

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida  
June 17, 2021

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

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

ALSO PRESENT:  
Raymond V. Bellows, Zoning Manager  
Jeffrey Klatzkow, County Attorney

PROCEEDINGS

CHAIRMAN FRYER: Welcome all. June 17, 2021, meeting of the Collier County Planning Commission will now come to order. And will everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Before we ask the secretary to call the roll, I want to check on the possibility of a remote participant. I think this will probably be the last meeting where that would be acceptable. Do we know whether we have a remote participant, Commissioner Klucik, coming in?

MR. YOUNGBLOOD: I didn't see him on the participants.

CHAIRMAN FRYER: All right. Well, please let me know if he signals a desire to come in.

Will the secretary now please call the roll.

COMMISSIONER FRY: Thank you, Mr. Chairman.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER FRY: Mr. Shea?

COMMISSIONER SHEA: Here.

COMMISSIONER FRY: I'm here.

Chairman Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER FRY: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRY: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER FRY: Mr. Vernon?

COMMISSIONER VERNON: Here.

COMMISSIONER FRY: Mr. Klucik?

(No response.)

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

CHAIRMAN FRYER: Thank you, Mr. Secretary.

Addendum to the agenda. We've had three requests for continuances, if you count two companion matters. Mr. Bellows is going to come up and lead us through those.

MR. BELLOWS: Good morning, Commissioners. Yes, we have a request for a continuance of 9A1 and its companion item, 9A2. These are the Santa Barbara PUD commercial rezone and its companion Growth Management Plan amendment. It's being requested to be continued to August 8th. And we also have --

CHAIRMAN FRYER: Are we meeting on August 8th?

MR. BELLOWS: Excuse me. Let me double-check that.

CHAIRMAN FRYER: August 5th.

MR. BELLOWS: August 5th. We also have a continuance request for 9A3, which is --

CHAIRMAN FRYER: Commissioner Klucik, is that you?

COMMISSIONER HOMIAK: It sounded like him.

CHAIRMAN FRYER: I'm sorry. Go ahead, Mr. Bellows.

COMMISSIONER KLUCIK: Yes, sorry, Mr. Chairman. This is Robert Klucik.

CHAIRMAN FRYER: Okay, Commissioner Klucik. May we have a motion for his participation remotely please?

COMMISSIONER HOMIAK: I'll make that motion.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER FRY: Second.

COMMISSIONER SHEA: Second.

COMMISSIONER SCHMITT: Further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Welcome, Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Go ahead, Mr. Bellows.

MR. BELLOWS: And the last continuance is the LDC amendment for the Goodland Zoning Overlay to allow for the oyster processing, and that is to allow it to come back as a companion item with a conditional use.

CHAIRMAN FRYER: Thank you. I believe there is some -- some who wish to be heard, including me, on these continuances. And I'm going to start by asking the County Attorney to provide us with his observations and advice.

MR. KLATZKOW: Yeah. And we spoke briefly in the parking lot on the way in, Commissioner. I was on the phone with Commissioner Shea.

To start off with, I've been doing this for a long time, a long time, sitting before the Planning Commission. It's been one of my great honors, and I've never seen so many continuance requests throughout this entire time. Now, let me preface it further by saying that at the end of the day it's a board policy decision whether or not to grant continuances freely. And to that end, I will be asking you to make a recommendation to the Board on this policy.

You guys are volunteers. We've had to hold special meetings because of a backlog, and part of that backlog is all the continuances that have been requested. I mean, it's as simple as that.

When an applicant is ready to go and he tells staff, I'm ready to go on this, I've had my NIMs, I've met all the conditions, staff has signed off on it, and we advertise it, and the public comes down for it -- and you can see in this audience we have a number of people who want to talk about an item that's going to be asked to be continued.

Now, once upon a time in my life, I was a litigator. One of my litigation strategies was to try to wear out the opposition by continuances and putting things over and, you know, the next thing -- I called it the death defense because hopefully, you know, by that time the plaintiff would either die, and I'd settle with the estate or, you know, people just got worn out. It was a -- it's a common litigation tactic.

And I'm afraid that that's seeped into the development community where if they find there's significant opposition towards the end, they want it continued, and they always say, well, we want the opportunity to talk to the community. They had that opportunity right here with the communities here, they also had that opportunity during the NIM, and they had that opportunity during the year-plus it took for the application to be processed, all right.

I think it's an imposition on you, I think it's an imposition on the public, and I think it is an incredible cost to the county. We probably spend in excess of \$5,000, and I've talked to Mr. Bosi, who thinks that's probably a low number. The county probably expends about in excess of \$5,000 to hold a hearing like this. I've got a court reporter here. We've got staff present. We've got the AV people going on. It's not an inexpensive thing to do, okay.

So at the very least, I would suggest that as part of your discussions, if a continuance is

going to be granted, unless staff is asking for it, which in case it's on us, all right, that the applicant repay the Collier County taxpayers for the cost it is to hold a hearing. And I'm telling you it's in excess of \$5,000. And Mr. Bosi and I chatted about that briefly, and they'll look into it. But that's what we're looking at.

And, again, at the end of the day, it's a board policy decision, and the board policy may very well be that continuances are freely granted. I don't know what the Board of County Commissioners' view on this is. But I'm asking that you guys discuss this and, if you feel it appropriate, to make a recommendation.

CHAIRMAN FRYER: Thank you. And before I -- I've got a lot of people lit up here who want to speak, and that's good.

Just a clarification, if I can, from the County Attorney. So the current BCC policy is that continuances are granted freely, and that applies not only to them or to us?

MR. KLATZKOW: We don't have a policy on this, and the reason we don't have a policy on this, it's been my history here that we just haven't had that many of them. I mean, it's fine you have the occasional continuance so another meeting would have another item added on. But here we've got three out of your four items being asked to be continued.

And then all I know is the development community screams at the commissioners, our stuff isn't getting processed by the Planning Commission. You guys get pulled in for a special meeting, which is an imposition on you. I know that you've spent hours preparing for this, you know, and then you come in here, and it's like, okay, all revved up and no place to go.

But, again, this is -- this is your call as to your feelings on this. I would simply say it ultimately will be a board policy.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: I guess I would further -- I agree with everything Mr. Klatzkow said. The part -- and this is maybe a question for Ray. I walk in here today, this is the first time I hear about it. You know, continuations, there are good reasons to have it, but there's no good reason to constantly have it at the last minute when all these people are here, we're here, we've done all our preparation. Can we put a time limit on it? If we wanted to have a policy and say, if you want a continuation, it needs to be in 10 days prior so we can get a notice out and not spend -- waste hours of time preparing for the meeting. I mean, right now I would say no. If you asked me to vote on it, I would say no on any of these continuations.

CHAIRMAN FRYER: And before I call on the other commissioners, I want to observe that an e-mail was sent out about the matters A1 and A2, and I think we all got that. And I know, Commissioner Shea, you've been having some difficulty getting e-mails, and that's --

COMMISSIONER SHEA: No. I received that one.

CHAIRMAN FRYER: Yeah. That's another matter, and we need to talk about that.

And I will say that in the case of the 9A3, the Goodland matter -- and this also applies to the Santa Barbara matter if we have speakers, but any speakers who've come all the way from Goodland, if we do decide to continue this matter, they will be allowed to be heard if they wish to be heard today, probably not a repeat, not a reprise of the same speaker on the day to which this is continued. So a speaker could choose to either be heard today, even if we decide to continue the matter, or to wait and be heard when the matter on the merits is heard. And some speakers might want to be heard today, and some may want to keep their powder dry until the thing is presented on the merits. But we are -- we're going to give the people who came in here today all the way from Goodland who want to speak today a chance to speak today, no doubt about it, and that also applies if there are people here from Santa Barbara.

Commissioner Fry.

COMMISSIONER FRY: While I agree with that, I believe that that's still not a complete solution, because they're not able to speak while the matter's being actively adjudicated. So I think it's important that the speakers are in the same session as the applicant's presentation, if at all

possible.

I would just as a -- I would just point out, if we have any kind of an advanced time limit on this or a minimum advance notice, we get our packets one week before the meeting. So if we had a notice before that, that would be helpful, if we wanted to impose a time limit.

The final point before you respond, Ray, is I think for myself, before I -- if I have the chance to vote before I approve a continuance, I'd like to know why. I'd like to know what the justification is for the continuance.

MR. BELLOWS: And those are great points.

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: I'm sorry?

COMMISSIONER KLUCIK: Mr. Chairman, this is --

CHAIRMAN FRYER: Commissioner Klucik, I'm going to call on Commissioner Schmitt first, and then you're going to be next.

COMMISSIONER KLUCIK: Okay, great.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah, I'm going to ask the staff. Personally, I believe that if a petitioner is requesting a continuance, that petitioner should be here in person to request the continuance and to explain why the continuance is being asked. It is not up to the staff to lobby on the petitioner's behalf to ask for a continuance.

And I recall in the past, Ray, back in my days, which was ancient history, most times we used to have the petitioner here asking for the continuance. And in this case, they basically dumped it on the staff. I don't see -- is the petitioner here.

MR. BELLOWS: Yes. In this case, the petitioner is here. We did have extensive conversations with them to remind them of the Planning Commission's policy to have the applicant here.

CHAIRMAN FRYER: I don't see Mr. Yovanovich. Is he here?

MR. BELLOWS: Mr. Arnold is here representing that petition.

COMMISSIONER KLUCIK: So in other words, they're not ready to go forward?

CHAIRMAN FRYER: That would appear to be the case.

MR. BELLOWS: In regards to the first two items --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Schmitt, were you finished, sir?

COMMISSIONER SCHMITT: Just a -- you know, Ray did clarify. I thought it was policy for the petitioner to be here. I don't see Mr. White here. Is he here for the asking for -- asking for his continuance?

MR. BELLOWS: Mr. Noel Davies is here for the LDC.

COMMISSIONER SCHMITT: Noel Davies, is he here?

MR. BELLOWS: Yes.

CHAIRMAN FRYER: Yes, he's here.

COMMISSIONER SCHMITT: Oh, he's hiding behind you over there. Okay. There he is. Thank you. So I think both of them need to come to the podium and explain the reasons for the continuance.

MR. BELLOWS: And they'll be glad to do that.

COMMISSIONER SCHMITT: Okay.

MR. BELLOWS: I just mentioned as part of the addenda to the agenda that the reason for the request for the LDC amendment is it was expressed at the last meeting that the LDC amendment advertising is less than it is for a conditional use, and the applicant has agreed to bundle it as a companion item with the conditional-use application.

So it will go through a neighborhood information meeting and much more extensive advertising that's required of a conditional use. So the idea is, even though we have a great turnout for Goodland, it will give the applicant a chance to sit down during a NIM to explain what they're

trying to do.

COMMISSIONER KLUCIK: Mr. Chairman?

COMMISSIONER SCHMITT: Well, I'm going to follow up on that, because I had a conversation with Mr. White probably over a month ago on the, what do you want to call it, the expediency of having this amendment heard and, basically, the issue having to do with not -- staff delaying it was the accusation, and now we're at a point, we have one meeting scheduled a month -- two weeks ago, a special meeting, of course. And, I unfortunately, missed that meeting, but here we are again with another continuance. And I'm kind of puzzled now what happened to the urgency of this petition and now we're at the point where we're going to delay it another -- what, another month?

MR. BELLOWS: Well, this would be an indefinite continuance because it's dependent upon the conditional use.

COMMISSIONER SCHMITT: The conditional use. All right.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman.

I would just kind of affirm, I guess, what I've been hearing as far as the concerns from our attorney and my fellow commissioners. What I would say is, we have a whole system set up, and, like -- as Mr. Klatzkow said, at great expense, and all of us make commitments. People who are -- you know, members of the public make commitments.

And I am glad this is coming up, because I was scratching my head all along as to why we, you know, kept not hearing the things that were on our agenda.

And I am fully behind some sort of a policy -- coming up with some sort of a policy where we do not grant continuances unless there's extremely exceptional circumstances, because at this point, you know, I'm going to have to, you know, be -- I can't -- I won't be able to appear remotely. You know, this meeting, you know, there were -- it became a very small meeting, you know, as far as our agenda, a much curtailed agenda. And if you have volunteers coming to spend the whole day and planning ahead of time, so we have a full day twice a month, and all the planning and time, you know, committed to getting ready for those meetings by volunteers, who are the commissioners, and as well as members of the public who are, you know, getting ready, I don't see why we would have a continuance ever.

And I see what's happened is everyone involved sees, oh, they're granting continuances, so they have no sense of urgency. I mean, it's really not a dig against anybody. They're human beings. Human beings do that. They see that the border has expanded, and they go closer to the edge of that new border because it went further out.

So it's not a -- you know, it's not really a criticism of anyone -- it's a criticism of us, I guess, that we need to maintain discipline and order and expectations for everybody involved including, you know, our staff and the petitioners. The expectation should be if you're on the schedule, you're on the schedule, period. A bunch of people are lined up, and we need to move forward. And if things didn't go well, then I guess you can plead your case that, you know, you really do need an extension, but that should be only in exceptional circumstances.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: I mean, I think part of this continuance -- and I'd like to hear from the applicant -- is due to the outcome of the Chokoloskee item last time where it was actually negotiated that the applicant go back, meet with the opposition/homeowners in the area, come back with companion items to get the whole thing through but with their support in hand, and here it appears we probably have some opposition here. And maybe this is the same similar theme?

MR. BELLOWS: Exactly. If you will recall, Mr. Davies was here at the last meeting to discuss the Goodland LDC amendment, and he couldn't commit at that time to come in as a companion because he needed to discuss it with his client. He has since discussed that, and they have evaluated the facts and have decided to do what the Chokoloskee LDC amendment was doing

as being a companion item to a conditional use to ensure better public notice.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner.

COMMISSIONER KLUCIK: Well, yeah, I think -- I mean, that seems to be a particular circumstance where there was an appearance and everybody talked about it, and the panel, you know, the Board decided, hey, let's, you know, go ahead, and this seems like a good idea, which is very different than showing up and saying, oh, we want a continuance, you know, without there being -- you know, kind of -- I mean, we've done that before. People don't really have a good reason. It's just they're not ready or so and so isn't available. I think whatever we come up with -- even if we have a policy, we can always -- you know, as a commission, we can go ahead and, you know, say, okay, well, we're going to -- we're going to do this anyways despite our policy.

I'm pretty sure -- I know, Mr. Klatzkow, I think we can do that; is that correct?

MR. KLATZKOW: Yes, it is, sir.

COMMISSIONER KLUCIK: No, I -- I'm not really speaking to today's request for a continuance. You know, my discussion, you know, previously when I spoke, you know, a few minutes ago, was really in general. And I think we have two discussions here: What are we doing today, and then what are we going to do going forward?

Mr. Chairman, if you see it that way, I mean, I think, obviously, if we're going to impose something today and we've been lenient now and we're not going to be, I don't know if that's the right solution, but I certainly think we should put everyone on notice if we're going to have a policy where we don't grant continuances liberally, that we should let everybody know in advance.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER KLUCIK: I'm sorry. Mr. Chairman, I did ask -- I asked you a question.

CHAIRMAN FRYER: Would you repeat it? I'm sorry.

COMMISSIONER KLUCIK: Well, if you see that we have two issues, we have today and then we have a policy going forward.

CHAIRMAN FRYER: I think that is one viable way to proceed, and when the time comes for a motion -- and we're probably pretty close to that -- I would entertain that motion.

Also, just for my personal perspective, I see these two matters, the combined Santa Barbara thing and the Goodland oyster thing as somewhat different, and they're -- we established a bit of a precedent or an informal precedent when we dealt with Chokoloskee. And right now I'm more disposed to grant that continuance than I would be on the others.

But there -- I also see merit to the suggestion that Mr. Klucik has made that if we do grant all the continuances requested today, that we send forth a loud and clear signal that that may not happen next time.

And with that, Commissioner Shea.

COMMISSIONER SHEA: A question for Ray. So we sat at the last meeting and talked about this. What's changed that all of a sudden at the last minute we have to do -- I'm really hung up on the timing of this stuff. I believe there are reasons why we have continuances, but this last-minute stuff, for me, is just not acceptable.

MR. BELLOWS: In regards to the first two items, there was an early notice to the Planning Commission of the continuance, requested continuance. In regards to the timing of the last one, I don't know exactly when that came in. It might have been -- and I might have to defer --

CHAIRMAN FRYER: Yeah. Well, we're going to ask the applicants to come up and explain, make their case for a continuance.

COMMISSIONER VERNON: Mr. Chairman.

CHAIRMAN FRYER: Yes, Commissioner Vernon.

COMMISSIONER VERNON: If I could be heard.

CHAIRMAN FRYER: Yes, please.

COMMISSIONER VERNON: I think that the policy -- I think the policy is a great idea. I agree with everything everybody's said, but I think we don't really want to vote on the policy today. So I think we can dispose of the policy issue in short order by requesting that Jeff come up with, maybe in concert with the staff, a proposed policy and just vote on that and then come back with the proposed policy and see if we like it, and then we can move on to the issues of today --

CHAIRMAN FRYER: Okay.

COMMISSIONER VERNON: -- if that makes sense.

CHAIRMAN FRYER: Mr. County Attorney, is that something that you would consider doing for us?

MR. KLATZKOW: Yeah. I would ask for some direction so I know which way to go, but we could certainly go that way, yes.

COMMISSIONER VERNON: I've got some thoughts on that. I think -- I agree with everything, but I don't think having the applicant come in and explain themselves is enough, because it still means we're wasting the money, we're wasting the time. I, frankly, don't think a 10-day notice is enough because I don't think the public necessarily going to get notice that it's been continued.

I do totally agree with Karl's point. And being a trial lawyer, you know, having everything at the same time is super important. Having the public speak and then two weeks later the applicant comes back and the public's not here, it's just not the same dynamic. Everything should be heard at once. So in terms of direction, I think we need to do more than what my colleagues have said.

And, you know, we are quasi judges because we're quasi-judicial, and I think Jeff will agree and all the trial lawyers in the room will agree, what you want with a judge is consistency. If he's a hardass, he's a hardass, or she's a hardass. If they're soft, they're soft.

CHAIRMAN FRYER: You're referring to the animal, ass.

COMMISSIONER VERNON: I am referring to a donkey. Thank you. Correct, I'm referring to a donkey. Thank you. Thank you, Mr. Chairman, for pulling me out of that hole.

COMMISSIONER FRY: Or perhaps a burrow.

COMMISSIONER VERNON: A burrow, a big burrow.

Point being, as long as everybody knows the rules and knows we're going to follow the rules, then I think everybody's going to be treated fairly, and I think those rules should be pretty darn strong because of, especially what Jeff said, how this thing has slowed to a crawl because of these continuances.

CHAIRMAN FRYER: Agreed.

MR. KLATZKOW: I would just note that once upon a time we had an applicant from Bad Ass Coffee and, you know, their logo was a donkey, so you're fine.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER SCHMITT: What happened to that?

COMMISSIONER FRY: I would just -- I guess my request now would be, before we discuss a policy or direction for County Attorney and staff, that we hear from the applicants, but --

CHAIRMAN FRYER: I think that would be appropriate as well. And we will -- we will ask for that. Should we -- before we dispose of -- well, we'll see what the applicants have to say.

The first applicant I see is represented by Mr. Arnold. Sir, you may proceed with your case.

MR. ARNOLD: Thank you. Good morning. I'm Wayne Arnold representing the applicant for the first two items on your agenda.

We did request last week for this item to be continued. After our continuance several weeks ago, we had an impromptu meeting outside the building with some of the neighbors who attended. We agreed to hold another informational meeting, which we held a week and a half ago out at the Golden Gate Community Center with some more of those neighbors. They've asked us



to go back, retool our plan, try to rotate the buildings, do some things that are in addition to what we would -- had proposed. We couldn't have achieved that and had it in your packet in time for today's meeting. So we agreed with them and communicated with them that we were requesting the continuance so that we could continue the dialogue with them and come back with a plan that hopefully is acceptable to them and staff.

MR. KLATZKOW: That should have happened before it was advertised.

MR. ARNOLD: Well, with all due respect, Jeff, that couldn't, because we didn't have an opportunity post the first neighborhood meeting to know that there was --

MR. KLATZKOW: But you knew you were having -- but you knew you were having another meeting, yet you continued to advertise, and that's the problem, because you sort of -- you're sort of getting it both ways. If the neighborhood information meeting came out well, you'd move forward with it, and if it didn't, you'd ask for a continuance. And, meanwhile, we've got people in the audience here because it was advertised.

MR. ARNOLD: I hope you check your speaker slips. I don't believe that anybody has signed up to speak for the Santa Barbara items. I think we've been communicating with them that we needed more time; they wanted us to take more time to come back with a better product.

CHAIRMAN FRYER: So we'll find out right now. Any members of the public here to speak on the Santa Barbara matter? I see one.

MR. YOUNGBLOOD: Mr. Chairman, we have one registered speaker for that item.

CHAIRMAN FRYER: Okay. Well, that registered speaker, if she wishes to be heard, will be heard today, or she can be heard if we decide to continue this matter when it's continued.

MR. ARNOLD: And we chose the August 5th date in conjunction with staff's schedule, because in two weeks, your staff planner was not available to be at the meeting, so...

CHAIRMAN FRYER: I must say, I'm not terribly pleased with the fact that counsel for your client is not here, making it, as a practical matter, impossible for you to go forward if the continuance was denied.

MR. ARNOLD: I'm prepared to put on our case. I think you'll have a better case if you would allow the continuance to occur so that more of the neighbors who had expressed interest in the project could actually be here in attendance.

CHAIRMAN FRYER: We would or your client would?

MR. ARNOLD: I think we would all benefit from that, honestly, sir.

CHAIRMAN FRYER: Okay. Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Wayne, you're asking for a two-week continuance, correct?

MR. ARNOLD: No. We're actually asking to go to the August 5th.

COMMISSIONER SCHMITT: August 5th. Is that sufficient time for you to meet with the staff? Because, of course, you're well aware -- I'm not here to debate the merits of the case, but you're well aware of the numerous positions staff has taken, which is obviously going to create a requirement for staff either -- to amend their report based on the accommodations you're making. So is there sufficient time to do all that?

MR. ARNOLD: Yes. I think that gives us adequate time to do that. Two weeks probably would not be adequate to do that.

COMMISSIONER SCHMITT: No, it would not. Two weeks would not. But if we're talking a month away, I mean, that's still you meeting with staff, staff -- and adjudicating with --

MR. MOTLEY: Two months.

COMMISSIONER SCHMITT: Two months, okay. Thank you.

MR. ARNOLD: August, yes.

COMMISSIONER SCHMITT: August. Yeah, that should be sufficient time then, because the executive summary and all the other associated documentation, whether you can negotiate with staff some of the objections that they have.

MR. ARNOLD: And I will say, Mr. Schmitt, that two of your staff members were present

at our informal informational meeting that we held a couple weeks ago.

COMMISSIONER SCHMITT: All right.

MR. BELLOWS: And in regards to this matter, if I may.

CHAIRMAN FRYER: Yes.

MR. BELLOWS: It's my understanding that it may require another official neighborhood information meeting since it's been over a year since the last one was held. We'll verify that and work with the applicant. But if it is over a year, they are required by our LDC to hold another NIM.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: Mr. Arnold, I'm going to ask you a question I think I already know the answer to.

But let's say that part of -- if we do come up with a policy and it involves a fee, I guess, for -- if we've advertised the meeting, we're incurring the expense for the meeting, as Attorney Klatzkow said, what are your thoughts on the -- I guess the question is, would you fight such a fee? I mean, I think the whole idea is we want you to be responsible in scheduling these meetings and doing -- and knowing the path you have to take and scheduling the meetings so you can take that path fully without having to continue unless absolutely necessary, and then if you don't take those steps, to respect the county's time and money by paying a fee to make up for it.

MR. ARNOLD: Yes. Right now --

CHAIRMAN FRYER: Before you answer that, if I may, and with the utmost respect for Secretary and fellow commissioner, whether this applicant would fight our policy or not is wholly irrelevant in my judgment.

COMMISSIONER FRY: I'm interested in his point of view as an applicant and not that I believe whether they would like it or not is a factor, but I do believe that he might have information as to the reasonableness of whether such a fee would be appropriate. That's why I asked the question.

CHAIRMAN FRYER: Well, I mean, we can certainly hear from anyone on that, but I would be more inclined to listen to people who do not have a financial interest in the outcome of that discussion.

Mr. Bellows.

MR. BELLOWS: I'd just like to point out, the county does have penalties for a continuance. If the continuance is requested after the petition is advertised, we charge a \$500 fee for that late continuance, and if the continuance is requested during the meeting, it's \$750.

CHAIRMAN FRYER: And those are way low --

MR. BELLOWS: Yes.

CHAIRMAN FRYER: -- in relation to actual expenses. And so I think when we get to the point of discussing the policy -- and that's the next thing I want to talk about after we act on these continuances -- is to consider what -- the specifics that we would like to have in it so that the County Attorney can know at least what our thinking is on that.

So I'm going to ask Mr. Arnold to continue -- well, Commissioner Shea first.

COMMISSIONER SHEA: It's a separate question. We can finish with Mr. Arnold first.

CHAIRMAN FRYER: Go ahead, Mr. Arnold.

MR. ARNOLD: And just to conclude, we do request that continuance. That would allow our entire team to be here. I think you're going to get the benefit of us having another sitdown meeting with our neighbors to show them what that can look like. Staff will be participants in those meetings. And as you mentioned, too, Mr. Bellows, the original neighborhood meeting was held sometime in mid August so, technically, there's not another formal neighborhood meeting required before the August date, but there would be required before the BCC date that's scheduled in September.

So we do respectfully request a continuance. We were hopefully abiding by your policy

to have gotten this in as soon as we could. We had our neighborhood meeting, and I think the Monday following our meeting we asked for the continuance knowing that we needed more time to work with our neighbors.

CHAIRMAN FRYER: Mr. Eastman?

MR. EASTMAN: It seems that a factor that you may want to consider for granting or not granting continuances would be the benefit to the public and the establishment of that being put on the applicant to show that versus just a self-serving one that relates strictly to the developer.

CHAIRMAN FRYER: Good point.

Any other comments from the Planning Commission?

(No response.)

CHAIRMAN FRYER: Anything else from you, Mr. Arnold?

MR. ARNOLD: No, sir. I'll answer any questions that you may have.

CHAIRMAN FRYER: Thank you. There apparently are no questions. I propose that we --

COMMISSIONER SHEA: I have a --

CHAIRMAN FRYER: Oh, I'm sorry. Commissioner Shea.

COMMISSIONER SHEA: Question for Ray. So if we had known -- is there a lineup of projects that could have been ready for a hearing today had they -- had we had known early enough that these were going to request continuance?

MR. BELLOWS: No items were pushed off this agenda because of the items currently scheduled, so this -- the continuance doesn't matter as to --

MR. KLATZKOW: You wouldn't have had this meeting, okay, for the one -- for the one item. It's as simple as that. You guys got drug in here for no purpose whatsoever, because you wouldn't have had a meeting, you know. It's as simple as that. We would have pushed it off to the next one.

CHAIRMAN FRYER: All right. Okay. Any other comments, questions?

COMMISSIONER VERNON: I have comments, but they're more about the policy. I don't think they're specific to Mr. Arnold.

CHAIRMAN FRYER: Okay. I would propose that the Planning Commission take action on this request for a continuance and would entertain -- Mr. Bellows?

MR. BELLOWS: Do you want to hear from the public speaker on this item?

CHAIRMAN FRYER: Oh, we're going to hear from the public speakers no matter what -- or public speaker, yeah, absolutely, and that is -- that goes without saying, I think. Somebody came in here; we're going to hear from them.

COMMISSIONER SHEA: Do we hear before we vote on the continuation?

CHAIRMAN FRYER: It's up to you. I don't --

COMMISSIONER VERNON: Well, it sounds like some of my colleagues want to, so I defer to them.

CHAIRMAN FRYER: Do we want to hear from the public before we take action on the continuance? Because we've got another request for continuance behind this. It would be nice if we could dispose of it. Should we hear from the applicant or the --

COMMISSIONER SCHMITT: I don't -- I question the input of the public based on the decision in front of us right now. I mean, it's too -- it's kind of mutually exclusive, as I see it.

CHAIRMAN FRYER: Yeah. I was going to suggest that if the public wants to be heard on the merits --

COMMISSIONER SCHMITT: Correct.

CHAIRMAN FRYER: -- but not on whether we vote yes or no on continuance.

COMMISSIONER SCHMITT: I think we'll listen to the public, but I think whether we vote yes or no -- I mean, the public certainly can weigh in on it, but it should -- it's a separate decision.

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: Separate process.

CHAIRMAN FRYER: Well, without objection -- and if anyone does have an objection, please voice it. But without objection, I'm going to ask the single public speaker to speak first, and then -- and it will be on the merits of the matter, not on whether we should grant a continuance, then we will take up the question of continuance and dispose of this one way or the other today. So --

COMMISSIONER FRY: I mean, I have to say this was advertised as a continuance. We've known for over a week. We have one speaker here. We might have had 50 if it had not been continued. I don't see the point of hearing from one speaker when they're going back with more meetings, and the speaker will have ample opportunity to be involved. I'd like -- I'd love to hear their viewpoint; I'm just not sure it's timely today. Two speakers? I yield to my fellow commissioners, but that's my point of view.

CHAIRMAN FRYER: Well, it's -- I wanted to do this without objection but certainly respect the objector's objection.

COMMISSIONER SHEA: So if they speak today, will they be allowed to speak again?

CHAIRMAN FRYER: That's also our decision.

MR. KLATZKOW: They should be allowed --

COMMISSIONER SHEA: That's important because I wouldn't want --

MR. KLATZKOW: They should be allowed to speak again, because we take public comment after the applicant has closed their case. The applicant often has experts and presents, you know, the full case. So to get -- I forget which commissioner said, but -- Commissioner Fry noted this. It's like it's kind of unfair to ask them to talk about it now and not allow them to talk about it later because it's really after the presentation that they would have the full benefit of being able to tell the Planning Commission their feelings.

CHAIRMAN FRYER: I'm personally in agreement. Does any Planning Commission object to that approach, we're not going to restrict people who decide to speak today from coming back and speaking to the continued date?

COMMISSIONER SCHMITT: I would not object. I agree with what Tom said basically. The public's going to have an opportunity to weigh in on this again. What Mr. Arnold pretty much said is they're trying to modify designs and layout. It will certainly have an impact to the public on what they're going to present when this is heard, if it's heard again. So I would not restrict anybody from giving their thoughts today and coming back again, because it's going to be somewhat different than what we're -- than what's in front of us right now as far as the design, the layout, and everything else. That's at least what Wayne has pretty much stated.

CHAIRMAN FRYER: Thank you. Vice chair, did you want to be heard?

COMMISSIONER HOMIAK: No. I'm fine either way.

CHAIRMAN FRYER: Is there a motion?

COMMISSIONER VERNON: What's -- I mean, I would move -- I'd move that we grant the continuance. Is that what you're looking for? I think Paul's the only one who kind of wanted to hear from the public, and I think he's -- you're okay without it?

COMMISSIONER SHEA: I'm okay with the consensus of --

COMMISSIONER VERNON: I'd move that we grant the continuance, and the main reason is because, in fairness to the applicants and the parties, we really haven't had a tough policy, and I'd rather put a policy in place, let everybody know about it, and be strict about it rather than hammer somebody because we're frustrated. So I would grant -- I would move we grant the continuance.

COMMISSIONER SCHMITT: I second.

CHAIRMAN FRYER: I want clarification from the mover and seconder. What about people -- and there are two speakers. What about if one or both of those speakers wanted to be heard today and at the continued date?

COMMISSIONER VERNON: I'm fine with that today --

CHAIRMAN FRYER: Okay.

COMMISSIONER VERNON: -- for the same reason, but I do think part of the policy should be how we deal with that, because even though conceptually it's a good idea and it's fair, good for the public, if we had 50 speakers, and they said, okay, we're all going to get together, we get two bites at the apple, it could get organized against the applicant in a way that's unfair to the applicant. So for today, I think we ought to be fairly gracious with everybody in the room, but in the policy, we ought to think that one through.

CHAIRMAN FRYER: Okay. What about the order of sequence part of your motion? Is it that we hear from the speaker first and then vote on the continuance? No, it's not. Okay.

COMMISSIONER VERNON: Just vote on the continuance.

CHAIRMAN FRYER: And that's the second as well --

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: -- Commissioner Schmitt?

All right. Any further discussion on that? Everybody understand what we're being asked to vote on?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: And it passes unanimously, and it's been continued to a date certain.

MR. ARNOLD: August 5.

CHAIRMAN FRYER: August 5th. Was that part of your motion and second?

COMMISSIONER VERNON: That's fine.

CHAIRMAN FRYER: All right. Does everybody understand that it's a continuance to a date certain, August 5?

MR. ARNOLD: Thank you very much.

CHAIRMAN FRYER: That's the consensus of the Planning Commission, then.

MR. ARNOLD: Thank you, Mr. Chairman.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner Klucik.

COMMISSIONER KLUCIK: So I just have a theoretical question. So I understand we have petitioners, and they moved the ball, but would we -- you know, if we're going to have a continuance policy, then I would also think that if you have people that are invested in, you know, speaking, and they also have a reason where they could ask for a continuance because -- you know, let's say you have a primary speaker who's ready to speak on behalf of a civic organization that's affected, and they have a death in the family and they have to fly to Hawaii that week, you know, are we going to grant a continuance so that -- you know, I guess what I'm saying is I think that if we're going to do this, we need to make sure that it's fair, because I've been a little guy in front of this panel and in front of the County Commissions. I've been, you know, the David in front of the Goliath, and it's intimidating to begin with, but then we have, you know, those kind of circumstances where you might actually have something really important to contribute to the discussion and to the Commission's decision, and then you're not able to for circumstances that, you know, that you can't control, and I just want to make sure that we consider that when we're

coming up with our policy.

CHAIRMAN FRYER: Well, I think that's a good idea, and we will discuss suggestions for a policy today so that Mr. Klatzkow is informed of at least how we -- if we can arrive at a consensus on some specific bullet points. All right. So --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: Are you surprised that I was intimidated?

CHAIRMAN FRYER: No.

COMMISSIONER HOMIAK: Yes.

COMMISSIONER KLUCIK: Just wondering.

CHAIRMAN FRYER: All right. So what we're going to do now is we're going to hear -- if the two registered speakers on PL2020000385 and PL2020000386, which is the GMPA and the CPUD, if those speakers would like to be heard today without prejudice to their privilege of being heard when this matter is continued to August 5th, they may be heard. So who do we have?

MR. YOUNGBLOOD: Mr. Chairman, our first speaker is Susan Salzmänn, followed by Barbara Kanter.

CHAIRMAN FRYER: Thank you.

MS. SALZMANN: Good morning.

CHAIRMAN FRYER: Good morning, ma'am. You have the floor.

MS. SALZMANN: My name is Susan Salzmänn, and I currently reside right next to the proposed property that wants to be redeveloped to a RaceTrac.

COMMISSIONER SCHMITT: Can you pull the microphone down. Thank you.

MS. SALZMANN: Sorry. I guess what I came here today for is because even though we've had this neighborhood meeting and whatnot, I feel that by -- rezoning this piece of property is not only a detriment to me and my lifestyle -- I've lived there for 25 years. My children have gone to the school that's right next to it, and -- but my biggest thing that I feel is that it's been zoned residential for a reason. And with all the new growth and development and everything else that's going on in Golden Gate, in Golden Gate City, I really feel that this is not necessary.

And with all the things that were going on, I was trying to get some of our neighbors involved in this, and there's quite a few of us that aren't interested in seeing this rezoned. It is the only one corner in that area that is still residential.

And the biggest thing, if nothing else, I feel it's a safety issue. Like I said, I'm the last house before you get to Santa Barbara and Golden Gate Parkway, and there isn't a day that I don't start slowing my car down a block ahead of time just so I can get in my driveway without getting ran into.

And now we're talking about putting a gas station that's going to bring in how much of the public off of Exit 105 off of 75, and it's just going to bring that much more traffic to that area. We have a school that's already next to it. And I just feel that it's not appropriate, for one thing, to have a gas station that sells, you know, liquor and cigarettes and whatever. It's a convenience. That's all it is is a convenience for this company to come in and make money, but it's a safety issue. You're bringing in traffic and cars. And, I mean, this is a community that already has problems with that. You go from a six-lane to a four-lane to go into Golden Gate City. There's a lot of options here.

Not to mention, when Golden Gate was developed, when they widened the roads to six lanes where we're at, they put public water on the one side, but we're on well. So you're going to put in gas tanks. And I realize they're going to be a ways away, but I'm still on a well system and most of my neighbors are, too, so you also have that hazard that could possibly happen. I mean, pray to God it never does, but you don't know.

Not to mention what comes with a gas station. You've got lights. You've got high traffic volume. You've got -- you know, of course people are attracted to it. It's not going to be

something in the afternoon they're going to show up. They're coming in in the morning to get their cup of coffee and do what they're going to do for the day, and then how do you get back on 75? You either have to go into Golden Gate City or go down Santa Barbara, whip across three lanes, make a U-turn to head back.

It's just -- safety is the biggest thing, if nothing else, not to mention what it will do to my property value and the other people that live around me. And once you start one, then, you know, people are going to go, well, what's next? And I really don't want to see another -- I mean, I know this is really extensive, but another Pine Ridge Road. We all know what that traffic can be like, and just getting in and out of the interstate is just -- you're just bringing in more that's not necessary. Plus we have a new development that's going to be done, if I believe, right, by the County Commissioners right on 951 and Golden Gate Parkway, and they're talking about growing that into multifamily units? And what else? There's golfing and whatever else might be affiliated, and they're going to bring in more traffic.

And I just see it's going to be just an issue that's not necessary for our little area. Keep it as our neighborhood that it was already zoned for. I know Mr. DeSalle (phonetic), that has passed, fought over 25 years ago to keep it residential for that reason.

And we don't need another gas station or a multiunit housing or whatever on that corner. There's already enough housing and developments. We got a gas station a mile in each direction. What do we need another one for, and to take away from the people that already have their businesses and, you know, take away business from them? But that's how I feel about it, and that's why I was here today. I understand, you know, they were going to continue and, yeah, we came up with some different ideas, but the more I think about it, this is livelihood. This is where I've lived. And I just can't see this any way, what is it convenient for me? I'm going to have the lights, the noise, the traffic, the potential of someone getting hurt or even killed. You've got children that are going to school. You've got one entrance in on Golden Gate Parkway and one on Santa Barbara, and you're right next to a school. It just -- it doesn't make any sense to me. So that's why I'm coming to you, to please hear us out and really look into this when this matter comes evolved.

CHAIRMAN FRYER: Thank you, ma'am.

Commissioner Fry?

COMMISSIONER FRY: Ma'am, I just want to -- right here. Hi.

MS. SALZMANN: I'm sorry.

COMMISSIONER FRY: I just want to -- I'm looking at the satellite. I just want to clarify where you live. I see to the east -- I'm sorry -- to the west of this parcel --

MS. SALZMANN: West.

COMMISSIONER FRY: -- there are two homes. Are you one of those two?

MS. SALZMANN: Yes.

COMMISSIONER FRY: The first one, the closest?

MS. SALZMANN: We're the closest.

COMMISSIONER FRY: You're the closest, okay. Thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: I just want to thank you for coming out, and hopefully we will see you on the 5th.

MS. SALZMANN: You will.

COMMISSIONER SHEA: Thank you.

CHAIRMAN FRYER: Thank you, Ms. Salzmänn.

MS. SALZMANN: Thank you.

CHAIRMAN FRYER: Next speaker, please.

MR. YOUNGBLOOD: Mr. Chairman, our next registered speaker is Barbara Kanter.

CHAIRMAN FRYER: Thank you.

MR. YOUNGBLOOD: And she will be our final registered speaker on this item.

MS. KANTER: Hi. My name is B.B. Kanter, and I'm a retired planner, which kind of -- I know. We have to talk about our conflict of interest first, right?

And also, I'm from Pelican Bay, so I'm not immediately -- directly affected by this development, although I did drive past it a lot because I went to the old and new semitropical Tree Farm, which is adjacent to the site or across the street from the site.

I've been following what -- the reason I'm here is I've been following politics very closely since I first started -- my husband first started remoting in Naples seven years ago, and what I've noticed that disturbs me the most -- remember, I have a conflict of interest -- is that the commissioners seem to ignore what the Planning Department and the community wants. In this case -- and I don't always agree with what the Planning Department wants and what the community wants. I am very highly opinionated, and if people know me here, they know that I often take a third position. But, in general, when I hear that the Planning Commission and the neighborhood wants the same thing, I go for it. Excuse me. Not the Planning Commission. The Planning Department and the neighborhood both want the same thing, I really go for it, and I think the commissioners need to listen to that.

The other thing I agreed with that I heard today was what the attorney said. I can barely keep track of what's going on. We never heard from the neighborhood about what they thought about the continuance. All we heard about is why the continuance is good for the applicant. I don't understand what's going on. So I am coming back August 9th [sic].

CHAIRMAN FRYER: Make that the 5th.

MS. KANTER: Fifth, excuse me. Fifth. What day -- that's a Tuesday or Thursday?

CHAIRMAN FRYER: Thursday.

MS. KANTER: You're always Thursday. The commissioners have taken Tuesday.

CHAIRMAN FRYER: Uh-huh.

MS. KANTER: And how does this continuance serve the people in the neighborhood or the Planning Department? I don't get it. I am so confused. All I know about is why it's good for the, you know, applicant. Could somebody answer that question to me -- for me?

CHAIRMAN FRYER: Well, I thought it was going to be a rhetorical question, but I will try to answer it.

MS. KANTER: Well, it is rhetorical, but if you're allowed to answer, I'd really like to know how this continuance has benefited anyone but the developer.

CHAIRMAN FRYER: Well, I think -- I think what you heard certainly --

MS. KANTER: Should I stay or --

CHAIRMAN FRYER: Sure, go ahead. What you heard this morning was expressions of serious disagreement and concern on the part of the members of the Planning Commission that we're going to allow this to continue forward. And, personally, I was very unhappy when I observed that counsel for the applicant is not even present. But the fact of the matter is, is that people had expectations as to what we were going to do. I think by making the public record as we have today, we have seriously challenged those expectations on the part of the development community. And we are going to, with the leadership of the County Attorney, craft a recommended policy that is going to -- that is going to be applicable going forward, and we're simply not going to entertain these the way we have in the past.

MS. KANTER: Am I allowed to speak on that topic?

CHAIRMAN FRYER: Well, quickly, quickly, if you can.

MS. KANTER: Okay. So I think that if the developer wants to ask for a continuance and a continuance and continuance, there has to be agreement with the community to ask for the continuance and the continuance and the continuance, because we don't have -- you know, we're not on a ticker.

CHAIRMAN FRYER: Understood. Unfortunately, the way the system is structured, the public -- members of the public are not parties to the proceeding.

MS. KANTER: I know.



CHAIRMAN FRYER: Certainly, we want to hear from the public, but they are not parties.

MS. KANTER: Could you try to get input? Because the developer -- I mean, just in this case, the developer's claiming he's reaching a consensus with the community and with an alternative, but from what I heard, Ms. Salzmann, who really -- I'm under the impression is the leader of the group, she's saying they're not reaching any consensus, and they haven't changed their mind.

CHAIRMAN FRYER: Let me respond to that, if I may. I am going to want to know in significant detail the extent, if any, to which this applicant makes concessions, because that's the justification for the continuance, that they're going to try to satisfy the community in a material way, and I'm going to look for that to happen. And if it doesn't, I'm going to be heard complaining about that. And, certainly, when we have our policy in place, we will definitely, I expect, be granting much, much fewer continuances. That's my sense of the feeling of the fellow planning commissioners.

MS. KANTER: And this is really a very -- remember I said I often go in a third direction. The reason I'm so active is that I see the community being outpowered by the big guns. And I feel like if the big guns are going to ask for continuance, continuance, continuance, maybe they should provide professional -- just like you know there's Legal Aid lawyers. Maybe they should pay for the community to have a professional consult, because I heard them saying things which were not true, and the community doesn't have the background to argue with them.

CHAIRMAN FRYER: Your point is noted. It's an expense item. It would have to be a policy decision --

MS. KANTER: No, but I'm saying the developer should pay for it, because the community can't defend itself against a bunch of hired suits.

MR. KLATZKOW: That's just a bridge too far.

MS. KANTER: What?

MR. KLATZKOW: That's a bridge too far. We could not oppose that.

MS. KANTER: And it's not that subject.

CHAIRMAN FRYER: Yeah. But thank you for your comments, ma'am. We appreciate it.

MS. KANTER: Okay.

CHAIRMAN FRYER: Thank you. All right. No more register speakers?

(No response.)

CHAIRMAN FRYER: Any people in the room who have not registered but wish to be heard on this matter?

(No response.)

CHAIRMAN FRYER: Seeing none, we will then put the matter in recess and ask -- let me get my material up here so that I can call the right thing. Bear with me one second.

All right. This is -- this is going to be PL20200001481, the Goodland GZO conditional-use proposal. And for the presentation on the request for continuance, the Chair recognizes counsel for the applicant, Mr. Davies.

MR. DAVIES: Thank you, Mr. Chairman. Good morning, Commissioners. Noel Davies on behalf of the applicant for this item.

At your last meeting, this commission suggested that my client on this item consider filing a conditional-use application and having that application heard as a companion item with the pending LDC amendment application at some indefinite later date in the future.

At that time, at your last meeting, as was mentioned, I did not have authority from my client to agree to that request from you-all. I believe I did mention at the time that it was a possibility that if anything changed, I would certainly let the county know. Since then, after due consideration by my client, we are agreeable to that request, and with your indulgence, Commissioners, would seek your approval today to allow us to be heard at some indefinite date in

the future such that both the LDC amendment and the future conditional-use application would at the same time like was done last meeting per your unanimous vote for the Chokoloskee LDC amendment.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: Mr. Davies, there is a substantial contingent of, I believe, residents of Goodland who are here. I have never been in a meeting where there was a substantial -- contingent this large to speak in favor of an application.

So as our Chairman --

COMMISSIONER HOMIAK: There are more people in another room upstairs.

COMMISSIONER FRY: Oh, okay. As our Chairman mentioned, when the previous application comes back, he'll be looking for material evidence that they moved the ball with respect to gaining consensus of the neighbors, and may we expect the same effort on your part and the same presentation of tangible evidence of working for a consensus with the folks that are here?

MR. DAVIES: Yes, sir, 100 percent.

COMMISSIONER FRY: Thank you.

MR. DAVIES: If I may, Mr. Chairman, if I could finish my presentation on the motion.

CHAIRMAN FRYER: Please.

MR. DAVIES: I would -- thank you.

So with respect to providing the bases for the request, I do believe there are several. First -- and some of this was mentioned in your earlier discussion -- the LDC amendment technically does not require a neighborhood information meeting. One was not held, and we believe that is particularly important here, especially because of the presence of the community here today. A NIM is required under your Land Development Code for the conditional-use application. We believe that a number of items could be clarified through that NIM, including the precise details of the conditional-use application, which are not in front of you today.

Having both applications heard at the same time would also take a two-step public hearing process, combine that into one, creating more efficiency and also allowing the ample opportunity to engage with the community, which my client is certainly committed to.

Applicant recognizes that this would result in a significant delay, likely a few months. We think this would be the best next step going forward.

With respect to those that are here today, we certainly appreciate that, that they want to address you today. We, for the record, have no objection to them addressing you today and would further have no objection to them speaking at a subsequent hearing on the companion items.

I have conferred at length with your staff and let your staff know as soon as I had the authority from my client, which I believe was on Tuesday, to let them know about the request for continuance. I believe they are in support of that, but I will let them address you with respect to that point separately.

With that, I do appreciate your time, Chairman and Commissioners, and I'm happy to answer any questions with respect to the request for continuance.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt, you look like you're --

COMMISSIONER SCHMITT: No.

CHAIRMAN FRYER: Any commissioners have questions?

(No response.)

CHAIRMAN FRYER: If not, I'll just add my words. I think this is a different situation than the previous one. I'm more inclined to grant the continuance in keeping with the approach that we took with Chokoloskee but, of course, similarly, we want all speakers who here -- are here today because they thought this was going to be heard on the merits. Anyone who wants to speak today will be heard, and you will not be prejudiced with respect to your ability to speak a second time if you wish when this is heard on the merits.

Anybody want to be heard on this?

COMMISSIONER HOMIAK: I'd be more inclined to hear this one than wait. It's on the agenda. We just found out about it today.

CHAIRMAN FRYER: Okay. What do others think?

COMMISSIONER HOMIAK: You have all kinds of people here waiting to speak. They've been --

CHAIRMAN FRYER: We're going to allow them to speak no matter what.

COMMISSIONER SCHMITT: I would agree with the continuance only because of the issue involving the conditional use. I mean, they're going to -- Noel, you said, basically, you're going to have the LDC amendment and the conditional use. If we vote on the LDC amendment, it makes the conditional use -- it could possibly make the conditional use a moot point if we deny the LDC amendment; is that correct?

MR. DAVIES: Correct.

COMMISSIONER HOMIAK: That's my point.

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER HOMIAK: I mean, why bother if --

COMMISSIONER SCHMITT: The issue could be -- as they said, make it a moot point in regards to hearing the conditional use, but the applicant certainly can proceed with the conditional use and go through that process. What are we talking about, then? You've got to go through the entire advertisement -- application advertisement. It could be six months from now.

CHAIRMAN FRYER: There will be a NIM.

COMMISSIONER SCHMITT: Yeah, and he has to have a NIM.

MR. DAVIES: Yes, sir. So contextually at your last meeting, this was discussed in detail with respect to the Chokoloskee LDC amendment, and my recollection of that discussion was such that because of the request for a conditional use being added to your LDC, that there would be efficiency -- efficiency improvements but also a more holistic approach of what the proposal would include, and that was the thinking behind requesting that applicant and then moving unanimously to continue them to do those items together. And at that time -- had I had the authority from my client at that time that I do now, I would have consented at that time at this podium. I did not have that authority. As soon as I obtained it, I let the county know.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: So to Mr. Davies' presentation and to -- I think Mr. Eastman said a mouthful when he said we need to weigh this from the standpoint of the benefit to the public, and I look at there being an absolute benefit to the public in this case because of the nature of the extenuating circumstance. As an LDC amendment, it did not require the engagement with the neighborhood. We have all these folks here, and you have not had an opportunity to engage them. You may or may not be successful in that engagement.

But as I see it, you're committing to expenditures, advertising, a NIM, and when you come back with that conditional use and we see a room this full of people speaking against it, you know, you're going to have a tall hill to climb, right? Your job between now and then is to either come back with compelling reasons why we should approve it without their support or to come back in with at least some support from the neighborhood.

So I believe it is in the public's best interest for this. In fact, I believe the folks that are here to speak, they haven't had the benefit of what they should have, which is an engagement with you, which was not required by the process. So I would be in support of a continuance.

CHAIRMAN FRYER: Others wish to be heard on this?

COMMISSIONER VERNON: I guess I'll weigh in just so everybody knows where everybody's coming from. I think I'd be inclined to grant the continuance for the same reasons I granted the -- or moved to grant the continuance with Mr. Arnold's application -- or application on which he's representing them.

I just feel like, you know, what Mr. Davies did was he said, I'm going to do this. He did

this, and he's back doing what he said, and I don't like the idea of punishing the applicant because we're all of a sudden switching gears and we're frustrated. I don't want to see this happen anymore, but I don't feel like being punitive is the way to handle it.

CHAIRMAN FRYER: Any other commissioners wish to be heard?

COMMISSIONER HOMIAK: My problem is there's no -- there's only one item submitted here.

CHAIRMAN FRYER: Yeah, the CU.

COMMISSIONER HOMIAK: So you're continuing for them to add another petition.

CHAIRMAN FRYER: Well --

COMMISSIONER HOMIAK: That's not the same case with the one we just had.

CHAIRMAN FRYER: I suppose that's right. I'm inclined to agree with Commissioner Fry that -- on the issue of public benefit. In addition to hearing from the neighbors today, there will be a NIM, and we -- most of us, I think, listen to those NIM recordings. I know I do and others -- some others do. So we're going to be very fully informed as to exactly what is being requested more so, I think, than we are now and have a fuller picture. Just my personal opinion.

COMMISSIONER SCHMITT: Yeah, I would agree. I'm not happy with the continuance, but I would agree. It's too -- as Karl said, there is a public benefit to this. And, of course, then the applicant has the opportunity to certainly hear what the neighbors say, and at that time they may even choose not even to bring it forward. So that's -- that's between you and your client and the community when you -- when you present to them the plan and they present to you their views and feelings, which I sense, as Karl did, that these are -- they're all here to support your petition; is that correct? No?

COMMISSIONER HOMIAK: Not a single one.

CHAIRMAN FRYER: Okay. Anyone else want to be heard? If not, I'd entertain a motion.

COMMISSIONER SCHMITT: I make a motion we continue.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER FRY: Second.

CHAIRMAN FRYER: Any further discussion?

COMMISSIONER HOMIAK: As long as we're going to hear every speaker today.

CHAIRMAN FRYER: Yeah, we are. We absolutely are.

COMMISSIONER HOMIAK: And at the next meeting.

CHAIRMAN FRYER: Yes, yeah.

Further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, Mr. Davies.

MR. DAVIES: Thank you very much.

CHAIRMAN FRYER: All right. Now it's time for us to hear the members of the public on the Goodland --

MR. BELLOWS: Mr. Chairman, I'd just like --

CHAIRMAN FRYER: Go ahead, Mr. Bellows.  
MR. BELLOWS: -- to clarify. This is -- the continuance is --  
CHAIRMAN FRYER: Sine die.  
MR. BELLOWS: Yes, but with the intent that he comes back as a companion item with  
the --  
CHAIRMAN FRYER: Oh, yeah.  
COMMISSIONER SCHMITT: It will be continued indefinitely, correct?  
MR. BELLOWS: Yes.  
COMMISSIONER SCHMITT: So it's readvertisement, the entire aspect of a conditional  
use.  
MR. BELLOWS: Yeah. I just wanted to make sure that the motion was that he come  
back with the conditional use.  
CHAIRMAN FRYER: Good clarification, and also that it was indefinite.  
Okay. Do we have public speakers registered?  
MR. YOUNGBLOOD: Mr. Chairman, we have nine registered speakers in person, and  
we also have one online.  
CHAIRMAN FRYER: Very good.  
MR. YOUNGBLOOD: Our first registered speaker is going to be Dr. Greg Bellow,  
followed by Tara O'Neill.  
CHAIRMAN FRYER: Thank you.  
DR. BELLOW: Okay.  
CHAIRMAN FRYER: Would you please repeat your name. I didn't get it.  
DR. BELLOW: Dr. Greg Bellow.  
CHAIRMAN FRYER: Bellow?  
DR. BELLOW: President of the Goodland Civic Association.  
CHAIRMAN FRYER: Thank you. And you're speaking on behalf of the association?  
DR. BELLOW: Yes, I am.  
CHAIRMAN FRYER: Thank you.  
DR. BELLOW: I've been president approximately nine years; know pretty much most of  
the Goodlanders pretty well.  
We're here for the reasons of protecting our little community. Ray Bellows, who's a very  
good friend of ours -- Ray, you remember when we put this thing together?  
MR. BELLOWS: I sure do.  
DR. BELLOW: Okay. Do you remember how much work we put behind us to protect  
us?  
MR. BELLOWS: Yes.  
DR. BELLOW: We put the Goodland zoning together.  
MR. BELLOWS: Yes. We have a zoning overlay as a result of numerous meetings  
down in Goodland to come up with an overlay that provides for the fishing village atmosphere that  
they wanted.  
CHAIRMAN FRYER: Doctor, I'm going to ask you to address us.  
DR. BELLOW: I'm sorry.  
CHAIRMAN FRYER: That's all right.  
DR. BELLOW: I just felt the need to say hello to Ray.  
CHAIRMAN FRYER: I feel that way sometimes, too, but not often.  
COMMISSIONER FRY: Once every two weeks.  
CHAIRMAN FRYER: Yes.  
DR. BELLOW: The reason you're having such a huge turnout is because there's a huge  
opposition. This Goodland as -- did you all receive my e-mail by chance? Okay.  
CHAIRMAN FRYER: Yes.  
DR. BELLOW: Goodland -- have you all been to Goodland?

CHAIRMAN FRYER: I have.

DR. BELLOW: Okay. Goodland is a residential community. We have 29 commercially zoned properties on Goodland. The rest are residential. They're either village residential, village residential condominium, or village residential trailer. So it's a predominantly residential community. It's a community that's unique in that it has received the allowance of golf carts to be driven legally on our roads. I believe we're the only -- maybe one other community has had the approval by the Board of Collier County Commissioners to legally have golf carts on our roads for transportation without the need for registration and normal DMV requirements.

We have no sidewalks in Goodland. Our roads are typically narrow. People walk -- go out for walks; they walk on the road. It's very, very residential.

The property that is in question here is a residentially zoned piece of property. It's surrounded by homes on both sides, completely residential. No commercial zoning on that -- on that portion of the road. There's other neighborhood lots that are vacant right now that are also zoned residential; one directly across the street from my house, a bunch of them, you know, throughout the island.

This zoning overlay was put in place with the help of Ray Bellows, and it was put in place to protect Goodland from developers coming in, doing things that were going to be monetarily profitable for them at the expense of this community.

We are not interested in that. If this was a zoned commercial lot, we wouldn't be here. We would be home welcoming -- welcoming them to Goodland. This is not that. This is a residential lot that is going to change the life of the people surrounding it.

To even be considered is disgusting. It's something that doesn't make any sense, and that's why I'm glad Ray's here, because Ray was one of our soldiers who allowed us to protect ourselves. How many communities go through the effort to create a zoning overlay for themselves? Because we have a reason to. Goodland is very vulnerable.

We put out a petition -- and just to give you a two-second point here. We put out a petition to the Goodlanders to freely sign if they were opposing this act.

There's approximately -- there's roughly 500 residents if you could count everybody on Goodland during -- you know, if you brought everybody to Goodland, there would be about 500 residents. This is the off-season. Half of our residents are up in Michigan and somewhere else. The petition we sent out, we have 243 signatures we got in the last five days; 243 residents said no, we're not interested.

We want you guys to consider something. This is a tiny community that's constantly being approached by developers for their own gain. And we are lovers of our community. We treat Goodland like it's our child. That's why we're here, because we care. We need you guys to consider that, and we need -- we need seven votes when the time comes. I don't know if I'll be able to be at that next meeting. I hope I will, because I want to speak again. But you guys have got to know this is how passionate we are, and we need seven nos, because we need to go to the commissioners and do this over again, because they're not going to stop with you guys. They're going to keep going.

Thank you.

CHAIRMAN FRYER: Thank you, sir.

Next speaker, please.

MR. YOUNGBLOOD: Our next speaker is Tara O'Neill, followed by Dr. James Seegers.

MS. O'NIELL: Good morning.

CHAIRMAN FRYER: Good morning.

MS. O'NIELL: My name is Tara O'Neill. I actually grew up on Marco Island but for the past 25 years have been a year-round resident and homeowner in Goodland.

I would like to thank the Commission for the work you do for small villages like ours. You are all we have between ourselves and our demise. That's a lot on your shoulders, and I appreciate your work.

Goodland's existing overlay was established by a community majority to protect our village neighborhoods. A quick aside, the late Nancy Olson, former regional director of parks and rec, that included Goodland, maintained that Goodland had more historic structures per square mile than any other community in Collier County. And I maintain that little villages like ours can and do die the death of a thousand cuts when you start snipping away at the existing rules. We worked really hard on that overlay, all of us as a community coming together. I think that's a rarity and a precious thing. But if you start making these changes, it is how we lose our history, our way of life, and our quality of life.

I oppose any changes to our hard-won overlay that is not a benefit to the entire community. Thank you.

CHAIRMAN FRYER: Thank you, ma'am.

Next speaker, please.

MR. YOUNGBLOOD: The next speaker is Dr. James Seegers, followed by Jim Inglis.

DR. SEEGER: Mr. Fryer and members of the committee, thank you.

I'm Jim Seegers, and I'm going to hold my -- some of my comments. I would just like to say this: Many of us have read the 47 pages that are due today. No one from the community has recommended or suggested or wished for a continuance. This is entirely on the side of the opposition.

The Goodland strong community is here today, and they're loaded for bear. They aren't just here. They're upstairs. And that term came about when we came together when the hurricane hit back in -- let's see. That was 2017.

This is an advantage to the applicant. We are ready.

I'm going to hold the rest of my comments, because this is just the tip of the iceberg, and it's a very large iceberg. And I'd like to save my comments for that meeting. Could we have ample notice? Some of us have traveled thousands of miles to be here. It's important that we have ample notice, if it pleases you folks.

Thank you very much.

CHAIRMAN FRYER: Thank you, sir.

Next speaker?

MR. YOUNGBLOOD: Our next speaker is Jim Inglis, followed by Mike Barbush.

MR. INGLIS: Good morning. My name is Jim Inglis. I've had a home in Goodland for 51 years, and I'm speaking today because our community opposes having a conditional use added to the Goodland Zoning Overlay based on one person's request. The overlay was developed by the community, and if there's changes needed to the overlay, the community should be making that request and putting the facts together and deciding what to do and, specifically, the one that's being suggested now would never get approved by the community of Goodland.

Goodland is mostly a residential community. There's 360 properties out of 397 that are residential. That's 90 percent of the properties are residential.

Residential sections in Goodland have roads that are narrow. There's no sidewalks. We're a golf cart community. We have a playground for the children in the community. We all like to walk our pets out on the streets within our community. And if somebody wants to add a commercial business to Goodland, we have 29 properties that are commercially zoned, and I think they should be talking to those places, if that's what their interest is.

So to summarize, I've been here 51 years. I'm the treasurer of the Goodland Civic Association. Two hundred forty-four people in Goodland have signed a petition saying we don't want to make this change, and so I would ask you to please not approve a conditional change to the Goodland Zoning Overlay, because that change affects every property in Goodland. It overlays everything. So please help us stay residential, and don't make this change. Thank you.

CHAIRMAN FRYER: Thank you, sir.

Next speaker, please.

MR. YOUNGBLOOD: Our next speaker is Mike Barbush, followed by Edward Fullmer.

MR. BARBUSH: Good morning. My name is Mike Barbush. I'm a 41-year resident of Goodland. I'm currently the vice president but have been president in the past a number of, number of years.

I'm going to echo some of the things, and I'll be brief here. We did the overlay originally because a lot of our lots were nonconforming in Goodland. The original impetus for the overlay was to get everybody nonconforming so if we had an Irma hit us we could rebuild exactly what we had.

Unfortunately, after Irma, FEMA steps in, and we've got some conditions or whatever. But the original impetus was to get all of our lots conforming, because a lot of them were nonconforming. That morphed into having crab traps in our yard, having a motor home in your front yard, and everything that makes Goodland Goodland.

Fifty-one percent of the homeowners in Goodland agreed to this. Now, you can take three people outside and ask them what color the sky is, and you're going to get three different answers. And as Jim said, for one person to crack into our overlay -- which is something that we value greatly not only because of the property values there, but it's our lifestyle. And we -- I seriously think that if we break this, we're going to have -- all of our residential lots are affected, and I oppose this.

And I'm sure we can have meetings with the applicant and all that sort of thing. Maybe we need to have a Collier County sheriff at these meetings. We will -- we will do our part. We've been through this. I personally have been through this several times. The boat park, you know, Margood. I mean, there's numerous, numerous things that we worked with the county. You-all just gave us two -- almost \$2 million to do our road.

We are with you-all, but you can see from everybody here and everybody that's upstairs that we are unified, and we do not want this project to proceed. Thank you.

CHAIRMAN FRYER: Thank you, sir.

Next speaker.

MR. YOUNGBLOOD: Our next speaker is Edward Fullmer, followed by Seton Motley.

CHAIRMAN FRYER: Thank you.

MR. FULLMER: Hey.

COMMISSIONER SCHMITT: Hey, how are you?

CHAIRMAN FRYER: Did the court reporter get one? Can you provide one to the court reporter, please, sir.

Please proceed, Mr. Fullmer.

MR. FULLMER: First of all, I'm going to say good morning, Mr. Chairman and members of the planning board.

Everybody is new here except Joe Schmitt and Ray Bellows to me.

COMMISSIONER SCHMITT: This is your first time at the podium, right?

MR. FULLMER: No. It's got my name written here.

First of all, I'd like to say, Goodlanders, hold your hands up. As you see, we're up here because -- I was president back when we did this. Let me read my speech, and I have a few other comments.

My name is Ed Fullmer. I'm a 23-year-old resident of Goodland. Take this off. I was a member of the Board of Directors of the Goodland Civic Association for many years and president of the association during the time that our zoning overlay was created. The history of the Goodland Zoning Overlay District, the GZOD, in the late 1980s and '90s, Marco Islanders voted six times to incorporate the city, the island as a city.

It wasn't until the area of Goodland was drawn outside the proposal incorporation area and fewer nay votes. There were enough votes that finally was in favor of the incorporation in August of 1997. That win was only by 181 votes. And with that, again, lost if Goodland hadn't voted. We had 300 votes six times to keep it not a city.

As Goodland retained [sic] our governance of Collier County Commissioners, Goodland



was offered the opportunity to create a zoning overlay for our small area. Marco also offered us an overlay to join them with annexation, and we refused -- I was president then -- as our land uses are unique to other areas of the Collier County, Ray Bellows of the planning board spearheaded the project.

Committees were created, meetings held, questionnaires, surveys, voting by property owners and residents, taking well over a year, yielding the Goodland Zoning District Overlay next -- not to be changed, not to be changed, not by the planning board or this private petitioner, not only by the votes of the property owners -- for the voters of Goodland to change it.

Now, Chokoloskee does not have an overlay. Copeland does not have an overlay. Immokalee does not have an overlay, but we have our overlay. In 20 years, nobody has tried to change it until this one gentleman that's trying to change it.

And I know for a fact -- you can see the people here today and the 244 petitions that were made in five days -- that we are completely opposed to it. We are the only ones that can change our zoning.

I don't want to be offensive to you, but I was president then. Mike was my vice president, Ray Bellows was my treasurer.

So we fought to keep antimonium [sic] out of there. We fought to keep stackage [sic] out of there, and we kept the developers out of our community. We want to keep this operation out of our community. It's zoned residential. And you can change all the residential you want in Collier County, but you can't change ours unless we vote for it.

Thank you very much.

CHAIRMAN FRYER: Thank you, sir. Before we take our next speaker, I want to acknowledge that it's almost 25 minutes after 10:00. After this next speaker, we will take our midmorning break. Next speaker, please.

MR. YOUNGBLOOD: Our next speaker is Seton Motley.

MR. MOTLEY: I'm cool with it. You're fine. I have an immune system. Thanks. Seton Motley. I appreciate you guys doing this.

CHAIRMAN FRYER: Excuse me. Would you mind spelling your name, sir.

MR. MOTLEY: Oh, yeah. My parents named me that and wonder why I was a musician. S-e-t-o-n. Motley, like the bad '80s metal band, M-o-t-l-e-y.

CHAIRMAN FRYER: Motley. Thank you.

MR. MOTLEY: I wanted to speak for a couple reasons. One of them is, as you can see, I'm a little younger than most of the residents of Goodland. I bought into Goodland -- a couple years, couple years. I bought into Goodland in part because of this overlay. I wanted this. I moved -- I bought my house in 2017. I haven't been there forever. Bought it in 2017.

I'm going to tell you my brief odyssey in Goodland. I think most of the people know it even if they don't know me yet. I bought the house in February 2017. Lived there three months, moved back to Maryland, went back to Maryland, did \$60,000 worth of renovations. The house was then flooded and destroyed by Irma.

I then built an entirely new house. I intentionally built it with stucco to match the old stucco of the old house. So I put probably a million bucks into this house in Goodland. It is now three lots down from this proposed gas station.

I am vociferously opposed to this. He came to me four months ago, pitched it to me, and I told him he could stick it. He didn't talk to anybody in the community about this. He tried to sneak this through. We had a meeting last week. The entire community was -- anyone that wasn't living in Michigan or New York and New Jersey was in that room. He didn't come to the meeting. He's made no outreach. He tried to sneak this through. So there's no -- there's been no outreach to the community, any the reason he hasn't done any outreach is because he knows we're all unanimously opposed to this. I wouldn't say unanimously. There's one guy who's holding out that I know of, but...

But this is a terrible idea. This overlay exists for a reason. There are people like me who

will want to buy into the community, just as I did, because of this overlay. As he points out, no one can change it. I did a lot of research, but I bought this house.

The point of the overlay was only the people of Goodland can change it. And to have this one person come in and want to open a gas station for boats when we already, by the way, have two gas stations on Goodland, which is the size of a postage stamp. We don't need a third gas station.

I just refer to a gas station; it's a marina. You know what I mean. There's no need for this. There's no desire for it. And it shouldn't happen. Thank you.

CHAIRMAN FRYER: Thank you, sir. And we will now --  
(Applause.)

CHAIRMAN FRYER: Thank you. Ladies and gentlemen, let's refrain from that, please.

COMMISSIONER SHEA: Can we ask a question?

CHAIRMAN FRYER: Of course. Go ahead, Commissioner Shea.

COMMISSIONER SHEA: Speakers have said that this can't go through without their approval. Counsel, is that true? Or why are we hearing it if that's the case?

CHAIRMAN FRYER: Not the case.

MR. KLATZKOW: That's more of a hope than it is a reality.

COMMISSIONER SHEA: Okay. I just want to make sure.

CHAIRMAN FRYER: Any other questions or comments before we go in recess? All right, we'll be in recess for 12 minutes until 10:40.

(A brief recess was had from 10:28 a.m. to 10:40 a.m.)

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

MR. YOUNGBLOOD: Mr. Chairman, we have three more speakers for this item. Our next speaker is going to be Jessica Thomas, followed by Ray Bozicnik.

CHAIRMAN FRYER: Thank you.

Ms. Thomas, you have -- do we have a quorum? Now we do. You have the floor.

MS. THOMAS: I do?

CHAIRMAN FRYER: Yes.

MS. THOMAS: Good morning, and thank you all for the opportunity to speak today. Hello. I haven't seen you in a long time.

I am a Collier County native with family roots going back to the early pioneering families of the 1800s. My family were commercial fishermen and boat builders, and I spent many a Christmas break helping my grandfather during mullet season. I know what a commercial fishing operation looks like, smells like, sounds like.

It is not something that you want next door to your home. I mean, if you think about it, there are ice machines that run 24/7 and drop ice, bang, boom, all that kind of noise. Boats starting up before the crack of dawn. I mean, this is not what you want to live next door.

For the record, I'm fairly new to living on Goodland. I purchased my house -- excuse me. Catch my breath -- in 2017, but I've known Goodland my entire life, and it is not what is being described in the staff report. It is a residential community where we enjoy our water access, quiet streets, and peaceful enjoyment of our community.

A commercial operation for processing oysters and shellfish and the wholesale and retail of the same would require commercial traffic on a small residential street, lots of it. And I can tell you, I go down that street in my golf cart. I have a hard time navigating the street on my golf cart just turning around on that street, so I can't imagine how commercial traffic will, you know, go on that street.

I also notice in the application that it is for an ecotour business and retail sales. And it's my opinion that that is nothing more than a false flag. The oyster part of it is nothing more than a false flag.

It doesn't make economic sense that you can develop that property at the cost of the property and the revenue that would be generated from a small oyster farming business to support

all of that. So I think the oyster farming is the false flag to get you all to approve this change. And it's really about running a fueling dock, a retail business of which we don't need on the island, and the ecotour business, and rent paddleboards, excuse me. Yeah, yeah.

So this whole idea of claiming to educate about oyster farming and taking tourists to see a bunch of floating jugs with oyster bags, nobody really wants to do that. I really think what they are intending to do is that retail and ecotour business. And, personally, I don't think we need any more of those on Goodland. We have several that are operating out of our boat ramp right now. And some of them are really good operators and do what they're supposed to do, but others of them, there's nothing about an ecotour business going on whatsoever. They are chasing dolphin to get them to jump in their wake, and they're just bringing hordes and hordes of tourists to pick shells. I mean, that's basically what it is, and they're making a lot of money doing it. They're doing it out of the boat ramp.

So for this operation, where does he intend to park the people that are going to be taking the ecotours or renting his paddleboards and all of that on this small residential street? Our boat ramp parking facility is already jammed to the gills with the businesses that are running out of the boat park. There is frequently no place to pull in with your vehicle and boat trailer to launch your boat because the parking spaces are all taken by people on these ecotours. So, I mean, that really impacts us.

The staff report confirms that there are adequate parcels on Goodland that would meet the .25 acres requirement. So if this amendment is approved, any waterfront property or combination of lots that would equal .25 acres or more could be used for commercial oyster harvesting, ecotour retail business. I don't want to live next door to that. They don't belong on our residential streets. This would really devalue our property and disrupt our peaceful enjoyment.

The existing commercial property on Goodland, if you think about it -- you've all said you've been there. Starting at Stan's and going all the way around to the Crabby Lady has long been established and accepted by the community, enjoyed by the community, some of it going back to the 1940s. So anyone that bought adjacent to any of those existing properties knew what they were buying when they purchased a home. The rest of us that have all purchased our homes did so without any commercial property next to us. So to try and change that on us now is completely unacceptable.

I don't believe this amendment is in the best interest of Goodland or the future of the island, and permitting commercial and retail operations on residential streets is not the way forward.

I ask that you carefully consider the impact this amendment would bring to residential property owners and our way of life on Goodland, and I ask that it be denied.

CHAIRMAN FRYER: Thank you, ma'am.

MS. THOMAS: Thank you for your time today.

CHAIRMAN FRYER: Thank you. Next speaker.

COMMISSIONER SCHMITT: I have --

CHAIRMAN FRYER: I'm sorry. Commissioner Schmitt.

COMMISSIONER SCHMITT: You mentioned the ecotours out of the boat park. That's the county --

MS. THOMAS: Yes.

COMMISSIONER SCHMITT: -- park? Okay. Because now, just for clarity, was there concerns from the Goodlanders about the ecotours running out of the park?

MS. THOMAS: Yes.

COMMISSIONER SCHMITT: Okay. Because my understanding, there's really no prohibition against it, but there is a concern because it's public parking but, yet, the ecotour, the boats pull up, take customers, and take them out.

MS. THOMAS: Correct.

COMMISSIONER SCHMITT: But as far as you know, or is there -- as far as I know,

there's no prohibition against that. Is that in violation of the overlay? I don't -- I didn't think it would be.

MS. THOMAS: I don't like it, but I don't think it's in violation of anything.

CHAIRMAN FRYER: Excuse me, sir. We can't have people in the audience speaking up.

MS. THOMAS: Two different issues.

COMMISSIONER SCHMITT: I understand, but you talked about -- you brought it up in your comments about ecotours out of the park.

MS. THOMAS: Yeah. I mean, I really think that this oyster farming operation is the vehicle to get -- you know, is the wedge to get in to change the amendment to accommodate commercial businesses like this. I don't think anybody can make money off of an oyster farming business. I don't think there's any commercial market for that. Like I said, I'm a native of Collier County. I wouldn't eat oysters out of that water. It's too hot. Would any of you?

CHAIRMAN FRYER: Ma'am, please.

MS. THOMAS: No. It's a false flag. It's about having a retail business, an ecotour business, a paddleboard business, in a residential community on a residential street.

COMMISSIONER SCHMITT: Okay.

MS. THOMAS: And the oyster farming is just the, oh, the state wants -- likes this and, you know, so therefore we should do this because aquaculture is a good thing. I don't deny aquaculture is a good thing. It just doesn't belong on my residential street.

COMMISSIONER SCHMITT: All right. Thanks.

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

Next speaker, please.

MR. YOUNGBLOOD: Mr. Chairman, our next speaker is Ray Bozicnik, followed by our online speaker, Scott Kellett.

CHAIRMAN FRYER: Thank you. Is the gentleman in the room, please?

(No response.)

CHAIRMAN FRYER: Okay. All right. We'll go with the online then, please.

MR. YOUNGBLOOD: Our online speaker is Scott Kellett. Mr. Kellett, are you with us?

CHAIRMAN FRYER: Mr. Kellett?

MR. KELLETT: I am. Can you hear me?

CHAIRMAN FRYER: Yes. Please proceed, sir.

MR. KELLETT: Good morning. Yes, sir, thank you. Good morning, and thank you to the Commission. My name is Scott Kellett. My wife and children moved to Goodland in 2009, and we have owned properties there ever since. We moved there with the expectation and the protection of the Goodland Overlay specifically having a reasonable expectation of quiet enjoyment in our residential neighborhoods and where you're surrounded by homes that are either multifamily or single-family residential. You never in your life would think you would wake up with the idea that at some time in the future, because of a change in the overlay, you have created a -- or the Commission would have created commercial lots where none were envisioned simply because they were over 2.5 [sic] acres or collectively 2.5 acres and adjacent to the water, and all of a sudden you would afford them the ability to run two ecotour -- air quotes, "ecotour" -- boats out of the property that is otherwise residential and having all the requisite traffic, noise, et cetera, that's been discussed simply by virtue of an overlay change.

The change in the overlay that is suggested substantially negatively impacts the quiet -- the expectation and the quiet enjoyment of a residential neighborhood, and Goodland's 90 percent residential. So that's the largest concern.

Obviously, we know legally the Commission can change it, if necessary or needed, but the facts are, there's been no change since the overlay was created that justifies any change to it, and as many people have alluded to, they've done so and come to Goodland for the very reason, the protection of the overlay and the uniqueness of the way Goodland operates.

Can you imagine if you had a house and because of the change in the Commission, all of a sudden someone could run a retail establishment or boat tours or motorcycle tours out of the house that you had always and forever known as a residential piece of property? That's the same thing that's being suggested here, which it flies in the face of reasonableness.

And while you can legally change the overlay, we realize that, the facts are that we believe that this group and the Collier County Government as a whole must absolutely defer to the majority or the will of the people.

Now, as a side, as many people have testified, we haven't gotten into the water quality or the noise or the light pollution, the fact that there's no sewers on Goodland -- there's actually a few, but most residential places don't have sewers, and then the traffic. Fifty-two thousand cars in a two-week period in March, as reported by the Collier County Sheriff's Association. The residential use of that property and where it is simply is incongruous with any commercial operation. But the worst thing is changing the overlay sets a precedent that would then afford more commercial operations that, again, are just simply incongruous with the way of life and with a residential community. If you haven't been out in a boat or on an ecotour, I'd be happy to take you. The residential dolphins that are out there being harassed with boats and jet skis sitting on top of them are actually residents of the greater Marco and Goodland area. They don't travel north or south. They're not the larger bottlenose dolphins that you see out offshore. They're actually residents. And so if they die or they're harassed, they won't replicate and, therefore, you lose that community of dolphins, meaning they don't go to the -- the Goodland dolphins don't go to Naples, and the Naples dolphins don't go to Goodland.

But the bottom line is, and most critically important, is the fact that this is a false flag to try to get an ecotour and gas stations that are just incongruous with what's going on in Goodland and I think should be denied.

I guess, from a procedural standpoint, I would respectfully ask the petitioner to afford all Goodlanders the opportunity to comment on this, and that means that all Goodlanders need to be back in town. And so having these types of hearings and trying to run this through the Commission during the summer months is a -- at least disingenuous, and we would respectfully ask that if we have this NIM meeting that it be done, at the earliest, September or October so if they really want the input of the community, we should have adequate notice and able to afford people that are traveling ample time to get a calendar -- get this on their calendar so they can participate in person.

If they really want our input, then we need to have the opportunity to do so, and that's a meeting in September or October at the earliest, and then we could bring it back to this group. So I would respectfully ask the petitioner to afford the citizens of Goodland that opportunity.

And with that, I'll finish, and I appreciate the opportunity to speak this morning. Thank you.

CHAIRMAN FRYER: Thank you, sir.

Question for the County Attorney. It's my understanding that the NIMs have included remote participation and, presumably, they could continue to do that, could they not, even after June 25?

MR. KLATZKOW: Yeah, there's no prohibition whatsoever one way or the other on conducting a NIM.

CHAIRMAN FRYER: Okay, thank you. All right. Are there any people who have not registered --

MR. KLATZKOW: I will tell you this, though. In the past, representatives for the developers have said, well, the LDC doesn't require it, so I don't have to do it. So if that's something the Planning Commission wants for this particular thing, I would suggest that you make that as part of a motion because it's -- to my knowledge, it's not required by the LDC.

CHAIRMAN FRYER: The remote aspect of it?

MR. KLATZKOW: Yeah, and they tend to do the minimum requirement.

CHAIRMAN FRYER: Okay. All right. Mr. Davies, would you approach for a moment, please, sir. And my question is going to be, would you be willing to provide for full remote participation at the NIM?

MR. DAVIES: Yes, sir. No objection to that.

CHAIRMAN FRYER: Thank you very much.

Let's see. Any people in the room who have not registered to speak wish to be heard on this matter today, now would be the time. And you'll all be permitted again, of course, to speak on -- when this is continued to -- we are going to continue it indefinitely if we continue it.

(No response.)

CHAIRMAN FRYER: Well, actually, we already have.

Anything further to come from the Planning Commission on this before we go to our -- apparently not.

All right. Actually, I'm going to ask Mr. French to come forward and make an announcement or two, and then we'll go to our fourth agenda item.

COMMISSIONER VERNON: While he's coming up, can I just make a comment on what I just heard?

CHAIRMAN FRYER: Please do.

COMMISSIONER VERNON: So what I heard was that the folks on Goodland, very well organized, very well spoken, are simply against a commercial property. And I've heard two of the commissioners indicate -- and everybody can always change their mind, but indicate that there needs to be some appeasement of Goodland folks for this to go through. So I think Mr. Davies, from what I've heard, is going to have a tough road ahead of him. And I would say that that NIMs meeting is probably going to be pretty emotionally charged. And I just think that it would be in everybody's best interest to try to make that NIMs meeting as productive as possible. And you can always, Goodland residents, always say no to whatever they propose, but I'd say I think it's in everybody's best interest to try to make that meeting productive. Because I took a bunch of notes, so if you don't show up, I'm going to my notes. I know what you're thinking, and I heard you. So I just urge everybody to have a productive NIMs meeting.

CHAIRMAN FRYER: Thank you, Commissioner.

Mr. French.

MR. FRENCH: Good morning, Mr. Chair, Commissioners. For the record, my name is Jamie French. I'm the deputy department head for the Growth Management Community development element of the Growth Management Department.

Just very quickly, as you'll see, we're joined today by Mike Bosi. Mike has been -- I think this is his second week back at the county. Mike was 17-plus years with the county prior to him leaving and going to work in the private sector. But, really, we're a work in progress, as you can see. We've had some staff changes and the county underneath the direction of a new County Manager. So more to come on how our organization will look.

But I just wanted to take the opportunity to welcome Mike but also to thank Anita Jenkins who is also a director within the Growth Management Department. Both will be teaming up. It's a work in progress as we begin to transition and look back more towards that community development environmental services model that was -- I had the opportunity and pleasure to serve under Joe Schmitt at the time. So as we look at that, you're going to see -- you're going to continue to see some new faces.

I also wanted to let you know -- and just a big thank you to Matt McLean. Matt McLean will actually be leaving us. Friday is his last day with the community development and environmental services or the regulatory side of the house as he transitions over to the capital side of the Growth Management Department heading up stormwater and capital projects. And I think it will best suit the county -- it's great for the organization to have someone with that level of design and practical experience in the field but also his seven-plus years of regulatory knowledge into that role. And Matt's done a phenomenal job.

But, again, first to welcome Mike; second, to continue to thank Anita, her leadership, and her -- certainly her knowledge of the subject matter, and her professional etiquette has not gone unnoticed, and we certainly appreciate her for all of her efforts and continued efforts in the future. But then again also to say, you know, not farewell. You'll still see him. He'll just be in a different role. And more to come on that.

And so we'll have more staff announcements as we move forward, but so charged up, like me coming back. And not that it matters, but I did have the opportunity to work with some of the Goodlanders over the last five months or six months ago. When I was heading up public services, I had the opportunity to go down and -- as a child growing up here, I look at Margood Park, and I think about what it wasn't and what it is today and the renovations that are going on there and teaming up with the Marco Historic Society as well as Goodlanders as they move forward to make that community even better. But I can say I remember Stan's when it had a boat ramp, and I know most of these folks can as well.

But, again, thank you to you for all the service you bring forward. We will be having some discussion with the Planning Commission as these executive orders begin, as we believe that they'll expire on how we'll conduct meetings with you going forward and certainly appreciate your time. I know you're all volunteer, even though Joe is always asking for a raise. But we do, because your time, much like the community, is voluntary, whereas if staff, as well as the petitioners, in many cases, they're paid, paid employees.

So thank you all for that. And if there's no further questions, I'll just tell you guys to have a great day.

CHAIRMAN FRYER: Thank you. Yeah. I'll say on behalf of the Planning Commission, warm welcome for the return of Mike Bosi and also much appreciation to Ms. Jenkins for her continuing service, and also, Matt, good luck to you.

All right. Actually, we're not really ready to go to the fourth item, because we're still at our Agenda Item No. 4, which is Planning Commission absences. So with a reminder to my colleagues, we are not going to be meeting on July 1st. Commissioner Schmitt, you weren't here, but that was -- that action was taken at the last meeting. And our next meeting is on July 15. Does anyone know if he or she won't be able to attend the July 15 meeting?

COMMISSIONER SCHMITT: I will not be at the July 15th. I'm taking a vacation that week, the middle of July. I really thought we would not have a meeting that week.

CHAIRMAN FRYER: And we may not. Okay. Understood. Thank you. We'll still have a quorum.

COMMISSIONER FRY: I move that Joe flies back for the meeting.

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: With a plane or without?

COMMISSIONER FRY: Doesn't matter.

COMMISSIONER SCHMITT: I was hoping to have the first of July meeting, but -- okay. So that's canceled. 1 July is canceled.

CHAIRMAN FRYER: Yes. Also, we have relatively few matters on our upcoming agendas, and we only have one thing now on for August 5th, and that's the Santa Barbara matter. I don't believe we have anything on at this point for August 19. And so I would propose that we give ourselves another vacation day, well deserved considering how hard we've worked the last year on many difficult matters, and cancel our meeting for August 19th.

I spoke with staff at my regular staff meeting about this on Tuesday, and there was no objection expressed then. And someone could nod yes that there's still no objection from staff.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Mr. Klucik.

COMMISSIONER KLUCIK: Yes. The August 5th meeting I will actually be on holiday.

CHAIRMAN FRYER: Okay. Understood.

COMMISSIONER SCHMITT: Yeah, I will be missing the 5th as well, the way I planned this, but -- unfortunately I'll be missing the 5th. I was available the 19th, but -- so...

CHAIRMAN FRYER: Well, we've continued the Santa Barbara thing to the 5th, and I was going to suggest --

COMMISSIONER KLUCIK: Which we could change since it's, you know, not in the best interest, necessarily, if all the commissioners can't be there.

CHAIRMAN FRYER: Well, I'll ask staff to weigh in.

MR. BELLOWS: For the record, Ray Bellows. Because of the length of the continuance anyways, it's going to have to be readvertised, so either date will work.

CHAIRMAN FRYER: Okay. What is the -- what is the wish of the other members of the Planning Commission?

COMMISSIONER VERNON: I'm pretty flexible, but if we had a meeting on the 19th and we canceled the meeting on the 5th might be a good option.

COMMISSIONER FRY: If that means we have everybody here and we're at full strength, then absolutely.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Then I think it's the unanimous consensus of the Planning Commission. Now, we'll need to notify the applicant on Santa Barbara that it's being moved to the 19th.

MR. BELLOWS: We will follow up today with conversations about the issue with attendance of the Planning Commission and what happened.

CHAIRMAN FRYER: Okay. Great. So then we will be canceling our August 5 meeting, and we will reconvene for our meeting on August 19th and urge staff to use that date rather than reviving the August 5th date, if things do come in and need to be heard sooner. Thank you.

May I have a motion on that, that we're going to cancel --

COMMISSIONER SCHMITT: Make a motion as stated.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER FRY: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Thank you.

Approval of minutes. We have one set of minutes; those are -- they have May 20, 2021. They're now before us for action.

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.



COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously. Thank you very much.

BCC report and recaps, Mr. Bellows.

MR. BELLOWS: Yes. On June 8th, the Board of County Commissioners heard the SRA villages for Longwater and Bellmar. Those villages were approved by a vote of 4-1 subject to the Planning Commission recommendation with an additional change to adopt the affordable housing language offered by staff at the Planning Commission, and the town agreement was also --

COMMISSIONER SCHMITT: Can you clarify the language that was approved. Do you have that or --

MR. BELLOWS: I don't have it with me. I could see if staff has --

COMMISSIONER SCHMITT: Was it an increase?

MR. KLATZKOW: Yes, it was an increase.

CHAIRMAN FRYER: Yes.

COMMISSIONER SCHMITT: All right.

MR. KLATZKOW: Voluntary by the --

COMMISSIONER SCHMITT: Voluntary.

MR. KLATZKOW: Yes.

MR. BELLOWS: We'll be glad to forward the information.

COMMISSIONER SCHMITT: Yeah, please, if you would. I'd like just to understand the Board's thinking in that regard.

MR. BELLOWS: Yes.

COMMISSIONER SCHMITT: Thank you.

MR. BELLOWS: Also, they approved on their summary agenda, that was the Immokalee Road 7-Eleven PUD and companion distance waiver.

CHAIRMAN FRYER: Very good. Thank you much.

Chairman's report; none today.

Consent agenda, we have none today.

\*\*\*And so that takes us to the only matter, substantively, coming before us on the merits today, and it's legislative in nature. It's PL2021000603. It's a large-scale Growth Management Plan amendment to the Bayshore/Gateway --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner.

COMMISSIONER KLUCIK: Can I speak to what Mr. Bellows just noted?

CHAIRMAN FRYER: Certainly.

COMMISSIONER KLUCIK: Okay. So regarding the RLSA actions that the Board of Collier County Commissioners took, I would just note that contrary to various news outlets making it seem as if it was, you know, very divided and split, it actually was almost -- you know, I think the vote -- there was only one vote in opposition on anything in both our commission and the Collier County Commissioners.

And so I just think it's important to note that. Anything that I've read in any journalism, so to speak, seemed to sensationalize it as if everything was -- you know, there was this vast sentiment that could have overridden everything to go against it. And I think the two commissions actually showed that that's not -- I don't think that that was the case, and I don't think we, as commissioners on our commission or the Board of County Commissioners -- I think everyone is very attentive to

the people, certainly the people that are elected. The County Commissioners, they're very attentive to the people, and I think we are very attentive to the people. And I don't -- those were very lopsided votes for those actions, and I just wanted to underscore that.

CHAIRMAN FRYER: Thank you.

The matter coming before us is the Bayshore Gateway/Triangle Redevelopment Overlay. It's a large-scale GMPA. So if it's approved by the BCC, it will be coming back to us a second time for approval. And we'll begin with the applicant's presentation. The Chair recognizes Josephine.

MS. MEDINA: Yeah. For the record, Josephine Medina, principal planner with Comprehensive Planning section.

So this is a county-initiated Growth Management Plan amendment, and this was initiated by the request of the Bayshore CRA. And these amendments came from recommendations from the Community Redevelopment Plan update that was adopted by the Board of County Commissioners in May 2019.

So staff's recommendation for this is to move forward this petition for transmission to the Board of County Commissioners. I should note that there was one letter of -- one public comment letter that was attached to your agenda packet.

And with that, I have Laura DeJohn who is the CRA's consultant that has been working on these amendments to provide you an overview of the changes.

CHAIRMAN FRYER: Thank you. Welcome, Ms. DeJohn.

MS. DeJOHN: Good morning. Thank you. If I can just pull up a brief presentation to walk through what the proposed changes entail.

COMMISSIONER SCHMITT: While you're doing that, I have a question. The letter basically had to do with the density-bonus transfer, did it not, that -- I didn't -- that's the staff -- that the -- it was a comment, but it really had to do more with dealing more with the density bonus, did it not? It wasn't an objection.

MS. MEDINA: It was more, I think, dealing with urbanization of the area.

COMMISSIONER SCHMITT: Oh, okay. Yeah. All right.

CHAIRMAN FRYER: Thank you.

MS. DeJOHN: So, again, for the record, Laura DeJohn, a planner with Johnson Engineering here today on behalf of the Bayshore/Gateway Triangle CRA office, and also here today is Deborah Forester, the executive director of the Bayshore CRA office for any questions you might have.

Again, this is a -- it's called a large-scale amendment because of the process it goes through for state review. It is small in nature. We're looking at about four-and-a-half pages of revisions to the Future Land Use Element.

I just want to give a brief perspective. Where do the Bayshore/Gateway Triangle policies and regulations live, because we've got so many documents that kind of build up to these policies that we're talking about.

The redevelopment plan is, again, adopted per Florida Statute for the redevelopment area. The BCC adopts the redevelopment plan by resolution, and that latest update was done in 2019, which is directing the changes we're here for today.

Your Growth Management Plan, specifically the Future Land Use Element, is where Bayshore/Gateway Triangle Redevelopment Overlay exists and has existed since the year 2000. And there's a Future Land Use Element designation outlining the policies affecting the overlay, and the overlay is on the Future Land Use Element map, obviously. That's what we're here to discuss today is changes to the language in the Future Land Use Element.

One layer down, the Land Development Code, of course, implements any of these policies, and over time you will be seeing implementing Land Development Code changes also as part of your purview.

Today is just focused on the Growth Management Plan change, and redevelopment area

overlay is depicted in your staff report. I'm sure you're familiar with the Bayshore/Gateway Triangle area.

Now, quick highlights. These changes are regarding the density-bonus pool that has existed since the year 2000 within the Bayshore/Gateway Triangle area. Obviously, you know redevelopment areas are established based on a finding that there needs to be reinvestment in an area to help it where certain inefficiencies are happening or dilapidated structures are in that area, and so redevelopment is targeted in this area. And one of the incentivizing features of the Bayshore/Gateway Triangle area has always been that any existing allowed residential units that do not get built fall within a pool, and then that pool can be redistributed as bonuses to eligible developments.

So the bonus pool, existing since the year 2000, was derived from the Naples Botanical Gardens property when 388 units that could have been built on that property were not built and will never be built. The pool was established, and those 388 units were sitting there as incentives to bring the opportunities for development to the Bayshore/Gateway Triangle area, and it's been a success. So 266 units have been used, leaving 122 left. And since the update of the redevelopment plan, it was acknowledged that this needs to be updated as well 20 years later.

So what exactly is happening in the proposed amendments is to remove what's now a little out of date, just the finite reference to 388 units being in existence, because we want to keep replenishing that pool. So a mechanism is being created for some project other than Naples Botanical Gardens. Some CRA-owned property that is not getting developed for residential use could replenish the pool through mechanisms outlined in the amendment.

We're also changing kind of some unclear language that said any eligible development could ask for no more than 97 units dash 25 percent of the total pool to make that more concise, more strict. Now we're saying only 25 percent of the total density units available could be requested by the development community. That's, again, to keep this pool replenished and not have it, you know, totally consumed.

We are updating where residential-only bonus-pool eligible projects could be. Originally, they were allowed along Davis, Airport, U.S. 41, and Bayshore, and this is getting refined down so that residential-only projects using the bonus pool would have to be on Bayshore only.

There's a new opportunity we're creating, which is called the limited bonus-pool allocation. This is to address the reality that there are many small parcels in the CRA area, and there may be interest in very small allocations of the bonus pool, not a large PUD asking for large development to happen in the area. The bonus pool, again, which is units that already exist, are already entitled and allowed to develop in the area. They're just being, you know, made part of a pool, that up to four units could be accessed by a smaller development site through a limited-scale process.

And, finally, this refinement to the bonus-pool program is really aimed at making sure the use of the pool not only incentivizes some new development to occur but that development is beneficial to the area. So new criteria are proposed when using the bonus pool. It's not just a freebie. There would be public benefits brought by that developer who is getting the benefit of the bonus pool.

There's also a new provision to make sure bonus-pool units that are awarded have to be used or else they would revert back to the pool, because there's been experience with concern that bonus units get allocated and then might not be used. Then they're lost. So we're putting in an expiration provision.

This has been vetted for about a year now. We introduced the concepts to the CRA advisory board last summer, met with the CRA advisory board again in November with these precise revisions, refined one more time, came back to the CRA advisory board in January 2021 and got their recommendation for approval of these changes. You also have a nicely written staff report that lays out all of these proposed changes. There are findings and conclusions that support what's being done by the CRA in the interest of furthering their redevelopment plan, and they do recommend approval, so we'd request your recommendation as well.

CHAIRMAN FRYER: Thank you very much. No one has --

COMMISSIONER FRY: I do.

CHAIRMAN FRYER: Until Commissioner Fry did. Go ahead, sir.

COMMISSIONER FRY: You finished quicker than I expected, so thank you. Laura, can you describe any opposition, if any, that was expressed to these amendments, and what was the basis of that opposition?

MS. DeJOHN: These changes to the bonus density pool did not bring forth a lot of comment and opposition. I think it's because the pool program already exists, and this is a, you know, refinement of the program. I know just the terminology, like the quick -- quick look, when people say "bonus density," they think there could be some, you know, overdeveloping going on, and I think once there's education that this is a bonus pool that is derived from development potential that already exists, is just being, you know, pulled off of property that isn't developing residential and put onto residential properties, I think that's a helpful --

CHAIRMAN FRYER: If I may tag on to your explanation, Ms. DeJohn. There was an e-mail from a Joan Scannel or Scannell that we were copied on, and it was the subject of the discussion that I had with staff at my Tuesday staff meeting, and three points were raised, and the first one was, how much more density would be permitted? And it's my understanding that this is just a reshuffling of existing density, not adding new density.

MS. DeJOHN: (Nods head.)

CHAIRMAN FRYER: Then the second point was, she was very concerned that the current development appears to be already encroaching on the Everglades themselves. I believe that is not the case; am I correct?

MS. DeJOHN: This area is not in proximity to the Everglades.

CHAIRMAN FRYER: Okay. And then, finally, she raised the point that there are already existing empty commercial properties that have no tenants. And, typically, in a GMPA we, you know, have economic studies to show demand. And I realize, you know, there's some things coming in like Courthouse Shadows and other developments. But could you give us some comfort on the economic advisability of adding these residential uses.

MS. DeJOHN: Well, again, this is all derived from the Board-adopted redevelopment plan. So the analysis that went into the redevelopment plan adopted in 2019 did find that there was actually underutilization of residentially zoned property. A lot of multifamily residentially zoned property in the CRA is not occupied with as much -- as many units as the multifamily residential zoning allows. That was a finding in the redevelopment plan. And then this question or concern about lack of commercial occupancy in some commercial spaces, usually it's the increase in residential households that is going to support and sustain more commercial and occupancy of those empty spaces.

CHAIRMAN FRYER: So it would be your expert opinion and that of staff that the 2019 redevelopment plan is still valid and it still calls for more residential uses?

MS. DeJOHN: It calls -- yeah, it calls for the continuation of this bonus density pool program and the continuation of incentivizing the use of the bonus pool which, again, is not an increase in net number of units in the CRA. It's a reallocation of them in exchange for public-realm improvements.

CHAIRMAN FRYER: Thank you. Any --

COMMISSIONER FRY: I had one other --

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: One other question. Are there currently developments or projects out there that would be releasing, in the near term, units into the pool to help replenish the pool?

MS. DeJOHN: At this time there's not a certain project I can claim is ready to deposit units into the pool, but I am aware that CRA-owned property like the 17 acres along Bayshore Drive, once a final development plan is determined there, there would be a lift of residential units

potentially off of that CRA-owned property.

COMMISSIONER FRY: Okay. I notice just mathematically that you used to have a limit of 97 or 25 percent from the pool, but now you've lifted that limit. Now, right now there are 122 available units which is much less than 388, but I guess you have the possibility that more and more units could be replenished into the pool, which would mean that at some point, if you had 5- or 600 units and you now allow 25 percent, you could have one project asking for 100 or more units. Is that -- is that acceptable? I guess I want to make sure there's not an unintended consequence of these changes.

MS. DeJOHN: I can answer that. I mean, number one, it is unlikely to reach those -- the magnitude. As you can think about the size of the Naples Botanical Gardens and the 388 generated there, we will not have another piece of property like that in the CRA generating that magnitude of units.

And, secondarily, the request -- they are allowed to make the request; however, those requests still go through a public hearing process. So the potential for a high number of units to be requested and if it is somehow incompatible or inappropriate for the given site, that public hearing process is going to, you know, influence the number of units ultimately achieved.

COMMISSIONER FRY: Very well stated. Thank you.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: I had one question.

CHAIRMAN FRYER: Yes. Please, go ahead, Commissioner Vernon.

COMMISSIONER VERNON: It just sort of came -- and I'll use Karl's term, unintended consequences. During the process with the staff and your analysis and everything, did you ever talk about short-term rentals, residential rentals like Airbnb, VRBO, and whether this would have any impact on that? Or did it come up in the discussions?

MS. DeJOHN: I know that is a topic that gets raised during CRA advisory board meetings from time to time just in the community, but there was not a direct tie ever in our discussions about this continuation of a density pool program that already exists having some new consequences relative to that.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yes. Just one point of clarification, Laura, and staff may have to answer this. The recommendation is that this go forward to the Board of County Commissioners. But will it not first have to go to the Board acting as -- sitting as the CRA advisory board and they would vote as the CRA advisory board for approval and then vote as the Board of County Commissioners?

MS. DeJOHN: Well, this is a GMP amendment.

COMMISSIONER SCHMITT: Deborah may know. No?

MS. DeJOHN: No. Your GMP amendment is a legislative action that the, you know, Collier County Commission has purview over.

COMMISSIONER SCHMITT: So for clarity, then, this has already been approved in concept by the CRA advisory board, which is the Board of County Commissioners is sitting. No?

CHAIRMAN FRYER: Commissioner, take the word "advisory" out, then you've got the BCC.

COMMISSIONER SCHMITT: Okay. Well, they're the -- they are the -- well, the Board sits as the CRA board.

CHAIRMAN FRYER: Right.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: There is also an advisory board, but --

COMMISSIONER SCHMITT: Oh, correct. So they're the CRA board. Has this gone to the commissioners sitting as the CRA board?

MS. DeJOHN: So the CRA board gave direction to the CRA staff to move forward with regulatory changes including the one we're talking about today.

COMMISSIONER SCHMITT: I understand. I just want to make sure that that piece was actually included in the process. Okay. Thank you.

MS. DeJOHN: Good point. Thank you.

CHAIRMAN FRYER: Thank you, Commissioner.

Anyone else?

COMMISSIONER SCHMITT: I know that was confusing. Sorry. That's okay. We got her straightened out. Thank you.

Does Ms. Forester wish to be heard?

(No response.)

CHAIRMAN FRYER: No. Okay.

COMMISSIONER SCHMITT: Deborah doesn't want to steal victory out of the -- or steal defeat out of the jaws of victory; is that what --

CHAIRMAN FRYER: That's exactly what it is, right.

Okay. Anything further, then, from staff?

(No response.)

CHAIRMAN FRYER: Apparently not. All right.

Any public speakers?

MR. YOUNGBLOOD: (Shakes head.)

CHAIRMAN FRYER: No public speakers, says Mr. Youngblood. All right.

Are we ready to close the public portion of this hearing? Then that's what -- that's what we'll do. Without objection, the public comment portion has closed, and it's now appropriate for us to deliberate and take action.

COMMISSIONER SCHMITT: I'll make a motion.

CHAIRMAN FRYER: Please do.

COMMISSIONER SCHMITT: I'll make a motion that this be passed to the Board of County Commissioners, PL2021000603, Bayshore/Gateway Triangle Overlay --

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER SCHMITT: -- GMP amendment.

COMMISSIONER FRY: Second.

CHAIRMAN FRYER: Any further discussion? If not --

COMMISSIONER HOMIAK: You're recommending transmittal?

COMMISSIONER SCHMITT: Recommend transmittal, thank you, yes.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

Thank you, staff.

COMMISSIONER FRY: Did we hear from Mr. Klucik?

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Thank you. Thank you.

Now, we still have something on our agenda. I guess it would come up under new business or old business, it doesn't matter, and that has to do with any guidelines that we want to suggest to the County Attorney on the continuances matter.

I believe it -- unless the -- unless the Planning Commission would prefer to defer this for some reason, now would be an appropriate time to talk about that.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah, I just -- I agree with Jeff. This is -- the continuances, sometimes they have been a problem, then it just disappeared, and they were not -- we didn't have them, and now all of a sudden we have this plethora of continuances. And it's almost -- as Jeff said, it's let's wear them out until the point where they won't show up anymore.

I really believe some of that takes place. Though we can't prevent it because we still have to allow the public its opportunity, but at the same time, I think it's kind of the developer tends to wear out the process, and then finally the public just gives up.

So there has to be some penalty to force the developer or the petitioner to really consciously decide to continue this, continue an item. And I don't know if it's financial. I think that would be -- certainly be something to think about, but the reality is, I believe that staff ought to be looking at the true cost of the request and assess the fees accordingly for a continuance.

CHAIRMAN FRYER: I agree with that. Others?

COMMISSIONER VERNON: Yeah. I had a few thoughts I was holding, because I think -- I think at least what I'm suggesting is that you get input or the staff gets input from all of us -- and I think we've already come up with a bunch of thoughts -- and then come back with some proposal.

But to me, the number-one proposal -- and I believe I talked to staff, and I think Ray may say this has to be changed by the commissioners. But to me -- and we allowed Mr. Arnold to do it, and I think Joe had some questions to make sure he was -- Joe was raising the issue.

But to me, if you ask for a continuance, you should be off the docket. You shouldn't say, well, I'll come back in a month, and we will be ready. And a term I like to use is "dead dog ready." You ought to be -- before you call up staff and say we want to be back on the agenda, we "are" ready, not we "will be" ready, and I think that will get rid of a lot of it.

And there always -- there's always exceptions. And you may come up with some -- they may have some new facts that are changed. And so we still can make exceptions. But I don't like the idea of somebody asking for a continuance and getting on the agenda and then calling and saying, well, we thought we'd be ready, but we're not ready. If you're not ready when you stand before us, don't come back to -- or don't get us on the agenda until we are ready. That's the number-one change I'd like to see.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SHEA: I agree with that totally. I think it will incentivize them to think about their first step when they ask to be on the agenda. But I think it also needs to happen from a courtesy standpoint to us and the public that before we start issuing these packages a week ahead of time, that notice goes out in a timely manner. And I don't know what -- all the notices that have to go out to get to the residents, but it just shouldn't happen at the last minute like this all the time.

COMMISSIONER VERNON: I think they both -- those are companion pieces.

MR. KLATZKOW: The advertising for most land-use items requires 15 days, okay. So that's your time frame. So I'm sure staff gets it into the *Naples Daily News*, but it's advertised at least 15 days prior to the hearing. I would use that as -- I don't know. It seems like the developer says, okay, two weeks ahead of time I'm ready or three weeks ahead of time I'm ready, please advertise, and then a week later, after they advertise, Ron [sic] says. I'm not ready, that's the piece I don't quite get.

Just to get to a point that they should give you the notice early, and certainly so that you save time in preparing, you know, we'll come back with that. But from a time frame, understand it's 15 days' advertising and, generally, I would think staff would get it to the *Naples Daily News* the week before that just -- *Naples Daily News* takes some time.

COMMISSIONER VERNON: And for me, to follow on that thread, the litmus test for

granting a continuance, not only should it be a timely request for a continuance, but it should be based on -- just like in the court, based on new facts, something different that's happened since they said "I am ready." And that -- I think that will get rid of a lot of it. You're looking at me like that doesn't --

MR. KLATZKOW: No, I'm looking at the other members to see if they agree with you.

COMMISSIONER VERNON: Yeah. I think you've got to be ready.

CHAIRMAN FRYER: Before I call on Commissioner Fry, just to stay on this subject, I believe we need some language in there that sets a standard, whether it be extraordinary circumstances or something else, so that we are sending a clear signal that this is to be an exceptional case, not the rule. And so I would suggest language of that sort. And the other thing is that I think we need to send an even stronger signal than extraordinary circumstances, that a second continuance will almost never be granted.

COMMISSIONER SCHMITT: Comment.

CHAIRMAN FRYER: Okay. Commissioner Fry was first, and then Commissioner Schmitt.

COMMISSIONER FRY: I just -- I have a question for you, Jeff. How often or how close a correlation would you say there is between continuances and the appearance of opposition from the neighbors to an issue?

MR. KLATZKOW: Oh, it's been my experience that what happens is that they get here, they see the maddening crowd, and then they ask for the continuance. Sometimes they're aware of the maddening crowd beforehand. I'm not saying it never happens that they ask for a continuance without opposition, but I think that would be the general rule.

COMMISSIONER FRY: As the root cause?

MR. KLATZKOW: As the root cause, yeah. And the developer will say, well, we want to work with the community. And there's a lot to be said for that, don't get me wrong. But on the other hand, not to be aware that there's a lot of opposition until you get into this room, I don't know. They do the NIM meetings. You would think they'd have a better pulse on it.

COMMISSIONER FRY: Well, that's what leads me to think that if -- they should be working with the community prior to coming in here. They should be aware of the potential opposition. They should work with them in advance. And I don't have a problem with them going back to work with the community. I think they should bear the cost, a much higher cost of a reschedule, with the advanced notice that everyone's talking about.

But they are aware of the process, and they're aware that if there's neighborhood opposition and it's a factor, they should be working with them before they stand before us, or pay a steep cost for not being ready.

COMMISSIONER VERNON: I agree. But from a cynics [sic], just to pick up on all of that, I think what they're doing, because we're letting them, is somewhat may be using our meetings to check the pulse.

COMMISSIONER FRY: Gauge.

COMMISSIONER VERNON: And that's because we're allowing them to. So I'm agreeing with everything you're saying.

COMMISSIONER SCHMITT: Comment.

COMMISSIONER HOMIAK: Is there any -- could we change policy to require a NIM for an LDC amendment?

MR. KLATZKOW: You're in charge of making recommendations for any LDC amendments. So if that's what you want to do, by all means. I don't know that every LDC amendment requires a NIM. In fact, 98 percent of them wouldn't. This is an anomaly, from my standpoint but --

COMMISSIONER HOMIAK: But there's two.

MR. KLATZKOW: -- I would have an LDC amendment giving staff the discretion, when they believe that something should have a NIM, to require it, because they're so few and far



between. And I trust staff to use their best judgment on that.

CHAIRMAN FRYER: Thank you. Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah, I'm going to follow up on what Karl said. The preponderance of continuances are usually because they -- there's an opposition. In this case that we just dealt with, it was pretty clear there was no support from the staff, and I was very surprised that up until, what, till we were noticed that it was continued, because typically the petitioner will get the reading from the staff, read the staff report, and then basically try and negotiate with the staff. But in this case it's -- well, I could say almost always it's either opposition, staff in opposition or the public.

I want to be careful, because there are times when we have petitioners who come before us here, we hear comments from the staff, the petitioner hears more comments from the staff, and we as a board agree or recommend that they continue and meet with the public. And we've done that in the past, and that practice is probably more often than not when there's a continuance. So I want to make sure we don't close the door on that, because there are times, certainly, the public is energized enough, they come here, and then the petitioner realizes there's opportunity to amend their plan.

So it's sort of damned if you do and damned if you don't kind of -- I still want to make sure that whether we force it or the petitioner, if they choose that, because of public opposition, they want to continue, that's a good thing, but they have to do it in a timely manner, that it doesn't get advertised and on the agenda.

They should -- this last petition, they should have sensed it before it was even put on the agenda. It was clear and obvious when they saw -- they must have seen the staff report and said, wow, this is not going to go anywhere, and I think at that time they probably should have had a continuance and -- but in regard to an LDC, I would agree, if it's -- if it is a private petition, maybe there ought to be, you know, a NIM, something like that.

But most LDC -- yeah, most LDC amendments, we have a very clear process typically how many times it has to come before us and the night hearings and all the other things that are associated with it.

CHAIRMAN FRYER: Yeah. I think -- I think in the case of privately initiated LDC amendments, that that's -- that's the issue of whether there's a NIM to be required.

MR. KLATZKOW: Do you want staff to come back with a report on that? I think that would be fair for staff to come back with a report on whether or not, for a privately initiated LDC, a NIM might be a good idea.

COMMISSIONER SCHMITT: Only if it impacts the zoning. I mean, if it's having to do with a setback or some other type of requirement, how would you have an LDC -- or a NIM for that?

CHAIRMAN FRYER: That should be a HEX thing anyway.

COMMISSIONER SCHMITT: Yeah, well.

CHAIRMAN FRYER: Well -- other comments?

COMMISSIONER VERNON: Well, I just want to tag on to what Joe said. I don't think anybody here wants to restrict the Board's ability to continue something because we think it's appropriate.

CHAIRMAN FRYER: Absolutely.

COMMISSIONER VERNON: So I think we're distinguishable from an applicant.

CHAIRMAN FRYER: Yeah. I think -- I think we've given a lot of input to the County Attorney, and I would ask that the County Attorney get further input from staff rather than wait for our next meeting so that when you can come back, as soon as possible, we will have something that we could act upon.

MR. KLATZKOW: Yeah. You'll have it before your next meeting. And I always work with staff. They know what they're doing far more than I do when it comes to the code so, yeah.

CHAIRMAN FRYER: Perfect. Thank you.

Any further matters to be discussed on this?

Commissioner Fry.

COMMISSIONER FRY: And I don't know if we're done with that -- are we done with that section then?

CHAIRMAN FRYER: With the continuance?

COMMISSIONER FRY: This is kind of a final comment sometime at the end of the meeting.

CHAIRMAN FRYER: I having something else to say, but you go first. Go ahead.

COMMISSIONER FRY: Oh, I just wanted to say that, you know, with respect to Jamie coming up here, I really would like to welcome Mike back. I remember he was here when I first joined this commission, and I found him a very welcomed resource. He's very accommodating and speaks in clear terms both at the podium but also to us behind the scenes. It's great to have him back.

I think, you know, Anita, glad to have Jamie back on the team. I have to say my perception is that through some of these very tough issues we've been through that staff is -- I have great confidence in staff. I just want to say, I think it's a very hard job, and to the person, I think you guys defend your positions well. And the only comment I would make is that -- is just to continue, we always -- I'll speak for myself, but I think most would agree. We really want to hear -- if you don't feel comfortable with something that's in an application, that we'd like to hear that, because it is very hard for us to go against -- it's heard for us to go against something when you have expressed support in your staff report. So we just really want unfiltered -- filtered but --

COMMISSIONER SHEA: But unfiltered.

COMMISSIONER FRY: -- but yet your real reactions as people, as professionals, you know, to help us have all viewpoints when we make decisions. But I really want to commend staff. I feel very comfortable and confident in staff, and it makes our job much easier. Thank you.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: If I could add something.

CHAIRMAN FRYER: Please go ahead, Commissioner Vernon.

COMMISSIONER VERNON: I totally agree with that. In fact, I don't want to mix it up with the creating a policy on the continuance. I think we ought to stay on that limited issue.

But -- and Mr. Klucik and I are the newest members, and at least I feel, and I think Mr. Klucik probably feels, we've kind of settled in, and we understand -- we've got a -- you know, got a sense for how the show works. And I think that -- I would like to see probably some other changes that we ought to -- you know, we ought to think about what we want and what we are allowed to do and some things we might not be able to change the rules on but the County Commissioner might -- Commission might be able to change the rules on. And we ought to kind of -- I want to get through the continuance policy change, but we ought to look through some other things and say, we're the judges here. How do we want this to work so that it's fair to the public, fair to the applicant, fair to us, fair to the process, and gets the best results for Collier County.

And I think that maybe -- and I say that because I think that sort of the continuance situation has sort of come about because we've unintentionally sort of allowed it to occur because the applicants are always going to be jockeying for a better position, the public's going to be jockeying for a better position. That's the nature of the beast.

And so, you know -- and going back to what Karl said about the staff, I think, you know, the staff and general counsel, they're, you know -- they're, you know, part of our team, and sometimes I feel a little bit like the staff kind of gets lost in the crowd because the applicant's presentation is so long, and then there's public speakers, and all of a sudden I want to -- kind of almost, like, in my mind, we start with the staff and finish with the staff and get advice of counsel, and then -- I don't know. I just think there may be a better approach to this.

CHAIRMAN FRYER: All good thoughts. We had one workshop, I guess, at the very

beginning of this year. After we get through the summer, would it be appropriate for us to have another workshop to talk about these matters?

COMMISSIONER VERNON: Sure.

CHAIRMAN FRYER: Does anyone think that's not a good idea?

COMMISSIONER HOMIAK: During our meeting time?

CHAIRMAN FRYER: Well, I mean, yeah.

COMMISSIONER HOMIAK: A short afternoon or something.

CHAIRMAN FRYER: We might -- yeah, we might put it on as an agenda item, but it would be in the nature of a workshop. Is everybody on board with that?

(No verbal response.)

CHAIRMAN FRYER: All right. Then we will ask staff to consider the mechanics of doing that. And I think it's -- I sense that it is not an appetizing thought on the part of the Planning Commission to have a special meeting for this, so if we can put it on a regular agenda item, that would be very good.

All right. Then the last thing that I wanted to say, or that I wanted to say, has to do with the Collier County e-mail system. I've heard some complaints from up here on the dais, and I -- as of about four days ago, I have been unable to operate the county e-mail system on my personal MacBook, and I would just like to know if anyone else is experiencing similar problems.

COMMISSIONER HOMIAK: I've had to take a couple of tries to get into my e-mail the past few days.

COMMISSIONER SCHMITT: Get an error message even this morning saying server not responding.

CHAIRMAN FRYER: That's what I'm getting, too.

COMMISSIONER KLUCIK: I consistently have had problems as well.

MR. BELLOWS: Me, too.

COMMISSIONER SHEA: I've had problems just where it says you can't log in. Everything's not appropriate. Then the next day I did the same exact thing, and it worked.

CHAIRMAN FRYER: Well, I would like to ask staff to follow up on this with IT at your very earliest convenience and give them a sense of the concerns and frustrations that we're experiencing, because we've got to be able to have full access to our e-mails. And just so that you know, the problems I'm having, as Commissioner Schmitt said, sometimes it just won't let me get in. It says server down or whatever. Other times it logs me off unceremoniously, and then I have to log myself back on, and yet other times I can see my e-mails, and I can read them, but I can't reply.

COMMISSIONER SCHMITT: Right.

MR. BELLOWS: Yeah. For the record, Ray Bellows. I understand, because it happened to me over the last few days as well. There were some issues. I believe they got them resolved, but I will follow up with them to contact you individually to see what --

CHAIRMAN FRYER: Appreciate that.

MR. BELLOWS: -- you are individually experiencing.

CHAIRMAN FRYER: Thank you.

MR. BELLOWS: And in regards to the workshop, we'll come up with a date that we would like you to vote on. Then we can put it on the agenda.

CHAIRMAN FRYER: And put it -- yeah, put it on the regular agenda, and then keep other items on that agenda light, if possible.

MR. BELLOWS: Yes, definitely. That was the concept.

COMMISSIONER SCHMITT: With regards to the e-mail, are they putting in new firewalls or other type of reimaging or -- because it's just --

MR. BELLOWS: You're talking to an Apple guy. We'll --

(Simultaneous crosstalk.)

MR. BELLOWS: I'll follow up with them.

CHAIRMAN FRYER: Okay. All right.

Any other new business?

(No response.)

CHAIRMAN FRYER: Any public comment on matters that haven't been addressed yet?

(No response.)

CHAIRMAN FRYER: If not, without objection, we are adjourned. Thank you.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:46 a.m.

COLLIER COUNTY PLANNING COMMISSION

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EDWIN FRYER, CHAIRMAN

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

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