRISON: Sure. I'm sure he will.

Other than that, the only other things that we might want to, in the interest of peace and quiet, is the lighting on the commercial side, nobody likes, you know, 50-foot-high light standards with, you know, super bright lights in them. If they could keep that down, it would keep it peaceful.

MR. MASCHINOT: Crime lights.

MR. HARRISON: Crime lights. We are having thefts in the neighborhood.

CHAIRMAN FRYER: Okay. Thank you very much.

All right. We can get in one more speaker before our break.

MR. YOUNGBLOOD: I have Liz Harmon.

CHAIRMAN FRYER: Ms. Harmon.

MS. HARMON: Liz Harmon, H-a-r-m-o-n, and I am representing Shy Wolf Sanctuary. And we're pleased to be here to speak with you guys today.

One question that we do have in regards to the music. We do occasionally, maybe twice a year, have a special event, and that we would like to have outdoor music at that time, and we would like to just have it recognized, is that a thing that could have a permit issued for once or twice a year, or is that something that would be prohibited continuously?

CHAIRMAN FRYER: I think that would be decided at the time, would it not? Special-use permit?

MR. BELLOWS: For the record, Ray Bellows.

That's correct, we have temporary-use permits that any business can hold outdoor events, and you could have music and entertainment as part of that.

MS. HARMON: Okay. Thank you very much.

CHAIRMAN FRYER: And so if we prohibited outdoor music or limited it to a different time, you could still get a special-use permit to extend beyond that time.

MS. HARMON: Okay. Thank you very much. Appreciate it.

CHAIRMAN FRYER: Yeah. And while you're at the podium, please, am I clear that your organization will accept the limitation to non-profit public benefit?

MS. HARMON: Yes.

CHAIRMAN FRYER: Thank you.

MS. HARMON: The only thing that we even considered was a veterinary, but the veterinarian would work for the non-profit, so it would still be --

CHAIRMAN FRYER: Okay. Thank you very much.

Commissioner Fry, did you want to be heard?

(No verbal response.)

CHAIRMAN FRYER: Okay. Thank you. All right. It's 11:56. Let's take a break until 10 minutes after 12:00, and we'll try to get everything wrapped up by 1:00, if at all possible. We're in recess.

(A brief recess was had from 11:56 a.m. to 12:10 p.m.)

CHAIRMAN FRYER: Ladies and gentlemen, let's reconvene, please. We're back in session. I think where we are is hearing from members of the public.

Mr. Youngblood, who's next?

MR. YOUNGBLOOD: Mr. Chairman, we have three remaining speakers with us in the room and two online. Our next speaker is Deanna Deppen, followed by Kim Ellis.

CHAIRMAN FRYER: Thank you. Did I hear correct, your name is Devon?

MS. DEPPEN: Deppen. Papa. P-p, D-e-p-p-e-n.

CHAIRMAN FRYER: Thank you. Deppen, sorry.

MS. DEPPEN: Deanna Deppen. I'm the executive director for Shy Wolf Sanctuary. Good morning. Thank you for -- I guess we're in afternoon now.

CHAIRMAN FRYER: Yeah, we are.

MS. DEPPEN: Thank you for hearing us and hearing the public comments.

I don't have a whole lot to say other than, obviously, we're excited about this opportunity. The fact that it is moving forward in this manner and the extra services that we can provide the community through the programs that we offer, through rescue sanctuary and education as well as the Cat 5 buildings that we plan to be a resource for the community animals as well during disasters and hurricane threats.

So everything that we planned for that location will decrease the commercial impact of what was already approved for that location and will add tremendous infrastructure and benefit to the county, we believe. Of course, we're kind of biased in that regard, but we have heard a lot of positive community support from our plans. And those are available through our website if anyone has any questions on those.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Deanna, do you have plans -- what are your plans for dormitories and housing units on the property?

MS. DEPPEN: We have already participated in cognitive and behavioral research with Princeton and other universities, and we want to be able to offer more extensive cognitive behavioral K9-type research animal behavioral research, and so those dormitories -- basically what we're doing is converting the existing houses right now. One of those houses would become an intern house, and the wording "dormitory" is in there just to allow for that use of interns coming in to do research, whether it be a short-term project or a longer-term project. It could be biologists.

It could be veterinarian students because we do plan to have the vet clinic on site for our animals. So that's not the intent; it's not to have a huge dormitory. It's just to provide room and board for people who might want to come and learn about the animals and also conduct research.

COMMISSIONER FRY: So not as much for staff or caretakers, but people that are visiting for a period of time?

MS. DEPPEN: One of the houses would be for a property manager, just like our current location. We do have someone that lives on site to be there 24/7 and handle any emergencies with any of the animals, but that would be the only other intent for that. We don't plan on building a lot of houses on ours other than for the animals.

COMMISSIONER FRY: What distance do you have to travel if these -- if this is approved here and then by the County Commission, what distance do you have yet to travel in order to bring this vision to life?

MS. DEPPEN: We need to close on the property, which you know all the due diligence and steps required for that, and then we need to start our capital campaign for building the fencing and the extra structures. We had not proceeded with that until we have the land in hand because of the need to show people this is moving forward for them to want to invest in the project. So those would be the next steps.

And once we -- if someone wants to write us a check with a lot of zeros, then we could start immediately, you know, once we get county approval, of course. But we all know that the SDP process is a process as well. So we're already working on our plans with Grady Minor and with our architects, and so we have been moving forward with this and planning for this.

COMMISSIONER FRY: Very good. Good luck.

MS. DEPPEN: Thank you.

COMMISSIONER FRY: Thank you.

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

Next speaker, please.

MR. YOUNGBLOOD: Our next speaker is Kim Ellis, followed by Chad Oristano.

CHAIRMAN FRYER: Ms. Ellis.

MS. ELLIS: Hi. Me, again. You said I could put this on --

CHAIRMAN FRYER: Yes, you may.

MS. ELLIS: -- a projector.

CHAIRMAN FRYER: Yeah. Ask staff to help you out.

MS. ELLIS: Okay.

CHAIRMAN FRYER: And if you want to use this microphone, yeah.

MS. ELLIS: It's just a simple drawing that I just drew a moment ago. As you can see, I don't have much artistic ability.

But this is -- I just want you to be aware of the changes to our community. And, you know, we're used to this idea, because the last community meeting we had was prior to the crash. I think it was about 2004. How many years ago was that? Sixteen or so. But we did talk to Mr. Yovanovich at that time when Crown was buying this property and he was going to develop it.

So we're used to the idea of having something there, and we're really excited to have Shy Wolf Sanctuary. And I just live right down the street. I'm on 3rd Street Southwest, which is where a portion of this is going to border.

But I want you to see that -- you know, he put his drawing up there, and you really couldn't see how this was intended to be originally. Since the Estates were developed, this was always going to be a neighborhood community center but with five-acre tracts of developed land.

Like, this one here houses Walgreens and will have some office buildings there, but they will all be on that same five-acre tract of land.

This is a gas station. We do have a gas station on that corner already and a convenience store and a dog grooming studio. And everything that's there is on five acres, and the same with the other owner -- or, actually, this is a shopping center where this yellow area appeared when I

touched. But over here is Walgreens where the office space can also be.

And, you know, again, they're all on five acres. We're use to do -- you know, we were told 20 acres at one time. I wasn't aware we were up to the size of land that the Coastland Mall was on, but so be it; Shy Wolf's going to take up part of that.

But my biggest concerns with this development at this stage of the game are that they want to limit the setbacks and limit the buffers. And remove phasing and developer commitments. Those types of things are a concern. So we're leaving it up to you guys to hold our best interests at heart and help us maintain our community and the way that we want to. We have people moving there every day thinking they're moving to a rural community.

Okay. Thank you.

CHAIRMAN FRYER: Thank you, Ms. Ellis.

MS. ELLIS: Thank you.

CHAIRMAN FRYER: Next speaker, please.

MR. YOUNGBLOOD: Chad Oristano is our next speaker, and then we will move to our online speakers, John Venuto and James Lamboy.

CHAIRMAN FRYER: Thank you. Go ahead, sir.

MR. ORISTANO: I'm back. Wow.

So first of all, this is my first time attending one of these meetings, and I want to thank you guys for your time and everything.

I have just got notified about this shopping center being built and all this stuff happening when you guys sent out a letter within that mile range, so I want to thank you guys for that. You know, I guess there's a letter that goes out that was passed that -- within a mile.

I just want to know why we didn't get a letter about the planning of this of what they're going to build. I guess he had some meetings with a couple people that showed up that -- what they're going to do, but none of them are here except him telling you that the residents agreed with him.

And those meetings we did not know about in Golden Gate Estates. So if that can be more brought up to us -- I know the -- I just talked to Bill, and he said that he had a meeting that was two years ago or a year ago, or whatever, and we need to know as a community what's going on in our neighborhood and what's being built. I know this is passing, because this guy runs the town, this lawyer. I mean, he's -- hats off. You've got a great show going on. You run everybody here. You're doing a great job. And hats off to him. I mean, he really has got it going on. If I'm going to hire a lawyer to build something or do something --

CHAIRMAN FRYER: If you wouldn't mind addressing us, sir.

MR. ORISTANO: Well, I'm going to hire him, just like he was going to address my name earlier.

But anyway, at the end of day, you guys are going to do what you have to do, but I ask, if you could, please remember the residents and try to figure out how in the future we can be notified better, just like you did notify about the meeting. But there's nothing we can do here as a resident about the plans of what they're going to do there, like the housing of 400 people or whatever it is, or anything like that. If we can be more involved in that and be communicated so that, like, when they do decide, these big developers, to come into the neighborhood, to literally make sure everyone knows that it's happening somehow. Newspapers, you know, help a little bit now, but maybe mailing direct mail to that community. That's all I say.

Thank you. And thank you for the other letter that we did receive, because that did work. That's why I'm here.

CHAIRMAN FRYER: Thank you.

MR. ORISTANO: Thank you.

CHAIRMAN FRYER: Thank you. Commissioner Shea.

COMMISSIONER SHEA: Question for Ray. I know we go through this a lot, but this non-notification, we still send out a notice in the mile range to all residents for the NIM?

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

COMMISSIONER SHEA: It makes it sound like they're not hearing anything, and I know they're hearing a lot, and somehow --

MR. BELLOWS: For the Planning Commission, we use the one-mile notice radius around --

(Simultaneous crosstalk.)

COMMISSIONER SHEA: If you lived within a mile, you would have gotten a letter about the NIM.

MR. BOSI: Clarification. The NIM was held before the mile radius was adopted into the LDC, so it was probably still a thousand -- the thousand feet. It was -- they were notified correctly. It's just as the time has passed, the NIM notification distance has been increased to one mile, and that's why it had an expanded reach this time.

CHAIRMAN FRYER: Thank you.

All right. Next speaker, please.

MR. YOUNGBLOOD: All right. Our next speaker we're going to go online to John Venuto. John, can you unmute your microphone, please, sir.

(No response.)

MR. YOUNGBLOOD: All right. We're going to move on to James Lamboy. James, are you with us, sir?

MR. LAMBOY: Yes, sir, I am.

CHAIRMAN FRYER: You have the floor, sir.

MR. LAMBOY: Can you hear?

CHAIRMAN FRYER: Yep.

MR. LAMBOY: Okay. Good afternoon, fellow citizens and neighbors, and thank you all for the opportunity to address you.

First off, I want to thank the applicant for the reduction in the commercial intensity. I look forward to work -- our future together and working with them.

Secondly, I'd like to bring up five points or clarifications that I would like to explore. Number 1, has the applicant removed the amendment for the 10:00 p.m. outdoor music request? That's No. 1.

Number 2, my understanding is the 12 units of residential can only be built if and only if Tract B and C are not developed as a zoological attraction or as a government facility.

For example, if one of these does not occur, how are the 12 units applied? Are the 12 units for -- the failure for Parcel B to be government? Are the 12 units for failure of Parcel C to become a zoological attraction, or are they spread between the two? So that's Item 2 that I would like to explore.

Item 3, what is meant and what are the descriptions of the -- in the staff's report, 30 dormitories mentioned for Tract C? I understand that they're going to be for visiting biologists and other professionals. Is 30 the number that's going to be required? And, again, what are the definitions of those? What kind of impact will they have?

Item 4, I know the applicant has not formulated the design into Tract C yet, but a number of the neighbors are concerned about wolf containment. I'm wondering what provisions are -- and what kinds of specifics are going to be included in the containment of these animals.

Number 5, and this is my last point, there appears to be some absence of Golden Gate Civic Association, at least at this meeting, and I would suggest that the applicant encourage neighborhood input, perhaps even formally, just to facilitate an easy implementation and design of this project.

All right. That's all I had to say.

CHAIRMAN FRYER: All right, sir. Thank you. And I know your questions will be addressed by the applicant and also by Shy Wolf as appropriate.

Next speaker, please.

MR. YOUNGBLOOD: Mr. Chairman, we have one more speaker online. We have Cyndee Woolley.

Cyndee, would you unmute your microphone, please.

MS. WOOLLEY: Good afternoon. Thank you so much for having me, Commissioners.

For the record, my name is Cyndee Woolley. I'm the owner of C2 Communications, and, in full transparency, I do work communications and marketing with Shy Wolf Sanctuary, and I have been involved in messaging and sharing the great news about this expansion.

So I wanted to address two points that have been kind of brought up by your speakers, and one was a concern for setback changes within the plans. And I just wanted to note that originally the houses that are on the property were going to be demolished, and one of the -- the one on the corner of 3rd and Golden Gate Boulevard is too close to the road for the existing setback requirements. Shy Wolf Sanctuary is planning to keep that -- keep that building and utilize that, so that's part of the reasoning for the changes in the setbacks, to my understanding.

And the change in the setback would allow for perimeter fencing, which is required by the Florida Wildlife Commission, and making sure that there's adequate safety measures in place to appropriately house and contain and maintain a safe environment. So the perimeter fencing will come slightly closer to the land. And so the changes in the setbacks weren't meant to put more commercial structure on there. It was meant to allow for some of these safety precautions to be within the neighborhood.

CHAIRMAN FRYER: Thank you very much. Oh, you have more. Please continue.

MS. WOOLLEY: Oh. I was just going to say thank you so much for your time and consideration. We really appreciate it. And our entire team is so excited to see the property hitting this next level, so thank you.

CHAIRMAN FRYER: Thank you, Ms. Woolley.

Next speaker, please.

MR. YOUNGBLOOD: Let's go back to John Venuto. John, are you with us, sir?

MS. VENUTO: Hi. This is Rhonda Venuto. I checked the box that we really didn't want to speak because we really didn't know enough about it. But I do appreciate you giving us the opportunity.

CHAIRMAN FRYER: Well, thank you, ma'am, very much.

Next speaker.

MR. YOUNGBLOOD: Mr. Chairman, that concludes our public speakers for this item.

CHAIRMAN FRYER: All right. Anyone in the room who did not register to speak and has not yet spoken who wishes to do so, now would be the time. Please raise your hand so that you can be recognized.

(No response.)

CHAIRMAN FRYER: All right. I don't see any hands raised.

So with that, we will -- without objection, we'll close the public comment portion of this hearing and ask Mr. Yovanovich and possibly Shy Wolf also to address some of the questions that have been asked in your rebuttal, please.

MR. YOVANOVICH: You know what, would you like -- where'd she go? Would you -- do you want to answer all the questions about the wolf containment and -- because I'm not qualified to answer that. And then I'll move into that.

CHAIRMAN FRYER: That's fine, that's fine. Also, do we have your guarantee all these wolves will be shy?

MS. DEPPEN: They are shy, yes, sir.

CHAIRMAN FRYER: Thank you. Thank you. Just checking. Thank you.

MS. DEPPEN: People are very excited when they're not so shy that they'll come up and let you interact with them a little bit, because they get to meet them firsthand.

Our containment requirements will meet and/or exceed Fish and Wildlife requirements and USDA requirements, and they're very clearly stated in the regulations.

One of the things we are planning for is 10-foot-tall fencing with 3-foot lean-ins as well as anti-dig on all of the enclosures.

Our current location we've had to go back and retrofit some of these safety features because it grew out of a need in someone's backyard, and so these are all things that we've learned over the years. You know, even though requirements may only be 10-foot, we want to go up beyond that to make sure that the animal -- the rare animal that could climb or escape won't be able to do so. So we're planning to exceed what the State of Florida requires as well as the USDA.

CHAIRMAN FRYER: Thank you. Before I call on Commissioner Shea, let me ask just sort of a follow-up question, I guess. When Mrs. Woolley spoke, she made a statement to the effect that the setback changes were all -- and I hope I'm characterizing it correctly -- that the setbacks were all in order to improve safety, the reductions; is that a true statement?

MS. DEPPEN: I don't know -- I know that we specifically had to request a change in the setback. And I'll let Mr. Yovanovich address that as well, because he's involved in that aspect. But the house at the corner of 3rd and Golden Gate Boulevard, from my understanding, is too close to the road to allow the full setback with our perimeter fence. And so for us to erect our perimeter fence -- and that house is one we want to use for food preparation for the animals. We want to have it inside our perimeter fence, obviously. For ease of function within the sanctuary, we would prefer to have whatever fences -- and they have to be at least 8 foot tall. Our perimeter fence has to be at least 8 foot tall. There are a variety of things it could be constructed out of, but we do need to have that as part of our site plan in order to ensure that the animals are safe and the community's safe.

CHAIRMAN FRYER: Okay. Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Just -- you might have mentioned this before, but how many animals in the peak condition do you expect to have on site at once?

MS. DEPPEN: Maybe 100, 120 at the max. You know, we've had as many as 70. But remember, we have everything from tortoises to prairie dogs to foxes. So we have a lot of smaller animals. We have several enclosures right now. We have only 50 animals right now. But we have several that only have one animal inside them, you know, because those animals haven't accepted another companion animal. So it seems like a lot, but when you really are looking at the fact that there may be three or four that could live in one habitat together and the size of the animals, it's not a high density.

CHAIRMAN FRYER: Thank you.

Anything further for this witness?

(No response.)

CHAIRMAN FRYER: If not, thank you, ma'am.

Mr. Yovanovich, do you want to pick up?

MR. YOVANOVICH: Yeah. I think the questions that were left for me were the density-related questions for the residential and how would the 12 units be addressed.

CHAIRMAN FRYER: And also the setback. Follow up on that.

MR. YOVANOVICH: Oh, okay. I may have to punt that to Mr. Arnold.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: The PUD provides that on the Shy Wolf tract, if Shy Wolf doesn't develop, we can have eight units, and the PUD provides that if the county doesn't develop public facilities, the county could elect to do four. So that's how the 12 is broken out within the PUD. With -- I'll let Wayne talk about the setback, and then we can get into -- I think the one remaining issue is the outdoor music. We can focus on that one.

CHAIRMAN FRYER: Yeah. We're going to have to talk about that.

MR. ARNOLD: For the record, Wayne Arnold with Grady Minor.

So if I understood, the question was reduction in setback; is that what I understood the question to be?

CHAIRMAN FRYER: Yes.

MR. ARNOLD: There's an existing structure, as Deanna Deppen mentioned, that does not meet your standard 75-foot front yard setback for Estate properties, so we have a notation that allows that building to have the reduced setback as it currently exists because they would like to continue to utilize that structure.

CHAIRMAN FRYER: Okay. Thank you.

MR. YOVANOVICH: And then I think we're down to the desire for -- first of all, we're not allowed to do any bars. That was one of the questions. We have restaurants. And our desire, and I think many people's desire, at least in the wintertime, is to have outdoor seating. And I think with the pandemic that we've all experienced, I think a lot of people like outdoor dining 12 months of the year even though sometimes it's a little warm in the summer.

So we would like the ability for those who eat outdoors to be able to enjoy music. We're agreeing to a restriction of 9:00 p.m. for the outdoor portion of that. We don't think that's an unreasonably late hour. This -- this property is on the hard corner of Wilson and Golden Gate Boulevard. So it's different than -- and I know the big fear was years ago we had Stevie Tomatoes, and Stevie Tomatoes backed up onto residential in and residential -- the residential portion of a PUD. So that was a very different situation, and I think possibly there's a little bit of an overreaction to that one bad situation to prohibit forever the ability to have some outdoor music.

I don't think it's unreasonable to have outdoor music until 9:00 p.m. in this location based upon it being at, basically, the hard corner of Wilson and Golden Gate Boulevard, especially in light of how I think dining habits have changed and people prefer outdoor dining. We would like you to consider giving us that opportunity until 9:00 p.m. for that opportunity on Tract A.

I do want to correct the timing of when the Estates Shopping Center was originally approved. It was approved in 2011, not 2004; not 16 years ago. It was 2011. That's when we went through this process and got it approved. I just want that on the record, because I don't know what meetings happened in 2004. I don't think I was involved in 2004, candidly.

So with that, that's, I think, where we are. I don't know where staff -- how staff feels about outdoor music related to, you know, restaurants in this particular location, and we request that you consider allowing outdoor music until 9:00 p.m. on Tract A.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: Oh.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER FRY: I'll go after Paul.

COMMISSIONER SHEA: Question. Define outdoor music. Stevie Tomatoes is an -- is that outdoor music, in your mind?

MR. YOVANOVICH: To be honest with you I never went --

CHAIRMAN FRYER: Is it music?

MR. YOVANOVICH: I didn't even --

COMMISSIONER SHEA: Well, it's -- well, what it is, it has no walls, but it has a roof and it's inside and it has a bar, so you could consider it inside. But with no walls, the sound travels. So this is more for my education, maybe for staff. What is indoor and outdoor? I would call Stevie Tomato outdoor, but it's clearly indoor without any walls. And the noise moves all the way across the parking lot.

And I get your point, it's not a problem because it's all commercial there. There's no residential. But if you put that type of facility across the street from residential, they'll hear it constantly, and it could be indoor. It's not --

MR. MASCHINOT: You can hear a pin drop in my backyard right now.

CHAIRMAN FRYER: Please, if you don't mind.

(Simultaneous crosstalk.)

COMMISSIONER SHEA: You were there, Ray. You know the area well.

MR. BELLOWS: Yes, Stevie Tomatoes really well.

CHAIRMAN FRYER: Commissioner Fry.

MR. BELLOWS: Just to answer your question, Mr. Shea, is that many restaurants, sports bars included, have not just music, but they might have televisions and sporting events, and the crowd watching the game is part of that problem with noise traveling.

But, in general, most restaurants have outdoor seating now. Some have music and some don't. But if they choose to wish have it [sic], we do have a noise ordinance and regulations and permitting process for that, which we didn't have at the time Stevie Tomatoes was approved.

COMMISSIONER SHEA: Was Stevie Tomatoes approved as an indoor or an outdoor?

MR. BELLOWS: It has both indoor and outdoor. There's an outdoor dining area.

COMMISSIONER SHEA: So the part outside where the bar and all the noise comes from and there's no walls we would call outdoor?

MR. BELLOWS: Yes.

COMMISSIONER SHEA: Okay. Good.

CHAIRMAN FRYER: All right. Mr. Yovanovich, anything further?

COMMISSIONER FRY: I'm ready. I'm finally ready.

CHAIRMAN FRYER: Oh, I'm sorry. Commissioner Fry.

COMMISSIONER FRY: Rich, so a few things were brought up by the public, so I wanted to address them.

MR. YOVANOVICH: Sure.

COMMISSIONER FRY: The lighting, just clarify the lighting. I believe it's not 50 feet high, but it's low, and it's shielded from --

MR. YOVANOVICH: Yes. We have a -- the standard is -- I think it's -- is it 25 feet, Wayne? It's not 50 feet. But as you know, we have to shield the lighting so it can't spill off of our property. I think the Estates itself has a different lighting standard as well from what you would see in the typical urban area, so...

CHAIRMAN FRYER: So you would have to comply with the more rigorous Estates standard?

MR. YOVANOVICH: It says on Page 1030 of your packet under miscellaneous, parking lot lighting shall be Dark Sky compliant, flat panel full cutoff -- cutoff fixtures, backlight, uplight and glare, BUG rating of U dash -- U equals zero to avoid light spill onto adjacent property. Fixtures within 50 feet of residential properties along the PUD boundary shall be set at no higher than 15 feet; otherwise, the sight lights poles shall not exceed 25 feet mounting height. Light levels along the PUD boundary shall be limited to no more than .2 foot candles along the joint property line where adjacent to residential property.

So that's in the PUD. It's a pretty -- as you know, Dark Skies, it's a -- it's basically consistent with Golden Gate Estates because, like where you live and where I live, we can still see the sky and the stars. Other parts where you have a lot of light, you can't.

COMMISSIONER FRY: On the site plan -- maybe we could put that back up showing the --

MR. YOVANOVICH: That one?

COMMISSIONER FRY: Yeah. So Tract A is where the commercial goes where you might have restaurants that have outdoor music. There's a 7-Eleven down in the lower -- across the intersection on the south side of your tract is a 7-Eleven, correct?

MR. YOVANOVICH: Directly across the street, not south.

COMMISSIONER FRY: Directly across the street.

So I guess the concern and where I see residential -- and then to the south you have a CVS, and another -- that's been approved for offices, right?

MR. YOVANOVICH: Right.

COMMISSIONER FRY: So you have commercial to the south, you have a little bit of --

MR. YOVANOVICH: Here, here, and here.

COMMISSIONER FRY: Right. Okay. So I guess you're looking at CVS and the offices not being too concerned about music; it's commercial. You have a 7-Eleven across the street. What is north of the 7-Eleven, so if you did have the restaurants toward the north side of Tract A, they might be playing right across the street at residential?

MR. YOVANOVICH: I'm pretty confident that 7-Eleven owns north for a distance. I don't know how far, Commissioner Fry, how far north they own. I don't know if they own all the way up to our same northern boundary line. If they don't, there would be -- it would be an Estates lot that would -- would be across from that area.

Again, that's why 9:00 p.m., I don't think, is an unreasonably late hour, and we have to meet, you know, the county's required noise ordinances to make sure that we don't exceed certain decibel levels leaving our site. So with that, I mean, I think that the potential harm to residents is probably minimal.

COMMISSIONER FRY: Final question was also raised was I think a general question about buffers and setbacks. So just describe the buffering around the commercial tract, especially, I think is the one that would be the major one of concern.

MR. YOVANOVICH: We have a -- and Wayne's the buffer expert on the team, but it's a 20-foot-wide Type D buffer along the perimeter of all of Tract A, and then the setbacks for Tract A, principal uses from Wilson Boulevard, 30 feet; Golden Gate Boulevard, 50 feet; from the north property line, 100 feet; and from 1st Avenue Northwest, 30 feet.

COMMISSIONER FRY: Have those been reduced from the county standard, or are they equal to or above the county --

MR. YOVANOVICH: There is -- again, there's no county standard for PUDs. This is -- this is different because it was a different animal, if you will. It was a shopping center at the time. So now that we're focusing on the hard corner, I think staff agrees with the setbacks that we've provided, specifically the 100-foot setback from the northern property boundary.

COMMISSIONER FRY: Which includes the preserve?

MR. YOVANOVICH: It includes the preserve, and then you have -- and that's a 15-foot-wide Type D buffer, which you heard earlier is the more intense, because it's commercial to residential. And as far as I know, the person adjacent here hasn't shown up to speak against what we're proposing.

COMMISSIONER FRY: Okay. Maybe Mike or Ray can just speak to the buffers in terms of have they varied from -- I know this has been a reduction of commercial and a change in the layout. Have the buffers been significantly reduced on the areas for Tract A that would have been otherwise?

MR. BOSI: The buffers have not been significantly reduced currently than what is in the existing PUD.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: I don't think your mic's on, Mike.

MR. BOSI: And staff would add, if the Planning Commission was considering the allowance of the outdoor music -- and I think -- Commissioner Fry, I think you were -- you were hinting around, we could -- we would recommend that the orientation of any outdoor dining be to the east or to the south, therefore, for additional protections of any potential residential. And I'm not sure if that -- it would meet the agreement of the applicant, but I think that would provide additional protections that we would be concerned about.

COMMISSIONER FRY: Thank you.

MR. YOVANOVICH: I'm directionally challenged. East would be towards Wilson and south would be towards Golden Gate Boulevard?

MR. BOSI: Yes.

MR. YOVANOVICH: You don't want me going north and you don't want me going west; we're fine with that.

CHAIRMAN FRYER: Okay. Good. And I think what we're talking about here is

amplified sound of all kinds, whether it's music or a football game, right; am I correct?

MR. BELLOWS: That's my understanding.

CHAIRMAN FRYER: Okay. All right. So we still have to resolve this issue.

COMMISSIONER HOMIAK: Could you add --

CHAIRMAN FRYER: Yeah, go ahead.

COMMISSIONER HOMIAK: -- the word "setback" on that table for Tract A after minimum yards in both places. Just the word "setback."

MR. YOVANOVICH: Okay. You want us to add to Tract -- do you want us to do that on all of the --

COMMISSIONER HOMIAK: They're on there at the other ones.

MR. YOVANOVICH: Oh, yeah. You're right. Good catch. It says -- where we say in Tract A, it says "minimum yards" where all the other ones say "minimum setbacks." Got it. We'll make that change.

CHAIRMAN FRYER: Okay. Thank you.

Anyone else?

(No response.)

CHAIRMAN FRYER: All right. Planning Commission, we need to talk about hours of amplified sound. Who wants to weigh in on that?

COMMISSIONER FRY: I'll start it just by saying I think it's a tough issue. And I speak from the standpoint of living in a neighborhood where, when a SuperTarget and a shopping center was proposed near us, there was adamant opposition to it, and it's turned out to be a godsend to us. And so I'm really torn on that. I'm not sure what the right answer is. I think amplified -- I think outdoor seating has proliferated since the pandemic and is not going to go away. People will utilize it when they can. I certainly don't want to infringe on anybody's peaceful enjoyment of their property. Is 9:00 -- is that too late for some people? I don't know. I think I -- I think I'm just torn on the issue, but I don't have an overall problem with it, especially because you are oriented toward commercial properties to the east and to the south except for maybe the northern part of your -- of Tract A.

So I even wonder about having amplified music only in the bottom half of Tract A, which you know you're adjacent to commercial. Is that something you'd consider?

MR. YOVANOVICH: That's --

COMMISSIONER SHEA: That needs to be where the gas station goes.

MR. YOVANOVICH: Thank you, Mr. Shea. That's --

COMMISSIONER FRY: It needs to be -- oh, it needs to be --

COMMISSIONER SHEA: You need the gas station as far away from the well.

(Simultaneous crosstalk.)

MR. YOVANOVICH: In order to --

COMMISSIONER FRY: I yield to that priority, yes. I think that's the main priority.

MR. YOVANOVICH: I mean, we can -- obviously, since we're orienting it to the east and to the south, that eliminates the ability to orient it to the north, so -- and I haven't heard -- I'm not saying that that person is opposed, but under any of the -- any of the notice requirements, even with the old 1,000-foot requirement, that person was getting notice as to what we were proposing. So there's no question that that property owner has notice of what we're proposing to do.

COMMISSIONER FRY: I would be amenable if the -- if it was the pleasure of the other commissioners, to set the outdoor music limit at 8:00 p.m., but I would -- if everybody believes 9:00. I'm not sure I -- I'm not sure I believe it's right to prohibit it, but it was prohibited in the approved resolution.

COMMISSIONER HOMIAK: Yeah.

COMMISSIONER FRY: So I guess I'm looking for more ideas here.

COMMISSIONER HOMIAK: You have amplified devices serving drive-through facilities till 9:00 p.m.

COMMISSIONER SHEA: That's just the speaker, isn't it, like --

COMMISSIONER HOMIAK: Yeah.

COMMISSIONER SHEA: -- two Whoppers and a Coke?

COMMISSIONER HOMIAK: Yeah.

COMMISSIONER SHEA: Yeah. I'm okay with --

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: -- 9:00. I mean, I think with -- as Rich pointed out, where it's located -- again, I go back to Stevie's Tomato, because I go there a lot, and it's very loud. And I don't know whether it's inside or outside, but it's in a location where it's not -- it's not bothering anybody. And I'm kind of feeling 9:00, I'm okay with that.

COMMISSIONER FRY: Would you be okay with it if you lived across the street or, you know, a few hundred feet away?

COMMISSIONER SHEA: Well, I don't know. A few hundred feet away?

COMMISSIONER FRY: Some people might potentially be a few hundred feet away if they're across the street --

COMMISSIONER SHEA: Well, the issue's going to be is where -- as you pointed out, where do you locate the potential source of the loudness?

COMMISSIONER FRY: Right.

CHAIRMAN FRYER: Commissioner Klucik, do you want to be heard on this, sir?
(No response.)

COMMISSIONER KLUCIK: Can you hear me?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: No. I'm fine going forward.

CHAIRMAN FRYER: Do you have a preference 8:00 p.m. or 9:00 p.m. on the amplified sound?

COMMISSIONER KLUCIK: Oh, 9:00 is fine with me.

CHAIRMAN FRYER: Okay.

COMMISSIONER HOMIAK: We're talking about music.

CHAIRMAN FRYER: Well, we're talking about sound, everything, yeah, because they could be doing football games or raffles, you know, anything. If it's amplified, it's going to be subject to the regulation. I think that's the intent.

COMMISSIONER FRY: But restricted to outdoor.

CHAIRMAN FRYER: Oh, yeah, yeah. And then things that are indoor are going to be covered by the -- you know, nuisance ordinance and the things that are --

MR. YOVANOVICH: If I may, so is the outdoor. We're still subject to the noise ordinance on the outdoor as well.

CHAIRMAN FRYER: That's true, that's true. Yeah.

All right. Well, whether we go 8:00 or 9:00 p.m., I guess, is going to depend upon who makes the motion and how far it gets, which is -- that's fine. I'm going to try to identify what I think are the conditions and, again, as always, ask to be corrected if I don't get this right.

But conditions and changes: No. 1, the Permitted Use A3 having to do with Shy Wolf would be limited to non-profit public benefit organizations in the GMPA.

Number 2, probation, parole, and correctional would be prohibited uses. And I wonder, should we also put in no bars since that came up or --

MR. BELLOWS: It's not a listed use anyways.

CHAIRMAN FRYER: Yeah, okay. Then we won't. I mean, these other things -- okay.

Then No. 3, we move up the first paragraph on Exhibit A of uses so as to limit all permitted uses, not just those that pertain to commercial.

Number 4, on meet or exceed, we're going to strike the words "or exceed" in reference to the EPA rules. And then, lastly, whoever makes a motion will specify a time frame for the amplified sound, and we'll just vote on it.

Mr. Bosi.

MR. BOSI: Did you want to include the restriction that the outdoor dining can only be oriented to the east and to the south as well?

CHAIRMAN FRYER: Yes, yes. Thank you very much for that. South and east is part of No. 5, indeed, thank you.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes. Go ahead, Commissioner.

COMMISSIONER KLUCIK: I'd make a motion, 9:00.

CHAIRMAN FRYER: All right. Thank you. And I should have asked whether there are staff conditions that need to be wrapped into this.

Staff?

MR. BELLOWS: The staff conditions are outlined in your staff report and as modified by the Planning Commission in regards to "or exceed" being removed and how you want to treat the hours of operation to 10 p.m. time frame or to do the 9 p.m. on the noise or outdoor music.

CHAIRMAN FRYER: Okay. So we've got -- I mean, staff is -- on the noise, what are you recommending, what time?

MR. BELLOWS: If the Planning Commission chooses to go with the 9:00 p.m., we'll support that.

CHAIRMAN FRYER: Okay. All right.

COMMISSIONER FRY: May I add one?

CHAIRMAN FRYER: Yes, please.

COMMISSIONER FRY: I'm proposing this. I'm not sure how it should be worded. We have attorneys in the room, maybe, to help with the -- how to verbalize it. But I am -- I would like to see some awareness or some exposure to the environmental concerns expressed about the positioning of the gas station, protection of the wellhead from gas spills, and I know SDP is the time -- the appropriate time to address that, but could we add a condition in here that really says that best -- best practices -- or the applicant agrees to demonstrate best practices to minimize the potential of pollutants -- oil and fuel pollutants reaching the wellhead or surface water?

COMMISSIONER SHEA: Yeah, you really open up Pandora's box.

MR. YOVANOVICH: It's so vague. I don't -- Mr. Fry -- Mr. Fey might have a totally different idea of what a best-management practice is than my -- than my engineer. And when we're there, now we're arguing over what did we agree to. So I think -- we're, obviously, sensitive to this issue because if something were to happen to the water source, the target is us, right? I mean, we're the only -- we're the likely -- we're the likely target for anybody who's going to claim there was damage.

COMMISSIONER FRY: And aren't you the trustee?

MR. YOVANOVICH: I'm gone at that point. No, you know, you're going to have somebody, actually, with deep pockets instead of me. But I'm saying, Mr. Fry, it's in our best interest to make sure we do this in the best way to make sure we don't cause pollution. It really is. Because we're the likely target of any lawsuit about pollution.

COMMISSIONER FRY: I agree with that. I agree it is in your best interest, but I guess I'm floating the idea just to see if it's something we just want to leave it as it is and we know that it was not really allowed under the record. It wasn't really -- it's not being part of the staff recommendation. Is it something that we should add visibility to or leave it alone?

COMMISSIONER SHEA: I would propose we don't -- yeah, we don't talk about it --

COMMISSIONER HOMIAK: Leave it as it is right now.

COMMISSIONER SHEA: -- but I'd like to talk about it under new business, but I don't think I'd talk about it right now under this application.

COMMISSIONER KLUCIK: Yes. And I would say my motion would include all staff recommendations that are the actual recommendation of the -- you know, the final word from the hierarchy on the staff, not -- you know, obviously, we've had other issues come up, and I think that

we have the motion, and we have the staff's recommendation, and then the 9:00 is in accordance with that, and that would be my motion.

CHAIRMAN FRYER: Thank you. Is there a second?

MR. YOVANOVICH: I only have one question before you vote.

CHAIRMAN FRYER: Go ahead.

MR. YOVANOVICH: I didn't hear any disagreement with the hours of operation for retail going to 10:00.

CHAIRMAN FRYER: Planning Commission?

MR. YOVANOVICH: Am I correct?

COMMISSIONER SHEA: No, none here.

COMMISSIONER FRY: No, no opposition here.

CHAIRMAN FRYER: You're talking about indoor?

MR. YOVANOVICH: Yeah. We're talking about just retail stores indoor. I just wanted to make sure -- because the staff condition -- I don't think staff's objecting to the move to 10:00 p.m. either.

MR. BELLOWS: We're not objecting.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: I just wanted to make it clear.

CHAIRMAN FRYER: All right. So it's been moved. Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: It's been moved and seconded to adopt all three resolutions, the GMPA, the PUDA -- PUDZ, rather, and the EAC subject to the six conditions that I enumerated and with Condition 5 being 9:00 p.m. for amplified sound. Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, applicant.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: All right. That takes care of the rezones and GMPs on our agenda.

***Next thing we have is old business. And I had asked for staff to give us a status report on the production of the final draft of our continuance policy that we've approved but haven't yet seen the exact final language because we made some changes in it when we talked about it, and then when we'll begin hearing the administrative procedures proposed changes.

Staff.

MR. BOSI: Mike Bosi, Zoning director.

The County Attorney's Office has drafted the CCPC resolution related to your continuation policy. I will -- after this meeting I will post it as old business for your October 21st Planning Commission for your review.

CHAIRMAN FRYER: Okay. So we'd re-review and vote upon it on October 21st, okay.

MR. BOSI: Absolutely.

CHAIRMAN FRYER: Be sure to call it a continuance, not a continuation policy, if you don't mind.

MR. BOSI: Okay.

CHAIRMAN FRYER: Okay. So that -- and then the administrative procedures.

MR. BOSI: Speaking with Richard Henderlong, one of our staff members related to the LDC amendment team, December or January are the -- is the expected target date or the target months for bringing back the administrative code with the issues for the Planning Commission to address.

CHAIRMAN FRYER: Okay. Then we'll expect to see it at that time, and if that needs to be pushed back, please let us know as soon as possible.

MR. BOSI: Yes, sir.

CHAIRMAN FRYER: Thank you. Okay.

***Now, new business, we've decided that, because of the numbers present, we're going to continue the election of officers matter to October 21st. Without objection, that's what we'll do.

And that takes us down to Item 12, which is public comment.

COMMISSIONER SHEA: Could we have another new-business item?

CHAIRMAN FRYER: If you want one, sir.

COMMISSIONER SHEA: Yeah. This discussion on wellfield and everything, to me, it's -- we're relying very heavily on the state, and it's really our water, and the state has -- you know, they're not -- they're not as localized in whatever their policies and procedures are. And we had -- staff had some very good best-management practices. Is there any reason why we can't adopt some of those common-sense practices in our LDC to make it a little more -- I don't mean stringent, but a little more -- a little better in terms of managing fuel stations rather than just fully relying on the state? We can have the state and then a couple of others that we think are important, which several of them he brought up, which I think are easy to do at the planning stage.

MR. BOSI: The Planning Commission most certainly, within their purview, could make a recommendation to the Board of County Commissioners to direct staff to evaluate a set of best-management practices to provide for further protection for the county's drinking water sources related to public wells. That's most certainly within their purview.

COMMISSIONER SHEA: So let me extend that a little bit further. What about private wells? Is that -- what worries me is now we're -- we've put in a gas station, and we have 15 private wells. I think we have that same obligation for the private wells as well.

COMMISSIONER HOMIAK: Then you have 15 septic tanks.

COMMISSIONER SHEA: Yeah.

COMMISSIONER HOMIAK: That's a bigger problem than the gas tanks, quite frankly.

COMMISSIONER SHEA: Well, I don't think you're going to get a lot of fuel in the septic tanks.

MR. BOSI: The recommendation from the Planning Commission can be as broad as the Planning Commission thinks is appropriate.

COMMISSIONER SHEA: Well, I'd like to see you come up with what you think are best -- just like the young man did, he came up with several ideas that aren't codified anywhere that we should be looking at and have some kind of enforcement capability. It just seems like we're not updating what we think is best practices. We're following what the state does, and the state takes forever to change anything.

CHAIRMAN FRYER: For my part, I agree with the commissioner and think that it would be useful and helpful for us to ask staff to develop a set of best practices that we could act upon by way of a recommendation to the Board of County Commissioners.

Anybody object to that?

COMMISSIONER FRY: Don't object, but I ask, do we have a problem? Do we have -- I mean, have we had issues where the DEP requirements have been insufficient to protect our water?

COMMISSIONER SHEA: The problem we have is some of these 20 and 40 years out. Are you going to be here in 20 years to see if you have a problem?

COMMISSIONER FRY: But gas stations have been being built for 50, 60 years. So, I mean, we would have had some historical data also. I don't object to the idea. I think it's a great

idea. I just --

MR. BOSI: I don't know of any personal -- of any issues in terms of that relationship, but that would be something pollution control and our environmental staff would be able to better speak to. We can include a history of known issues related to wellfield contamination as kind of a statistical analysis that you could utilize to justify, you know, the additional measures that are being proposed, if there are some. Like I said, I don't know if there has been any issues with wellfield contamination.

COMMISSIONER SHEA: But a lot of best-management practices aren't reactions to a condition. It's just common sense, and it doesn't cost any more. If this is good and you do this and it doesn't cost any more, and you do it in the planning phase, why wouldn't you do it?

COMMISSIONER FRY: And I absolutely agree, and I thought those were some, I thought, very compelling ideas.

So one question I have is, we just passed this without that. What will the process be like when they go to get their SDP? Will they -- will the staff literally have no grounds to require best practices like those things that were -- could they put the gas station 500 feet exactly from the -- you know, from the wellhead and have no other requirements to --

MR. KLATZKOW: We have a code, and staff follows code. If you want something that's better than what we currently have, you've got -- you've got the prerogative to direct staff to come back with additional protections for the wellfields as proposals.

COMMISSIONER FRY: Through the LDC as --

MR. KLATZKOW: That's what you guys do.

COMMISSIONER SHEA: So moved.

COMMISSIONER FRY: Second.

CHAIRMAN FRYER: Okay. It's been moved and seconded. Further discussion?

COMMISSIONER HOMIAK: What are you changing? Do you know what it says -- if there's anything --

MR. KLATZKOW: I would -- my suggestion would be that you simply ask staff to come back with a series of proposals for wellfield protection that you could then review.

COMMISSIONER SHEA: And if they feel what's on the state record is adequate, that's fine, too.

MR. KLATZKOW: And that's fine, too.

COMMISSIONER SHEA: I don't think they do.

CHAIRMAN FRYER: I heard a nuanced difference between what Mr. Bosi and what the County Attorney proposed, and it had to do with whether we have to ask the Board of County Commissioners to direct staff or whether we can direct staff.

MR. BOSI: The Planning Commission can direct staff.

MR. KLATZKOW: Yes.

CHAIRMAN FRYER: Okay. So I take it that's your motion --

COMMISSIONER SHEA: Yes.

CHAIRMAN FRYER: -- Commissioner Shea?

COMMISSIONER SHEA: Yes, sir.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER FRY: Yes; second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KLUCIK: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, Commissioner Shea.

***Public comment. Anything to be brought before the Planning Commission that is not on the agenda?

(No response.)

CHAIRMAN FRYER: Apparently not.


That takes us to our last agenda item, which is the adjournment. And, without objection, we stand adjourned.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 1:02 p.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on 11/4/21, as presented  or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF U.S. LEGAL SUPPORT, INC., BY TERRI L. LEWIS,
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