

September 16, 2021

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
September 16, 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
Joe Schmitt
Paul Shea
Robert L. Klucik, Jr.
Christopher T. Vernon
Tom Eastman, Collier County School Board Representative

ABSENT:
Karl Fry

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

PROCEEDINGS

CHAIRMAN FRYER: A pleasant good morning to everyone. This is the September 16, 2021, meeting of the Collier County Planning Commission.

Everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Secretary Fry has an excused absence today, so I'll call the roll. Mr. Eastman.

MR. EASTMAN: Here.

CHAIRMAN FRYER: Mr. Shea.

COMMISSIONER SHEA: Here.

CHAIRMAN FRYER: Mr. Vernon.

COMMISSIONER VERNON: Here.

CHAIRMAN FRYER: Mr. Fry.

(No response.)

CHAIRMAN FRYER: I'm here.

Vice Chair Homiak.

COMMISSIONER HOMIAK: Here.

CHAIRMAN FRYER: Mr. Schmitt.

COMMISSIONER SCHMITT: Here.

CHAIRMAN FRYER: Mr. Klucik.

COMMISSIONER KLUCIK: Here.

We have a quorum of six. Thank you.

And as I mentioned, Mr. Fry has an excused absence. He had an unforeseeable business commitment that he had to attend to.

Addenda to the agenda, Mr. Bellows.

MR. BELLOWS: We have no changes.

CHAIRMAN FRYER: Thank you very much.

Planning Commission absences. Our next meeting is on October 7, 2021. Does anyone know if he or she will not be able to be present at that meeting?

COMMISSIONER SCHMITT: I will not be present.

COMMISSIONER VERNON: Okay. I will not be present.

CHAIRMAN FRYER: Okay. So that's two commissioners who will not be present. Assuming Commissioner Fry is here, that means we'll have a quorum of five. So we'll continue. But thank you, gentlemen, for letting us know.

Same question for October 21. Does anyone know whether he or she will not be present at that time?

(No response.)

CHAIRMAN FRYER: Looks like we should be pretty close to a full house, then, at that time.

Approval of minutes: We have before us the minutes of our August 19, 2021, meeting. Are there any corrections, changes, or additions to those minutes?

(No response.)

CHAIRMAN FRYER: If not, is there a motion to approve them as submitted?

COMMISSIONER SCHMITT: Motion to approve.

CHAIRMAN FRYER: Second -- is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN FRYER: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER SCHMITT: Aye.
COMMISSIONER KLUCIK: Aye.
CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passed unanimously.
BCC report, recaps, Mr. Bellows.

MR. BELLOWS: Yes. The Board of County Commissioners on Tuesday, September 14th, heard the Blue Coral Apartments PUD rezone and companion Growth Management Plan amendment, and they continued that item to September 28th. This is to allow more discussion on that frontage road connection issue.

CHAIRMAN FRYER: Thank you very much.
Anything else to report from that meeting? Thank you.

MR. BELLOWS: Unless Mr. Bosi has anything.

MR. BOSI: None.

CHAIRMAN FRYER: Okay, thanks.

Chairman's report: None today.

Consent agenda: Nothing before us on the consent agenda today.

Public hearings, advertised. The first matter that we have coming before us today is --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: I'm sorry. I had pressed my button. I was being patient.

CHAIRMAN FRYER: Oh, I'm sorry. I didn't see that. Please go ahead.

COMMISSIONER KLUCIK: So it's kind of out of order, because I would have done it in the very beginning.

CHAIRMAN FRYER: Go right ahead.

COMMISSIONER KLUCIK: And I won't apologize, but I do understand that it takes up a little bit of time. But I just wanted to ask for a moment of silence in recognition of the passing of 20 years of 9/11, since this is our closest meeting.

CHAIRMAN FRYER: Very appropriate. Thank you. We'll stand in a moment of silence, please.

(A moment of silence was had.)

CHAIRMAN FRYER: Thank you, sir. Very appropriate, indeed.

***Public hearings advertised, the first matter we have coming before us today is PL20200001827. It's the RCMA Immokalee MPUDZ. That is seeking an initial PUD designation for property that is currently zoned rural agricultural.

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

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

CHAIRMAN FRYER: Thank you.

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

MR. EASTMAN: The only thing outside of materials in the public record is I did talk to other staff at the school district about this charter school expansion.

CHAIRMAN FRYER: Okay. Thank you. In my case, I communicated with staff and received materials, all of public record.

Oh, I'm sorry. I jumped you. Commissioner Shea.

COMMISSIONER SHEA: You jumped both of us.

CHAIRMAN FRYER: Sorry, gentlemen.

COMMISSIONER SHEA: Just staff materials.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: No disclosures.

CHAIRMAN FRYER: Thank you.

And I'm covered.

Ma'am.

COMMISSIONER HOMIAK: I just spoke to Mr. Arnold briefly.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: I spoke to Wayne Arnold on this project, and I think Austin was on the phone at the same time.

MR. ARNOLD: Not this one. The Creekside.

COMMISSIONER SCHMITT: Creekside it was, okay. Just Wayne, then, on this.

CHAIRMAN FRYER: Thank you.

Mr. Klucik.

COMMISSIONER KLUCIK: I spoke with staff and read the staff materials.

CHAIRMAN FRYER: Very good. We'll begin with the applicant's presentation.

Mr. Arnold, you may proceed.

MR. ARNOLD: Good morning, Mr. Chairman and Planning Commission members. I'm Wayne Arnold, certified planner with Grady Minor & Associates representing the Redlands Christian Migrant Association today. And with us I have Mike Delate, our professional engineer from our firm; Jim Banks is the traffic engineer; and Ted Hoffman, who's the project architecture for RCMA, is here in case there are any specific questions regarding the building.

So this project is obviously located in Immokalee. I'm not sure how many of you are familiar with the RCMA organization, but it's been around since the mid '60s and it's a 501(c)3 corporation that really started out helping migrant families and children, and they operate an existing K through 6 charter school near Main Street in Immokalee. They also have their corporate offices there, and this represents an opportunity for them to have a campus to bring their childcare component and a K through 8 charter school out to the Lake Trafford Road site.

The site is 62 acres. There's a component that will be a future residential component for the project. Undetermined who's going to build that portion of it. But the property is located on Lake Trafford Road just west of Carson Road and just south of Curry Road. And you can see that it's previously been cleared and was used for agriculture for many years. There's a couple of small wetland areas on the site that will largely be retained as part of the campus plan.

We're asking for 700 students in the charter school, we're asking for 250 childcare students, 160 residential units, and there's a really small portion of property that's being requested to be zoned C-3 that's in your commercial mixed-use district in Immokalee, and it's immediately adjacent to an existing convenience store. So we think the C-3 use makes sense.

I will get to, in a moment, one of the conditions that staff is asking to impose on us that we do not agree with, and I'll talk a little bit about that in a moment.

The zoning right now is agriculture, and we are within Wellfield Protection Zones. The wellfield for Immokalee is near by.

The uses that we're proposing are not prohibited in any way. In fact, Section 3.06 of the Land Development Code has the regulatory standards for development in our Wellfield Protection Zones.

It is in your high-density residential future land-use category. I think staff was in error. They indicated low residential in your staff report. It doesn't change the fact that we're consistent with the density in any event. But under the high-density residential, we're allowed to seek up to eight dwelling units per acre, and we're seeking 160 units on 60 acres, so we're well below the eight-unit-per-acre allowance under the Comprehensive Plan.

CHAIRMAN FRYER: Pardon me, Mr. Arnold. I'm going to interrupt you --

MR. ARNOLD: Okay.

CHAIRMAN FRYER: -- to check on this high versus low, because I noticed the discrepancy in my meeting with staff yesterday. I believe, unless I misunderstood, staff said it was low density. So can we get this straightened out?

MR. SABO: Mr. Chairman?

CHAIRMAN FRYER: Sir.

MR. SABO: James Sabo, Comp Planning manager. It's high density.

CHAIRMAN FRYER: Okay. Thank you. Sorry to interrupt. And Mr. Eastman has signaled. You wish to speak now, sir?

MR. EASTMAN: Sure, just so I don't forget.

I'm told that RCMA does a really good job with what they do. They specialize in working with bilingual students, and they've been in operation and done very well.

My singular question is, when will the facility plan to be open?

MR. ARNOLD: Ted, I don't know if you can shed any light on that. The first phase is probably going to be the childcare component of this, Tom. They, obviously, have their operations downtown right now for the charter school, so they would need to go ahead and get into the process to get permitted and then construct the school before they could transition away from Main Street. So it's going to be probably at least two years for that.

MR. EASTMAN: Okay. And my question is all related to the planning context related to capacity and trying to plan future capacity. So you have no idea when the actual school will open, the expanded school? No time frame whatsoever?

MR. ARNOLD: Well, I think it's probably going to be two to three years just --

MR. EASTMAN: Two to three years?

MR. ARNOLD: Yes.

MR. EASTMAN: Okay.

MR. ARNOLD: Realistically, just because of the permitting process.

MR. EASTMAN: Okay. Thank you so much.

MR. ARNOLD: Yep, sure.

So I know that -- Mike, I don't know if you can go back to the visualizer, but we left off with staff confirmed that we're high density. This is your Future Land Use Map, and I generally put a circle around where we're located, and that orangish color is HR, high residential, and then you can see that there's a little component of the CMU right at the corner, that the little tip of our property goes through about a quarter of an acre of it. So that gives us the opportunity to ask for the commercial uses.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner Klucik.

COMMISSIONER KLUCIK: Could you just -- and maybe you don't know, because I realize you aren't necessarily traveling around that area. But what are the items as I'm driving through that I'm going to see on that road, for my familiarity with the location?

MR. ARNOLD: Okay. So, Mike, if you can go back to the main screen. This is an aerial photograph, and the image to the right shows a little bit larger part of the surrounding area. So you can see -- I think that's the Arrowhead community that's located to our south.

COMMISSIONER SCHMITT: Arrowhead.

MR. ARNOLD: Arrowhead, yeah. And to the west is the elementary school, and to the north is Curry Road. And there's a variety of things: A mobile home park back there and some other residential, and then to the east that is the fire station, and there's a water facility, and then there's a convenience store right at the corner of Carson and Lake Trafford Road, and then, of course, if you extend farther out Lake Trafford Road, you dead-end at Lake Trafford, so...

COMMISSIONER KLUCIK: Great. Okay. Thank you.

CHAIRMAN FRYER: Thank you.

MS. ARNOLD: So we've allowed for a couple different things. We have a community facility tract, and we are allowing in that the childcare facility, the charter school. We've asked for parks and playgrounds as well, because if you read the transcript from the CRA meeting that we attended in Immokalee, there's a large push for there to be some additional soccer fields and playfields for children in the Immokalee area. So they've started dialogue, "they" meaning RCMA

with your Parks and Recreation Department, to see if there's an opportunity to build at least a couple of soccer fields that might be of use when the school's not utilizing them for their own recreational opportunities.

So that's why you see that use listed, and then; of course, we made provisions for the typical school-related accessory uses, and then for the residential component we're asking for multifamily units, of course, model home sales and leasing centers and typical accessory uses there, too.

This is the master plan. It's more of a bubble diagram. But I'll work from left to right. On the left side is the R tract, which is residential. And you'll see our preserve area. And then we have the community facility tract that's in the center and the dominant portion of the site, and then to the far east on Carson Road, there's about a quarter-acre commercial tract, and that's where we're asking for the C-3 commercial.

So in this conceptual plan, you'll see that we've got the access point on Lake Trafford Road. We're not proposing any access to Curry Road that's -- Curry is largely an unimproved road at that location, so there's no need to do that. We are proposing an interconnection between our residential and the school.

Right now it appears that the childcare will probably be on the westernmost portion of the community facility tract. The charter school would be on the right. We tried to depict sort of the general circulation. Staff was concerned about stacking and pickup and drop-off capacity to make sure that we weren't utilizing Lake Trafford Road for that.

So the buildings are going to be set back fairly far from the road, and there's a lot of internal circulation for which they can do their stacking. And so we think there's no issue there.

There's a plan to have a shared event lawn, for instance. RCMA does a lot of events. There's a lot of FEMA contact with RCMA, especially during severe weather events, and so they're staging things that FEMA does, and the event lawn also is a courtyard that allows the school to use them as well.

COMMISSIONER VERNON: Can you go back to that one?

MR. ARNOLD: Sure.

COMMISSIONER VERNON: Where's the residential?

MR. ARNOLD: Residential is where the R is on the left side of that tract.

COMMISSIONER VERNON: Got it. Thank you.

MR. ARNOLD: Uh-huh.

So we did ask for two deviations. One you've seen several times now. We've asked for the ability to put chain-link fencing along the property. Because it's a school facility, there needs to be a certain amount of security. Your code prohibits chain-link form of building facades for buildings that have to go through the architectural review process.

So this is something you recently saw for the Guadalupe Center project that we worked on on Westclox Drive in Immokalee as well. Staff's supporting that.

The other deviation is we wanted a shared buffer between the residential and the childcare facility rather than two separate buffer tracts. I think it just makes sense to build one buffer at the initial start of the school. And, staff is supporting that as well, so we hope you will too.

This is a conceptual rendering showing the childcare facility on the left side. This depicts that we could actually fit a couple of soccer fields on the property. So you get a sense of the distance the buildings are going to be away from Lake Trafford Road so -- also the internal circulation on this to depict that there's ample room for vehicular circulation and pickup.

And that's all of my presentation. But I did want to go back to the recommendation that staff made. And I'd indicated to staff that we just did not agree with their recommendation -- because we're in the wellfield zone, they asked us to prohibit certain C-3 uses. That section of your code does have certain prohibitions. There's a 500-foot radius around a wellhead in which you can't do a lot of things, and we are within -- the commercial tract is within 500 feet. So there would be certain prohibitions that your code already builds into the process.

But some of the other uses may be viable uses that don't really call for the prohibitory, like a paint store for instance. I don't know that a paint store's going to go there, but it's a fairly innocuous use that isn't regulated under your code. It's not regulated in the sense that it's prohibited under one of the wellfield zones.

So I spoke with Jaime Cook prior to the meeting, and I think we'd be amenable -- I know you don't like to repeat things that are in the Land Development Code, but if we would add a commitment or something in the commercial section that makes sure that people understand that they're in a Wellfield Protection Zone and there are certain other regulatory standards they need to abide to, I think that makes sense from my client's perspective rather than outright prohibitions.

I mean, RCMA, they're not commercial developers, but it is their property, and they are a non-profit. So any type of income stream that they can gain is a benefit to them as an organization. So we would hope that you could agree that maybe there's a commitment that we could make in lieu of a prohibition.

And then, of course, we don't have an issue with the vehicle stacking condition. We'll demonstrate that at the time of site plan. There's a formula that staff utilizes, and Mr. Banks is well accustomed to that, so...

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Wayne, regarding the wellfield prohibitions, yes, it's in the code. I'll ask you, but I think staff can clarify as well. Regardless, those are still controlled and evaluated by Florida Department of Environmental Protection as well; is that correct?

MR. ARNOLD: Your Pollution Control Department does a review, but there are state standards that are applicable to certain uses, yes.

COMMISSIONER SCHMITT: State standards, okay. So it -- regardless of what's in the PUD, it's the -- you still -- you cannot circumvent either Pollution Control or the state statutes.

MR. ARNOLD: Correct. We had a -- I'll relate another project. You have Pollution Control staff who is apparently working toward new regulatory standards for your Land Development Code that aren't available to the public yet, and we've met with them on an upcoming project in the Estates. The Estates shopping center project, for instance, that Mr. Yovanovich and I are working on. And they were asking the same thing, to prohibit certain uses. And, you know, our point was, the uses are not prohibited today. You know, it's not really fair for our client to concede uses that your code says are okay assuming they meet certain other standards. So we're kind of taking the same position here that we should be allowed to proceed subject to the Land Development Code.

COMMISSIONER SCHMITT: There's no service station or convenience store with pumps? Because that seems to have been always the issue, the potential for leaking fuel tanks back in the days whether they were not double walled. We had the -- 10 years ago the state went through the yank a tank program where everybody had to replace tanks.

But in this case, are there any gas stations or service --

MR. ARNOLD: There are.

COMMISSIONER SCHMITT: There are?

MR. ARNOLD: There's a convenience store with gas pumps located just immediately to the east, southeast of us, in this property. Now, Jaime is much more the expert --

COMMISSIONER SCHMITT: But within your PUD is there --

MR. ARNOLD: We would allow -- C-3 does allow for gas stations and convenience stores.

So one of the other regulatory standards is there's a prohibition on gas tanks within 500 feet of a wellhead.

COMMISSIONER SCHMITT: Correct.

MR. ARNOLD: So a portion of this property is within 500 feet, so there would be a prohibition today on putting tanks in the ground within 500 feet of the wellhead. So we're subject

to that standard today. So it just didn't seem necessary for me to concede other uses that are currently regulated.

COMMISSIONER SCHMITT: Okay. Yeah, you made my point. You're basically -- you still have to meet the requirements.

MR. ARNOLD: We still meet the requirements.

COMMISSIONER SCHMITT: And that prohibition still exists.

MR. ARNOLD: Yes.

COMMISSIONER SCHMITT: Yes. Okay, thanks.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I think -- I think that discussion helped me, but what is the -- go over it again, what compromise you're proposing, because you're not in agreement with staff, but you said --

MR. ARNOLD: Yeah. Staff would ask us to put a prohibition on several uses in the PUD document itself, and what I would recommend -- and I don't know if staff's going to agree with that -- but somewhere in our commercial section we note that that there are other regulatory standards under Chapter 3.06 of the Land Development Code that further regulate certain uses within the Wellfield Protection Zone. That way a user is well on notice that they are subject to these Wellfield Protection Zones. The zones are shown on our zoning maps. They don't go away as part of this PUD rezoning, but I think it would be wise to go ahead and put some sort of directive for a future user to pick this document up and say, oh, I am subject to some other standard and then go to that section of the code to find out that they can't put a gas tank within 500 feet of the wellhead, but they can put a paint store within 500 feet.

So that's what I'm asking. I know you -- typically this board has not liked to mirror the Land Development Code, but in this case maybe that extra level of -- yeah, of language might be appropriate.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. Thank you, Mr. Chairman.

So my question is, you know, is it really just that little sliver that's the commercial?

MR. ARNOLD: Yes, it is.

COMMISSIONER KLUCIK: All right. So is that really -- is that the only piece of land, you know, that actually is -- we're having this concern about?

MR. ARNOLD: It is. Staff's recommendation --

COMMISSIONER KLUCIK: And there's a gas station right next to it.

MR. ARNOLD: That's correct.

COMMISSIONER KLUCIK: So I'm trying to figure out -- I mean, you know, I heard -- you know, when I talked to staff, I heard, you know, their concerns, but it's not quite clear to me at this point. And I'm also wondering -- and I want to make sure that -- you know, for the sake of everybody, if we approve something that at the state level will get kicked back then, obviously, that seems like, you know, we're not -- nobody's, you know, advancing anything at that point.

So is it your contention that we're -- you know, that we're not -- that if we approve what you're requesting with whatever concessions you've made, we would be -- when you got to the point where it goes up for approval at any state level, then we wouldn't have any problem -- they're not going to kick it back for that one issue. That seems to be the issue that people -- that staff is concerned about.

MR. ARNOLD: Yeah, correct. The staff condition is coming from your Pollution Control Department, and I think because they understand, that they're working toward some different regulations than we're living with today. I'm not asking for any deviations. So whatever the Land Development Code gets modified to in a year, two years, whatever that time frame may be, we're still subject to it. So if it puts further regulations on us, okay, maybe there are certain C-3 uses I can't achieve. But it just seems -- for this organization, it doesn't seem to be effective to

start prohibiting uses that today are permitted.

COMMISSIONER KLUCIK: Thank you.

MR. ARNOLD: Thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Just -- is the entire property in the wellfield risk area?

MR. ARNOLD: Ray, do you mind, Mike has a copy of the wellfield map that you might put on the visualizer.

COMMISSIONER SHEA: Maybe, Ray, you could also just give us a 30-second description of what that means. And I understand it's a potable water wellfield, and there's a certain distance from it that you restrict certain activities. Maybe just to refresh our memories what exactly that means.

MR. ARNOLD: Yes. Thank you, Ray.

Just so you know, Jaime Cook prepared this exhibit. This is Wellfield Protection Zone maps. So the orange is the Wellfield Protection Zone 1, which is the most restrictive zone. So you can see a large portion of the property is in that zone. And then as you go west further away from the wellhead, then it becomes less restrictive zones.

And the 500-foot radius is the circle that she's depicted on here. So anything within that 500-foot zone, for instance, it prohibits an above-ground or below-ground tank. So that is a restriction that's in your code today that we're subject to.

COMMISSIONER SHEA: But didn't you say that there was a gas station right next to your commercial?

MR. ARNOLD: There is, but if you look, its pumps are -- or pumps and tanks are probably just outside the 500-foot zone on that circle. You can see the gas station's in the bottom part of that orange -- the orange Wellfield Protection Zone, and the convenience part of the store is right at the 500-foot line, and then I'm supposing that, as most gas stations, the tanks are closer to the -- underground tanks are closer to the pumps.

But I'll let Ray weigh in on more. But there's a whole chapter in our Land Development Code that talks about these Wellfield Protection Zones.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I'm just struggling a little bit, because to echo what Mr. Eastman said, you know, what I know about this organization, everything I've ever heard about them is very, very positive. But, you know, just -- I guess I'm struggling -- I feel like I'm just asking the same thing over and over. But what is wrong with the recommendation that you remove commercial for this list that the staff's identified? I mean --

MR. ARNOLD: Well, the fact that they're not prohibited today by your code. They're asking me to concede uses that may be of financial benefit to my client. That's really our issue.

COMMISSIONER SHEA: So can we ask staff why they're asking that?

MR. ARNOLD: Sure. I'm happy to cede the floor to staff.

CHAIRMAN FRYER: We'll get to that. Let's see if there are any other questions for the applicant.

Commissioner Klucik.

COMMISSIONER KLUCIK: Well, yeah. I can ask you and then, of course, we'll ask staff and our legal counsel, but I'm just trying to figure out what -- you know, does your client -- you know, I realize you're not an attorney, but -- or maybe you are, but I know you're a planning professional more than you are an attorney, if you are one. I wouldn't want to insult you --

MR. ARNOLD: Thank you.

COMMISSIONER KLUCIK: -- and accuse you of being an attorney.

Do you see that there's a -- you know, what the legal argument would be? Because, I mean, I'm trying to figure out how we could justify saying no given that the code right now is -- you know, doesn't seem to prohibit those things, how we could just kind of decide to add them.

I mean, I realize we're acting -- I think we're acting legislatively, so I guess we can kind of do what we want, but...

MR. ARNOLD: I think it's certainly within your purview to ask the question of whether or not my client wants to concede on certain uses but, from my perspective, you have a regulatory part of the code that has very clear regulations for each of these Wellfield Protection Zones. We're subject to them. Whether I, you know, have this property zoned or not, so --

COMMISSIONER KLUCIK: Right, so right now, effectively, the things that staff is concerned about and for which they're asking these concessions actually is already covered even by the existing code, isn't it?

MR. ARNOLD: That's correct, it is.

MR. KLATZKOW: This is currently zoned agriculture. They're asking for the rezone. It's within your purview to say yes or no to whatever use you deem appropriate. They don't have a vested right.

COMMISSIONER KLUCIK: But as to the concern, you're asking for it to be changed to a use, and that use to which it's changed would still be subject to the environmental regulation that would prohibit what they're asking you to concede --

MR. ARNOLD: That is correct.

COMMISSIONER KLUCIK: -- as a prohibition.

MR. ARNOLD: Correct.

COMMISSIONER KLUCIK: So it would be double prohibited.

Okay. In some case you can say, well, why don't -- you know, why not just go ahead and concede, or you could say, well, that's not -- there's no reason to have a double prohibition since it's already in there. So you could -- I guess you could kind of make either argument.

MR. ARNOLD: Yeah.

CHAIRMAN FRYER: All right. Anything else, Commissioner Klucik?

COMMISSIONER KLUCIK: No.

CHAIRMAN FRYER: Okay. Any -- no one else is signaling at this point. Anyone else have questions for applicant? Because I know we're going to have some for staff.

COMMISSIONER SCHMITT: Just out of -- as a process, we're going to hear both the GMP amendment and the PUD amendment, or we're going to hear them separately?

MR. ARNOLD: Not on this one.

CHAIRMAN FRYER: This is just a PUD.

COMMISSIONER SCHMITT: Oh, I'm sorry.

CHAIRMAN FRYER: This is quasi-judicial.

COMMISSIONER SCHMITT: Okay. Okay. I thought it was also associated. I thought it was --

CHAIRMAN FRYER: No.

COMMISSIONER KLUCIK: And I'm sorry I misspoke.

CHAIRMAN FRYER: That's okay.

All right. Anything else before we -- anything else from the applicant?

MR. ARNOLD: No, no thanks.

CHAIRMAN FRYER: Thank you, Mr. Arnold.

Let's hear from the applicant now, please -- or, excuse me, the county.

MR. BOSI: Good morning, Commission. Mike Bosi, zoning director.

I think we've established the location, the future land-use consistency, the request. Staff is generally very supportive of the request in terms of the mix of the residential and the institutional use and the childcare facilities and the charter school being proposed.

The only concern that we have, and it's related to our recommendations, we have two recommendations that we've associated with our recommendation of approval. The first is not to allow for stacking to occur on Lake Trafford right-of-way, all vehicle stacking to occur within the PUD limits, and I think the applicant has enough land area they most certainly can. And that

tentative site plan or site plan they did show showed that they will be able to accommodate that.

The second is, I'll read it specifically, remove commercial C-1 through C-3 uses that have a potential to impact the public water supply. Examples: Laundromat, dry cleaners, gasoline service station, convenience stores with fuel pump, paint store, automotive services, photo finishing laboratories, automotive vehicle dealers, and any uses that allow retail fuel sales, and remove those from the list of uses within that 500-foot radial setback of the public well.

The majority of those uses that I -- that I stated would be prohibited. There are a few additional ones that we have concerns with, and we are asking for additional restrictions. The applicant is correct and stated that there is no code prohibition against it. We're asking for the Planning Commission to provide a consideration based upon the proximity to the well that -- and the concern expressed from our environmental folks related to the potential negative impact associated with such close proximity, that additional restrictions be placed upon this property.

As our County Attorney has indicated, the property is currently zoned agriculture. They are asking for an entitlement which they're -- which is within the bounds of the Growth Management Plan, but they are still asking for a request to change the zoning. And based upon that, one of the issues is compatibility. And compatibility -- and if you think stacking these type of uses in close proximity, that's well within the purview of the Planning Commission. But there's also concern from staff of that proximity being potentially negative and harmful to public water and public drinking wells.

CHAIRMAN FRYER: Thank you.
Commissioner Schmitt.

COMMISSIONER SCHMITT: Mike, why -- why does staff feel that language has to go in the PUD to prohibit something that is already prohibited by state statute in our regulations? Couldn't I -- and the second piece of that question is, then why not just amend the restriction to state specifically that any commercial entity that goes into this area would have to comply with the current statutes and the limitations that are restricted based on the DEP and environmental review? I don't understand why we're duplicating language and duplicating a requirement that already exists.

MR. BOSI: That simply -- sometimes we like that type of redundancy to alert the Site Development Plan reviewing team of the additional restrictions. We could most certainly cite to the Florida Administrative Code reference section that points to those regulations to maybe be a little less specific in the restrictions and simply cite the administrative -- or the Florida Administrative Code in terms of --

COMMISSIONER SCHMITT: You made a statement that also seems to indicate that staff -- I heard you say stacking or items that may not be complementary on the existing uses which, of course, would be at the corner there.

Is this an attempt by staff to also prohibit the placement -- let's say a service station or a convenience store with pumps next to a gas station that already exists, or was this somewhat of an attempt to prohibit a use that you guys don't want to see be in there and under the guise of some kind of restriction for environmental concerns?

MR. BOSI: The stacking comment was related to the traffic. There's no -- there's no underlying concern other than the relationship and the proximity of various uses within the C-1 and the C-3 zoning district to the well. If they wanted to place another gas station next to that gas station, they would have to go through an ASW as well as the PUD.

COMMISSIONER SCHMITT: Correct.

MR. BOSI: And, therefore -- and compatibility as part of that request, and the evaluation would be whether -- and the Planning Commission would -- or the Board of County -- the BZA would be presented with the opportunity to make that type of an evaluation. So it's -- that's not -- there's no -- there's no additional concerns other than just the proximity of the potential of some of those commercial uses in relationship to the existing water supply.

COMMISSIONER SCHMITT: I would propose that staff come up with language that

clearly defines the intent and that the intent would be that any commercial business that goes in there certainly would have to comply with the requirements of being placed within the restrictions that are required for, what do you call it, within 500 feet of a wellhead.

MR. BOSI: Yes.

COMMISSIONER SCHMITT: And then you would -- it would have to comply with state statutes.

MR. KLATZKOW: One of the issues is enforcement. Our Code Enforcement can enforce the PUD. We do not enforce the Florida Administrative Code. So if you want another layer of enforcement on it, that would be a reason to put it into the PUD.

COMMISSIONER SCHMITT: But, Jeff, the staff does enforce it. If it comes in for review and an SDP approval, it can enforce the restrictions. I hear what you're saying. You're correct, and I don't argue that. I'm just trying to understand what are we gaining, and is it a duplication? And --

MR. KLATZKOW: We're gaining an enforcement level.

COMMISSIONER SCHMITT: So it will -- what's the restriction you're proposing, then? Just simply -- where was that, again, that language?

MR. BOSI: It was the last page of the staff report. I'm not sure what number it is within your packet, the online --

CHAIRMAN FRYER: Page 93.

MR. BOSI: Ninety-three. It specifically requests that laundromats, dry cleaners, gasoline service station, convenience stores with fuel pump, paint stores, automotive services, photo finishing laboratories, automotive vehicle dealers, and any uses that allow retail fuel sales be prohibited from the list of allowable uses.

COMMISSIONER SCHMITT: Okay. All those except paint store. What is the -- what's the -- is there a concern that paint stores are potential hazardous dumping contaminates on the ground or whatever -- paint stores are pretty common, storefront paint stores. I can name companies, but I'm kind of trying to understand. All the others make sense to me, but I'm just trying to understand the paint store issue.

MR. BOSI: Well -- and I will ask our environmental staff to provide a little bit more specific testimony. When I look at the list, I only assume that some -- that the potential for spills and for groundwater contamination would be the underlying motivation behind that. But if there's something other than that or deeper than that, I think we could --

CHAIRMAN FRYER: Ms. Cook.

MS. COOK: Jaime Cook, your director of Development Review.

Yeah, the request for the paint store is because paint is considered a hazardous waste, and with potential for a spill, we want to protect those wellheads as best that we can. So by keeping hazardous waste as far away from the wellheads as we possibly can will help to ensure some of that protection.

COMMISSIONER SCHMITT: Okay. I'm not quite sure I agree, but I won't argue that it could be deemed a hazardous waste if it were oil based or some other type of paint. Because most paints they sell are water-based paint, but if that's your professional assessment, I accept it.

MS. COOK: Thank you.

COMMISSIONER SCHMITT: Thanks.

CHAIRMAN FRYER: Thank you.

Mr. Eastman.

MR. EASTMAN: My comments relate to the traffic concern, so if there's other commissioners that wanted to speak to the use issue, I would ask that they be allowed to keep this conversation going and then --

CHAIRMAN FRYER: Next one up is Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you. Okay. So right now, if we look to that list of prohibitions, would all of those be covered by the other existing restrictions, or is it only the gas

station that would be prevented? So if we didn't add this prohibition, is the other prohibitions that exist in law, are they -- would they cover all of those uses?

MR. BOSI: I believe, yes, they would, the Florida Administrative Code.

COMMISSIONER KLUCIK: Okay. So we are now saying -- I mean, staff is recommending that in this situation -- I would think you would be consistent. You know, I mean, you would have this going forward. Anytime this kind of situation where there's commercial in an area near a wellhead, we would now always want to add this prohibition because we would like to have our own enforcement power; is that correct?

MR. BOSI: Correct, but also there's a fundamental concern from our -- our staff of placing, you know, these type of uses in close proximity -- has the potential to damage public property.

COMMISSIONER KLUCIK: No, no. I -- yeah, that's not -- to me that's not an argument, because the law already -- we already have a law, from what I can -- you know, from -- that's the discussion. Right now it's already prohibited -- if we were to approve this without this language being added, it would already be prevented under the law. It's a law that the county couldn't enforce. The state would have to enforce.

So it's -- so whatever concerns staff has would be covered by the enforcement mechanism that already exists, correct? As long as the state didn't sit on their enforcement ability, then your concern as a staff would be -- would be taken care of.

MR. BOSI: Potentially. There is an opportunity for deviations from the Florida Administrative Code within these regards. I don't think that it's a very high bar. But it could -- the applicant could seek that type of an administrative process, but --

COMMISSIONER KLUCIK: Does it seem likely that someone is going to approve a gas station there through that process that you're worried about or that you -- you know, anything is possible.

MR. BOSI: It's possible. It's not probably -- probably not probable.

COMMISSIONER KLUCIK: Okay. And what I don't -- what I'm concerned with, as someone, you know, who is looking at these from a -- in this case we're sitting quasi-judicially, but I think you're making a policy recommendation saying, as a policy matter, we want to add, you know, a second -- we want to double the prohibition, and I just don't -- you know, I'm concerned that I don't think that that's a good practice. I don't think that's a best practice either for us to kind of add the same prohibitions that already exist for a lot of reasons.

You know, I certainly don't think that this is going to go away. You know, if anything, whatever rules there are regarding protecting water, I would think the only thing that's going to happen is there's going to be more protections, you know, as far as -- at any level of government. All we're going to see is this -- the prohibitions on this kind of thing out of the concern for the water is just going to get more strict which is, you know, a good thing.

And so I just -- I don't like the idea that we're adding this as an extra layer to what's already there, because I don't see there's any risk of it being an issue because of the prohibition that already is there. Is there some fear that it won't be enforced?

MR. BOSI: I don't believe there's fear that it won't be enforced. I believe that we wanted to provide an additional layer of protection. If the Planning Commission feels that that is a redundancy that's not needed, we completely understand and yield to the discretion of the Planning Commission.

COMMISSIONER KLUCIK: And I do -- you know, I mean, I understand the idea that you want to place people on notice. I think some sort of asterisk-type, you know, statement to remind everybody that whatever is done here has to comply with the -- whatever the current restrictions are and, you know -- and then that doesn't lock us into anything. We're talking about whatever the restrictions are would apply. You know, but they're going to apply anyways. We're just noting that they do apply.

That would be my, you know, suggestion for how this gets covered, and no one's

conceding anything, and we don't add layers of bureaucracy, you know, another layer of, you know, regulation that we don't really need because it doesn't -- I don't see what it does for us. If you can show me that it does something significant -- but I haven't heard that yet, that it would actually make a significant difference.

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

MR. FRENCH: Yes, sir. Just very quickly. Again, Jamie French, for the record. I'm your deputy department head for Growth Management.

Commissioner Klucik, Mike speaks -- you know, you asked a question "with fear."

COMMISSIONER KLUCIK: I would say "concern" is a better --

MR. FRENCH: Okay. Or even concern, I would tell you, yeah, there's great concern, predominantly because the state is the regulatory body, and this is a county asset, and this isn't just one wellhead that supplies to just a handful of homes. It's a regionalized system.

So we believe a best practice would be that whenever you have this type of development, at a minimum we should always be adhering to our recognizing what the State of Florida has adopted because, again, if this wellhead becomes contaminated with a petroleum product or a product that's been listed to be invasive to this wellhead operation, it not only impacts that; it impacts the entire county's water system.

So we're -- we embrace that from staff, and what we believe a best practice would be is whenever you have these tanks or dispensary units that fall within this 500 feet, this should not be allowed. This should not be supported, and that would just be in line with what the Florida Administrative Code already says. And it's not to say if the gas station that this -- at the bottom right-hand -- it's not really a corner because it's a circle, but there's already a preexisting gas station. The building in and of itself is fine. They could build their gas station, expand the gas station that's there. They just could not get the tanks or the dispensary for the gasoline or the petroleum product within that 500 feet.

COMMISSIONER KLUCIK: Well, right. That actually was going to be one of my questions, would your restrictive language prevent the existing. So, you know, I have no idea --

MR. FRENCH: No. So long -- I'm sorry. Go ahead.

COMMISSIONER KLUCIK: Yeah. I have no idea what the plans are, you know, for the landowner, but I'm assuming one really nice way for them to make some money would be to sell that little -- you know, that little nub of commercial land to the neighboring gas station so that they could create a big -- you know, a nice store on the corner. The gas pumps would stay outside the 500-foot range, and then -- you know, so does this restriction prohibit them from being part of a gas station that's already there that's on the outside?

MR. FRENCH: So it's not the building, the retail sales that would go on in there. It would be the location of the tanks and where the fuel would be dispensed, and it's outside --

COMMISSIONER KLUCIK: So as long as the tanks aren't there, then they would be fine?

MR. FRENCH: That's correct. And --

COMMISSIONER KLUCIK: And the dispense -- the pumps?

MR. FRENCH: That's right. And --

COMMISSIONER KLUCIK: Anything where the spill is going to be over that -- in that 500-foot zone?

MR. FRENCH: Right. And so what we would do is, if that was the case, staff may ask for some enhancements to ensure that that petroleum product could not get into that 500-foot area. And, again, we don't regulate this at a local level. It's regulated by the DEP. But what happens is that if the land use is granted, they come forward, as they go through the site development administrative process, they can get approved all the way up to the time of preconstruction, and at the preconstruction phase, before they actually start to break ground, that's when we start asking, okay, show me your DEP permit, show me your water management permits.

COMMISSIONER KLUCIK: And you wouldn't -- our staff and our planning process

for -- if that was -- something like that was going to go forward, we wouldn't -- we wouldn't have a mechanism to say, no, you can't do that. You would have to wait until that time came to say have you -- what did the -- what did the state say.

MR. FRENCH: That's right. And so --

COMMISSIONER KLUCIK: Okay. Show us your authorization, that you have authorization to go forward.

So it actually is a way to prevent something from going forward prematurely without the proper understanding.

My question, then, would be for the applicant at some point, and I'll leave that to the Chairman as to when, to just say, okay, well, having gone through all of that, I'm still -- then what is the downside of adding that language? Because I'm just trying to figure out, as a practical matter, what the downside would be. And, like I said, I'll leave it to your judgment, Chairman, when we get that answer.

CHAIRMAN FRYER: Thank you, Commissioner.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I just -- very briefly. I think I have a different view than Commissioner Klucik. I don't think -- unless jurisdiction's been taken away from us, I don't really want to rely on the state government or federal government. I think we should govern ourselves to the extent we have jurisdiction.

And I think Joe's questions before that were sort of moving towards poking around at a compromise, which I'd love to see. I'd really love to see that, because I'd really like to -- again, I hear so many good things about this organization, I'd like to support what they're doing.

But I would vote -- as is, if we had with to vote right now without compromise or working through this, I'd vote against it because of the staff recommendation.

CHAIRMAN FRYER: I'd like to exercise the prerogative of the Chair, even though I've got two more commissioners who are signaling, to suggest a compromise. And I don't know whether this would be appealing to anyone or not. But what if, instead of the current Condition No. 2, or the staff condition, that it would say in a much shorter fashion, "uses that have the potential to impact the public water supply are prohibited," period. No examples. Just a statement that relates to a legitimate public concern, which is the water supply. Does that appeal to anyone?

COMMISSIONER VERNON: I have a thought on that.

CHAIRMAN FRYER: Please.

COMMISSIONER VERNON: I love the idea of a compromise, but I'm just thinking that might be worse for the applicant.

CHAIRMAN FRYER: Okay.

COMMISSIONER VERNON: Because it gives a creative lawyer who's against them a lot more leeway and to come up, well, that could hurt -- you know, I could make an argument just about anything could hurt the water supply. So if it -- if the applicant likes that, then, yeah, I think that moves in the direction of a compromise, that's great, but I'm not sure, if I was the applicant, I'd want that.

COMMISSIONER KLUCIK: And, Mr. Chairman.

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: That's the exact -- that's the exact view that I would hold on that particular issue.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: I totally disagree with Commissioner Klucik. I think this is our water. And I think if I -- I don't know if we can do this now, but I would make the motion we accept this in accordance with the staff's recommendation. I think we need to have a little more control, specific control over our water and not rely on somebody else to come in and enforce something. And if this is truly duplicative, so what? What we gain is control. And to me

it's -- quite frankly, it's a no-brainer. I think we should just accept the staff's recommendation. And if the client -- the applicant doesn't like it -- I don't think it does much harm to the intent of what he's trying to do. It's a minor part of his application.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: Mr. Chairman, if I could respond.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: Sure. Well, all I would say is, you know, I think I was pretty open, you know. I mean, I think in the end especially I want to hear from the applicant as to why we wouldn't do it, because I don't -- like I said before, I think it's kind of, no matter which way, you can make an argument that it's not necessary because it's duplicative or -- you know, it's required or doesn't -- it doesn't do any harm to do it because it's -- you know, the prohibition is already there.

But the issue I have is setting a precedent that we impose -- you know, we always are in the habit then of -- you know, it gives everybody the idea that, oh, maybe we should do this in all sorts of other areas, and I just don't want to start the precedent of adding those kind of restrictions, but --

COMMISSIONER SHEA: I think this is case by case, and I think this is our potable drinking water, and I don't think we should take any chances, and I don't -- with all due respect, Commissioner Vernon, I don't think we should be looking for a compromise. I think we should accept the staff's recommendation and go forward. We have a long agenda today.

CHAIRMAN FRYER: Mr. Eastman.

COMMISSIONER SHEA: Mike, I appreciate your concern with traffic and protecting the public road and not having it gummed up.

I just wanted to ask you if you would consider buttressing your condition with staggered arrival and dismissal times for the public school and the charter school and making that a possible addition so that we don't have a perfect storm where everyone at both schools is arriving or dismissing at the same time, because that really puts a stress on the public road.

MR. BOSI: From staff's perspective, I think --

CHAIRMAN FRYER: I think your mic's not on.

MR. BOSI: From staff's perspective, I think a recommendation that further protects the public roadways free and clear from obstructions and requiring that the charter school staggers their start times in relationship to the public school's start time is appropriate, and staff would accept that type of additional modification to the -- to the requested condition.

CHAIRMAN FRYER: Mr. -- Commissioner Schmitt.

COMMISSIONER SCHMITT: I'd agree with Paul. I think though the limitations are more, I guess, aggressive or restrictive to the applicant, I think though it's a duplication, I have no problem with moving forward with the staff recommendation.

And whenever you're ready to close the public hearing, we can debate and move this forward.

CHAIRMAN FRYER: All right. Anything further from staff? Ms. Cook.

MS. COOK: Jaime Cook, again, your director of Development Review.

We just wanted to put on the record that as far as that gas station that's on the corner, we have no issue with the potential expansion of that building moving into the commercial tract. We just want to ensure that the tanks are kept outside that 500 feet. So I just wanted that on the record that staff has no problem with that potential expansion with the building going there.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah. And I guess I would just ask legal counsel to confirm that the language in that restriction, too, then, would kind of support what we just heard from staff on that particular issue; that that wouldn't be a problem for them to expand that building with that language added.

MR. KLATZKOW: Yeah.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: No one else is signaling at this point. I'm going to take the liberty of weighing in on it.

I'm inclined to want to see the two staff conditions included in the material. I ordinarily do not --

(Cell phone sounding.)

CHAIRMAN FRYER: Okay. Let's see. My concern -- and I will grant that ordinarily it is not elegant; it's inelegant to duplicate senior laws. So I -- philosophically, that's where I am, but I've got to take a look at this particular composition in Tallahassee and the direction that things seem to be going by way of taking away local authority and control and imposing, in some cases, more lenient state rules such as in the case of Airbnbs and the like.

So for that matter -- you know, in other words, the state general assembly could appeal or relax the current restrictions and then there we'd be having relied upon something from a group that seems to be trending toward more leniency, less local control, more state control. So that's kind of where I am so far subject to hearing from the public and further deliberations that we have.

Commissioner Vernon.

COMMISSIONER VERNON: Is there any -- I was going to make a motion, but is it premature?

CHAIRMAN FRYER: Well, you can certainly make a motion, but we haven't heard from the public yet.

COMMISSIONER VERNON: Yeah, I was just thinking, do you want me to wait?

CHAIRMAN FRYER: Yeah, why not?

Yes, Commissioner Klucik.

COMMISSIONER KLUCIK: Just whenever, I would like to ask, maybe during the rebuttal, I guess, ask the applicant that question.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: I mean, because that -- you know, I want to know why they think it's not important to not have it, because -- after all this discussion, because I'm kind of wondering myself why would -- other than the philosophical point.

CHAIRMAN FRYER: Fair enough. Mr. Youngblood, do we have any members of the public who wish to be heard?

MR. YOUNGBLOOD: Mr. Chairman, we have one speaker for this item, and that is Mr. Rich Yovanovich.

CHAIRMAN FRYER: Mr. Yovanovich, you're not counsel in this matter?

MR. YOVANOVICH: Would you mind if I go to that podium instead.

CHAIRMAN FRYER: Go right ahead.

COMMISSIONER VERNON: Already asking for accommodations; haven't even started. Is he subject to cross-examination?

MR. YOVANOVICH: I actually have to be sworn in. I hope you will cross me.

CHAIRMAN FRYER: He needs to be sworn in.

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

MR. YOVANOVICH: I do.

I'm actually here in my -- as trustee of another property that you're going to hear about in a few weeks.

And I think I can give you a little insight as to this whole new prohibition scheme that's coming from Pollution Control. About a month or so ago I was invited to a meeting to talk about my project, the Estates Shopping Center, and I got to meet for the first time Pollution Control where they let me know that they wanted to create prohibition of uses that currently are allowed but they don't think are good, so they're going to create a new list of prohibited uses within this 500-foot -- or expansive of the 500-foot limitation.

And I just want to clarify on the record and understand what just happened, because I've got the same issue coming up, and I don't want you to start down a pathway and not understand the genesis of how we got here.

In the lower right-hand corner you have a gas station. On my particular -- in my particular case, envision that as a vacant piece of property that wants to put a gas station there now, and you have this 500-foot radius. I was told by staff, you can't come in and ask for a gas station even if you keep the tanks outside the 500-foot radius. Even if you keep the tanks out of the 500-foot radius, you cannot have a gas station.

Now, what I think I just heard was, yes, you can have a gas station as long as the tanks, not the pumps, the tanks are outside the 500-foot radius. I was told even if the tanks are outside the 500-foot radius, you cannot have a gas station on that piece of property.

I said, what are the concerns? Are you concerned about the tanks leaking and affecting the water supply? No, the technology's there. They're double-walled. You're safe. There's all these bells and whistles. We're not worried about the tanks.

I said, are you worried about someone backing into the pump and all of a sudden gas goes flowing everywhere? They said, no, we're not worried about that. The technology's there. Breakaway shuts everything off. You're not going to have the catastrophic spill that we're worried about.

I said, what are you worried about? They're worried that Mr. Vernon is going to take the nozzle, pull the nozzle up, put his little gas cap, if he has a car that has a gas cap there, to keep it going while he's not there watching. He's going to go inside, buy a soda, and somehow the shutoff is not going to work at the nozzle, and we're going to have a catastrophic spill. That's what they were worried about in prohibiting gas stations even outside of the 500-foot radius.

Now, maybe that's changed since I met a month ago, but that's how this all started. I'm glad I was here for another item later, because this is a precedential discussion you're about to have about this whole concept of what is or is not allowed in your wellfield, and I think --

CHAIRMAN FRYER: Mr. Yovanovich, we -- thank you, sir, and your points have been made. We hear each case, as you know, on its own merits, and when your case comes around, we'll hear it and give you a full and impartial -- give you the full impartial treatment that you deserve, but I'd like you to confine your comments to this particular matter, if you would.

MR. YOVANOVICH: Well, I am. I'm talking about you question about what's the harm in agreeing to staff's language, and I really want to understand what staff's language is, because I think the public should know what you're trying to protect and what staff is asking for.

So I'm asking, as a member of the public, are tanks prohibited from the 500 feet and are pumps within the 500 feet as being proposed by staff? And I think Ms. Cook told me, yes, you can have the pumps within the 500 feet but, no, you can't have the tanks. And I think --

COMMISSIONER KLUCIK: I actually think that that was expressly not the case. She actually said pumps and tanks outside of the 500 feet.

COMMISSIONER SHEA: Agreed.

MR. YOVANOVICH: And that's why I asked her to clarify that. I think the answer is pumps are allowed.

CHAIRMAN FRYER: I am of the view that we are straying rather far afield here.

COMMISSIONER SHEA: Yes.

CHAIRMAN FRYER: Does anybody else feel the same way? All right.

COMMISSIONER SCHMITT: The language that staff proposed clearly states 500 feet. Nothing outside [sic] of 500 feet.

CHAIRMAN FRYER: Mr. Yovanovich, another 30 seconds, can you wrap it up?

MR. YOVANOVICH: Well, if you don't want to hear, you don't need to hear it.

CHAIRMAN FRYER: We don't want to hear it right now. We'll hear it when it comes before us. Thank you.

COMMISSIONER KLUCIK: Well, I'd like the clarification from staff.

MS. COOK: So the -- Jaime Cook, director of Development Review. The Florida Administrative Code requires that tanks be outside the 500 feet. So the pumps themselves would be allowed to be within that 500 feet. The tanks would not.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: No, I got it. That was --

CHAIRMAN FRYER: That was it?

COMMISSIONER SCHMITT: Staff clearly noted 500 feet, and I'm comfortable with the language.

CHAIRMAN FRYER: Okay. Rebuttal from Mr. Arnold.

COMMISSIONER SHEA: Just a clarification. Is staff recommendation just for the tanks and not the pumps?

COMMISSIONER SCHMITT: Well, they were prohibiting the use.

COMMISSIONER SHEA: For gas, yeah. So that would be --

COMMISSIONER SCHMITT: It would be stores with fuel pumps in the 500 feet.

COMMISSIONER SHEA: And tanks?

COMMISSIONER SCHMITT: They are prohibiting the actual use.

COMMISSIONER SHEA: I agree with that.

CHAIRMAN FRYER: Okay. Anything further before we hear rebuttal?

(No response.)

CHAIRMAN FRYER: All right. Mr. Arnold, you're on.

MR. ARNOLD: Thank you, Mr. Chairman.

I don't really have a strong rebuttal. I do want to walk away from here with a unanimous decision hopefully supporting the project, because it is a good project. I like Ms. Cook's clarification, because the one scenario that I do see happening is modernization of an existing convenience store building which might grow into our PUD. And if that were to occur, the language that staff is asking us to prohibit, a convenience store with fuel pumps, that use would still be convenience store with fuel pumps; however, the fuel pumps and tanks would be beyond 500 feet from the wellfield.

So if there is a way to clarify that that scenario where the convenience component could be there, however any tank or pump would be outside the 500 feet, I'm okay with that. My client is willing to concede all of it if that's what it takes to get the vote. But if we could have that clarification, I think that is a likely scenario that staff would support.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: I would agree. I would recommend that the language that staff proposed -- it says convenience store with fuel pumps, but it -- convenience store should be allowed to go in there. The fuel pumps not be within the 500 feet.

COMMISSIONER SHEA: Tanks and pumps.

COMMISSIONER SCHMITT: Say again.

COMMISSIONER SHEA: Tanks and pumps.

COMMISSIONER KLUCIK: Mr. Chairman?

COMMISSIONER SCHMITT: No. There's no reason to prohibit the pumps. We don't do it today in 500 feet. You could put a fuel pump within the -- within the 500 feet as long as the tanks are outside. I mean, this scenario that Mr. Yovanovich brought up is -- I guess we have to get rid of all -- everything that -- ladders and knives and forks and spoons and everything else that could be used not as what they were designed for. If somebody -- I won't get into it anyways.

But I think that the convenience store certainly should be allowed, the fuel pumps, as long as the fuel pumps are outside the 500 feet.

COMMISSIONER SHEA: Did I hear you say, though -- you said pumps and tanks.

COMMISSIONER SCHMITT: The fuel tanks, I'm sorry, not the pumps.

COMMISSIONER SHEA: No. He said pumps and tanks, and I agree with that.

MR. ARNOLD: We're fine with both.

(Simultaneous crosstalk.)

MR. ARNOLD: Mr. Schmitt, I appreciate your concern. And Rich and I will deal with the other item when its due course comes to you in a few weeks. But in this particular case, my client -- the most immediate need for them is to get what they do for a living approved, which is a childcare facility and a charter school. So we're willing to make that concession if it's clarified that a convenience store is permitted within that 500 feet; however, the fuel portion of that would remain outside the 500 feet.

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: I think that works for us, doesn't it? Okay. Also, before you leave, the Condition No. 1 with respect to stacking, are you okay with that?

MR. ARNOLD: Yes, we're fine with that.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: Mr. Chairman.

MR. EASTMAN: And that includes staggering the times. Is that acceptable to you-all, Wayne?

MR. ARNOLD: You know, I think it is, Mr. Eastman. I don't know the exact times that the elementary school currently operates, but we're happy to coordinate with them to try to lessen the burden on the road.

MR. EASTMAN: Perfect. Thank you so much.

CHAIRMAN FRYER: We'll put some language in there, then, to cover that.

MR. ARNOLD: Yes.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Right. So do we have the language that we want to modify it?

MR. EASTMAN: I think Wayne heads off to a great start, that the applicant will coordinate with the school district for staggered arrival and dismissal times.

CHAIRMAN FRYER: Perfect.

COMMISSIONER KLUCIK: And for the tank -- the convenience store will not be prohibited as long as tanks and pumps are beyond the 500 feet?

CHAIRMAN FRYER: Yes.

MR. ARNOLD: I like that. Yes, that works for us.

CHAIRMAN FRYER: Convenience with fuel pumps and tanks.

COMMISSIONER KLUCIK: I certainly would be happy to make the motion to go forward with that language.

CHAIRMAN FRYER: All right. Anything further in rebuttal?

MR. ARNOLD: No, thank you.

COMMISSIONER SCHMITT: Mike has a comment.

CHAIRMAN FRYER: Go ahead, Mr. Bosi.

MR. BOSI: Jamie French just reminded me -- and just for clarification for Rich's conversation that he had with Pollution Control, at the end of the day, Pollution Control is a portion of staff. The ultimate -- the ultimate decision upon what is going to be recommended from staff comes from the directorship; from Jaime Cook, from myself, from Jamie, from other directors. They are a portion of staff. I can't speak -- because I was not at that meeting -- in terms of, you know, what was stated, what wasn't stated. But at the end of the day, what gets to the staff reports that the Planning Commission will review and what the recommendations are are decided upon the administration within Growth Management, with the County Attorney's Office, and the County Manager's Office. Just providing that clarification. Sorry.

CHAIRMAN FRYER: Thank you. I think we're ready to entertain a motion, if someone wants to make one.

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: Yes, sir. Go ahead.

COMMISSIONER KLUCIK: So I would move with that language about the tanks and pumps, the convenience stores being allowed as long as the tanks and pumps are not within the 500 feet, and I would just say that I was convinced, because I actually do, you know, think that the local -- you know, if we're doing case-by-case basis, then I'm willing to weigh the principle against, you know, the particular situation, as long as we're mindful that we -- you know, that we don't make it a habit to just, you know, habitually double up because, as you said, it's inelegant or otherwise. There's a lot of reasons, you know, to not do it, but I can see the rationale for doing it.

COMMISSIONER SCHMITT: Second the motion.

CHAIRMAN FRYER: Any further discussion?

COMMISSIONER VERNON: Yeah. Just a friendly amendment to make sure we're not forgetting about Mr. Eastman's addition to Item No. 1.

CHAIRMAN FRYER: Staggering; coordinate with the school district for staggering.

COMMISSIONER KLUCIK: Yeah.

CHAIRMAN FRYER: And seconder agrees to that?

COMMISSIONER SCHMITT: Second agrees to that. And that we -- staff -- I don't see any need for this to come back. Staff can make sure the proper language is in the PUD.

CHAIRMAN FRYER: I think that's right. Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, it's been moved and seconded with the two conditions as rewritten or to be rewritten. All those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously six to nothing. Thank you very much.

MR. ARNOLD: Thank you.

CHAIRMAN FRYER: Thank you, applicant.

All right. We've got -- I think we have time to start the next matter before our midmorning break, if the -- Madam Court Reporter, if that's all right with you.

THE COURT REPORTER: (Nods head.)

COMMISSIONER SCHMITT: I would -- Mr. Chairman, this is a rather -- I would deem it as an innocuous request to add three-and-a-half acres. Other than reading the request in the record, I don't see any need to beat this to death, and I would ready to move for -- recommend approval.

CHAIRMAN FRYER: Okay. Let me announce the matter, and we'll see if we can.

COMMISSIONER HOMIAK: Second.

COMMISSIONER SCHMITT: I'm making a suggestion.

CHAIRMAN FRYER: Let's put it before us, and then we can move as expeditiously as possible.

COMMISSIONER HOMIAK: Good presentation.

CHAIRMAN FRYER: ***All right. This is matter PL20210000731, the Community School of Naples community facility PUDA. All those wishing to testify in this matter, please rise to be sworn in by the court reporter.

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

CHAIRMAN FRYER: Ex parte disclosure starting with Mr. Eastman.

MR. EASTMAN: Nothing outside of the public record.

COMMISSIONER VERNON: None.

CHAIRMAN FRYER: Just because I jumped you last time, you were afraid I was going to do it again. Thank you.

Let's see. I had conversations with staff and materials of public record.

COMMISSIONER HOMIAK: Nothing.

COMMISSIONER SCHMITT: I'm not sure. I can't remember; I may have spoke to the agent about this, but I can't recall. I just maybe -- yes, I did.

MR. VANASSE: Not me personally. Ken Gallander --

COMMISSIONER SCHMITT: Yeah.

MR. VANASSE: -- was the one that you spoke to.

CHAIRMAN FRYER: Okay. Commissioner Klucik.

COMMISSIONER KLUCIK: Just staff materials and discussion with staff.

CHAIRMAN FRYER: Thank you very much. You may proceed, sir.

MR. VANASSE: Good morning. My name is Patrick Vanasse. I'm a certified planner with RWA Engineering.

I do have a presentation with me; however, as mentioned by Mr. Schmitt, this is a very simple request. We are adding four acres of land owned by Community School within the PUD. The only reason that land wasn't part of the PUD when we came in 2012 was that there were issues related to that property, and those issues have been resolved from a legal standpoint. And at this point, the idea was to bring it within the PUD and make it one contiguous campus. Simple request.

The other minor changes included in the PUD are just cleanup. Over the last few years, a few new buildings have been added. We went through the minor-change process to get those added, and we're updating the master plan just to reflect those changes.

Staff also had some standard conditions within PUDs that they wanted us to add in there. We're happy to comply with that. We have reviewed their findings and recommendation for approval, fully concur and support what they're saying. And if there is no need for presentation, I would be happy to go on my merry way.

CHAIRMAN FRYER: We'll have you back at rebuttal if something comes up.

COMMISSIONER VERNON: I had a quick question.

CHAIRMAN FRYER: Oh, question from -- first Mr. Eastman, then Mr. Vernon.

MR. EASTMAN: Patrick, you're aware that there's a storm -- a reciprocal stormwater arrangement with Community School and the --

MR. VANASSE: School board.

MR. EASTMAN: -- school district's campus there. So you're going to add stuff in. You'll be doing buildings and impervious if this is incorporated. And so this -- the drainage will run through this reciprocal easement; is that correct?

MR. VANASSE: Any future development would, indeed, abide by that agreement.

MR. EASTMAN: Okay. That's all I wanted to make sure of. Thank you so much.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I just want to make sure I'm not missing something. You said there were original problems with title -- legal problems.

MR. VANASSE: It was title issues.

COMMISSIONER VERNON: It wasn't environmental issues?

MR. VANASSE: No, simply title.

COMMISSIONER VERNON: Ownership title, things --

MR. VANASSE: No.

CHAIRMAN FRYER: Thank you. Anything further for the applicant?

(No response.)

CHAIRMAN FRYER: If not, we'll hear from staff.

MR. BOSI: As covered by the applicant, staff is fully recommending approval with the additional standard conditions that we normally bring to the PUD, as well as we appreciate the cleanup efforts of getting everything in line with the current -- the current conditions, and recommend adding, you know, the almost four acres to the campus that has existed for a long time.

CHAIRMAN FRYER: Thank you very much.

Any questions for staff? Comments?

(No response.)

CHAIRMAN FRYER: Mr. Youngblood, do we have any public speakers?

MR. YOUNGBLOOD: (Shakes head.)

CHAIRMAN FRYER: We do not. That covers registered public speakers. Is there anyone here in the room who has not registered but wishes to be heard on this matter?

(No response.)

CHAIRMAN FRYER: If not, we will close the public part.

COMMISSIONER SCHMITT: I'd like to make a motion.

CHAIRMAN FRYER: Yes.

COMMISSIONER SCHMITT: Make a motion to approve the petition as approved by staff.

COMMISSIONER HOMIAK: Second.

COMMISSIONER VERNON: Vernon --

CHAIRMAN FRYER: And Commissioner Vernon has lit up. Go ahead, sir.

COMMISSIONER VERNON: No, I was just going to second. Karen already --

COMMISSIONER HOMIAK: I got it out faster than he did.

COMMISSIONER VERNON: She's faster than me.

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

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Passes unanimously, 6-0. Thank you very much.

COMMISSIONER SCHMITT: Patrick, it's good you practiced that presentation.

CHAIRMAN FRYER: All right.

COMMISSIONER SCHMITT: Wayne, you're not going to have the same privilege.

MR. ARNOLD: Please.

CHAIRMAN FRYER: I'll ask the applicant on Creekside, do you want to start and then break at 10:30, or would it be -- would you prefer that we take our break now?

MR. ARNOLD: What do you want to do, Rich?

MR. YOVANOVICH: Let's do it now.

MR. ARNOLD: We can start now. It's a fairly short presentation. I think it's a fairly straightforward request. I need to find my presentation on here. I'm not sure where it went.

CHAIRMAN FRYER: All right.

MR. ARNOLD: Maybe staff can help me locate it.

CHAIRMAN FRYER: I will announce the matter while you're looking for it.

***So it is -- our third and fourth matters are companion matters, PL20190002849, the

Creekside subdistrict small-scale Growth Management Plan amendment, and PL20190002850, the Creekside mixed-use PUDA, which we will hear together and vote on separately.

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

CHAIRMAN FRYER: Ex parte disclosure starting with Mr. Eastman.

MR. EASTMAN: None.

COMMISSIONER SHEA: Staff materials.

COMMISSIONER VERNON: None.

CHAIRMAN FRYER: I've had communications with staff and the applicant's agents and received materials of public record.

COMMISSIONER HOMIAK: I spoke to the petitioner and Mr. Arnold.

COMMISSIONER SCHMITT: I spoke to Austin and Wayne Arnold as well.

COMMISSIONER KLUCIK: Staff and staff materials -- or discussion with staff and staff materials, and I would just ask, Mr. Chairman, if I could --

CHAIRMAN FRYER: Of course.

COMMISSIONER KLUCIK: -- that I would want to talk to somebody in IT at our break, for the county.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Thank you.

MR. YOUNGBLOOD: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

MR. YOVANOVICH: We do have somebody from IT coming down at break to speak with Mr. Klucik.

CHAIRMAN FRYER: Good. Perfect.

Mr. Arnold, you may proceed.

MR. ARNOLD: Good morning, again. I'm Wayne Arnold with Grady Minor representing Creekside East, which is an entity of the Barron Collier Companies. Austin Howell from Barron Collier Companies is in the audience. Rich Yovanovich is our land-use counsel, and Norm Trebilcock is our transportation engineer on the project.

So you have two applications before you. You have a 9.9-acre small-scale plan amendment that creates the Creekside East mixed-use project, and then there's also a PUD amendment that will perfect that to allow multifamily residential. And this primarily affects the area in the east side of Goodlette-Frank Road that's part of the Creekside PUD. Most of you have seen the Creekside PUD come before you. Most recently it was to approve the headquarters building and the hotel for Arthrex that's located immediately to our west.

I think hopefully you've had a chance to see those two beautiful buildings. And I think what has happened is this has become really a marquee research and business park in our community, and we believe having the asset of 300 multifamily units to be located here is a true benefit not only to the two major employers. There's also the Landmark Hospital that would be located immediately adjacent to the hotel or the -- excuse me, to the multifamily residential that would also be a beneficiary of having employee housing near by.

So we are creating a new land-use subdistrict. And what I will say is Creekside entities and Barron Collier entities own more than the 9.9 acres on this side of the property, but your limitation for small-scale amendments when we filed this was 10 acres, so we filed this at 9.9 acres. The new statutory change that occurred this past legislative session increased that acreage to 50, so we would have been eligible to include probably closer to 20 acres as part of our analysis.

I know that some questions had arisen because of the density that we're seeking. But I think in context of density, you've seen this occur in a couple cases. You know, we don't really measure net densities. We look at gross densities. And in this particular case, you know, somewhere between 250 and 300 units is sort of that sweet spot that the multifamily developers

need to get to in order to construct a product that's financially feasible.

So an analysis was conducted for the market and determined that, really, in a couple-mile radius there is not much rental housing, if any, available. There's one affordable housing project located on Old 41 to the north, and then as you go west, obviously, toward U.S. 41, there's really no rental housing in that vicinity.

So it became pretty clear that there was a hole in the market for rental housing. And then knowing that there's an expressed desire to have housing near by from both Arthrex and Naples Community Hospital and Landmark Hospital, it became clear that this really could be a viable use and one that's very needed in the community.

So the request was fairly straightforward with regard to the Comprehensive Plan amendment. It creates the subdistrict which allows for not only the multifamily but then the continuation of all the other business-park-related uses that are allowed in Creekside.

That's the specific language that's in your packet. I don't know that we have any members of the public here, so I'm not really going to dwell on that language.

The two parcels that were a subject of your subdistrict are these two. One is largely a preservation area, and the other black square right now is a water management lake and some parking.

So on the PUD master plan, it's east side of Goodlette Road, which is on your screen. And so this is a business tract, and we would be modifying the business tract to, in fact, allow for the residential use. It's very likely that because this is more of an urban style project, it's going to have a parking -- structured parking that's in conjunction with it, so it will probably span Creekside East Boulevard.

We've made provisions here for a pedestrian bridge to occur across that roadway. It is subject to right-of-way permitting from your county staff, but that would be a component of it.

Highlighting the two parcels that were subject of the Growth Management Plan amendment. We listed our development standards.

COMMISSIONER KLUCIK: Clarification. It would be right at that corner, the touching corner.

MR. ARNOLD: So the location of the residential building would be --

COMMISSIONER KLUCIK: No. I'm talking about the bridge.

MR. ARNOLD: Oh, the bridge. No, probably not, probably in the middle of what's shown as Tract 8.

COMMISSIONER KLUCIK: Okay.

MR. ARNOLD: And it would -- the parking would also be on Tract 9, which is already a permitted use in the PUD. And I'm sorry I don't have more detailed graphics. The architects are working trying to figure out exactly how the building will be arranged and how the pedestrian bridge would work with the parking structure. That's generally where the residential building would be constructed.

And that's really, in a nutshell, what we're proposing. There were letters of support from both Arthrex and NCH in your packet. We held a neighborhood information meeting for which there were no attendees, surprisingly, but there were none. As far as I know, we've received no comments or any kind of questions from the general public.

Obviously, notices went out; signs have been posted on the site. And I think that people have been -- honestly, my opinion is, pleased -- have been so pleased with what Arthrex has done on the west side of Goodlette-Frank Road that this just seems to be a natural extension for the uses in the business park that's there.

So with that, I'm happy to answer questions. Anybody from our team will answer questions. I know traffic -- Norm Trebilcock is here. We're not modifying at all the traffic cap that we had. We had a vehicular trip cap that's part of the project previously approved.

Just from a transportation standpoint, if you've driven the corridor, you see that the traffic signal that Arthrex triggered has been installed, and that's operational and seems to be functioning

fine from everybody's account.

So with that, we'll answer questions.

CHAIRMAN FRYER: Thank you.

Mr. Eastman.

MR. EASTMAN: Wayne, is the use of these units -- is it strictly limited to Arthrex, or is it open to public citizenry as well; firefighters, police, school district personnel, county employees? Would they be able to live here and utilize this?

MR. ARNOLD: I think the answer is yes, all of the above. I know that Barron Collier Companies is working directly with Arthrex and NCH and Landmark to figure out some protocol for maybe giving some of their employees first rights to certain units.

MR. EASTMAN: Do you know what percentage of the building that would be? Is it 50 percent or 10 percent or -- what are we talking about here?

MR. ARNOLD: I see heads shaking no, we don't know what those percentages are yet. It's still -- we're still working with the architect trying to determine all of the unit mix in terms of the, you know, three-, two-, one-bedroom. It's probably going to be heavier to two- and one-bedroom units.

MR. EASTMAN: Would you be open to reserving a certain percentage of the units that they would be open to the public and not restricted to just the private employees?

MR. ARNOLD: I'll let either Austin or Rich come up and address that. It's a question I don't have an answer for you, Tom.

MR. HOWELL: Austin Howell with Barron Collier Companies.

The majority of the units are going to be open to the public. It would just be a smaller portion that would have first priority for either NCH, Arthrex, the immediate employers in that area. So the majority of the units are open to the public.

MR. EASTMAN: Okay.

MR. HOWELL: And should Arthrex not fill any of those units that they -- we don't have agreements with them now, so should someone like Arthrex have first priority on the units, if none of their employees would take those units, they don't just sit there vacant; they would go into the pool for the public.

MR. EASTMAN: Okay. And would you be open to having that as be, you know, a condition that the majority would be open to the public?

MR. HOWELL: I don't see the need for the condition, in all honesty, but it's just simple; how apartment complexes usually work, they're open to the public. But it doesn't harm in any way that the majority of the units -- if you have a certain percentage that you're suggesting, like I said, we're still going through --

MR. EASTMAN: I'll just use your words, "the majority"; would that be okay?

MR. HOWELL: That's fine.

MR. EASTMAN: Thanks.

CHAIRMAN FRYER: Okay. Commissioner Schmitt?

COMMISSIONER SCHMITT: Yeah, Wayne, for clarification, you have highlighted in yellow B, Tract 8, that is actually where the structure will go?

MR. ARNOLD: That is where --

COMMISSIONER SCHMITT: And the other tract --

MR. ARNOLD: Tract 9 would be where the land bridge would -- or the pedestrian bridge would connect to a parking deck.

COMMISSIONER SCHMITT: That's where the parking deck will go.

MR. ARNOLD: Yeah. And the parking --

COMMISSIONER SCHMITT: And the other -- the other area that's PU, PW, and L there --

MR. ARNOLD: No material changes to those as part of the PUD. They were included in our Growth Management Plan amendment to get to an acreage for --

COMMISSIONER SCHMITT: That remains preserve or water management or whatever else it is?

MR. ARNOLD: Correct.

COMMISSIONER SCHMITT: Okay. All right. Thanks, I had clarification on that.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. All right. So in the actual request, we're taking it from one designation, and the new designation, is it brand new, or is it adding it to something that --

MR. ARNOLD: This is brand new. It creates our own mixed-use subdistrict.

COMMISSIONER KLUCIK: I just wanted to clarify that.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: Is anything going to be under 750 square feet? Were you here for that discussion?

MR. ARNOLD: I did hear that discussion.

COMMISSIONER SCHMITT: Probably will be, yes.

MR. ARNOLD: And I think there's an opportunity for it to be, and I know that that's a discussion that we think is important, because in the medical world they have visiting nursing programs, they have visiting doctor programs. There isn't necessarily always a need to have a larger unit available for somebody who -- probably the hospital could lease a unit on an annual basis. They may put a rotating group of people into a studio unit. Studio units need to be a little less than 750 square feet.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: A question for Wayne. In the staff report, we talked about wetlands impact credits. What exactly is -- there's a pond that's on Tract 8 right now. Is that -- and that's going away because you're putting residential in there. Is that what this refers to?

MR. ARNOLD: I think it does. It's -- we're not impacting the wetlands that are part of the preserve.

COMMISSIONER SHEA: But it talked as if you had to buy some credits for whatever you're doing here. No?

MR. ARNOLD: I don't think so. That wasn't part of our discussion, but I'm not sure what that's in reference to.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. This is -- I think this is just a curiosity question, but have there been any discussions about a pedestrian bridge across Immokalee or across Goodlette?

MR. ARNOLD: Not recently. I know that we did look at that potential many years ago, and that's before the Creekside Corners retail center was constructed. I think there was some interest by Naples Community Hospital one time to have also some medical office located proximate to their hospital, and there would have been a question as to whether or not a pedestrian bridge would be necessary.

This one, at least, it's on Creekside Boulevard East. It's a minor connection, if you will, just to put a pedestrian bridge. I don't know that -- you know, one of the other examples we have in Collier County is downtown Naples with the Naples Community Hospital connecting their facilities.

CHAIRMAN FRYER: Thank you.

All right. It's 27 minutes after 10. No one else is asking to speak at this time, so we'll take a 10-minute break. Please come back at 10:37. We stand in recess.

(A brief recess was had from 10:27 a.m. to 10:37 a.m.)

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

All right. No one from the Planning Commission is signaling at this point, so I'll turn it back to Mr. Arnold and see if he has anything further to say.

MR. ARNOLD: Mr. Yovanovich would like to talk to you a little bit about the conversation that Mr. Eastman had with Mr. Howell.

CHAIRMAN FRYER: And this will be about the current matter, Mr. Yovanovich?

MR. YOVANOVICH: I'm not so sure if that was elder abuse or not.

COMMISSIONER HOMIAK: Ooh, that could be.

MR. YOVANOVICH: I still -- I think I'm still Mr. Yovanovich, and I think this is the Creekside project, so I do want to talk about the Creekside project.

There was a pretty rapid exchange between Mr. Eastman and Mr. Howell regarding who may or may not be tenants of the units and what's the right percentage and not the right percentage, and I really -- I hesitate to prescribe a percentage of how many units can or cannot be utilized by any specific group of people, particularly because, you know -- and this is purely hypothetical. I don't know that this could ever happen.

You have two major employers in very close proximity, and if they wanted to lease up 100 percent of the units because, you know, they've got their employees right there, why would that be a bad thing? Why would we force those people to live further away?

So I think it would be better to just let the market dictate who the tenants are and not prescribe what the percentage of the tenants need to be and how close or how far away they may live, because I think there's a natural synergy there for some certain employers. And I'd hate to say that, you know, we get to the 50 percent threshold and I've got to tell somebody at NCH or Arthrex I can't rent you -- I can't rent you a unit. I've got to let someone else use it.

So we had a very preliminary discussion, Mr. Eastman and I, out -- or actually in here, and I'd like to just let the market dictate the percentage of the units. And we've had no objections from anybody in the community. Nobody from the community was concerned about, you know, who were the tenants going to be, and I think this has been a great research and technology park evolution, and we'd like to -- we'd like to re-think that commitment, if that's acceptable, Mr. Eastman.

MR. EASTMAN: I'm fine with that, Rich. And we discussed that having an exclusive for the building does affect its value and it could be a premium. And also, as Rich mentioned earlier, having the employees living so closely reduces traffic on the roads. And I think the market is always the best thing to use as a touchstone. So I have no problem agreeing with everything that Rich is saying.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. No, I was just going to say -- I was just going to say Rich brings up a good point, so it sounds like it's been taken care of.

CHAIRMAN FRYER: Okay. Thank you.

No one else is signaling at this point.

Anything further from the applicant, Mr. Yovanovich or Mr. Arnold?

MS. ARNOLD: No, sir.

CHAIRMAN FRYER: Thank you very much.

And there being no further questions or comments from the Planning Commission, we'll go right to the staff report, please.

MR. SABO: Good morning, Mr. Chairman, Commissioners. James Sabo, Comprehensive Planning manager. Give me a second here to pull up this presentation. Oh, this is the wrong one. Sorry, sorry, sorry, sorry, everybody. We're not ready yet.

MR. YOVANOVICH: Mr. Fryer, to be fair, should you say something to Mr. --

CHAIRMAN FRYER: I didn't see what was displayed, and it was probably a good thing. Oh, Mr. Bosi.

MR. BOSI: Chair, while staff is pulling up -- while staff is pulling up the presentation, I

did want to provide a clarification or at least an acknowledgment there has been no senior abuse in terms of how we've treated Mr. Yovanovich. I have seen him with a brownie previously, so he's been provided snacks.

CHAIRMAN FRYER: Thank you for that clarification.

Mr. Sabo, are you ready, sir?

MR. SABO: I am.

CHAIRMAN FRYER: Please proceed.

MR. SABO: All right. This is a Growth Management Plan amendment for the Creekside Commerce Park. I am presenting Ms. Faulkner's report. It is a proposed GMPA amendment to create a subdistrict allowing a maximum of 300 multifamily rental units. It's a 9.9-acre site. And as Mr. Arnold mentioned, recent changes would have made this a small-scale, and they could have actually added acreage, but that's not the case before you. This is the location. We already went through that.

GMP amendment will not affect the requirements of the CCME. Native vegetation remains. Environmental Services recommends approval. No EAC required.

No adverse impact on the wastewater treatment system, and Transportation is recommending approval as well based on consistency with Policy 5.1.

These are the findings: Within two miles there's about -- the CIGM identifies about 11,500 jobs, most of those high tech. Proximity of the project to services reduces vehicle miles traveled. Local transit is available within walking distance, and there's no adverse impacts on the environmental, historic, or archaeological.

Our recommendation is to approve/adopt a recommendation to the Board of County Commissioners.

I'll entertain any questions.

CHAIRMAN FRYER: Thank you.

Planning Commissioners, no one is signaling. Anyone have questions?

(No response.)

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

MR. SABO: Thank you.

CHAIRMAN FRYER: Will we hear from Ms. Gundlach also? Do you have a presentation? You don't need to, but...

MS. GUNDLACH: Good morning, Commissioners. I don't have a presentation, but I wanted to put on the record that -- I'm Nancy Gundlach, principal planner for the Zoning Division. And we are recommending approval of the Creekside PUD amendment, but it is subject to the approval of the companion GMPA.

CHAIRMAN FRYER: Understood. Thank you very much.

All right. No one has questions for Ms. Gundlach?

(No response.)

CHAIRMAN FRYER: All right. Mr. Youngblood, do we have any members of the public who have registered to speak?

MR. YOUNGBLOOD: Mr. Chairman, I do not have any public speakers for this item.

CHAIRMAN FRYER: Thank you. Are there any members of the public in the room who have not registered but wish to speak? Now would be the time.

(No response.)

CHAIRMAN FRYER: Seeing no hands up or no one rising, that will conclude the public comment portion of this hearing, and we'll open it up for discussion and deliberation by the Planning Commission. Do you have rebuttal?

MR. YOVANOVICH: No, I don't. We just noticed a typo in the document that I need to put on the visualizer. I just noticed in the table -- or Wayne and I just noticed in the table, that by the unit minimum floor area it says "ground floor." The words "ground floor" shouldn't be there. It should just be floor area per unit.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: So we just need to strike that from the Development Standards Table.

CHAIRMAN FRYER: Okay. That will be deleted.

Nothing further from the applicant, nothing further from staff. No one's signaling at the Planning Commission dais, so it would be appropriate for us to entertain a motion.

COMMISSIONER VERNON: Vernon moves.

COMMISSIONER SCHMITT: No one speaking, I'll be --

CHAIRMAN FRYER: Okay. We need to do two motions, so this is the GMP first.

COMMISSIONER SHEA: Can I ask a question?

CHAIRMAN FRYER: Yep.

COMMISSIONER SHEA: We may have questions on the second one. There's a little more detail on that one.

CHAIRMAN FRYER: Well --

COMMISSIONER SHEA: So do we need to talk about both, or can we --

CHAIRMAN FRYER: Yeah. Why don't we -- yeah, we talk about these together and vote separately, so I think now would be the best time to raise those, Commissioner.

COMMISSIONER SHEA: I guess a maximum height of 100 feet, is that a zoned height? An actual height?

CHAIRMAN FRYER: That's actual, I believe.

COMMISSIONER SHEA: It's actual?

CHAIRMAN FRYER: That's what the material says.

COMMISSIONER SHEA: If they -- what is -- is that allowed under the code, that height, maximum actual of 100 feet?

MR. BELLOWS: For the record, Ray Bellows.

The Land Development Code doesn't have a height limitation per se, or the Growth Management Plan. It's determined on a case-by-case basis for PUDs, so they could ask for an actual height of 100 feet and be consistent with our codes and regulations.

COMMISSIONER SHEA: So they're consistent with the code?

MR. BELLOWS: Yes.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: They're consistent by not being inconsistent.

COMMISSIONER SHEA: Yeah.

CHAIRMAN FRYER: All right. Anything else?

(No response.)

CHAIRMAN FRYER: All right. So there's been a -- has there -- let's have another motion on the GMPA motion first, please.

COMMISSIONER SCHMITT: I'd make a motion on the GMPA that is PL20190002849, GMP amendment for Creekside; make a recommendation to approve as proposed and approved by staff, or at least as proposed by staff.

CHAIRMAN FRYER: Thank you, sir.

COMMISSIONER HOMIAK: Second.

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

(No response.)

CHAIRMAN FRYER: Commissioner Shea, did you -- all right.

I just would like to say for the record that ordinarily, for me, 30 dwelling units per acre is a bridge too far, but it's -- I believe it is certainly appropriate in this case, and I think that this is a very positive opportunity for the county, and the petitioner is to be commended for that.

Without any further questions or comments, all those in favor of the GMPA, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously, six to nothing.

I'd entertain a motion now on the PUDA.

COMMISSIONER SCHMITT: Make a motion likewise, 20190002850, Creekside Commerce Park PUDA. And I, too, agree 30 units per acre is a lot, but in this case, when you look at it holistically, when you look at the entire Creekside community and the PUD, it is, I think, a very suitable blend for what's being proposed. I would recommend approval based on the recommendations as approved -- as proposed by staff with the minor amendment as discussed on the record.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes six to nothing unanimously. Thank you very much.

And we do not need to take action as an EAC on this.

MR. ARNOLD: Thank you so much. Appreciate that.

CHAIRMAN FRYER: Thank you, applicant.

***We now go to Items 5 and 6, which also are companion items. They are as follows: PL20190001333, the Iglesias Pentecostes small-scale Growth Management Plan amendment proposal, and PL20190001326, the Iglesias Pentecostes conditional use.

COMMISSIONER VERNON: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER VERNON: Before you jump into that, can I bring up a minor but urgent matter?

CHAIRMAN FRYER: You may, sir.

COMMISSIONER VERNON: I was approached by a reporter to talk about the RCMA issue during the break. And I've sat in your chair -- and I think this is a very noncontroversial interview. But I've sat in your chair where I wake up the next day after the meeting, and I've got seven board members saying seven different things, and I've never been a big fan of that.

So in my mind, you know, there probably should be a spokesperson that the press deals with on our board. I mean, it's certainly up to you and the fellow commissioners, but that's what I'd recommend. I'm happy to do this interview, not a problem, but I just didn't -- I don't want to start down a road where we end up with a controversial item and all of a sudden we create problems.

CHAIRMAN FRYER: Understood.

Anyone else want to be heard on that subject?

COMMISSIONER SHEA: Yeah. I think in the past we've had the Chairman be the spokesperson, and I would recommend we continue with that so we don't get seven different messages.

CHAIRMAN FRYER: Certainly can --

MR. KLATZKOW: I would just note that no good comes from -- I'm -- this is not a joke. No good comes from being interviewed by the press.

CHAIRMAN FRYER: My policy has been that I will not say anything to the press before a matter has come before us for the final time, and only on one occasion that I can think of did I make a comment after that. But having said that, I agree with the County Attorney. It's -- we do it at our peril and -- but I leave it to your discretion if -- as a planning commissioner if you want to speak as an individual at your own risk, and if you clarify that you're speaking as an individual, certainly that's your prerogative. If you want me to speak for you in a noncommittal fashion, you can refer the matter to me. I won't speak on it until it's been heard by us for the final time, if then.

COMMISSIONER VERNON: Well, I do like the idea of having -- communicating with the press when appropriate. I just don't like the idea of a rogue situation.

So I would like to talk to the press, but if you'd prefer to talk to them, I think they'll be here at noon. So I agree, I think the Chairman should. And I understand your point about before we vote on something. But I do like to have some kind of communication with the press, although I understand. Certainly, I've seen how that can go awry, but I don't like nobody on the Board communicating with the press. That's my personal thought.

CHAIRMAN FRYER: Yeah, and that's a valid point. I'll say it again. If there is to be commentary from the Planning Commission before we vote on this, I think that's inappropriate, and I would -- I would decline to comment on behalf of the Planning Commission. Afterward my comment would likely be something like, you saw the proceedings, the commissioners spoke and you heard the vote, and that's the way the matter was left by the Planning Commission. I'm not sure that adding color beyond a statement like that is very useful.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah. I would just say that I agree with what you responded to. I mean, I don't think there should -- you know, I don't think we can prohibit anybody from giving an interview if they feel like it's important to give an interview. But I personally told the reporter that based on the fact that every time I've been interviewed, you know, the story doesn't seem to reflect the discussion very well, I won't be giving you an interview. That was my response.

But I agree that, you know, in the middle of -- in the middle of a hearing like this, when approached by a reporter because they didn't get here on time, I think that was kind of the situation here, to explain things. It makes sense that somebody, you know, could inform them. Fortunately there were other people in the room that were able, I think, to do that. But I kind of just said, yeah, it passed and, no, I won't give you an interview.

But I agree with your concern that we don't really -- in the midst of everything, we don't want to have a bunch of people --

COMMISSIONER SHEA: Can I make a suggestion?

CHAIRMAN FRYER: Go ahead, Commissioner Shea.

COMMISSIONER SHEA: My experience is the same as Commissioner Klucik's, that very rarely does what I say come out the way I said it. What we did as a practice is we said, if you want an interview, you want to talk to somebody, submit your questions in writing, and then rather than any misunderstanding of what the question and the answer was, and we submit an answer in writing.

CHAIRMAN FRYER: These are all good points. I would suggest at this juncture that if we want to talk about this further today, we defer it to new business, and let's continue to hear the matter at hand.

COMMISSIONER VERNON: Yeah. And I apologize for bringing it up. It was just --

CHAIRMAN FRYER: No, no.

COMMISSIONER VERNON: -- I did submit that somebody would talk to the press at noon, so I feel like I have an obligation to do that interview.

Going forward, I'm simply going to defer it to the Chair, and if the Chair wishes to say submit the questions in writing or no comment, that that's the Chair's prerogative, or if the Chair wants to request me to speak. That's the way I'll handle it in the future, but I just -- I don't want to tell somebody something and then go back on it.

CHAIRMAN FRYER: My suggestion -- of course leave it to your discretion as a commissioner and a lawyer -- that we would not be commenting on these matters until it had finally concluded our involvement. And this is a small-scale, so we're only going to have one shot at it, but be mindful of what the County Attorney said, because there's wisdom in that.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: Mic test. Can you hear me now? Is that better, or is my mic not working? Okay, great.

CHAIRMAN FRYER: ***Okay. Thank you. I'm going to call the items again, fifth and sixth matters, PL20190001333, Iglesias Pentecostes small-scale Growth Management Plan amendment, and PL20190001326, Iglesias Pentecostes CU.

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

CHAIRMAN FRYER: Thank you. Disclosures beginning with Mr. Eastman, please.

MR. EASTMAN: No disclosures.

COMMISSIONER SHEA: Staff materials.

COMMISSIONER VERNON: No disclosures.

CHAIRMAN FRYER: I've had communications with staff and the materials of public record only.

COMMISSIONER HOMIAK: None.

COMMISSIONER SCHMITT: Other than encountering the crowd as walking in, I asked a few questions. Those were the only involvement I had.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: Staff material and discussions with staff.

CHAIRMAN FRYER: Thank you very much.

With that, we'll begin with the --

COMMISSIONER KLUCIK: Mr. Chairman, I'm sorry. I did -- I actually did broach the subject briefly with Commissioner McDaniel as well.

CHAIRMAN FRYER: Okay, okay. Thank you.

COMMISSIONER SCHMITT: Commissioner, you're going to have to excuse me. I have a phone call. I have to be absent for about 15 minutes.

CHAIRMAN FRYER: Understood, Commissioner.

We'll begin with the applicant's presentation. Sir, please identify yourself, and you may proceed.

MR. DE AZA: Good morning, everybody. My name is Ronny De Aza. I am with RDA Consulting Engineers, and we're here representing Iglesias Pentecostal Peniel on the church they are trying to get approved in the Estates, Golden Gate Estates.

THE COURT REPORTER: Can you spell your name?

MR. DE AZA: R-o-n-n-y, Last name De Aza, D-e space A-z-a.

Talk about the project. The project is located in the corner of 8th Street Northeast and 22nd Avenue Northeast in Golden Gate Estates. It's two lots that will need to be combined if this gets approved during the SDP process, and total of about 5.15 acres.

We are proposing a 100-seat church. The zoning for this is Estates, and we are able to do a conditional use to approve a church here, but we'll only be able to get a conditional use approved

after a Growth Management Plan amendment.

The church is currently on Randall, and they're trying to get their own building relocated. And this exhibit here just shows where the congregation is. So this location is perfect for everybody that goes to this church.

On screen is the master site plan that we're proposing. The church will be approximately 5,000 square feet. The property to the north and the property to the west is residential property. And to the east and to the south we have a right-of-way followed by residential property as well.

We have some existing wetlands that we are not going to be impacting, and we are respecting all the buffers, 75-wide buffers that will need to be in the Estates when the property is abutting residential.

On the screen, again, is just an example of how the proposed church will look like.

And the county has conditions of approval. The church members agree with all the conditions that the county has brought down. We did traffic analysis originally based on a 250-seat church, and it was very positive, very little impact. Bringing the church down to 100 seats, it's even better now transit-wise, and we have our transit engineer here with us if you have any questions, and we brought those calculations in case you wanted to see them.

That's pretty much all we have is a small church, small community church, about 60 to 80 members, and we are asking approval for just 100 seats. And it doesn't seem that we have a negative impact to the community. And we would like to both get the conditional use approved and the Growth Management Plan amendment for this.

And with that, I conclude my presentation.

CHAIRMAN FRYER: Thank you, sir.

MR. DE AZA: The pastor would like to speak.

CHAIRMAN FRYER: Thank you.

Pastor.

PASTOR MARTIN: Yeah. My name is Jorge Martin. J-o-r-g-e Martin, okay.

More distinguished planning commissioners, I am here to speak about the fact that for several months we have applied for conditional use and permit with the sole objective of constructing a building to be using as a church by our congregation. I would like to make known why we are requesting this permit.

First, I would like to explain why we feel the need to construct the church. The members of the church have been meeting at different homes and commercial rental space for the past several years. The growth of our small church community has driven us to seek out the option of owning our own space.

We are calling [sic] to good stewards of finances, and the sum of the monthly rental payments throughout the year is a very high cost for our congregation.

When we first are meeting to have a conversation with the Growth Management, a question about why we did not verify if we could build a small church in a residential area. To that, we reply that our mistake was to assume that we have no objection since our sister church in Immokalee city present [sic] a time the permit to building in the residential area with little to no effort.

We have our experience --

COMMISSIONER KLUCIK: Sir, could you repeat that sentence, because I didn't understand what you said.

PASTOR MARTIN: Okay. I say --

COMMISSIONER KLUCIK: You were talking about the obligation that you had based -- somehow connected to the sister church. I didn't understand.

PASTOR MARTIN: Oh. In Immokalee, we have a sister church where we work together. So we buy the property -- I mean, they buy the property over there, and they asking for a conditional use in a residential area, and they have the permit with not options, with not -- I mean, were not refuse. Would not discuss, okay. That's what it was.

COMMISSIONER KLUCIK: So it was approved in Immokalee?

PASTOR MARTIN: Yeah. In Immokalee, is one approved. One church is approve over there.

Okay. We have -- our experience led us to assume that the process will be similar. In the Estates, we never could have imagined or prepare for the controversy this will bring about. We never expect be in the news to having misinformation spread to having people who are so strongly oppose to a church being built.

Our intent has never been or will to be cause division, anger, or upset people. I don't know if you understand that. Okay. We simple --

COMMISSIONER KLUCIK: Thank you.

PASTOR MARTIN: We simply want to create a space that will be able, through the community, as a place of worship where people can come together and the community -- in the community in peace. We want to help the community and provide resources.

I understand that some of the opposition is because of the belief that we will disturb or cause more traffic in the area. I can assure you -- I can assure you that that will not be the case. Our meeting times are only twice a week, Sunday -- Sunday morning and Wednesday evening well after everyone is home from work. Our meeting will be never considered to typical high traffic hours.

We want to help the community with what is within our reach. We want a space that it created by the community for the community.

Historically done, we're building our own church -- was building our own church. What we want is for a church to be easily accessed by our members and all that wish to join. That is same way to the community recreation park, wherever the residents can be sport, et cetera. We understand the church is very important for the people come to worship.

Thank you for your time, and that's my presentation.

CHAIRMAN FRYER: Thank you, Pastor.

Commissioner Vernon?

COMMISSIONER VERNON: What time are your Wednesday services?

PASTOR MARTIN: 7:30.

MR. MARTIN: 7:30, in case that didn't come through the microphone.

CHAIRMAN FRYER: 7:30. 0730 or --

MR. MARTIN: Wednesday -- no, 1930, 7:30 p.m.

CHAIRMAN FRYER: Thank you.

MR. MARTIN: Good morning, Commission. My name is Justin Martin. I'm the brother of Jorge Martin, Pastor Jorge Martin. The church couldn't afford to hire Mr. Yovanovich, so that's why I'm here. I'm not an attorney.

CHAIRMAN FRYER: Don't worry about it. He'll speak anyway.

MR. MARTIN: I'm not an attorney, but I'm familiar with the project, and I'd like to say some things in support of it.

I was surprised by a lot of the opposition that was created over the months about this project, and I think a lot of that opposition is on misconceptions. And I can read to you the things that were in the petition that -- I think there was 250 that signed in opposition, and it stated these things: It says, it will set a precedent. It will allow commercial. It will change the zoning to nonresidential. This is all this traffic. Inappropriate residential in a residential zoning. Add additional uses in the future. Existing buildings along Randall and 8th Street are sufficient commercial for the area. I'd like to address each of those.

All right. Setting a precedent. This project will not set any precedent. Precedents are already set. There are churches within even the Estates zonings that have conditional uses. There are over a dozen churches within Collier County that are within residential where you have houses right next door, right across the street, and I'll get into some of those. So this is not setting a precedent for that. This is not changing zoning.

There was a lot of talk and misinformation on social media and the media about rezoning. This is not rezoning. As you're all aware, this is a conditional use for a specific use for a church on this residential zoned property, and that will not change. We're not asking for a rezoning.

So a lot of the people who signed that petition were misled. They were thinking this is rezoning. If you look at that petition also, a lot of those are not even from the Estates or even from the county area. They're from Cape Coral, Hialeah. There's -- if you look at the addresses of all those that signed that.

The church did get its signatures in favor, and it was over -- I'm not sure the exact number -- it was over 400 signatures. And those are primarily residents that live in Golden Gate Estates.

Traffic. We talked about the traffic. There's two services: One 7:30 p.m. on Wednesdays and then one Sunday morning. Those are not peak traffic hours. Also, that was mentioned in there that this is going to bring in a lot of traffic from outside. Well, the traffic is going to be from the residents that live in the nearby area. You're not going to have people from Fort Myers coming down to a church in Golden Gate Estates.

I'd like to see if I can connect to this. If you bear with me just a second, I'll do that. Let me push the laptop button. Okay. Okay, here we go.

What I'm showing you here is examples of existing churches. And I did this this morning in a quick Google search. Existing churches in Collier County that are in residential zoned areas with conditional uses. This is the First United Methodist Church. This is in the City of Naples. You've got First Avenue, Third Street, in between Third street and Fourth Street. Bear with me here. This is the photo of the church on the left, and right across the street is residential homes. So a church is not an inappropriate use within a residential community.

This is the Naples Alliance Church. This is on Estey Avenue -- on the corner of Estey Avenue and Pine Street. The next -- and you can see right across the street, this is all residential. This is all residential area. Here is a photo of the church. Across the street, you have homes. It's not an inappropriate use within residential zoning.

This is in Naples Park. This is 109th Avenue. This is 8th Street. You've got two churches. One is the Romanian Orthodox Church, and the church where my brother, Pastor Jorge Martin, is on 107th Avenue, Iglesias Pentecostal Church.

And here's a photo from the street. That's a street view. Right across the street. Right across the street from residential homes. This is not a commercial use. This is not a tire shop. This is -- we're not proposing a department store, a bar, anything like that. This is an appropriate use within residential zoning and a conditional use.

This is the Romanian Orthodox Church on the corner of 109th Avenue and 8th Street. Right across the street you can see residents -- residential homes.

This is on Price Street in South Naples in Collier County. These are estates-sized lots, and these are homes. Right next to these homes is St. Demetrius Orthodox Church. Here's a photo of St. Demetrius Orthodox Church right across the street and right next door to estates-sized homes.

Now we're looking in Golden Gate Estates. Golden Gate Estates, right on Golden Gate Boulevard, you've got Kingdom Hall, which is a church; you've got Grace Romanian Baptist Church; and you've got Max Hasse Community Park, which is a conditional use on Estate-zoned property.

You also have this Big Cypress Elementary School which is a conditional use on Estate-zoned property.

Now we're looking at the Church of Latter Day Saints. This is within Golden Gate Estates. This is right off of Randall Boulevard and Everglades Boulevard. It's a conditional use. This was recent. This is not something that was done, you know, 30 years ago. This is recent history.

And here is a closeup of the Church of Latter Day Saints. And you could see with today's Land Development Code requirements for landscape buffers, setbacks, spacing of driveways from

intersections, this church, Iglesias Pentecostal Peniel church in Golden Gate Estates will meet all of the development order requirements.

There's another one. This is also in Golden Gate Estates. This is on 18th Avenue Northeast near DeSoto Boulevard, and this is within the campus of Cypress Palm Middle School, which is another conditional use in Estates-zoned property.

And I just would like to conclude that, you know, this is an appropriate use in the Estates-zoned property. We're not asking for something that hasn't been done before. It's not setting a precedent. We're not impacting traffic. And, you know, the church is there to help the community. Just like you have community parks that are close to the residential areas within residential areas that are accessible to those residents, so should churches and schools. Schools are. And also, this is just a small community church.

During the planning review process, the initial application was for a 250-seat church. With staff, with county staff, the church made a concession to reduce that to 100. There was reports in the news that this was a three-story church. That's false. This is a one-story church.

And like the engineer mentioned before, it's 5,000 square foot. It's not a large church.

So, Commissioners, I appreciate your time, and I'm here to answer any questions. I'll be standing by.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: I just wanted to clarify. We are hearing this legislatively; is that correct?

CHAIRMAN FRYER: This is actually both, and so we treat it as though it is quasi-judicial. The CU part is quasi-judicial, and the GMPA is legislative.

COMMISSIONER KLUCIK: Got it.

CHAIRMAN FRYER: Commissioner -- Mr. Eastman.

MR. EASTMAN: Based upon the -- your presentation, I have a question for Mike.

Mike, our public, elementary, and middle schools in the Estates zoning district, those schools, those public facilities, are they a conditional-use requirement, or are they a permitted use?

MR. BOSI: At one point in time, they were a conditional use. They are now a permitted use within the Estates zoning district, public schools.

MR. EASTMAN: Okay. So today they're a permitted use?

MR. BOSI: Yes, yes.

MR. EASTMAN: Thank you.

CHAIRMAN FRYER: No one else is signaling at this point.

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: Yes.

COMMISSIONER KLUCIK: Based on that question, is there a reason that churches don't enjoy the same status?

CHAIRMAN FRYER: As public schools?

COMMISSIONER KLUCIK: Right.

CHAIRMAN FRYER: Well, I'm not sure I'm the proper one to answer.

COMMISSIONER KLUCIK: Yeah, no. I'm just figuring somebody must have some history on that.

COMMISSIONER HOMIAK: It's in the Golden Gate Area Master Plan.

CHAIRMAN FRYER: Yeah. There is -- there is a very limited opportunity. I think Tract 22 of Lot 97, churches are allowed but, otherwise, it would take a GMPA, and that's why we've got a GMPA and a CU in front of us.

Any other questions or comments for the applicant at this time?

(No response.)

CHAIRMAN FRYER: All right. Before we -- before we go to staff, I want to ask the Planning Commission to -- about stewardship of our time and our agenda today. Begin by asking,

Mr. Youngblood, how many registered speakers do we have, sir?

MR. YOUNGBLOOD: Mr. Chairman, I don't have an exact count, as I'm under the understanding that not everyone who has registered to speak would want to speak, rather voice their support or opposition.

CHAIRMAN FRYER: Can you give us any kind of a range? I won't hold you to it.

COMMISSIONER HOMIAK: Just ask them to raise their hands.

MR. YOUNGBLOOD: I would say two dozen.

CHAIRMAN FRYER: Two dozen, good.

Ordinarily, we would want to hear from the public before we get to the end of the day. We're moving along rather expeditiously, so the question is whether we want to try to hear from the public before lunch and then hear staff or whether we want to have our lunch and then come back and hear the public.

COMMISSIONER VERNON: I'd like to go ahead and hear them, but I'm deferential to the rest of the commissioners.

COMMISSIONER HOMIAK: Hear them.

COMMISSIONER SHEA: I'd like to hear them.

COMMISSIONER KLUCIK: I'd like to hear them just because they're here, and I know what it's like to be here and not get to speak your piece.

CHAIRMAN FRYER: Okay. How long -- how long is the staff presentation?

MR. BELLOWS: My speaker button. For the record, we have a short PowerPoint presentation. It shouldn't take very long at all. It will be a short presentation.

CHAIRMAN FRYER: Okay. Well, if it's short, my suggestion is is that we continue on in the usual order, and we'll start with speakers as soon as we're completed with staff. And we may not get through all the speakers before 1:00 p.m., but that we would take a lunch at around 1:00 p.m. and then return for the rest of the speakers. Does anyone have a problem with that approach or suggest a better one?

COMMISSIONER HOMIAK: I think we should just do the speakers so they can leave if they need to. I don't think they need to be sitting here all -- I don't think -- they probably can't sit here all day.

CHAIRMAN FRYER: Well, the question really, and I didn't express it well, is when are we going to have lunch?

COMMISSIONER SHEA: It depends on how many -- how many comments we get from the public, but I would -- I would like to stay as long as we can before we break.

CHAIRMAN FRYER: All right. Well --

COMMISSIONER VERNON: I agree.

CHAIRMAN FRYER: All right. Well, we'll play it within reason. But, you know, when it gets to be about 1:00 or 1:30, I, for one, begin getting hungry. Okay. We'll do it that way.

So before we hear from staff, I have some questions of the applicant, if I may, just to set the tone here of my concerns. First of all, I met with staff yesterday, and they were quite complimentary of the applicant for your being instructive and flexible and willing to make concessions. And for that, of course, we are all thankful.

There still remain significant questions in my mind, and I want to go over those first of all, the picture, the image that you're using of your church, in my mind at least, conflicts substantially with the language of the CU that's being proposed. You're looking for a 30-foot church with a 50-foot steeple on top of that for a total of 80 feet. There's no steeple on this image. And just based upon -- in relation to the humans that are also depicted in this image, I would say it's about 20 feet.

MR. DE AZA: That was an image that the pastor had that they were going to go off. They haven't gone through the architectural process. The church is not going to be big. It's just going to be probably 10-foot ceilings with, like, 5 to 6 -- 5 to 12 pitch and a little steeple. It will

not be a large structure.

CHAIRMAN FRYER: Are you putting a steeple on it?

MR. DE AZA: That would be a question for the pastor.

PASTOR MARTIN: Is any limitation about that, we don't put it.

CHAIRMAN FRYER: Well, there might be.

PASTOR MARTIN: Well, we want to build the church; that means we not putting if that will be.

CHAIRMAN FRYER: Well, my point is, is that based upon my interpretation of this image, if this is what you want, this is substantially different than the language that is in your CU. This is not an 80-foot structure including a steeple, and even without a steeple, I don't believe it's 30 feet.

PASTOR MARTIN: Okay. We having that image from the company of a building that kind of structure. So I ask him for some kind of church, and the limited about the 8,000 -- was 8,000 before?

MR. DE AZA: Before it was 8,000.

PASTOR MARTIN: Before it was 8,000, and they send me that, but we updated that with the new -- with the new size of the church we already apply for.

CHAIRMAN FRYER: I understand.

PASTOR MARTIN: Okay.

CHAIRMAN FRYER: Yeah. And, again, I complimented you on your flexibility but, unfortunately, there remain significant issues, at least in my mind.

PASTOR MARTIN: Okay.

CHAIRMAN FRYER: And this is one of them. I think if you were proposing in language what is depicted in this image, we could get beyond this.

PASTOR MARTIN: Okay.

CHAIRMAN FRYER: But that would be, like, a 20-foot high building without a steeple. Let my brother come.

MR. MARTIN: I guess what the pastor's referring to is that we're so early in the process that it is, like you said, flexible. So whatever's approved is what -- is how the architectural plans will be prepared. If it's a 30-foot limit, then that's what it will be. That was just a sample photo. It's not -- it's just a rendering from the actual building manufacturer. It's not what the actual building's going to look like. If you look at all the LDC architectural standards, you have all these requirements for undulations of your facade.

CHAIRMAN FRYER: Yeah. Let's just stick to height right now, please.

MR. MARTIN: All right. So the applicant is flexible as to the height limitations that would be approved.

CHAIRMAN FRYER: Okay, thank you. And I'm just planting that idea for our discussion when the time comes, because it's a point of significant concern, and I must say -- and I'm not saying that anyone intentionally misled anyone, but at the NIM when you show this picture, it depicts something that is quite a bit more modest than the language in your CU application. And, you know, we want to be sure that, even though it's not an intentional misrepresentation, that the public adequately understands what it is you're proposing.

So then --

MR. BOSI: Chair, excuse me. I'm sorry to -- it's Mike Bosi.

CHAIRMAN FRYER: Yeah.

MR. BOSI: Just for clarification, the GMP language has the height limitations expressed within it, and it says, starting on the second line, the maximum height of the building shall be 30 feet. Architectural features such as steeples may be to a maximum height of 50 feet. It's not 30 and 50 to get to 80. It's 30 feet, and then a steeple could be 20 feet above there to a maximum of 50 feet. Just for clarification.

CHAIRMAN FRYER: I think that needs to be rewritten if that's what is meant.

MR. BOSI: Okay.

CHAIRMAN FRYER: I don't read it that way. That is helpful.

MR. BOSI: That was the intent of that restriction is 50 feet would be the maximum that the steeple could go to. But we'll -- we will most certainly clarify the language to make it more clear.

CHAIRMAN FRYER: Okay. And I have to say that I'm catching myself violating an admonition of the court reporter who, at our break, told me please ask everyone not to interrupt answers from questions, and there I go doing it myself. So with apologies. And we'll all endeavor to let one another speak unimpeded.

Okay. And that includes people on the phone.

All right. So we've got the times of the services. You said 1930 -- 7:30 p.m.

MR. DE AZA: Correct. On Wednesdays 7:30 p.m. And Sundays morning.

CHAIRMAN FRYER: What time Sunday morning?

MR. DE AZA: 10 a.m.

CHAIRMAN FRYER: 10 a.m., okay. Thank you.

COMMISSIONER VERNON: Just one service?

CHAIRMAN FRYER: Yeah, one service each time?

COMMISSIONER VERNON: On Sunday?

MR. DE AZA: One service each time.

CHAIRMAN FRYER: Okay. My next concern -- and I've got multiple points of concern on the conditions of approval, which is Exhibit C. Many of these are really not conditions of approval at all, but I think they could be recorded to become conditions of approval, and in some I think there are surplus words that have been added that make it unacceptably flexible, from my perspective at least.

For instance, in No. 2, it says, days of operation the days of normal church operation will be Wednesday and Sunday. Well, I would propose to take out the word "normal." And I've got a half a dozen or so others of these. And we can go through them now, or we can go through them later. I think in the interest of hearing from the public, I'm going to opt to go through them later.

And if -- unless we can get exact drafting language that's agreeable and if we're of a mind to approve this as amended, I'm going to ask that it come back on consent so that we can see the revised conditions of approval. But I'm just -- I'm setting up a record for myself now to let you know that I do have these concerns.

And with that, unless anyone else wants to be heard at this time. Commissioner.

COMMISSIONER SCHMITT: I do have a question, and sorry I had to step out. But did you discuss the monthly special events? It said -- I think it was one month -- one special event per month.

CHAIRMAN FRYER: Quarter.

MR. DE AZA: It's one per quarter.

COMMISSIONER SCHMITT: One per quarter.

PASTOR MARTIN: Every three months, one per quarter.

MR. DE AZA: One per quarter.

COMMISSIONER SCHMITT: Okay. Well, what do you clarify -- what do you classify as a special event, then?

PASTOR MARTIN: We invited another missioner from some other places to come into doing the service for us to -- preaching.

COMMISSIONER SCHMITT: I understand.

PASTOR MARTIN: And the people may be from other churches coming to be together with us to hear what that missioner is going to preach.

COMMISSIONER SCHMITT: Well, what about what other what I would call typical religious events like weddings or funerals? I mean, those are not -- weddings are preplanned, certainly, in significant advance time, but maybe funeral arrangements or other type of special

events. Are those deemed special events as well, and would it count as a special event if you had a wedding or a funeral or celebration of life or some other type of event that a church typically holds?

PASTOR MARTIN: Well, we cannot regulate that. People can, you know, pass away.

COMMISSIONER SCHMITT: Oh, I understand. I'm just -- I'm not arguing that. I'm trying to get clarity as, did you say two services a week --

PASTOR MARTIN: Okay.

COMMISSIONER SCHMITT: -- and then a special event quarterly.

PASTOR MARTIN: Okay.

COMMISSIONER SCHMITT: I'm concerned about these other unplanned events, weddings, celebration of life ceremonies, other type of things that congregations typically cover.

MR. MARTIN: Commissioner, we would defer to whatever the regulations are for all the other churches in the county. Are those deemed special events for --

COMMISSIONER SCHMITT: That I don't know. That's why I want to make this clear, because you cite two congregation meetings and you cite one special event. I want to make it clear that I'm not going to attempt to bar you from doing that. I just want to make sure that the language identifies that there may be other circumstances to allow for a congregation to meet.

MR. MARTIN: Understood.

COMMISSIONER SCHMITT: And we didn't cover that in this. That was my only real question.

MR. MARTIN: Understood. It's -- churches have weddings and churches have --

COMMISSIONER SCHMITT: Certainly, no argument.

MR. MARTIN: -- funerals.

COMMISSIONER SCHMITT: I just want to make sure staff didn't prohibit you from having that -- those type of services.

MR. MARTIN: And it's -- it would be difficult to try and put that in language of, okay, we're going to have one -- two funeral services per quarter. You can't do that.

COMMISSIONER SCHMITT: I agree.

MR. MARTIN: So I'm not familiar with it, but whatever the regulations are for all other churches in the county, this church will be -- would abide by that.

COMMISSIONER KLUCIK: Mr. Chairman?

MR. MARTIN: I'll defer to staff to further --

CHAIRMAN FRYER: I'm going to -- I'll call on you in a moment, Commissioner. I just want to follow up. You've got six hours on Wednesday and six hours on Sunday. Would that be enough time for you to do your weddings and your funerals and your service?

COMMISSIONER SCHMITT: Weddings are typically on a Saturday or Friday night.

COMMISSIONER KLUCIK: I was just going to say, I think the reason for the language that you were concerned about that is a little bit wide where it says, normally the services are on Wednesday and Saturday -- or Wednesday and Sunday.

PASTOR MARTIN: Sunday, Sunday. It's not going to be six hours on Wednesday.

COMMISSIONER KLUCIK: Yeah. I think they have programmed activity for those six hours. This is additive. These are things that aren't generally -- they don't know, and they would be in addition to --

CHAIRMAN FRYER: Okay. Well, we're going to have to --

COMMISSIONER KLUCIK: Which is -- the only reason I mentioned that in relation to your point is that's why I think that language would be in there as to the regular, because they're going to have all these irregular things that are just part of church life.

CHAIRMAN FRYER: And I think it's up to us to try to nail this down. And I'm glad we raised the point, but at the end of the day we're going to have to come to some conclusion that is understandable on your side and on our side as to how many times the church will be in session for some kind of a purpose. But this was setting the stage, and we'll have more comments on that.

Commissioner Klucik, did you have more?

COMMISSIONER KLUCIK: No, I'm sorry; that was it.

CHAIRMAN FRYER: Okay. Anybody else? And I'm reserving a lot of comments for -- on the conditions themselves because I want to get to the public. But we've set the stage, I think, for those. If not, then let's hear from staff.

MR. SABO: Good afternoon, Commissioners. James Sabo, Comprehensive Planning manager. Give me a second to load up this presentation.

COMMISSIONER SCHMITT: We're already at the summary.

MR. SABO: Okay. I'll go through this quickly. It's a conditional use and a Growth Management Plan for the church. The site is five-and-a-half acres. They propose to allow a 100-seat church as a conditional use.

The proximity is close to their current church location. This is a map that they provided of their parishioners that live in the area. The site's currently undeveloped. It conforms with the rural Estates sub-element policy, which provides for a 75-foot buffer of native vegetation. No parking or water management permitted. Environmental Services recommends approval.

No adverse impacts on public facilities. Transportation recommends approval.

The original project was 250 seats and 9,000 square feet of building area. They reduced that to 100 and 5,000. Again, Transportation recommends approval.

Findings and conclusions: Only a few churches within the Golden Gate Estates area. Most are on the perimeter. No adverse environmental, historic, or archeological impacts. No utility or transportation adverse impacts.

And the applicant has stated that most of the congregation live in close proximity.

Recommendation here is to approve, adopt, send that to the Board of County Commissioners and DEO.

I'll entertain any questions.

CHAIRMAN FRYER: It's subject to the 16 conditions, right?

MR. SABO: Yeah, the CU, Mr. Bellows is going to handle the CU -- the conditional use. Pardon me.

CHAIRMAN FRYER: Okay. Okay. Commissioner Shea.

COMMISSIONER SHEA: This has private water and private septic, right?

MR. SABO: That's my understanding, correct.

COMMISSIONER SHEA: An education question: Say you've got 100 seats and 200 people show up. How do you manage and police that? I mean, just -- I mean, I go to church, and when I go there, especially if you go on a holiday, there's as many people standing as there are sitting. So how does the county police that?

CHAIRMAN FRYER: Mr. French is approaching.

MR. BOSI: As part of one of the conditions of the conditions of approval in Exhibit C to the conditional use, this is the GMP that James was speaking to. The Mr. Bellows is going to provide staff's review of the specifics related to the conditional use.

But to address your question, Commissioner, additional -- Conditional Use 11 talks about traffic coordination and the requirement for a law enforcement officer to be employed by the church on site if there is times of overflow or there's issues of overaccommodation by the church facility.

COMMISSIONER SHEA: So will that person, if he gets beyond 100 seats, will he send people away?

MR. KLATZKOW: No, no, no. It's not 100 occupancy. It's 100 seats.

COMMISSIONER SHEA: A hundred seats. So --

MR. KLATZKOW: So if people stand, they stand. We're not counting how many people stand.

COMMISSIONER SHEA: So the 100-seat is meaningless.

COMMISSIONER KLUCIK: I guess the fire code would be the only issue there.

COMMISSIONER SCHMITT: Correct.

COMMISSIONER SHEA: Just the size that restricts it. Okay.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I just wanted to follow up on Joe's questions, the weddings, funerals, you know, and I think the applicant said, what do other churches do. And I don't know. That's a good question. What's normal? What have we approved in the past?

MR. BOSI: Normally the hours -- the hours of operation will be dictated. They will talk about the number of traditional church services, and then those other activities are normally not specifically regulated in terms of anything that we would put in terms of additional conditions. Certainly, they can be, but normally we just allow that for the individual religious facility to dictate in terms of funerals and weddings. Now, if it's a special event, there is limitations upon that. A wedding and a funeral would not be considered a special event.

COMMISSIONER VERNON: So we don't -- typically, we don't have it set up here in the county here where it's -- funerals and weddings are on weekends or after business hours? No such --

MR. BOSI: In the conditional uses that we've had for churches, we've never gone to the extent of limiting weddings or churches -- or funerals within churches.

CHAIRMAN FRYER: Thank you.

Mr. French, do you wish to be heard, sir?

MR. FRENCH: Yes, sir. So, Commissioner Shea -- again, for the record, Jamie French.

COMMISSIONER KLUCIK: If I could -- I wanted to follow up on that.

CHAIRMAN FRYER: Go ahead. Follow up, Commissioner. Sorry.

COMMISSIONER KLUCIK: So my question would be -- I understand the limitation on the -- yeah, can you hear? Sorry about that.

I understand the limitation on the duration, which is six hours, correct? But then I think I read that -- and that would be on a Sunday. I think I read that there's just one service. Is that a restriction, or is that just what their plan is? Because if it's a restriction, I think then that gets a little difficult to see how that would practically impact the church. I would think they would have children services or teen services or, you know, or they might want to have a service for -- you know, at 10 a.m. and another service at 1:00, and I -- if we are limiting it to just one service, I think we're getting into a --

MR. BOSI: I'm not sure where the term "services" came from.

CHAIRMAN FRYER: We are not limiting it --

MR. BOSI: The condition of hours of operation, we limit it to, specifically to -- on Wednesday or Sunday to maximum of six hours, and the normal church operations or services will be on Wednesday and service [sic]. We are not trying --

COMMISSIONER KLUCIK: So there is no -- it's not like they can only have one service on Sunday?

MR. BOSI: That's -- we are not trying to state that. We're saying we have an hour -- they have a window of operations of six hours on Wednesday and Sunday.

COMMISSIONER KLUCIK: Right, thank you.

CHAIRMAN FRYER: Mr. French.

MR. FRENCH: Yes, sir. So, again, Jamie French, for the record.

To Mr. Shea's point, it sounded like you asked a question as far as people standing. So that gets into occupancy, types of occupancy, protections all addressed under the Florida Building Code as well as the Florida Fire Prevention Code.

That wouldn't be determined here. You've got authorities having jurisdiction that would make that determination to go as far as how much spacing is required when you actually put in a seat. So there's passive ingress/egress, escapes, number of escape routes, and then also through the fire code as well as ADA, we would look at parking calculations.

They're still going to have to meet setbacks. So even though they may come forward with

a 100-seat church, that building may be much smaller just simply because of the Land Development Code requirements.

And just to clarify the record, it doesn't matter if it's a park; it doesn't matter if it's a school; everybody follows the same code. That's just the way it is.

The only exemption -- and I'll rely on our trusted County Attorney to correct me -- is that if you're using it for agricultural purposes on bona fide agricultural land, that's really one of the only exemptions, and then you've got FEMA standards that they must abide by. But for -- they're going to follow the code like everybody else.

CHAIRMAN FRYER: Thank you.

No one is signaling at this time. Anything further from staff?

MR. BOSI: We do have a short presentation we put together for the CU. It really addressed some of the questions that we had in terms of the restrictions, and I'm not sure if you would like the formal presentation from Ray.

CHAIRMAN FRYER: What's the wish of the Planning Commission?

COMMISSIONER SCHMITT: Yes.

COMMISSIONER SHEA: If it's brief, I'd like to hear it.

CHAIRMAN FRYER: How brief is it? How many minutes? I'm interested in getting to the public; that's why I'm asking.

MR. BELLOWS: For the record, Ray Bellows. I've been working on this project with our project manager, Laura DeJohn, and we are recommending approval of this conditional use. As you see on the -- your screen, we have Conditions of Approval 1 through 11 that is contained in your draft resolution, and then we added additional Conditions 12 through 16. I don't believe I need to read through those all. Unless you have questions about those conditions, I'll be here to answer them.

CHAIRMAN FRYER: Well, I've got a lot of questions about 1 through 11.

MR. BELLOWS: Okay.

CHAIRMAN FRYER: And just one or so on the staff-generated conditions, but I'm going to raise them later after we hear from the public.

Commissioner Schmitt.

COMMISSIONER SCHMITT: I have questions on the conditions as well, but I'll hold until we deal with it as well, because I think some of it has to be clarified.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: Otherwise, it's going to open up opportunities for folks to call code enforcement to file complaints on some of these conditions.

CHAIRMAN FRYER: Thank you. All right.

Mr. Youngblood, we have registered speakers, sir.

MR. YOUNGBLOOD: Mr. Chairman, we have several registered speakers, again, some of which may not wish to address the Commission rather than just voice their support or opposition. So whenever I call their name, if the Chair would indulge me. If they do not wish to speak, just say they support or oppose.

CHAIRMAN FRYER: Thank you. They'll need to come to the microphone to say that. But if that's all they wish to say, that would be quite in order.

MR. YOUNGBLOOD: All right. We will start off with Rae Ann Burton followed by Elisabet Marquina. And forgive me if I mispronounce your name. I'm sorry.

CHAIRMAN FRYER: Ms. Burton, are you here? There she is.

MS. BURTON: Thank you, Commissioners, for your time. I've had to change my speech while I'm here.

It is with great concern that the desires and concerns of the taxpayers of Collier County are not being considered on this project. This church is an invasion in Golden Gate Estates. It does not conform to the buildings in the Estates. It would disrupt our quality of life of living in a rural area of quiet lack -- of traffic pollution and noise. It will take out wildlife and destroy their habitat

on five-plus acres, which wildlife is already endangered because of reduced habitat due to overdevelopment.

There will be traffic on more than just two days that the church is stating. There are peak times on weekends that are also considered important to the residents. The area is already impacted with current road traffics, and this will create even more traffic and even possibly accidents or deaths.

It took me 55 minutes to go 26 point [sic] miles to go through 44 stoplights, unless I missed one. If it's not a problem, why has the application for the church stated it will hire law enforcement to manage traffic?

This was not properly advertised to the Estate residents nor properly public meetings provided so the residents could ask questions and get answers. There are sites in Collier County and Lee County that are not in residential that are better suited, but they only looked in rural estates.

The home addresses of the church members and the proximity to the proposed location does not satisfy the statutory requirements to demonstrate the need for more land, nor does it demonstrate it to be an appropriate location.

These people do not live in the Estates and, therefore, pay no Collier County property taxes, nor will the church. But the Estate residents will be paying taxes for any infrastructure that will be required for this project. The residents of the Estates that pay county property taxes find that this church is in conflict with the Estate desires and quality-of-life issues, such as noise, traffic, and excessive light pollution.

Therefore, we, the taxpayers, residents of the Estates should have precedence over what is built inside the Estates. It's not the church that we are -- go against. It is -- it is giving concessions -- consent for building.

Do not approve this project. It is not compatible with the unique rural area of Golden Gate Estates. Help us keep our environment pure from even conditional building. It needs to be built outside the residential area with better traffic access where it won't congest residential roads or interfere with quality of life of the residents that chose the area because of the wildlife and open space.

The examples given mostly were not rural Golden Gate Estates. Only three, they were. The ones used for residential have major road access. Now 100. What's to keep it from going to 250?

Please consider our concerns and our desires. Thank you.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Ms. Burton, thank you for coming today. I have a couple -- several questions based on your comments.

CHAIRMAN FRYER: Ms. Burton, you might want to --

COMMISSIONER SCHMITT: Ms. Burton, you might want to stay up there. I have several questions based on your comments, if you would, please. Thank you for coming today and your time.

The first question said -- it said -- you stated emphatically it does not conform. Is that a personal or professional opinion? If it's a profession opinion, can you state your qualifications to make that professional opinion?

MS. BURTON: Basically it is a church. It is not a residential residence; therefore, it would not conform with our unique area.

COMMISSIONER SCHMITT: Okay. I take that as being a personal --

MS. BURTON: We moved out there for the open space, for the space between the homes, have area, enjoy wildlife. The development is encroaching on us and destroying us. As long as they're on the out-fringe, we can't control it. But this is in our area. A church is fine, but it should have better access to roads. The Randall Road is already impacted, and Wilson is also already impacted.

COMMISSIONER SCHMITT: Okay. Thank you. I'm going to go to the next question. You talked about wildlife on the five acres. This is Estate zoning, all of Estate zoning. So what difference if a house was built there versus a church? How does building a church adversely impact wildlife versus if I built a 2- or 3,000-square-foot home?

MS. BURTON: The five acres has trees on it right now. We don't know what lives in the area. We don't know if we've got gopher turtles -- tortoises or what is in the area. I have seen the wildlife in my area depleted because of the growth out there.

COMMISSIONER SCHMITT: All right. Are you a -- are you a wildlife professional?

MS. BURTON: No, but I am a concerned naturalist, and I am concerned about the wildlife that is out there.

COMMISSIONER SCHMITT: Okay. That answers my question. You said it was not properly advertised.

Staff, was this properly advertised?

MR. BELLOWS: For the record, Ray Bellows. Yes, and we are compliant with the recent LDC amendment that moved the notice requirements from a thousand feet to one mile for projects in the Estates.

COMMISSIONER SCHMITT: Right. And this was properly advertised and --

MR. BELLOWS: More than one mile, yes, it was.

COMMISSIONER SCHMITT: Advertised.

MR. BELLOWS: Signs posts --

COMMISSIONER SCHMITT: Signs posted --

MR. BELLOWS: -- newspaper ad.

COMMISSIONER SCHMITT: -- posted in the newspaper. The public -- the NIM was properly advertised?

MR. BELLOWS: (Nods head.)

COMMISSIONER SCHMITT: Okay. Thank you.

You made another statement. These people do not live in the Estates. Do you know that personally? Is this something that you've --

MS. BURTON: I have found out that most of them do not. They live in Bonita Springs.

COMMISSIONER SCHMITT: Do you have any type of --

MS. BURTON: I don't have documentation with me, no.

COMMISSIONER SCHMITT: Okay. So you made the statement, but you have no validation other than that's your personal opinion.

(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: That's all the questions I have. Thank you very much. I'm done.

(Simultaneous crosstalk.)

MS. BURTON: That is valid information I was given.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN FRYER: Thank you, Ms. Burton.

MS. BURTON: I would like to clarify something on the advertisement.

CHAIRMAN FRYER: Go ahead.

MS. BURTON: The advertisement goes in the Naples paper. A lot of people don't read it. The only other way we find out what's going on is to go online, and sometimes it's very hard to find the actual information that you want to. I spent over 30 minutes just trying to get information on the church.

COMMISSIONER SCHMITT: Okay.

MS. BURTON: Thank you.

CHAIRMAN FRYER: Thank you, Ms. Burton.

Next speaker, please.

MR. YOUNGBLOOD: Mr. Chairman, our next speaker is Elisabet Marquina and/or

Diogenes Marquina.

MS. MARQUINA: Hi. So I just wanted to show my support for the church. I am the pastor's daughter. I moved to Lakeland last year for college as well. And I went to a college university but within the area just as the Estates.

A lot of churches are built over there, and I see communities being built together and everyone just coming together, and, you know, being one, and, you know, having love for one another, which is, like, really important.

I've been going to church my entire life, and I -- we moved -- well, my dad and I, we moved to Iglesias Pentecostes Alba de Peniel, like, six years ago, and I see the growth, not just in youth, in children's ministry, but in adults and even, you know, the older women and men in our church.

Our church is overgrowing. It's getting bigger. We have amazing officers and amazing leaders who help and pull out all the chairs for people to sit down. But it's coming to a point where it's overpopulating.

Children from three -- I'm the children's ministry, and I take care of youth ministries. And I thank God for that opportunity to be speaking and to be a part of that. But I started to see three-year-olds to 19-year-olds all cluttered in one small classroom. There's no -- how do I even teach? How do I get the message? How do I get God's word through their lives and stuff like that? How do I speak love and life into them when it's a bunch of ages just being cluttered together?

We do have children's and youth services during service. During the main service, we have children and youth services in the back in another room where they can learn, you know, what their, like, development with their mind and how old they are.

And I -- I just wanted to show my support for the church and also, like, it's not a big church. It's 100 seats. And just to say something: Almost every single member from that church is from Golden Gate Estates, and I can confirm that because I've been a member of the church for I don't know how many years now. Thank you.

CHAIRMAN FRYER: Thank you. Next speaker, please.

MS. MARQUINA: I will be translating for my dad.

CHAIRMAN FRYER: Thank you. Go right ahead.

PASTOR MARQUINA: My name is Deogenes Marquina, the Pastor at Iglesias Pentecostes Alba de Peniel. She is my translator.

COMMISSIONER KLUCIK: Mr. Chairman, if I could just get a clarification. I guess I misunderstood. I thought that -- one of the gentlemen who previously was the pastor. Is this another pastor?

CHAIRMAN FRYER: I was going to ask for the same clarification. Are the two pastors brothers?

PASTOR MARQUINA: No. I'm the mother church in Naples Park, and that's our daughter, the church in the Alba de Peniel. He's working Alba de Peniel. We are from Iglesias Pentecostes Peniel in Naples Park, okay. So this is almost the same thing, but they get their church over there. We are in Naples Park.

COMMISSIONER KLUCIK: So to clarify, you are the pastor for the existing church that's in a shopfront.

PASTOR MARQUINA: Yes.

COMMISSIONER KLUCIK: Great, thank you.

PASTOR MARQUINA: (Through interpreter) So the church has been functioning for many years now. We've been in schools, and now we're in the local market of Armando's, within that plaza. It's not a church that we're now constructing -- or we want construction to happen and we're like, oh, like, you know, we want this many people coming. No, this church has been building up for years. It's been, you know, growing with people.

So one of the big issues from the opposition side is that -- like, the traffic, you know, it's

going -- it's the biggest concern. And we've been in Armando's Supermarket, and it's a small facility, and yet we still manage to smoothly go through traffic every single time we go to church.

He's been living here for 22 years now in Naples, Florida, and, you know, Naples is growing every day. You know, new buildings, new facilities, new creation is happening, new buildings and everything. And he says that I don't -- he doesn't think it's going to impact traffic for two days of service.

He says to really think about your decisions and, like, decide wisely, like, on how, like, it's going to affect not just, like, people who can come to the church and people who can find out about the church. And also this is a Hispanic church. You know, like, diversity.

It's beautiful. I think it's beautiful. My dad thinks it's beautiful. It brings diversity. And it's not just Spanish speakers. It's also English speakers. We have people who translate. We have people who help.

He says that we love working with the community. We want the community to build and get closer. And all of the people may not like that or they might not want to see, you know, people come together, but it's something that it's -- we need it right now, especially in the times that we're living. We need, like, revival for the youth. We need revival for children and for the church.

And that God may bless the people who decide. Thank you.

CHAIRMAN FRYER: Thank you. Ms. Martina [sic], would you please tell me the name of the witness who just spoke, last name.

MS. MARQUINA: Diogenes Marquina.

CHAIRMAN FRYER: Martina, okay. And I'm not -- you're the daughter of the pastor who's seated?

MS. MARQUINA: I'm his daughter, right here (indicating).

CHAIRMAN FRYER: Okay. All right. I think I understand. I'm not sure it really matters.

MR. MARTIN: I want to clarify.

CHAIRMAN FRYER: Thank you.

MR. MARTIN: In Naples Park there's an existing church Iglesias Pentecostes Peniel, which my brother, Jorge Martin, is the pastor of that church, okay. From that church, another church grew, which has received a conditional use in Immokalee. That's the Iglesias Pentecostes church in Immokalee. And this would be the third church, which -- Pastor Diogenes, who just spoke.

CHAIRMAN FRYER: Thank you.

MR. MARTIN: He would be the pastor for the church in Golden Gate.

CHAIRMAN FRYER: Thank you so much.

MR. MARTIN: Marquina, not with a T. It's with a Q.

CHAIRMAN FRYER: With a Q. Sorry.

MR. MARTIN: Yes, that's the last --

CHAIRMAN FRYER: In all cases, all the witnesses whose last name is Marquina.

MR. MARTIN: Right. The two witnesses that just spoke, those are last name Marquina. The pastor is Martin, which is Martin, and so am I.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner Klucik.

COMMISSIONER KLUCIK: I just want to say, regardless of this particular petition and whatever happens with what they're asking for, I do very much appreciate the work that you, Pastor Marquina, and your daughter are doing, and I commend you both for trying to make the world a better place in a very important way.

CHAIRMAN FRYER: Thank you, sir.

Next speaker, please.

MR. YOUNGBLOOD: Mr. Chairman, our next speaker is Angus Gilmore followed by

Heidi Severeyn.

MR. GILMORE: Good morning, Commissioners. Thank you for hearing us out. I've lived in Collier County for 26 years. I live 330 feet away from the proposed location.

Here's the slippery slope. We just heard the growth rate, and if we've gone from a 250-person church and they've reduced it to 100, who's going to monitor this? We, the neighbors, are going to be left with this. As it is, you know, they've changed that whole area in the last, say, seven years. They widened our street, put a bridge in, increased traffic just like, you know, anyone else here can tell you.

I'm definitely not for it, and I know -- I didn't go around canvassing the neighborhood, but I did go to a previous meeting that was held in their present location for the church. Very tight, very cramped. And there were quite a few people there that live immediately around us.

And if you're familiar with the area, it's big. And we have -- there are many days or weeks you can go by you don't even see your neighbors. So there isn't a lot of opportunity to speak to people.

My biggest fear is just going down that slippery slope of anywhere from -- we go from 100 to 250 people. I hadn't even thought of the events which were brought up. And it's -- I can only see it getting out of control. You know, I have nothing against a church or religion or anything. And, you know, I'd just like to figure there's got to be a way that we can do this and not do it within a residential area.

There's -- also what goes into -- I know this is a conditional change to the plan for the community, but let's say once we allow it for a church, what's it going to be the next time? They put that bridge in. This has now become a very popular corridor for everyone to go through. It's -- thank God my wife and I retired, because to get out of that street to go to work is terrible in any direction.

And I think also I think the Collier County Sheriff's Office is fully aware of the danger right now of that cut-through, because they're there almost 24/7, and they're generating an awful lot of being in, or at least for the traffic courts.

So I'd just like it to be known that I'm against having this. Thank you.

CHAIRMAN FRYER: Thank you, Mr. Gilmore.

Next speaker, please.

MR. YOUNGBLOOD: Our next speaker is Heidi Severeyn. She has been ceded time by Judy Rapp.

MS. SEVEREYN: I'll try not to take up the 10 minutes.

CHAIRMAN FRYER: Okay. Judy Reck. Is Judy Reck here?

MS. SEVEREYN: Rapp.

CHAIRMAN FRYER: Rathe?

MR. YOUNGBLOOD: Rapp, R-a-p-p.

CHAIRMAN FRYER: I see you. Thank you. Okay.

MS. SEVEREYN: Thanks.

CHAIRMAN FRYER: Sure.

MS. SEVEREYN: My name's Heidi Severeyn. I live on the street, the dead-end street where you'd have to get through, just so that you know where I'm coming from. I know everyone on our street because we always walk down the street, all that.

So I would like to start talking about why it's inappropriate residential use because, you know, they want to change it to a conditional use. Well, you did bring up really good points, which I completely appreciate as far as --

COMMISSIONER KLUCIK: Ma'am? Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: Just because I want to understand -- make sense out of your initial comment about the dead-end and --

MS. SEVEREYN: Yeah.

COMMISSIONER KLUCIK: -- where you live. I'm just trying to put -- I have Google Maps up. I'm trying to figure out where you're at.

MS. SEVEREYN: Okay. If you're on -- we're on the west side on 22nd.

COMMISSIONER KLUCIK: Oh, because this road goes into a canal, that's what you're talking about.

MS. SEVEREYN: Yes. It's a dead end. And that's actually where it enters and exits from the church as well on 22nd, not on 8th.

COMMISSIONER KLUCIK: Right. So you're going to always --
(Simultaneous crosstalk.)

CHAIRMAN FRYER: I'm going to ask that we try not to talk over one another. I know we're all enthusiastic, but let's keep that in mind. Okay, Ms. Severeyn.

MS. SEVEREYN: Sorry. Okay. I did list a couple of reasons as far as if that property is changed to a conditional use, all the adjacent properties can be changed to an additional [sic] use as well. And if you look at the area where we are, there's 24th Avenue, and then there's Randall. Randall's already going to be expanded. It's going to have commercial on it, you know, in the very near future, because that was always planned. Nobody's even contesting that. And then there's 8th.

Well, this is on a small side street, and what the Golden Gate Estates -- maybe there's different verbiage that people have used, but nobody's trying to misinform anyone. Basically, what -- the Golden Gate Estates, a lot of the residents in the Golden Gate Estates want to keep the interior parts. Not the exterior parts; we know that that can be commercial and different uses. The interior to just be residential only.

The -- okay. So to preserve the Golden Gate Estates as purely residential. Even in their presentation with all of their -- with their -- with their presentation, most of the churches that are approved are on the perimeter, and there's a reason for that; because they're larger roads. You can get in and out easier than on a small side street where we go walking all the time.

And, I mean, I know all the neighbors on our street. It's, like, most -- 90 percent of the people on our street, oh, gosh, you know, what's this?

And there's also -- some of their reasons for, oh, well, this is exactly like the other church close to here, which is the Oil Well and Everglades church, but that's two main intersections, and some -- when he was explaining the different churches that are in the Golden Gate Estates areas, well, there was one of however many there were that were a dead-end street as well. And most of them had a lot of different outlets where people could get out of -- out of things.

And, also, it kind of does set a precedence as far as really close to -- you know, things always start from the outside in the Golden Gate Estates and go in. Well, this is pretty close to that boundary where there's Randall, and we want to keep it where it's not a lot of commercial and a lot of things that are not houses because it's an -- it's a special place to be where you don't have a homeowners association. There's only so many sites where you can have land and a house without all the other conditions. Most things are not like that anymore, and most of the Estates, when you go to the Estates, that's generally what people move there for.

And so I think that having this church with some of the good questions that you guys brought up, which I appreciate, because that means you thought about it before coming to the meeting. What defines a special event? Like, do they get to decide what a special event is? And if there's not, if they just go, well, that's not a special event, it's just an event. And you know that it's going to be more than four times a year. And it's not that we -- we are not against a church. We're not against anything in that sort. We just wanted to make sure that rezoning does not happen in the interior, so we're not trying to be, like, bad people. We don't -- that's not our entire case at all.

The problem with -- at least with the traffic management, they actually -- I mean, I'm sure that you have reasons for this, but when I was reading why traffic isn't impacted with this, there's, like, a reasoning away of why the people that live on that actual street don't actually count because,

apparently, there's not enough people that get impacted from it. I understand that, but we do, because we live there, and we walk our kids to cross the street, that kind of thing.

Also, there's different criteria they use from the very beginning of the application process where it has to be 10 miles from 75 -- and I'm sorry this is ad nauseam -- not on a canal, less than \$40,000, located within one mile of an arterial road or a collector road, sorry, and the boundaries between 75, 10 miles east, and Lee County border and north of Golden Gate Parkway. Well, they kind of reasoned away many things. Like, oh, it's on a dead-end, so we don't want to have the church there, or a little bit more expensive, but when you can pick your own reasons for why you have it in this exact specific place --

CHAIRMAN FRYER: Ms. Severeyn, pardon me. You're at five minutes. You did have to pause and answer a question, so I'm going to give you another minute.

MS. SEVEREYN: Sure. Oh, okay. Yeah. And then so what I was looking at, though, for alternative things -- and I don't even know if you can do that -- but it seemed like it made a lot of sense to me. I drive over in Golden Gate City, and, like, Golden Gate Parkway and right on the border where they were talking about looking for this church, and it's the Iglesias de Cristo Ebenezer, they're actually advertising for timeshares for that church, which would accommodate their larger congregation they wanted in the first place with a large -- with a large parking lot. It's right off 75. Easy access. Already approved. It's ready to go.

And I would think that would be a good win-win for this, because it's everything that they wanted, and it would probably be less costly because they could share it with that church in general. And, I mean, they had times for everything. I just thought I'd bring that up. I don't know if I can technically bring that up, because this isn't something I'm a professional at at all.

CHAIRMAN FRYER: You can bring up anything you want that's relevant, but there's only -- there's a limit to what we're able to do.

MS. SEVEREYN: No, that -- okay.

CHAIRMAN FRYER: Thank you. Thank you, ma'am. Does that complete your presentation?

MS. SEVEREYN: I think so. I just wanted you to basically consider what, you know, I've said, and that we don't want to have rezoning or conditional use expanding in the Estates is basically what every -- a lot of our neighbors want.

CHAIRMAN FRYER: Thank you. Thank you.

MS. SEVEREYN: So I appreciate it. Thank you.

CHAIRMAN FRYER: Commissioner Schmitt has a question.

COMMISSIONER SCHMITT: Not -- based on a statement made, but I'd ask staff to clarify. The claim or accusation was that if this is a conditional use, it opens up all the neighboring properties for conditional use. Can you clarify whether that is accurate or -- in my understanding, conditional uses are all considered separately and they're not -- it's -- one conditional use does not adversely or otherwise impact another application. So can you clarify.

MR. BOSI: Every -- every one of those properties has a list of the permitted uses in the Estates zoning district --

COMMISSIONER SCHMITT: Correct.

MR. BOSI: -- and the conditional uses. Every one of those properties lists a church as a conditional use.

The uniqueness of this -- of this area is there's additional restrictions upon where those conditional uses can be applied for. So, therefore, all those properties on those streets would need GMP amendments as well as the conditional use for them to go forward.

But this does not trigger anything different than what currently exists and what would be allowed or what's permissible to seek for any one of those properties.

COMMISSIONER SCHMITT: As I thought. Thanks. I just wanted to get that on the record.

CHAIRMAN FRYER: Thank you. Commissioner Klucik.

COMMISSIONER KLUCIK: And in the future, any other lot that wanted to do the same thing would have to go through that double process with the GMP if it was, like, next door.

MR. BOSI: Correct.

COMMISSIONER KLUCIK: Okay. And then based on what the kind lady just said, I was just thinking about -- because she was talking about other churches. And maybe now is not the time to talk about it, but I do think it would be relevant to bring up for -- at least for my edification. We do have a fairly recently approved and constructed church at the corner of Randall and Everglades and, you know, I'm just trying to figure out how this compares. It sounds like you already mentioned one of the differences is perhaps there was no GMP --

MR. BOSI: There's a GMP that was required.

COMMISSIONER KLUCIK: Oh, it did require that?

MR. BOSI: Yes.

COMMISSIONER KLUCIK: Okay. So I would just try to figure out, how does this compare to that, and why would we treat it differently or similarly? And it's certainly something for us to consider as the Planning Commission.

MR. BOSI: The processes were identical for the two churches to get how -- if they were to seek -- or to seek approval. The only difference is the locations were -- one was at Everglades and Randall, and this is at 8th and 22nd.

COMMISSIONER KLUCIK: And then, again, following up on, you know, the concerns or points that we just heard from the witness, the resident, Everglades seems like it's, you know -- perhaps it's going to expand, but it's definitely just a two-lane road now, and I noticed 8th Street right in this area seems like it has some -- it's anticipating being wider, or certainly all those sidewalks look like there's something going on, because the sidewalks are a lot -- very much recessed into the lot. I'm just trying to figure out, is this -- is this going to be a wider road, or what's going on with that?

MR. BOSI: I will defer to our Transportation Planning staff on the --

COMMISSIONER KLUCIK: Does the question make sense?

MR. BOSI: Oh, yes, yeah.

CHAIRMAN FRYER: Mr. Sawyer.

MR. SAWYER: For the record, Mike Sawyer, Transportation Planning.

We do not currently have any plans to expand 8th Street.

COMMISSIONER KLUCIK: So what is the genesis of the -- kind of the odd configuration of the sidewalks there?

MR. SAWYER: Currently, what you're probably seeing is the connection towards Randall, which is going to -- in the future, when we expand Randall, is going to be a signalized intersection, and that's probably what you're -- I'm assuming what you're seeing.

COMMISSIONER KLUCIK: I'm looking at the corner, that very corner that we're talking about.

MR. SAWYER: Correct.

COMMISSIONER KLUCIK: What is it, 22nd?

COMMISSIONER SCHMITT: And 8th.

COMMISSIONER KLUCIK: And the street north and south on 8th Street Northeast. North and south of that corner, you see all the way along that road for -- you know, it's not -- it's not like it's just that corner or, you know, just north of that corner. It's north and south. The whole way I see pathways where it's extremely wide on the west side as if people are anticipating that -- you know, there's a right-of-way for some reason. It's very unusual compared to how the rest of Golden Gate Estates seems to be when they aren't anticipating something, and I'm just -- so I -- did you say that the whole -- it's just going to be the intersection and not the whole street, or is there a reason those sidewalks are back? I mean, maybe you could pull it up and address it. If somebody could pull it up because it's --

MR. SAWYER: I can certainly look at that for the Commission. Quite honestly, I can

tell you that 8th Street is definitely not on the LRTP as far as being expanded anytime in the near future.

COMMISSIONER KLUCIK: Okay. That's good to know, because that certainly seems like it's something to factor in as to whether people are expecting that road to be more heavily trafficked or not.

MR. SAWYER: Some of the work that has been done on 8th is reaction to the bridge that was constructed.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Thank you, Commissioner.

Thank you, Ms. Severeyn.

Next speaker, please.

MR. YOUNGBLOOD: Mr. Chairman, our next speaker is Emanuel Vazquez, followed by Gustavo Marin.

MR. VAZQUEZ: I support the church.

CHAIRMAN FRYER: State your name, please, sir.

MR. VAZQUEZ: Huh?

CHAIRMAN FRYER: State your name, please.

MR. VAZQUEZ: Emanuel Vazquez.

CHAIRMAN FRYER: Thank you.

MR. VAZQUEZ: I support the church. And I want to say how little it is, you know, express how little the church is and that we need bigger rooms for the kids so we don't have the little ones shouting right next to our ears and the teachers trying to give a class.

And someone like me, I really want to learn more about the Lord and everything that is in the Bible. So for that, I really want this new church to be built. And it will be a blessing that we have it sooner and constructed right next to the Estates. So I conclude.

CHAIRMAN FRYER: Thank you, Mr. Vazquez.

Next speaker, please.

MR. YOUNGBLOOD: Our next speaker is Gustavo Marin, followed by Leo.

MR. MARIN: Good morning, Chairman. Good morning, Commissioners. My name is Gustavo Marin. I'm a member of Iglesias De Dios Pentecostes -- Pentecostal.

And I see the concerns that the citizens have, but I can assure you that that won't happen. Right now our church that I live in -- that I go to is in Naples Park. North, south, east, west we've got little homes, not Estates-like acres where they separate the homes. The homes are right next to each other, all around the church, the whole church. We never have a traffic problem. We never had complaints from the neighbor.

They say -- I think I only gone this year one funeral and one wedding the whole year that I've been there. So it's not a big -- I know a lot of people freak out because they think there's going to be a high-traffic problem and think there's going to be a lot of congestion, but I can assure you that's not the case.

We're at -- our church is 77th -- 107th Avenue, right close to Immokalee. I mean, how much traffic is in Immokalee? And we don't ever -- never have a traffic problem.

We're there to help the community. We're there to teach -- to bring people to Jesus Christ. We're there to be a positive, to teach people the 10 commandments, not to be a negative, not to be an eyesore, not to cause problems. We're there to help the community. We're there to be a positive thing for God and the community.

We're there to teach the 10 commandments. When you learn the 10 commandments, you become a law abiding citizen, and that's what the church is about, to bring about people to honor and defend this country and love the Constitution and love America. That's what the church is about.

Unfortunately, the church doesn't have -- it has -- why we need another? The church -- the church has to pay a lot of money every month. You know the cost of maintaining a rental -- a

rental. It's very high. And that's why we want to build our own church, to become independent and live not to worry about every month coming up with thousands of dollars in utilities and rentals.

So that's the reason that the church wants to build it. But we want to be -- assure the people not to freak out. The people in opposition, don't freak out. It's not going to affect you. We're there -- it's a small church. I mean, it's 5,000 square feet. You're not going to put 500 people in a 5,000-square-foot building, you understand? It's going to be a church, small church.

Our church is like a little -- maybe has 80 to 100 members, depends how many people go each week, and we never have a problem with the community. We never have a problem with the neighbors. We never have a problem with the traffic. We're -- we live peacefully with each other, and that's what this new church is going to be about, working with the community, being peaceful, and teaching God's commandments to the people. God knows we need God's commandments now with a society that's all disrupted right now, and we need help, and this church is about to help the community.

Thank you very much.

CHAIRMAN FRYER: Thank you, sir.

Next witness, please.

MR. YOUNGBLOOD: Our next speaker is Leo, followed by Barbara Lopez.

LEO: Hello, Commissioners. My name is Leo. I wanted to let you know I'm for the building of the church. I understand the concerns of the community in the Estates. But I also wanted to bring up the building of Collier County. I came to the U.S. when I was 21. I've been living here for 21 years now, and I've noticed incredible growth in Collier County.

Florida State is one of those states that are -- you know, everyone -- everyone wants to come to Florida. We know that. We're not talking about a mega church. We're not talking about -- last time when I did some digging around, some looking around, a mega church had -- can have all the way up to 19,000 members. We're not talking about that.

This is -- again, as we've been stating before, this is just for the help of the community. And it's -- it just -- I find it unbelievable that, you know, just a handful of people can oppose the growth of a county. It's -- I think it's not going to stop because Collier County keeps growing, and it's for the better of everybody. So consider it.

I thank you guys for your time.

CHAIRMAN FRYER: Thank you, sir.

LEO: That's that.

CHAIRMAN FRYER: Next witness, please.

MR. YOUNGBLOOD: Our next speaker is Barbara Lopez, followed by Jefferson Vigil-Castro.

MS. LOPEZ: Hi. My name is Barbara Lopez. I'm the pastor's wife, Diogenes Marquina. We work with the congress [sic] over there. We need more space. We need -- the young people is grow up on the Bible study. That's we need help. We can stay over there for hurt the people.

I come into the Florida in 1998, and I saw the Estates grow up. I working for the CCPR and the bus station, and the bus transportation, and I saw the Estates is grow up. It's more -- 20 construction [sic] is the building over there.

But -- and I'm talking with my -- the people working with me, and when I said we come church and we had the problem over there -- and those people too happy, because they need to go to Golden Gate City for worship God.

And we have more close over there for this Hispanic people or any language. We can come into the church for we don't need to go to the Golden Gate Estates for we worship to God. With that, I think that's place, we had the problem for the blessing. Blessing the community, blessing the neighbor, blessing the people, blessing everybody.

It's a good thing we share. We teach to the children we have. The young people we have

there, and the woman and everybody. The God is for everybody. And I think this is a good project. We blessing that place.

The traffic, I go on the bus transportation over there, and I think everything we can fix there, everything. The city is grow up, and we need it. You know, I spent -- you need more pray. We need some church expanding over there for we worship God that's more important, I think. Thank you for your time.

CHAIRMAN FRYER: Thank you.

MS. LOPEZ: And thank you for listening.

Commissioner Klucik, did you have a question for this witness?

COMMISSIONER KLUCIK: Yes. I just wanted to clarify. Were you saying that it wouldn't really be helpful to go to Golden Gate City where that other opportunity was, is that --

MS. MARQUINA: She was trying to say that a lot of people that she works with, they have to drive all the way to Golden Gate City or all the way to North Naples sometimes for a church in Spanish or a church that, you know, that can help them with that, and a lot of people that she works with have told her, you know, that's great, like, we have a Spanish church, like, trying to build up closer to us.

COMMISSIONER KLUCIK: Yes. Okay. So the point is that their congregation really meets a need in the local area.

MS. LOPEZ: Yes, that's what.

CHAIRMAN FRYER: Thank you. Before we call for our next speaker, I need to check with the court reporter. We've gone two full hours now since our midmorning break. Ordinarily, that's longer that we usually go. Should we have a 10-minutes break and then -- or should we have an hour break and go to lunch? One or the other. What does the Planning Commission want to do?

COMMISSIONER HOMIAK: How many more speakers?

CHAIRMAN FRYER: How many more speakers, Mr. Youngblood? We'll do a cross-check. Everyone who wants to speak and hasn't spoken yet, please raise your hand.

MR. YOVANOVICH: Mr. Chairman, I have 15 speaker slips.

CHAIRMAN FRYER: Okay. All right. So what is the wish of the Planning Commission?

COMMISSIONER VERNON: I'd vote for a 10-minute break, and I suspect that we'll speed up the pace as things come out. There will be some redundancy. But, again, I defer to my team, if you guys want to take an hour.

CHAIRMAN FRYER: Other planning commissioners want to weigh in? Then let's stand in recess for 10 minutes, and then we'll come back. And that puts us to 12:35. We'll be back here at 12:35.

(A brief recess was had from 12:25 p.m. to 12:35 p.m.)

CHAIRMAN FRYER: Let's reconvene, everyone.

All right. Our next speaker, please.

MR. YOUNGBLOOD: Our next speaker is Jefferson Vigil-Castro, followed by Ancelia. Am I pronouncing that correctly?

MR. VIGIL-CASTRO: Hi, I'm Jefferson Vigil-Castro. If you need to spell Vigil, it's V-i-g-i-l.

And I am part of the youth, and I know there's a couple other members of the youth here. And I want to talk about what other speakers were talking about, about the size of, like, the rooms, and, like, the size of the church. I come from Virginia, and about three years ago I moved to Florida. And I've been at the church for almost two years. And it's grown; it's grown. And I've learned a lot. And -- but, the room where all the youth and the children are is very small. Like other speakers have said, it gets very crowded. And the kids, it's hard to control them with such a small space, and it gets loud.

And with the church, I believe that we could get bigger, like, space for the youth and the

children, to have better control and, like -- well, ways to be with them so they can learn as well.

Sorry. The youth is very important. It's really changed a lot. The youth have grown, so have the children and the adults.

And the church is, like, the principal -- like the main area where the adults, per se, like, they attend while they learn by the pastor or his wife, while she's preaching, is pretty small, and that gets crowded as well. So like other speakers have mentioned, we have to add new chairs. Some people have to stand. But in all, it's very -- all that matters is that they're learning.

And I feel like the youth these days have to learn more and that they've strived away from the word and the Lord and from, like, the good things in life, and now they're stuck on, like, technologies or other -- like, other stuff that wouldn't really help them much.

So, yeah, I just want to say that it would be a great way -- that it would be great to have more space for the youth, the children, and the adults who want to learn more.

And I'm done. Thank you for your time, and God bless you all.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN FRYER: Next speaker, please.

MR. YOUNGBLOOD: Our next speaker is Ancelia. I'm sorry, I can't read your last name. Ancelia lives on 58th Avenue. Is Ancelia with us?

CHAIRMAN FRYER: Ma'am, when you come up, we'll ask you to, perhaps, spell your name or say it slowly so that we can all get it.

MS. PARRA: My name is Arecelia Parra.

MS. MARQUINA: She wants to represent kids ministry. She's the one that also, like, gives classes on Sunday mornings.

CHAIRMAN FRYER: Before we move into this -- and my apologies, but would you please spell her last name for me.

MS. PARRA: (Through interpreter) P-a-r-r-a.

CHAIRMAN FRYER: P-a-r-r-a. Thank you so much. Sorry to interrupt. Go ahead.

MS. PARRA: (Through interpreter) The kids have been very explicit. We need a bigger, like, place where they can also, like, as well have, like, physical activities and play as well, have different age groups for the kids so they won't interrupt each other so they can learn, so they cannot only learn about the word of God and, like, their -- like, their mindset but that they can also, like, learn how to be with community and be together so it can be for the best of us. That we defend this country as well tomorrow.

Thank you.

CHAIRMAN FRYER: Thank you very much.

Next speaker, please.

MR. YOUNGBLOOD: Mr. Chairman, our next speaker is Anthony Weaver followed by Melanie Miller.

MR. WEAVER: Hello. My name is Anthony Weaver. I'm a resident on 22nd Avenue, and I have a few questions on the conditional uses of this property. If I could just go through those and voice my concern.

I wanted to make sure that all the parking will be confined on the designated parking lot and nothing will be parked on the actual 22nd Avenue side roads. Should I just keep going through the list?

CHAIRMAN FRYER: Go through your list, sir.

MR. WEAVER: Secondly, on these non-special event days -- and appreciate you bringing that to my attention. I didn't think about that as well. You know, weddings, funerals, baptisms, other religious occasions, will they -- will these events stay within the two-day, Wednesday, Sundays allotted time frames, six hours each, or will these be on any other day and did not confine to those two time periods? And will those also be traffic monitored by a Collier County sheriff?

One more is the -- what are the hours of operations on those two days? I know it was a 10:00 a.m. mass and a 5:00 or 6:00 p.m. mass, I believe. But if it's a six-hour period, where does the six-hour period begin --

CHAIRMAN FRYER: The application does not provide the beginning and ending time. It just provides six hours and the days in question. So I can answer that one for you.

MR. WEAVER: Okay. So then if it starts -- let's say the mass starts at 10:00, that would be the technical starting point of that six hours?

And the capacity of the church, I wanted to ask a -- I'm a little confused on that. The capacity is mentioned that it's a 5,000-square-foot building with 100 seats. What is the actual true per-person capacity of the actual church?

And that's the last of my questions. I just wanted to see if I could get some clarification.

CHAIRMAN FRYER: Well, thank you. We will certainly be discussing these items, and to the extent we can get answers from staff, we will.

MR. WEAVER: I appreciate your time. Thank you.

CHAIRMAN FRYER: Thank you.

Next speaker, please.

MR. YOUNGBLOOD: Our next speaker is Melanie Miller, followed by Miguel Cruz.

MS. MILLER: Hello. Thank you for your time.

I live on 8th Street Northeast. I'm a resident in the area. I want to say I'm against the single-family home lots in Golden Gate Estates being approved for this type of amendment and conditional use. And I wanted to address a potential answer to Commissioner Kluciks [sic]. The area between the sidewalks and the road is drainage. It's a lower profile, and so all along that side along the sidewalk it's for drainage, so -- at least in my opinion.

COMMISSIONER KLUCIK: The mystery is solved. Thank you.

MS. MILLER: So my family moved to a home on 8th Street Northeast in 2019. We visited the area since 2012. Over those seven years, we found the type of community we want to live in, and it was Golden Gate Estates.

We wanted a rural community with larger lots, low density, minimal traffic, minimal proximity to commercial areas, minimal light pollution, minimal noise pollution, especially from traffic noises in the mornings, evenings, and weekends, which is when we more often are at home.

We chose a longer commute to our jobs and extended proximity to resources of shopping and businesses in order to have those aspects and quality of life we valued.

We chose to live in this amazing community for the reasons I'm sharing today. We chose to invest in this community for those reasons. We chose to buy and build our homes, as many of my neighbors, in this community for those reasons.

I moved from another state where I actually attended a church situated in a neighborhood proximity such as this. I remember having the thought many times over the years I went, I was so glad I do not live next to it like the houses I saw every Sunday. The neighbors were having to deal with the traffic, the people conversing in the parking lot, watching them in their front yards, their families, their activities. And so as a parishioner of worship, I respect the value that churches have in our community, but it does not belong on my street, in my opinion, near my home.

One thing I wanted to read is in the Golden Gate area's master plan, the Rural Golden Gate Estates Vision Statement that was adopted in 2019 is, the Rural Golden Gate Estates is an interconnected, low-density residential community with limited goods and services and neighborhood centers defined by rural character with appreciation for nature and quiet surroundings. So along with that, I don't believe this fits -- or and the -- that this should be approved.

I honestly would never have chosen to live on the street and buy the house I did if there was a church already on my street. I presume many of the people currently buying and building homes or that have already bought there on my street would say the same thing. I believe it will impact my property value.

The conditional use approval will impact my family's quality of life in a negative manner, and I presume many of my neighbors would make the same statement. We're already on one of the few streets that connect heavy traffic roads between Randall and Golden Gate due to the bridge. We don't want more traffic in this area. Regardless of the time frames stated for Sunday and Wednesday evenings -- I appreciate all the points that have been brought up about that because, honestly, it's naive to believe that traffic or business activity will not occur at the church outside of these stipulated time frames.

My family walks. I jog in the mornings. My family walks in the evenings. We have a bicycle lane that is heavily used. There's bicycle traffic heavy on the weekends, all days, on this road. So I do think it's an impact.

We want to keep our darker skies in the evenings. We don't want a parking lot that's lit up.

The intersection at 8th and Randall, we've heard a lot -- or not a lot about traffic, some, but it's already a very unsafe intersection. Actually, we were at a meeting last night and heard deputies talk about traffic is the number-one issue in our district in District 4. The Sheriff's Office is dealing with traffic. That's their number-one use of their time.

And there is -- that 8th and Randall, if you've ever driven by there -- if you haven't, please do -- there are wrecks there all the time. There is no light. I understand there's future expansion, but that is the main entryway. That is the main access point to this church, to this land, and it will negatively impact the safety. It is difficult. There are often wrecks there. The traffic, like I said, is already the biggest problem of our deputies in our district.

CHAIRMAN FRYER: One minute remaining, please.

MS. MILLER: Okay. I do think the groups bring -- brought together multiple times per week will negatively impact my life and the life of our neighbors, our quality of life in this area.

So a couple of things. I know a lot of people have stated that it is an appropriate use in this area, but I don't agree with that because, again, it is having to adjust the Growth Management Plan. It was not planned to be used in this way. So I disagree with that.

And, again, if you have not, I encourage you to drive by this area, see the bike lanes, see the walk, the activity, see the traffic that is already in bad conditions, and I would respectfully ask that you deny this.

CHAIRMAN FRYER: Thank you, Ms. Miller.

Next speaker, please.

MR. YOUNGBLOOD: The next speaker is Miguel Cruz, followed by Jule Funtas.

MR. CRUZ: Good afternoon, Commissioner.

I support the church. I think our neighborhood that (indiscernible) is very important. Let me tell you why.

Please, could you help me. Several years ago in our neighborhood --

(Through interpreter) -- we were victimized by a gang. The majority of the people in the gang --

MR. CRUZ: Was just people, teenagers. What is the place in where the teenage learning the moral to be a good person in our society in the church? It's sad.

We saw in TV -- in TV news several just [sic] people with gun in the school kill each other. With reading in the newspaper how many accidents we have in our street in our city because of just people is in drunk. What is the benefit of the church in our society? Prepare the future of the country. You see the just people here, teenage talking with us how they thinking. The moral, the good -- good neighbor, good citizen they learn in the church.

The other thing, in disaster, who help the people? The church. In counseling, when the people have big problem in sad situation, where is the counseling? In the church. The church in our society mean freedom, good thing, bless.

The great seal of the State of the Florida say in God we trust. Our military, when we go -- go to different country, defend our liberty, trust in God.

Our people in the school sometimes ago take off the prayer, and it started, our student kill, fighting.

My brothers, Commissioner, people here, the church prepare the future of our country. The church is a blessing, our neighborhood. I talking about -- I hear talking about the traffic. What kind of traffic 7:00 after people finish the job, the working; 7:00 the nighttime. Sunday morning, 10:00, what is the problem with the traffic? We have a problem more important. Prepare the future and our country, and the church have wonderful role in this thing.

Thank you very much, and God bless you.

CHAIRMAN FRYER: Thank you, sir.

Next speaker, please.

MR. YOUNGBLOOD: Next speaker is Jule Funtas, followed by Martha Bantz.

CHAIRMAN FRYER: Ma'am, I'm going to ask you to say your name for me slowly.

MS. FUNTAS: Good afternoon. My name is Jule Funtas. And here I am. I want to say thank you for you, for your service, for your time. And I want this afternoon God touch your heart, and I want to stand up, see my two hands. I want do this (indicating). Let we stand up together, and God help for us. Right now we live difficult time. Let's see hospital, how many people sick. We never have this problem. We have storm, flood, everything.

God try and show something for us. So let God help for us, and we stand up to live back again our life which when we used to have freedom, party, business, everything. And I know God been copilot this morning for me to come over here and ask you, please help for us to help this church. We be ready.

Each person have -- need to have two passport. You know for what? One to go different world; another go to heaven. When we reach there, let God open door for us. And you say in hands, God, I did for you this. God say, blessing pure heart.

So please, I know God give for you for each one big heart. So I'm here in this moment, and I know we need God more like never before. We no need more COVID. We need peace in the world. We want live back again.

God bless you. Thank you for listen us, and let God prepare your heart and give you blessing and supply whatever you need every day to listen over here, our problem.

Thank you for serve, you for us. We in your hands.

CHAIRMAN FRYER: Thank you, ma'am.

MS. FUNTAS: I love everybody. God bless each person who -- who's in this room now. Thank you.

CHAIRMAN FRYER: Thank you very much.

MS. FUNTAS: God bless.

MR. YOUNGBLOOD: Our next speaker is Martha Bantz, followed by -- forgive me if I mispronounce this. Neisy Alvarez.

MS. BANTZ: Good afternoon. Name is Martha Bantz, again.

I'm going to read you something that was sent to me. It's going to sound very specific. It's from somebody who is in the know about the process, and then I'll get into my specific comments.

And this is my comment also. The church is welcome in the Golden Gate Estates community. That is not the question. The concern -- or the concern. The concern is where they want to be located. I think the Estates community is in full support of them coming in. I love what I've heard about what all you do and the impact that they want to make, but I just don't think the location that has been chosen is the correct one.

The church, I believe, already bought the property. It's not -- it wasn't put under conditional use like a lot of times they do when they buy it. Like, we'll buy this if this passes. So if they're -- the community should not have to pay for a bad business decision of the church. Also, the staff informed -- that's the county management staff -- informed the church representatives at the pre-application meeting almost two years ago of concerns about this location and that the

Golden Gate Area Master Plan Restudy did not identify a community desire to have conditional uses in the interior of Golden Gate Estates.

Okay. Now for my own personal comments. And, again, I want to stress, the community, I do not believe -- the Estates community is not against the church. It's just simply the location. You've heard people talk about the traffic issues: Oh, my goodness, I hate to go into Naples anymore because of the traffic situation. Even around the Estates on Everglades Boulevard, Randall Boulevard and stuff, the traffic is increasing, and especially you heard conditions with the 8th Street and 22nd Avenue -- do I have that right? -- area.

I moved out to the Estates because I wanted peace and quiet and wanted to enjoy the wildlife. I don't want -- I didn't want all the streetlights and stuff that you would find in an area of Naples. I love sitting in the morning on my porch swing drinking my coffee, watching the birds at the bird feeder that I put up, watching the wildlife that comes into my yard because of the landscaping I purposely did to bring them in.

The church, I think, there could be a better place for it to be located on the fringe. I thought that was kind of what was planned through the master plan was that businesses could come in and that type of thing, but on the perimeter of the Estates, not inside the Estates.

My other concern I heard -- and I think it's great that the church is growing. But if they're already sitting at 80 to 100 members and they're saying how well their growth is coming along, how long will it be before they outgrow the church that they're saying they're only going to have 100 seats?

Then we're going to be talking about additional services, expanding the church building, et cetera. And, again, that's further degrading the quality of life that people moved out here for.

So I think that's something that you need to keep in mind. I'm sure there's other things that I could say, but right now I've kind of gone blank. So just please consider the residents' opinions. We are the ones that will be living under the conditions of what you -- what is that word? -- suggest to the Board kind of thing.

Please understand we moved out here for that quality of life, and we would appreciate your not approving things that will take away from that. Thank you very much.

CHAIRMAN FRYER: Thank you.

MR. YOUNGBLOOD: Our next speaker is Grettel Lobo, followed by Myriam Guerra.

MS. MARQUINA: Her name is Grettel Lobo.

COMMISSIONER KLUCIK: Please use the mic.

MS. MARQUINA: She lives in DeSoto, 31st Avenue. When she goes to church in the mornings, she passes through the church that you guys mentioned before, the Everglades and Randall.

When she goes by there, she sees the church and there's no traffic there. There's not -- like, there's no noise, and it catches her attention because, regularly, you would hear something. But on the Sundays, she goes by there, like, around 10:15 in the morning and there's no traffic or noise.

So it's her testimony that there is a church, but there's not a lot of -- we don't do much impact with, like, being loud or having a lot of traffic.

And same when she goes to church on Wednesdays, because she's a member from the church, and she doesn't see traffic or anything. She said, as you can see, she's supporting the church. It's more than just a building. It's a family. Thank you.

CHAIRMAN FRYER: Thank you very much.

MR. YOUNGBLOOD: Mr. Chairman, our next speaker is Myriam Guerra, followed by -- is it Maria Martin?

CHAIRMAN FRYER: I'll ask you to spell your last name for me, please.

MS. GUERRA: Yes, my name is Myriam Guerra, M-y-r-i-a-m; Guerra, G-u-e-r-r-a.

CHAIRMAN FRYER: Thank you very much.

MS. GUERRA: Yes. I'm here to support the church because I believe our church makes

a better community, better family, better youth. That's all I can say. Thank you.

CHAIRMAN FRYER: Thank you.

Next speaker.

MR. YOUNGBLOOD: Next speaker is Marie Martin.

MS. MARTIN: Hi, my name Marie Martin. And if you want to know how Naples has grown, ask me; I've been here since 1971. One high school only. And I support the church because we was going through divorce and going to church, we accept the Lord, and we've been married 41 years.

And I support the church because the young people, they start when they kids; they can be better teenagers. They can be better people. And the church, what it do, it help counseling, do so many things. And that's why I support the church. God bless you.

CHAIRMAN FRYER: Thank you, ma'am.

MR. YOUNGBLOOD: Our next speaker -- and forgive me -- Yanelis Barrameda, followed by Marie Hinajosa.

CHAIRMAN FRYER: Ma'am, I'll ask you, if you don't mind, to please spell your last name for us.

MS. BARRAMEDA: Sure. My last name is B-a-r-r-a-m-e-d-a, and my name is Yanelis. Good afternoon, everyone. I think my pastor say everything. I just want to say I support this project. I think the church always blessing to the community. Thank you.

CHAIRMAN FRYER: Thank you very much.

Next speaker.

MR. YOUNGBLOOD: Our next speaker is Maria Hinajosa, followed by our final speaker, Michael Ramsey.

MS. MARQUINA: Her name is Marie Hinajosa, and she really loves the church. Thank you.

CHAIRMAN FRYER: Thank you very much.

Next speaker. Mr. Ramsey.

MR. YOUNGBLOOD: Michael Ramsey will be our final speaker for this item.

MR. RAMSEY: Members of the Planning Commission, good afternoon. Thank you for your time.

My name is Michael R. Ramsey. I'm the president of the Golden Gate Estates Area Civic Association. We've been in existence out in the Estates since about 1978, '79.

Our concerns with the petitioner on this issue, first and foremost is -- from today listening to the speakers, I was -- I got a little confused in the beginning who was the pastor. I think you-all cleared that up. Thank you.

Having said that, I'm a little more concerned about some of the lack of information that's been presented, the specificity. I think it was well said that there was a lot of unwritten flexibility here that causes us concern, especially in the area of the buildings and construction and services and activities that will occur on site. There needs to be more specificity in that area.

Number two, we were very concerned about the conduct of the NIMs held in Naples. There was a large turnout of Estates residents that wanted to attend this NIM, but they could not. They were turned away because the choice of the location couldn't handle the number of people, and the location couldn't handle the parking.

The second issue with the location, during April 2021 there was a huge issue with COVID, and this was a standing room only area of about -- I think of a fire code of about 35, and there was 60 in there. Again, it was turning people away.

So the information that's usually transmitted in a NIM was not transmitted to most of the residents. That was a concern to us, because we've attended many NIMs, and this was very unusual. The community did not get to really participate with what was going to happen and what was going on.

We do have a huge concern as it was listed in the pre-app notes about the statutory

requirements. So how do you prove in statutory requirements a church is needed? I really don't understand that, and I don't know how it was presented in the pre-app or how it's being described. But our reading of the material, it was not done. It was not proven that this was needed statutorily.

Statutorily, number two, the alternative site analysis, if there's churches in North Naples, Immokalee, the alternative site analysis apparently was very narrowly located in Golden Gate Estates. That seems to be incorrect in its application statutorily. It looks like that could have been looking at a wider area.

Golden Gate Estates Civic Association is most -- is very concerned and has always supported the quality-of-life concepts of the residents in the Estates. We are the most unique subdivision in Collier County, and it's becoming apparent we're becoming more -- very unique in the state of Florida and maybe in the United States, because we have low density, rural activities, and no HOA, which is also a problem in this area, too.

The quality-of-life components that are important to our people are: They want a single-family home, a little bit -- little noise, little traffic except for single-family home, not a lot of bright lights at night and odors that go along with construction and other working activities.

The application for this church makes this more difficult to have quality-of-life components in the area around it and near it.

In looking at the alternative site analysis that was provided to us, I noticed that they said that this was a good location for the church, and they got a lot of red thumbtacks on a map saying this is where all the parishioners live. I was wondering if staff verified all those addresses for the parishioners. That would seem to be a logical -- a reasonable request.

The petitions that were submitted on -- by the church from these parishioners online -- which I understand the reason for Ms. Rae Ann Burton's comment is that it indicated about half of the petitioners [sic] on this stuff were not living in Collier County, which would be a reasonable request to know.

It was very interesting to learn about the hours of service on Wednesday and Sunday. All the churches that we now have in the Estates have all increased their services once they've been allowed to have a permit and construct.

For instance, the Emmanuel Lutheran Church at Oil Well Road and Everglades, I just received the application notice yesterday that they now want to expand their church services and have more area so, again, we're going to lose single-family homes to this church, and it looks like we're not going to be able to stop it.

So is that the same issue with this church once they get established? Will they just continue to creep out and increase services?

It was also interesting that on Wednesday, if they start at 7:30 p.m., 1930 time, and they have six hours of operation, will the residents have to bear with them stopping at 1:30 a.m. the next morning? Is that going to be allowed? That seems to be unreasonable for a single-family area.

And then the noise issue. Are we going to have to deal with lots of noise? And the quality-of-life component, most of the quality-of-life components, especially noise, is important after 6:00 p.m., weekends, and holidays, which is the prime activity areas for this church. That is a severe change in quality of life for the existing single-family-home residents.

Last, 60 percent of the natural vegetation's going to be removed from the property, and it will have a significant impact on wildlife. It will make it practically unusable by species of concern for Collier County.

In closing, Golden Gate Estates Area Civic Association wants to preserve quality of life and acknowledge that the residents that live here should be able to maintain that quality of life as we move forward. It's very important that it's understood that we are the last place in Collier County that can actually offer low-density rural area for single families.

Thank you for your time.

CHAIRMAN FRYER: Thank you, sir. And for the record, we allowed Mr. Ramsey to have seven minutes and would have gone, perhaps, up to 10 because he's a representative of an

organization. Thank you.

Oh, we've got -- we have questions, starting with Commissioner --

MR. RAMSEY: Thank you, sir. Appreciate that.

COMMISSIONER SCHMITT: Mr. Ramsey, you said you're the president of the Golden Gate Civic Association.

MR. RAMSEY: Golden Gate Estates Area Civic Association.

COMMISSIONER SCHMITT: And can you describe what that association is.

MR. RAMSEY: That association is a voluntary group of members as a part of a 501(c)4 group that is interested in the quality of life and protection of the quality of life in the Golden Gate Estates.

COMMISSIONER SCHMITT: How many members are there, active members of that?

MR. RAMSEY: Around -- right now around 180.

COMMISSIONER SCHMITT: And that -- but is that the only organization in Golden Gate? Are there -- are there not other organizations in the Estates that claim or allege that they represent residents of the Estates?

MR. RAMSEY: That is correct.

COMMISSIONER SCHMITT: Yeah. So what's the other -- what other --

MR. RAMSEY: There is no other.

COMMISSIONER SCHMITT: There's no other organization? Okay.

You talked about the NIM. I ask the question about the NIM. Was the NIM deemed to be compliant with the county ordinance? Mr. Ramsey stated that there was not enough room and people were being turned away. Is that what you stated?

MR. RAMSEY: Yes, sir.

MR. BELLOWS: For the record, Ray Bellows.

I did have a discussion with Laura DeJohn who attended the neighborhood information meeting with staff, and it is reflected in the NIM minutes that she had raised that as an issue, and they were making room for anyone who wanted to attend, either -- it might have been standing room, but it's my understanding that they were being able to accommodate them.

COMMISSIONER SCHMITT: Because in the past we've had NIMs scheduled, and if the venue wasn't large enough, they would have had to reschedule it and hold it in a bigger room.

MR. BELLOWS: That is correct, and we have done that. And my understanding in this case, there was ability to accommodate everyone.

COMMISSIONER SCHMITT: Okay. So other than --

MR. BELLOWS: Maybe inconveniently, but they were accommodated.

COMMISSIONER SCHMITT: What Mike said here, Mr. Ramsey said, then -- then the staff deemed it appropriate.

Legal counsel, would you have -- can I get a legal opinion on the -- what you assess the -- did the NIM meet the requirements?

MS. ASHTON-CICKO: We'll need to rely on staff factually as to whether people were turned away or not. As previously stated, there needs to be a room of sufficient size to accommodate all the people that come.

COMMISSIONER SCHMITT: Right.

MS. ASHTON-CICKO: So we'll rely on what staff says as to whether or not people were turned away or not.

CHAIRMAN FRYER: Let's ask Ms. DeJohn to address that.

MS. DeJOHN: Good afternoon. Laura DeJohn. I'm working on behalf of Collier County in the review of this petition.

I was at the neighborhood information meeting. It was a crowded meeting. About 10 minutes into the meeting, I noticed the door was propped open so that attendees near the door could hear and be participating in the meeting. So I said, please, everyone scoot in and allow those people by the door to be in the room.

There was no turning away of people that I saw. And this comment or concern or raising of a question of whether the NIM was sufficient or accommodated all people has not been raised to me as the planner who was there until today. This is the first I've heard.

COMMISSIONER SCHMITT: Is it your understanding that those who wanted to ask questions, those that wanted to be heard, that the NIM was sufficient to accommodate all of the questions and concerns?

MS. DeJOHN: Yes. And you might also be aware, it was noted that this is a period of COVID, and virtual attendance was also available.

COMMISSIONER SCHMITT: Okay.

MS. DeJOHN: So there was a Zoom link, and there was the ability for those who wanted to be there and who were there to be accommodated inside the room.

COMMISSIONER SCHMITT: Okay. Thank you, Laura.

Mr. Ramsey, you made a statement about the parishioners not being from Golden Gate Estates. Was that because of the -- I guess the map that was shown, the exhibit that was shown where the folks lived, or are you basically of the opinion that if you don't live in the Estates, that you are not eligible to attend the congregation?

MR. RAMSEY: The question was in the packets of information available about this project, staff has put online that there is a map that depicts the location of the proposed church location, and it has arrow points on a map indicating where all the parishioners live in the Estates, and my question was, was those addresses and locations verified?

COMMISSIONER SCHMITT: Okay. So legitimate question, but I don't know if verifies --

MR. BOSI: I can confirm that was an exhibit that was submitted by the applicant.

COMMISSIONER SCHMITT: By the applicant.

MR. BOSI: And staff did not verify that all of those individual addresses were, in fact, members of the -- of the church.

COMMISSIONER SCHMITT: I have one last question. As I asked Ms. Burton, you mentioned the 60 percent of the natural vegetation being removed. I'm always amazed how those who all of a sudden want to protect vegetation and the environment when they don't want a project to be approved, how would the approval of this be any different than a 4,000-square-foot home being built on that site? Would you not still have an impact on trees and vegetation?

MR. RAMSEY: The construction --

COMMISSIONER SCHMITT: Just to finish, it's -- it is zoned Estates. It's allowed for a single-family home. So if it's a 4,000-square-foot home or a 5,000-square-foot building, how is that different?

MR. RAMSEY: The construction in the Estates, according to the LDC, when a building permit is issued, you're allowed to clear, reasonably, one acre to put the house in. All other vegetation remains. In this case, they're going to clear the interior of the property and leave 75-foot strips on the border, which is nearly -- not practical for endangered species of concern in this county to use.

COMMISSIONER SCHMITT: Are there endangered species noted on the site? Have you done an endangered species inventory?

MR. RAMSEY: I did not do one on this site, but I'm very familiar with this area.

COMMISSIONER SCHMITT: I know it's zoned Estates, so it's basically --

MR. RAMSEY: It's basically located in Panther 1 habitat.

COMMISSIONER SCHMITT: It's located in?

MR. RAMSEY: Panther 1 habitat designated by U.S. Fish and Wildlife.

COMMISSIONER SCHMITT: I understand.

Let me ask the applicant, then. Are you required to conduct any kind of endangered species survey in accordance with either the Endangered Species Act, Section 7 of the --

MR. DE AZA: There are preserve requirements. We were complying. We're not

touching the wetland. And if you look at the table we have, we're impacting less than 15 percent. Those two 75 strips is actual native vegetation that we will not touch. We're actually enhancing, other than removal of exotics --

COMMISSIONER SCHMITT: Have jurisdictional wetlands been identified and required?

MR. DE AZA: There are wetlands, and we're not touching the wetlands.

COMMISSIONER SCHMITT: So there's no request for a Section 404 permit?

MR. DE AZA: No.

COMMISSIONER SCHMITT: Or through the Clean Water Act, or now through the state rather than the Corps of Engineers. So --

MR. DE AZA: Correct. And the buildable area that we're proposing, without having to -- going through the SDP is less than 15 percent, and we're not touching the native vegetation.

COMMISSIONER SCHMITT: Okay. And the -- from the standpoint of water management, you still have to go through a South Florida Water Management District --

MR. DE AZA: Correct.

COMMISSIONER SCHMITT: -- permit, environmental resource permit application, and you still will have to go through an application for any type of septic or drainfield.

MR. DE AZA: Correct, correct.

COMMISSIONER SCHMITT: Okay. So with that, how does that -- my question goes back to, how does that differ between a home -- and you're just -- that's just your opinion that -- that 60 percent of the native vegetation will be destroyed?

MR. RAMSEY: In the interior, yes.

To further clarify, the comment was made, because the current light is important to quality-of-life issues to the surrounding residents. A house there is less harsh than this structure that they're proposing.

COMMISSIONER SCHMITT: And that's a personal --

MR. RAMSEY: And there is no --

COMMISSIONER SCHMITT: That's a personal opinion.

MR. RAMSEY: -- retention area.

COMMISSIONER SCHMITT: That's not a professional -- are you a professional engineer, professional planner?

MR. RAMSEY: I am a certified wildlife biologist recognized by the State of Florida, U.S. Fish and Wildlife, and --

COMMISSIONER SCHMITT: Okay.

MR. RAMSEY: -- and Florida Wildlife.

COMMISSIONER SCHMITT: And you've done an endangered species survey on the site?

MR. RAMSEY: I have, yes --

COMMISSIONER SCHMITT: Are you --

MR. RAMSEY: -- personally.

COMMISSIONER SCHMITT: Are you going to submit any type of --

MR. RAMSEY: No, I don't have to submit anything.

COMMISSIONER SCHMITT: Okay. All right, thanks. That's all the questions I have.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes.

Mr. Ramsey, I just have, I think, one question -- oh, a couple comments. First on the specificity, I think most of the people -- most of the commissioners here agree that we're going to look at some things to have more specificity. And I certainly think that a "no later than" time on Wednesday night is probably a good idea, you know, because you were talking about if it was 7:30 and six hours, that's -- that goes really late.

And I -- from what I can gather, it doesn't seem like the church would have that intent, so I

don't think that will be a problem to hammer out something that does restrict that, but it's good to point it out.

I would also point out that when I go visit friends in the Estates, we shoot; you know, we do target shooting in the backyard, and people are riding ATVs. And so, you know, this -- the idea that, you know, you buy a five-acre or two-and-a-half acre, you know, plot of land and it's going to be pastoral and bucolic, I get it. Much of the Estates can be that way, but you don't know what your neighbor's going to do because you, yourself, said there's no HOA.

And so all I would say is the -- you know, pointing out that you'd like -- you know, everyone would like things to be calm and peaceful and quiet and natural, I think that's true. That's generally how a lot of people like it, but I think in the Estates it's not going to be like Ave Maria where I live where I have bears on my front porch and alligators in the back, but it's more of a, you know, semi urban area. And so we live differently there.

In the Estates, people know they can have pigs, which the same friend has that, and they can -- oh, he's raised pigs for the fair for sure, absolutely, and he's a lawyer, and he knows the rules for sure.

And they also -- you know, I've done target shooting on his land. I mean, are you saying that none of those are actually uses in this neighborhood where this church would be? So you actually could have somebody -- from what I understand, you could actually have somebody buy that parcel and have target practice and have ATVs running and doing other things -- and raising hogs, you know, to show at the fair, which a family would do. I mean, this guy is a -- you know, it was his kids raising a hog for the fair.

So, I mean, the point is, you make a point, and everyone has concerns about what their neighbors are going to do, and those are good points, but they only take you so far.

And certainly, if you want to reply, I'm happy to hear what you have to say.

MR. RAMSEY: I do have a further clarification. On the issue of the NIMs, if you were inside the building, you cannot see the people that could not park and had to leave. They were parking down the access road into the BP station next door because there was not enough parking to allow people into the NIMs. So you would never know if they were turned away. If you were outside watching, you would have seen it.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Mr. Ramsey?

MR. RAMSEY: Sorry.

COMMISSIONER SHEA: Do you represent the Golden Gate Estates Civic Association?

MR. RAMSEY: I'm the president.

COMMISSIONER SHEA: But are your comments representative of the 180 members?

Is that --

MR. RAMSEY: Our comments represent meetings since June or April 2021. We've had meetings about this issue every month, the general membership.

COMMISSIONER SHEA: How many residents are there in Golden Gate? That's just more for information.

MR. RAMSEY: I'll take a shot. East of 951, probably around 30,000.

COMMISSIONER SHEA: Wow. And you represent 180?

MR. RAMSEY: No. I represent the attitudes of my membership that have expressed this.

COMMISSIONER SHEA: But is it --

MR. RAMSEY: I can't represent every person.

COMMISSIONER SHEA: -- 180 that you represent that are against it, or is it 180 that's your total representation in your association?

MR. RAMSEY: My letter expressed what-all the membership said to send.

COMMISSIONER SHEA: So that's 180 against?

MR. RAMSEY: Approximately, yes.

COMMISSIONER SHEA: Okay. That's it. Thank you.

CHAIRMAN FRYER: Thank you.

Yes, go ahead, Vice Chair.

COMMISSIONER HOMIAK: And your association had a major part in the Golden Gate Area Master Plan, correct?

MR. RAMSEY: Yes, ma'am.

COMMISSIONER HOMIAK: And that area was definitely intended to stay residential in the mind of your association?

MR. RAMSEY: For those that are not aware of the Golden Gate Master Plan, in that master plan, since its creation, we have, as a group and my members, participated in the development and articulation of it as to where we want development/commercial retail, and this is not one of those places. This is very interior with many single-family homes.

COMMISSIONER HOMIAK: Well, I agree with you. I just -- if it needs a Growth Management Plan because church isn't allowed there -- this is just a bad spot, I think. There's too many homes.

CHAIRMAN FRYER: Thank you.

COMMISSIONER HOMIAK: Too much noise.

CHAIRMAN FRYER: Mr. Youngblood, do we -- are we at the end of the speakers?

MR. YOUNGBLOOD: Mr. Chairman, Mr. Ramsey was our final speaker for this item.

CHAIRMAN FRYER: All right. I'm going to ask, then, that anyone who did not register to speak but wishes to be heard and hasn't spoken yet, please raise your hand, signal. And I see no hands.

And there is no one signaling from the dais, so with that, and without objection, we will close the public comment portion of this hearing and turn our attention to how we're going to proceed.

I've got, I would estimate, maybe 30 to 45 minutes of issues that I want to raise, and I think they overlap with some issues that others wish to raise, such as the weddings and funerals question and the hours of operation, that are going to turn on policy decisions, and we may be able to hammer out some compromises. We may not. But I can imagine there's going to be a fair amount of conversation that has to take place to get to that point.

So with that said, and recognizing that there are others, I know Commissioner Schmitt -- we may have some overlap; we may not. It seems to me -- I'm speaking for myself. My preference would be that we break for lunch, but that's up to the Planning Commission.

COMMISSIONER SHEA: I'd just as soon not.

CHAIRMAN FRYER: All right. What do others say?

COMMISSIONER SCHMITT: It's 1:30. I mean, break for lunch, come back here at 2:30, it would be almost time to leave.

CHAIRMAN FRYER: Okay. It sounds like the -- anybody else want to weigh in?

(No response.)

CHAIRMAN FRYER: All right. Well, we'll -- we will continue. And I brought a snack, so I --

COMMISSIONER SCHMITT: Fortunately for me, during our 10-minute break, I had my lunch.

CHAIRMAN FRYER: I saw that.

COMMISSIONER SCHMITT: I do have questions, more of staff, though, that I'd like --

CHAIRMAN FRYER: Okay. All right. Well, we're going to continue. We've got Commissioner Shea and Commissioner Schmitt both lit up.

Commissioner Shea.

COMMISSIONER SHEA: I know we try for compromise a lot of times. I view this as a yes/no type situation. I view us as the gatekeeper of the plan, and if you're going to change the

plan, it has to benefit the community. I'm not feeling like there's universal agreement that it benefits the community to make this change.

So I have a lot of -- I can't support it just because I think you shouldn't change the plan unless you have a good reason that benefits the community. I don't see -- I'm certainly not against the church. I think the church in that community would be phenomenal. I think it's the wrong location.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah, staff -- we already asked the question, how many homes are in the Estates right now; do you know offhand? Mike Ramsey said, what -- what'd he say, 30,000?

COMMISSIONER VERNON: I think 30,000 people.

MR. BOSI: He said -- he estimated --

(Simultaneous crosstalk.)

MR. BOSI: -- population of about 30,000.

COMMISSIONER SCHMITT: How many square miles is the Estates?

MR. BOSI: Oh --

COMMISSIONER SCHMITT: Oh, you don't know. Come on. Come on.

MR. BOSI: It's -- I know it's often described as larger than --

COMMISSIONER SCHMITT: It's the largest subdivision in the state of Florida that is -- was -- platted subdivision, other than I think Lehigh Acres may be a close second. But this was -- this was -- well, counting the southern blocks, it was the largest subdivision in the state of Florida, because -- I ask that because it is an extraordinarily large subdivision. I hesitate to even guess how many homes. God, it probably -- it must be at least 15- or 20,000 homes out there, capability to build that many homes.

MR. BOSI: Oh, I believe the capacity is --

COMMISSIONER SCHMITT: How many churches are -- can you put the map up that shows how many churches actually exist in the Estates?

MR. BOSI: This is only for the -- this is only for the northern Golden Gate Estates, as you've mentioned.

COMMISSIONER SCHMITT: Yeah. The south blocks no longer exist. That was turned over to the state.

MR. BOSI: But here's the location of the churches. The one that's in pinkish-red, 9, that was an application that was denied for a GMP and conditional-use application. The proposed church is 1, and then the various other locations are shown.

COMMISSIONER SCHMITT: What is the -- the reason that this has to come in for a conditional use is because of -- the Golden Gate Area Master Plan required it for this area to be a conditional use for a church?

MR. BOSI: The Golden Gate Area Master Plan was modified at some point in the past, I believe mid to late '80s, to restrict the amount of conditional uses that could be requested within the Estates because the price of land at the time, and it's still reflective today, was extremely high within the urbanized area, and what the staff was finding was there was a proliferation of conditional uses that were starting to creep up within the Estates. And to prevent that, the Golden Gate Area Master Plan was modified to restrict the location.

COMMISSIONER SCHMITT: And what drove that, quite honestly, was because of the difference in the price of land in the Estates versus elsewhere in the county. It motivated those who wanted to open up a business or a church or whatever; it was far more financially favorable to do it in the Estates.

MR. BOSI: Correct.

COMMISSIONER SCHMITT: So that was the reason that drove the conditional use and, as I recall, pretty much required -- now prohibited.

The real issue here is in comparison to many other communities, whether in Florida,

anywhere else in the country, a church is pretty much deemed compatible with a residential community; is it not?

MR. BOSI: Correct. And let me point out the Golden Gate Estates -- the zoning district in Golden Gate Estates, when it was originally created, it identified a church as a conditional use. It was only the restriction that was later put on through the Golden Gate Area Master Plan that said conditional uses can only be applied for at specific locations.

COMMISSIONER SCHMITT: And that's what necessitated now the GMP amendment.

MR. BOSI: That's where we necessitated. So what that means is, when the Estates was originally created, it had identified the traditional conditional uses that are associated within residential areas.

COMMISSIONER SCHMITT: Because -- again, when I look at it -- and I'm torn between this, because churches are compatible with communities, and churches usually are developed in and around communities -- residential communities. Now, that doesn't mean in a gated community or a PUD, they're only restricted, just because the PUD identifies certain boundaries of where properties can be developed. But in straight zoning in most any city, if they're a church -- a church on a corner is a pretty common thing, usually within walking distance. And I grew up in the Northeast. Typically, schools and, especially parochial schools, they were usually within walking distance. There was a church every four blocks, I think, in some of the northeastern cities.

UNIDENTIFIED MALE VOICE: But they had a capacity of --

COMMISSIONER SCHMITT: Excuse me, sir. Thank you very much for your opinion. But -- so in this regard, the opposition is, as I see this, is mainly folks believe that this church is incompatible with the community.

MR. BOSI: I would characterize the opposition is just saying that it's incompatible with the existing Golden Gate Area Master Plan.

COMMISSIONER SCHMITT: Okay. That's good. So it's basically deemed incompatible because it requires a GMP amendment?

MR. BOSI: Yes.

COMMISSIONER SCHMITT: Okay. That's -- I want to review the conditions, but I'll hold off on that.

CHAIRMAN FRYER: Okay. Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. Just to take on -- another take on Commissioner Schmitt, a point that he just made. I mean, I grew up in a rural area, in a rural county, and we had a couple cities, but it was largely rural farm area. And in rural areas, churches are very common. That's a very common thing. So I also -- when I hear that argument, that's what I think of is that that's -- you know, that's not my experience. And we're seeing the -- we're looking at the GMP amendment legislatively, and so it's really a question of what's good public policy.

And, you know, my experience, and I -- you know, is that it's actually good public policy to have churches in neighborhoods, which kind of -- and in rural areas where people live. That's where they would be; otherwise, it becomes difficult to attend the churches, which is really, you know, one of the problems they have now which is why they're putting this application forward.

I also was wondering, what are the alternative locations? Because that's -- people have heard -- or mentioned that. Obviously, they have this land, so that's where they would like to do it, but what are the alternatives? Where can a church be? Because it seems like there's two things. You know, there's a limit to where it can be as far as being close to their current geographic area, which is what they would like to do, and then there's pricing, because there are so few areas. I don't think the intent was to make it really expensive to put a church in. I don't think that -- when this was modified in the '80s, I don't think that was one of the things that they wanted to happen or they even maybe thought would happen so that churches were priced out of the market.

So I have a concern there as well. I don't know what the alternate locations were, but I imagine cost is -- excuse me, cost is one of the prohibitions, as a practical matter, for a church.

CHAIRMAN FRYER: No one else is signaling at this point. Anyone else on the dais want to be heard?

(No response.)

CHAIRMAN FRYER: Okay. Let me tell you where I am. I've got a significant number of concerns about the wording of the conditions of approval, and I think most of them probably could be worked out to the satisfaction of the applicant and staff, but there's one that I'm having trouble getting over, and that is, how could we possibly limit -- well, let me say it this way. There's been testimony this afternoon that this county is growing and it's robust and it's going to continue growing, all true. This congregation could grow as well. And I'm not at all sure how we could legally or properly limit the growth in this congregation. And if we can't, then are we setting ourselves up for the kind of a problem that the opponents of this proposal are identifying?

And I'm having trouble getting over that. If I thought that there was some compromise language that could be put in, and assuming we could resolve my other concerns and the conditions, I might be a yes vote. But right now, I am at the point where I think I hear three yes votes and two no votes, at least in the making, and unless I can get over these hurdles, I'm going to be a no vote, which means we'll send no recommendation to the Board of County Commissioners.

COMMISSIONER SCHMITT: Wouldn't the growth be controlled by the size of the building? And if they want to -- if the growth goes to 200 or 300, they have to come back and amend the conditional use. Isn't that the controlling factor?

MR. BOSI: (Nods head.)

COMMISSIONER SCHMITT: That's what I thought.

COMMISSIONER KLUCIK: And legally you could go in, again, we talked about it, with the fire code being violated. If they're stuffing the building, you know, that's a -- and the parking lot only has so much size, and I don't know, can they just park on the grass. Is that a --

COMMISSIONER SCHMITT: No.

COMMISSIONER KLUCIK: Right. So there are some built-in restrictions. If you can sit back just so I can see the commissioner -- or the Chairman, sorry.

I also would say that it seems the modus operandi or the -- maybe to the experience of this church from what we've heard is that they have a church, they get bigger, and then they plan another church somewhere else. So they almost -- you know, it almost seems like the church doesn't want, you know, to have that growth.

When they grow, they then branch off and then create another satellite or daughter church. But -- you know, I don't know, but I think -- in my mind, I thought of the exact same concerns, and that's what I came up with as how I can feel comfortable approving this.

CHAIRMAN FRYER: I can certainly accept -- and it's a good point made -- that the size of the structure, the 5,000 square feet is self-limiting because of fire codes and the like. But I think as we look at this, we all have 100 congregants in our mind, and I think that that's unrealistic. I think it could be considerably more than that. And if we amend the Growth Management Plan at this point, I think it would be considerably easier, if they do grow to 500, to get whatever they would need by way of a conditional use, perhaps, or a density amendment of some kind to the GMPA -- to the GMP, and we really would be opening a door that maybe it's okay for us to open, and, Lord knows I'm -- like everybody else, I'm all in favor of churches, and -- but we've got to be dispassionate about this and look at it whether it's a church or a development and what's in the best interest of the county and what are the reasonable expectations of the occupants of the area as reflected in the Growth Management Plan.

So I'm still in a quandary on this. Staff, can you help me out here? Am I overlooking something, Mr. French?

MR. FRENCH: Thank you, Mr. Chairman. Again, for the record, Jamie French.

So I happened to -- a little self-initiative here, and I happen to have -- I am neither a building official nor am I a licensed professional engineer, but our building official is for Collier County. So you've got a 5,000-square-foot building. Depending upon the layout of the building,

depending upon the type of construction and the way the building is designed, rough numbers, you're 15 square foot per person. So even though it's been presented to you today that it's a 100-seat facility, the building could occupy better than 300 people just based off rough numbers, and we do not have details.

So if you wanted to self-limit it, and just for some help, that would be a way to self-limit it. You could limit or not allow for or not permit any type of outside activity, and you could limit the number of people occupying that building based off of its size. And also, for correction to the record, there was some state legislation -- in my conversation with Mr. Walsh, there was some state regulation that exempts churches from ADA. So they are not exempt from Florida Building Code. They are not exempt from the fire prevention code, but there are some ADA considerations that they are exempt for -- from as an act of the Florida Legislation.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah, I wanted to ask a question on Condition No. 5. It says, the total numbers of groups using the site, and then it says the church building will not be used for any other type of group, organization, or club.

I understand what the words say, but what if the church has a, I don't know, a Boy Scout troop, some other type of organization, is that considered a prohibited group, organization, or club? If the church has a, I don't know, a reading club, are they -- are they church groups or external groups?

MR. BOSI: Those are meant to be applied to external groups.

CHAIRMAN FRYER: Further, if I may, Commissioner, I was going to and will suggest that the words "type of" be changed to the word "entity," so as to be clear that this is something that is only church-sponsored events, and the facilities would be used only by the church for the church.

COMMISSIONER SCHMITT: Correct. I accept that, yes.

MR. BOSI: Yeah.

CHAIRMAN FRYER: Let's see. I don't have anybody else lit up here. I would --

COMMISSIONER SHEA: I did.

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

COMMISSIONER SHEA: I guess I'm going to repeat myself. I guess, if I'm a resident of this community, who do I rely on to stick to the plan that we as a county decided we were going to have? And to me, we're talking about negotiating a change that the local neighborhood doesn't want.

I don't know why we're negotiating it. It's -- our job is to stick to the Growth Management Plan unless there's some insurmountable reason why we need to change it. Why are we even talking about accepting it and changing it?

CHAIRMAN FRYER: Other comments?

COMMISSIONER HOMIAK: I agree. The Golden Gate Area Master Plan is -- the approval of the changes is not that old. And the church is not allowed here, or there wouldn't be a Growth Management Plan amendment. That's what the people wanted.

COMMISSIONER SCHMITT: But in the same vein, we have opportunities everywhere in this county to do small-scale amendments, to do other types of amendments to the GMP.

COMMISSIONER SHEA: But it's usually accepted locally.

COMMISSIONER SCHMITT: Exactly. That's the issue here.

COMMISSIONER HOMIAK: You got the people that worked on the plan opposed to it, the Golden Gate Area Master Plan. The association worked on it for a long time.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. I would go back to my question that I raised earlier. How does this compare to the church that's on the intersection of Randall and Everglades, and why would we be -- you know, maybe the idea is that was a mistake, but why would this be treated differently?

CHAIRMAN FRYER: I'm going to ask staff to answer that after I give my two cents. I think the difference there is that the intersection mentioned is at a crossroads of major throughfares versus the proposed site, which is quite a bit internal to rural Golden Gate.

COMMISSIONER KLUCIK: Right. So it's rather -- it's more -- it's not necessarily on the fringe, but it was less in the interior.

CHAIRMAN FRYER: I would think so.

Staff, do you want to --

COMMISSIONER KLUCIK: I would only ask then, did we have the exact same opposition to that, even though it was on the fringe, because my thought is that no matter what is proposed, you know, we're going to hear from the -- especially from the people most -- you know, closest to it, that they're always going to raise opposition because it's something different.

MR. BOSI: Staff's perspective is each individual petition, as you know and as the Planning Commission has echoed many times, is based upon its own individual merit. I think in terms of the two specific locations that you talked about, the Chairman had identified one of the major differences is the intersection of two -- two major roadway systems, this being more towards the interior. There was -- at the time of that GMP and CU hearing, there was similar type of oppositions based upon similar type of concerns. But the unique nature of that individual location, obviously, was persuading to the Planning Commission and ultimately the Board of County Commissioners, which they -- they found a recommendation of approval from the CCPC, and then the Board of County Commissioners approved it. And I think it's because of the difference in terms of where it sat within the transportation system.

COMMISSIONER KLUCIK: And do you stand by -- I mean, does the planning -- planners, do they stand by their recommendation of approval after hearing all the testimony?

MR. BOSI: Yes, yes.

MR. BELLOWS: Yes. And I just want to --

CHAIRMAN FRYER: Subject to the 16 conditions.
(Simultaneous crosstalk.)

MR. BELLOWS: 8th Street is deemed to be a collector road in our Transportation Element. So, technically, it's a collector road like Everglades.

COMMISSIONER KLUCIK: 8th Street?

MR. BELLOWS: Yeah, but it doesn't function quite like those roads.

CHAIRMAN FRYER: No one is signaling now, so I'm going to use this time to go through, as quickly as I can, all the concerns I have on the conditions of approval. And --

COMMISSIONER KLUCIK: Can you point me to the page where that's at, because I haven't -- for the life of me, I haven't been able to find it.

CHAIRMAN FRYER: It's Exhibit C to the ordinance.

COMMISSIONER KLUCIK: Okay, great.

CHAIRMAN FRYER: Yeah. That's the best way to get at it. And -- all right.

First of all, my first concern is the six hours per day. There was a point that was well taken by both planning commissioners and also some speakers that if we have a 1930 start time, that would run into the wee hours of the morning to get the full six hours in, and we certainly want to limit that. How that is to be limited is a subject of discussion, if it be the wish of the Planning Commission to try to negotiate that out. But let me just go through all of these.

The second one, days of operation, normal church operation. We raise that point, of course, because there are weddings and funerals and other events that would not be considered -- would likely not be considered part of the one quarterly event that would be recognized.

So right now we're talking about more activity at the church based upon one's interpretation of the word "normal."

Then the seats, 100 seats, but we've heard that 300 people could be in there. The total

number of members. I just don't see -- you know, I think it would be unfair to the church to tell them that they can't exceed 100 members and -- so I'm not willing to do that, but I can't think of any other reasonable approach to deal with the major concern that they could grow to 500 members and be back here with a Growth Management Plan amendment under their belt and a conditional use under their belt.

Then I mentioned my proposed change in No. 5 to change "type of" to "entity" for the reasons I mentioned.

Number 6, one structure being proposed. I would like to say there shall be but one structure on the church project.

Number 7, "the church plans on having," well, that's not a condition of approval. Let's make that into a commitment. The church will be limited to one special event quarterly. Of course, that begs the question because we haven't defined what a special event is yet.

Going to No. 9, the church plans on -- excuse me. Yeah, going to No. 9, plans on having one special event quarterly. It says the same thing; it would need the same fix.

Number 10, I realize that we base our limitations in traffic transportation to peak p.m. But I think when we're talking about compatibility and roadways, it would behoove us to also give consideration to the practical impact on these roads, albeit at times other than peak p.m. weekday.

So those are my -- well, then I have one -- one more in the staff proposed No. 14. It says special events, and it says, "must be operated by the church." I would say "by and for the church," because the church could operate a special event for another organization, and I want to make it clear that it would be by and for the church.

So those are my concerns. And I suppose if we could get over all of those, I could find myself voting yes, but as a practical matter, I can't see how I'm going to get to that point.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. I really do want to nail down this term "special event," because I heard what the pastor said. It would typically be involved with a guest speaker or guest pastor or something else. But churches have bake sales. Churches have rummage sales to raise revenue for events, other types of activities that certainly would bring not only petitioners -- parishioners to the church, but it would also bring other residents of the community. Those kind of things we have to nail down. And are they prohibited from having any of those other type of events?

I think about Easter -- on Easter Sunday sunrise service, is that a special event, or is that outside the window? The nativity event, all the other type of things that come up.

I find it very hard to understand how the county can prohibit a religious service and a practice of their faith if they want to have some kind of congregation involved in something related to a religious devotion. I don't know -- I don't know how we can do that, and I don't know how would we [sic] be enforced, even if I put it in the PUD? I just -- I need more clarity on what this is, because right now what I'm reading is congregations twice a week and once a quarter. That's basically what I'm reading this as.

I have to -- I'm not in opposition to the church. I just need something -- I need clarity as to what the intent is because, again, if we approve this, we open the door, and now I throw the burden on staff and Code Enforcement and everyone else to try and enforce what is going to generate complaints from the community.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. I would add a few in response -- as well as some additional items. But in response, I would suggest for Item 4, Condition 4, that maybe language talking about simultaneous users. That way it has nothing to do with membership. You know, more about occupancy, which there's all sorts of reasons to limit the number of occupants as well as, I think, existing ways that that could be done based on parking or fire code or just what -- I guess we could put a limit in here.

Number 8, I think if we say "worship services," I think almost every church I can think of

does a lot of stuff that isn't really objectionable that's outside of worship services, so I think we should be careful.

We talked about the counseling. We heard about, you know, the faith-based counseling and faith-based education. Those things, I think, should be specified just so that we don't, you know, unknowing -- unwittingly limit them if it ever came to a head.

Also, Number 7 -- and this is certainly a concern, I think a justified concern of Mr. Ramsey as to quality of life. If we talk about a no-later-than time, I think that other than -- no later than 9:00 p.m. other than the four special events, and even then, I don't know -- you know, I mean, I think there should be a limit.

And then we really want to talk about there can't -- in my view, it would be -- you know, I don't know how we would justify any limit on funerals, baptisms, or weddings, and I also think we should be mindful, you know, of something that's going to happen or certainly is going to be an issue right off the bat is, for instance, the universally celebrated -- somewhat universally celebrated religious observance of Good Friday. It's a Friday. It's not a Wednesday. It's not a Sunday, and that's going to happen every year, and I think there might be some other things like that.

And I also just think that we get into -- we get into an area where I don't even know if we could enforce some of this stuff, depending how specific we get, if push came to shove.

CHAIRMAN FRYER: Well, I share all the concerns that have been expressed. I'm not sure -- well, Commissioner Shea.

COMMISSIONER SHEA: Well, I'm just going to beat -- keep beating the same drum. I struggle with who are we to go in and tell the community who spent all this time, as Karen said, developing a plan that we're smarter than you and we know better than you and you're going to accept this. I just don't buy that. I don't think that's our job to negotiate for somebody outside to move into a community that -- for something that doesn't benefit the community as a whole.

CHAIRMAN FRYER: All right. Well, I see a couple or three options here that we have before us. One would be if the applicant wishes to have this matter continued, and I'm not sure I can hold out a lot of hope for the applicant that the result would be different, but at least to try to address the concerns that have been addressed with respect to Exhibit C, conditions of approval, and come back anew and see if we can -- see if we can come to closure on those.

As I say, I'm not -- I'm not really optimistic that we're going to get there, and I want to -- I want to be candid about that. I would be surprised if all of my concerns would be adequately addressed even if you came back. But I'd want you to have that opportunity if you wanted it.

Another -- another approach we could take is to simply take a vote right now, and, you know, whatever we vote, it's going to then proceed to the Board of County Commissioners with or without a recommendation on our part. And that's -- we've done that before.

And -- well, I guess those are the two options that I -- well, a third option would be to try to hammer out the language right now this afternoon, which I'm not sure would be productive. And I'd like to -- okay, I've got two planning commissioners. First, Commissioner Vernon, would you like to weigh in on that, sir?

COMMISSIONER VERNON: Yeah, I'd like to weigh in just to tell the applicant what I'm thinking because I'm -- I'm one of the newer board members but -- commissioners. This is the hardest thing I've had to decide since I've been here, and that's why I've been very quiet and listening to everyone.

So if they're going to be offered the option to continue, I just want you to know where I'm sitting right now. You know, this clearly appears to be a church on the rise, and I think, you know, as much as you guys try to abide by everything, I can see multiple services, and I can just see this -- it's going to naturally grow.

And I'm linking to Commissioner Shea, and I guess it's -- you know, where I'd come down now probably is I would probably vote against this. So I just wanted you to know before -- if you're asked whether you want a continuance, I think it's fair to you to know that this is an extremely close call, because I think my colleagues on the end there make some great points

and -- very close. But if I had to vote right now, I'm probably going to vote against it, and I wanted you to know that before you -- if he offers up that option.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. For the record, from the standpoint I'm impressed with any initiative that gets kids away from, what is it, TikTok, Facebook, all the other garbage that is out there, and if they can get away from it for five hours a week, I'd be happy.

And I'm impressed with the young folks that came here, because it's something they believe in.

I do agree with Commissioner Shea; this is a tough issue because it is all of a sudden shoehorned into a growth amendment to modify something that we just approved a little less than a year ago, or a little over a year ago.

I'm still split. I would -- I would have asked -- I think best approach -- or I think I would recommend that staff get with the applicant, bring this back. I hate to do this, because I hate to kick things down the road as a continuance, but I need answers on the issues I brought up, and that's going to take legal. Heidi's going to have to do some research, because I don't know how I can restrict church attendance. And I'm not -- I'm not talking about the denomination. This could be any denomination.

The one thing that was said that always make the hair on my neck stand up -- and when I heard the quote "these people don't live here," I mean, that infuriated me. I was just absolutely -- I won't say any more in public. And I'm sadly of the belief that that is what's motivating some of the opposition to this, and enough said.

CHAIRMAN FRYER: Thank you.

Staff, are there other options before us other than the three I mentioned, based upon the comments you've heard and the preliminary positions that have been stated by planning commissioners?

MR. BOSI: There's no other options that I --

CHAIRMAN FRYER: Your mic, Mike.

MR. BOSI: There's no other -- I mean, the options of continuing it and going back and trying to work out something that addresses the number of concerns that have been expressed by the Planning Commission, that's one option. And the other option I heard was to call the vote today. And if there's this expression of how can we get the conditional use in line, I think the real question is, how do you get the GMP amendment in line? Because a conditional use doesn't happen without the GMP. And if you're not -- if you're going to be able to vote for the GMP because of the issues of the recent restudy, this not being in an area that had been identified and designated as an appropriate location for a conditional-use location, if you can't get past that, all we're doing is spending more time and more resources from the church.

So, in that regard, I think the Planning Commission has to say, on the issue -- don't worry about the conditional uses and the conditions we have. On the issue of the Growth Management Plan amendment, if we can't -- if I personally can't arrive at a recommendation of approval, then let's not continue this and try to work down to the specific details of a conditional use because -- and then it's -- you've said this is an appropriate location. Now we're just going to work out the details.

So for me, what I've heard, it sounds like the Planning Commission really needs to answer that first question. Can the GMP be supported by -- amendment be supported by the Planning Commission?

CHAIRMAN FRYER: Well, if we voted, we would certainly vote first on the GMP.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah. I would just say that I'm assuming that everyone on -- you know, on this commission would take them as tandem, you know, issues. So if we're voting to send it back with the idea that perhaps the conditions could be hammered out to be

acceptable, then that means that in that situation, you know, we could support the GMP resolution, the change to the GMP.

So I just kind of thought that was -- they went hand in hand together. I can't imagine -- you know, it is -- it's a colossal waste of time if we're just going to say hammer out the conditions where we could vote for them but then we wouldn't vote the same way on the GMP.

CHAIRMAN FRYER: Your logic is excellent. The only reason I wanted to be heard on the CU is because when this goes to the Board of County Commissioners, I want to have made a record of the concerns that I have in case they take an altogether different tack than we do. So that was -- that was my motive for going through these.

I'm now going to ask the -- Commissioner Vernon?

COMMISSIONER VERNON: Yeah. I'm not stating a position but just trying to look at where we are. It seems like we've got -- I'm guessing, but it looks like we've got three people who are going to vote against it, four people really struggling who may all vote against it or all four vote for it. It sounds like maybe more against it if we have to decide today. We've got a staff that recommended approval. This is a really tough one. I mean, I'm not really, you know, trying to advocate. I'm just saying this is where it appears to me we are.

CHAIRMAN FRYER: Okay. Thank you. I'm going to ask the applicant's representative to step up to the podium.

Vice Chair, did you want to say something.

COMMISSIONER HOMIAK: I was going to make a motion; get it over with.

CHAIRMAN FRYER: Okay. Well, let's -- I want to -- sir, you've heard our candid and detailed expressions of concern. We're going to make the decision whether we vote, not vote, or continue it; that will be our decision to make. But before we commit to that, we want to hear your observations and what preferences you might have, recognizing that if we do continue it, there are absolutely no promises being made that when it comes back it's going to be suitable to us. So there you have it.

MR. MARTIN: Thank you, Mr. Chairman.

Justin Martin, again, for the record.

I heard all the discussions, all the concerns, and I could tell you that the church is willing and able to make whatever accommodations are needed in order to be able to move forward with this. So I'm more optimistic that we could meet all of those concerns that you have.

I just want to -- a couple of things that I noted while I was sitting here listening and I'd like to share. There was a question asked, what is the geographical area of Golden Gate Estates? As we look at the map, and I think it's a total, if you include everything, it's, like, 163 square acres. It's hard to imagine.

CHAIRMAN FRYER: 163 what?

MR. MARTIN: I'm sorry; 163 square miles. I misspoke. Miles. It's hard to imagine a scenario where you prohibit churches in the community of 163 square miles. If you look at the plan, there's very few that are up there, very few. And I heard about the Growth Management Plan amendment. I'm not familiar with it, but I think I heard that it doesn't specifically prohibit churches. It doesn't -- it prohibits the number of conditional uses, I think is what I heard, but it doesn't prohibit churches.

And what we've tried to convey is that a church is an appropriate use within a residential community. It's really hard to understand that we're struggling with that. If you look historically throughout the U.S., there is examples mentioned here of churches on the corners of residential zones. I laid out at least eight of them here at the beginning of this.

So it's not an inappropriate use. It's not something that we're trying to fit a square peg in a round hole. It's an appropriate use, and I think that at some point the county, or the Planning Commission, will have to take that issue up as far as how schools are a permitted use, how parks are a permitted use within a residential area of 163 square miles but churches are not. I can't get my hands around that.

COMMISSIONER SHEA: I don't think we're saying that, though. You paraphrased. I think we're saying at that location.

MR. MARTIN: Right. But 163 square miles of Estates-zoned locations. All these other locations are similar to that.

What I do want to add is one other thing. The church that was mentioned, Latter Day Saints church, that went through a Growth Management Plan amendment and it went through a conditional-use approval. This church is willing to abide by all the conditions that were in that approval. That way you're not setting any precedent. You're doing the exact same thing that was done, the same exact zoning. It was mentioned that 8th Street is a collector road. This is just -- it's not far from Randall, but it's within Estates zoning.

And I understand the continuance. The church is very limited in its funds. They don't have funds to pay for an attorney. That's why I'm here. But what I can tell you is that we can accommodate whatever concerns that you have in order to move this forward.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Just a question. A lot of -- what makes this more challenging is -- for me is I don't know who the two people are and say, have you guys, gals, whatever, gotten together and tried to work it out? It's a little harder here because of the way it's organized. The way -- you know, the church versus the Estates area. Have you -- I mean, to me it would be a lot easier if you came in here and there was nobody with 160 names saying I'm against it. And a lot of times that's what happens here is the applicant gets with whoever's opposing it and tries to work out the details rather than us trying to negotiate the details. Sometimes we fine-tune the details, but we don't usually -- have you had -- have you had any success trying to talk with the opposition?

MR. MARTIN: We had neighborhood information meetings, and also Commissioner McDaniel has monthly meetings with Golden Gate residents. We -- the pastor has --

CHAIRMAN FRYER: We need to -- excuse me, sir.

MR. MARTIN: Yeah, the night with the commissioner. And every month that's held, and the pastor has attended that and addressed questions at each one of those.

Now, when you have someone who's determined and organized and puts on social media their opposition and then they go to a 7-Eleven and try and get as many signatures as they can, here, sign this, and then you have people from Cape Coral, from Hialeah, from all these other places that sign a petition, they don't even know what they're signing.

And I understand the gentleman that was here with the civic association, but he doesn't represent 30,000 residents out in the Estates. Again, it's 163 square acres. It's hard to imagine --

CHAIRMAN FRYER: Square miles.

MR. MARTIN: I'm sorry, 163 square miles, thank you. It's hard to imagine a situation where the churches are prohibited there. And this is a de facto prohibition saying that it's not an appropriate use in that zoning when we believe it is.

CHAIRMAN FRYER: All right. Sir, I think you've answered at least my question. You don't seem to have an appetite for a continuance because of financial reasons, which I understand completely, and that was the reason I asked you to come up.

COMMISSIONER KLUCIK: Actually, I didn't understand that. I understood that he was willing to accommodate every single request that was made for the conditions. That's what I heard. And so if that required a continuance, he would be happy to do that.

MR. MARTIN: Either we can hammer it out here, like you said, we can agree to wholesale conditions that were placed on the LDS church, or we can do a continuance if we have the confidence that this will be moved forward in the future.

CHAIRMAN FRYER: Well, it will be moved forward no matter what we do, for sure, because we're just an advisory body.

COMMISSIONER KLUCIK: I did have a question.

CHAIRMAN FRYER: Yeah, I know you do. And, in fact, I'll -- go ahead,

Commissioner Klucik.

COMMISSIONER KLUCIK: Sure. So these two lots are owned by the church; is that correct?

MR. MARTIN: Yes.

COMMISSIONER KLUCIK: Okay. And so what I would say is these people own this land, and they're already members of the community. So I think these people actually are part of Golden Gate Estates.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: The prohibition or the requirement for the GMP amendment, specifically for this area that necessitates -- the GMP amendment was required because of the conditional use. I've got to figure out how I phrase this.

But churches are compatible uses in a community. I somehow am -- have the belief that this is almost an unintended consequence of the Golden Gate Area Master Plan. As I asked the question before, what was driving -- and the motivation to purchase property in the Estates for commercial was because of the favorability and the price of land in the Estates, especially 15, 20 years ago. And we know how the Golden Gate Area Master Plan evolved and got the -- got through the approval process in 2019.

But I'm of the belief -- and maybe I'm wrong; that's why I'm going to ask the question -- the conditional-use process was, again, placed on this area to prohibit uncontrolled growth in commercial. All of a sudden I feel that churches somehow got wrapped up in this as an unintended consequence. Was there a belief there that were too many churches coming into the Golden Gate Estates?

MR. BOSI: That's what it is, because a conditional use -- like I said, Estates zoning district, if you read the -- if you pick up your Land Development Code, go to the Estates zoning district and look at permitted uses and conditional uses allocated for the Estates zoning district, church is one of them, but commercial uses aren't.

So this was never -- this limitation of where you can seek a conditional use in the Golden Gate Estates was never motivated by trying to resist commercial development. The restriction was the fear of unlimited daycare seeking applications within the Estates, churches. So there's a very narrow list of conditional uses that are allocated to the Estates. It's the master plan that says, oh, you can only seek a conditional use -- out of all those listed uses that are identified in the Estates zoning district, you can only seek them at these locations, and those locations are pretty limited.

COMMISSIONER SCHMITT: And this location --

MR. BOSI: Is not one of them.

COMMISSIONER SCHMITT: -- necessitated in the GMP amendment.

MR. BOSI: This is not a location that is designated by the Golden Gate Area Master Plan --

(Simultaneous crosstalk.)

MR. BOSI: -- to be -- to allow a conditional use to seek approval.

COMMISSIONER VERNON: Just so I'm clear, so to summarize, it's more about where the churches can be within the Estates as opposed to how many churches?

MR. BOSI: Yeah. There was never -- there is no prohibition of churches. That's -- those statements are incorrect. There's no prohibition of churches in the Golden Gate Area Master Plan. There is only a restriction upon where a conditional use can be sought within the Golden Gate area.

COMMISSIONER VERNON: So right or wrong, it sounds like this was thought through?

MR. BOSI: It was specifically contemplated when the plan was updated as to where they wanted to have these locations, and they are very -- they're very limited in their locations.

CHAIRMAN FRYER: All right. Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. So I would just say, then, I don't -- I guess, you know, a public policy decision was made that non-profit churches have to compete for a tiny little sliver of land in Golden Gate, you know, to purchase land that would -- where they wouldn't need a GMP amendment, and it would be a conditional use that they would kind of get as a matter of course. And I don't know as that's good public policy. I just -- how is that good public policy that groups, churches, whoever it is, nonprofits like this, that actually, you know, provide services that are needed in communities?

And, you know, why would we set that up -- I mean, apparently we have, but as a public policy matter, I'm -- you know, we're voting on this legislatively, I think, so then my views on public policy matter, you know, because that's what -- our votes are all based on what we each think about the policy, at least in the GMP change, and that's -- that's why I think this is a really good thing to approve. Because the conditions that we've set, while they may have been -- you know, may have taken time and consulted with the community, communities don't -- you know, they think about what they've got and what they want and what they have now. They're not thinking about the growth -- they're thinking about the growth in terms of being frustrated or concerned or scared of what might happen with growth.

And I don't think -- I think it's good to limit the commercial, but I think something like a church is just such an essential part of communities and residential areas that it just seems short-sighted, or maybe an oversight, or maybe misunderstood at the time, and we didn't see the consequences of doing that, and now we see it. And we see -- we saw fit -- certainly the county. I wasn't on the commission. But the county saw fit to approve a church recently, the one that we've been talking about that's not too far away, and I think this is a very similar situation.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: I think the residents aren't thinking about the change as much as they're thinking about what we promised them when they moved in there. We promised them residential, and that's the way the planning has gone on.

And a question I'd have, Mike -- ask you, Mike, is I'm not sure of the different roles. They don't comply with the GMP because -- so why would you recommend approval other than they have the right to ask for conditional?

MR. BOSI: They have the right to ask the Growth Management Plan. In this case, it would be the Golden Gate Area Master Plan. We had -- when this application originally came in, we reviewed it. We knew that the interior location was going to be problematic. Because of 8th Street and its formal classification as an arterial, sort of some of the conditions that helped approve the other church at the -- Everglades and Randall, that there could a reason there could be support. But when they had the size at 250, we thought we were -- really weren't -- we were trying to squeeze too much in. They weren't providing for the 75-foot buffer. The buffers were -- the buffers were more of an urban style and reduced. And the concessions they made -- and from the concessions they made, staff arrived upon a position that even though it's not two collector roads that it sits on, it is one collector road, and based upon that classification, based upon the reductions, we made a recommendation of approval.

But I understand how difficult of an issue this is, because there's merits on both sides of the argument. And there's nothing that I can tell you that's going to be able to alleviate the difficultness [sic] of this type of a decision, because each side there's a counterargument for, and that's why what we do is so difficult. When you have impassioned pleas from an applicant, when you have impassioned pleas from existing neighbors and residents, it makes the decision extremely difficult.

And I understand at some point in time the comments that come from the Planning Commission and sometimes even the Board of County Commissioners is, is there a box I could check that's going to make this decision for me? But when we -- when we're evaluating these type of questions, it's the scales of justice is the most appropriate kind of liked analogy. You weigh the

pros and cons of each side, and you try to arrive upon what you think are the factors that need to be identified as the highest priority.

And I completely understand and have empathy. We struggled with this decision in terms of where our recommendation was going to be, and we ultimately arrived upon a recommendation of approval.

But the considerations and the discussion from the Planning Commission, I think, what it does show the public is the extreme length and difficult nature of this decision-making and the tasks that the Planning Commission has to perform, and it's not easy. Some petitions are pretty straightforward. This is not a straightforward petition. It is difficult.

COMMISSIONER SHEA: The other question I had, though, is Commissioner Klucik refers to another church, and I don't know all the details of those, so I don't subscribe that they're similar, because I believe these are case by case. You could probably have a different group of people that lived around this site right there that were all fine with it, you know, that all belonged to the church and said it's fine, and they'd come in holding hands saying we all support this. Our decision would be easier. So I think every decision we make is case by case on something like this.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. On Page 17 -- correction, 7 of 13, my Page 1343, and I quote, the project falls under the idea of a special exemption to conditional use. That's in the GMP. And I read that as staff is looking at this as a special exemption. You basically recommended approval.

MR. BOSI: Yes.

COMMISSIONER SCHMITT: Okay. For the members of the church, just so you all know, we're all volunteers. We don't get paid for this. And that's why the Board of County Commissioners gets the big bucks, because this is going to go to them, and they make the big money. Regardless of how this goes, you've got a struggle because you've got to convince five commissioners, and the GMP requires --

CHAIRMAN FRYER: Four.

COMMISSIONER SCHMITT: -- four votes, four out of five for the GMP amendment.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: So that's where we're at. Thanks.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I guess I just -- and I'm just talking so you guys can hear what I'm thinking. I just kind of feel like, if I really look at it, the box to be checked is denied. I kind of feel like if I kind of follow -- I don't want to say follow the law, but just follow -- but my opinion, the church would be great for the community. I just -- you know, I want -- you know, it's kind of like a heart-head thing. You know, I want to support them, but if I've got to check the box, I just feel like I have to check the box no.

CHAIRMAN FRYER: Before I call on Commissioner Klucik, I think it would be appropriate at this point to entertain a motion to dismiss and a second, and we could continue having discussion.

COMMISSIONER KLUCIK: Yeah, that's what I was going to do, Mr. Chair.

CHAIRMAN FRYER: Go ahead, then.

COMMISSIONER KLUCIK: I'm going to move that we send it back to see if we can hammer out those conditions.

CHAIRMAN FRYER: So your motion is that it be continued to a date certain?

COMMISSIONER KLUCIK: Our next meeting or whenever the staff thinks they can get that done.

CHAIRMAN FRYER: All right. Is there a second?

COMMISSIONER SCHMITT: Wait a minute. You're sending back the --

COMMISSIONER KLUCIK: Both of the items --

COMMISSIONER SCHMITT: Both items.

COMMISSIONER KLUCIK: -- until we get the conditional uses looked at to see if we could come up with something that was acceptable.

CHAIRMAN FRYER: Is there a second?

MS. ASHTON-CICKO: May I interject for a second?

CHAIRMAN FRYER: Yes.

MS. ASHTON-CICKO: Would you like to continue it four weeks so that it doesn't have to be readvertised? That should give staff sufficient time to consider --

COMMISSIONER KLUCIK: Yes.

MS. ASHTON-CICKO: -- modifying the conditions.

COMMISSIONER KLUCIK: That would be --

CHAIRMAN FRYER: You said for a week?

MS. ASHTON-CICKO: For four weeks.

CHAIRMAN FRYER: Four weeks.

MS. ASHTON-CICKO: Four weeks, would which be -- what date is that?

MR. BOSI: October 21st.

CHAIRMAN FRYER: Okay. There's the motion. Is there a second?

COMMISSIONER VERNON: You know, I second it. I just comment, I think, you know, if you want to come to the podium, I mean, if you guys don't want us to continue this -- if you want the vote now, I'd prefer to give you what you want on that point, but if you want the continuance, then I'm -- I would second the motion.

COMMISSIONER KLUCIK: You're going to lose the vote right now if we vote on this.

MR. MARTIN: I'd like to have the support of those who are -- have some concerns about the conditions of approval, and I am very confident that we can get there, so I concur with the continuance.

COMMISSIONER VERNON: I'll second the motion.

CHAIRMAN FRYER: Okay. Any further discussion?

(No response.)

CHAIRMAN FRYER: If not -- no one is signaling. All those in favor of --

COMMISSIONER VERNON: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: I think it passes 4-2. Did I do that right?

COMMISSIONER SCHMITT: It sounds like it.

CHAIRMAN FRYER: Yeah. Okay. So 4-2, it's continued to a date certain, and that's at our second October meeting.

COMMISSIONER SCHMITT: And I would ask, the issue really here is to clear up the issues that were raised on special events, other religious activities and, of course, Heidi, it's going to take some -- we need some legal guidance because this gets into what -- what are our parameters and what can we prohibit. I just don't -- we talked about Good Friday. We talked about Easter Sunday sunrise service. Again, those are Christian faith. But if it were a Muslim faith or any other faith, I mean, it's -- you've got -- you've got these -- I don't know how government can restrict the number of weekly congregations other than define it on schedule, but then there's these other special events that I thought were special events, weddings, funerals, baptisms, those kind of things.

MS. ASHTON-CICKO: I'll work with the planner, Laura, and the church to see if we can work out some additional conditions that the church may offer to make the CCPC more

comfortable with the proposed project as well as the residents that are here in opposition. I do think that once you have a church in place, it will likely grow, and I don't know that there's much that we can do to stop that, but we'll see what we can do for compatibility.

CHAIRMAN FRYER: Okay. Thank you. So that matter has been continued to a date certain, and we've gone another two hours, so we need to have a break for the court reporter, and then we'll return. We've got --

COMMISSIONER SHEA: May I ask one more question, just of Heidi?

CHAIRMAN FRYER: Go ahead.

COMMISSIONER SHEA: Did I hear -- are you going to try and engage both parties? I mean, it may not be --

MS. ASHTON-CICKO: I'll be working with Laura, and Laura will work directly with the church. I don't know if she has any members of the opposition that she is in contact with.

COMMISSIONER SHEA: Well, for me, it would be good if we tried to reach -- I mean, you may not come to an agreement with them because they're probably more scattered than a lot of the other groups we deal with, but I'd really love to see us try and put the two parties together. It may not work, but --

CHAIRMAN FRYER: I would only add that we've made a record, primarily Commissioner Schmitt and I, of the specific concerns we had on the conditions of approval. I'd ask that you address those.

MS. ASHTON-CICKO: We will, and I think there's a few more we can address as well.

CHAIRMAN FRYER: Thank you. All right. We will stand in recess for 11 minutes until --

COMMISSIONER KLUCIK: Mr. Chairman, if I could, I just wanted to recognize this young gentleman here. I just -- he's going to be a leader. He is a leader right now, and I just wanted to thank you for that and thank your parents for that.

CHAIRMAN FRYER: And thanks to all the young people here.

COMMISSIONER SCHMITT: Talk to him about joining the Army.

CHAIRMAN FRYER: All right. It's 2:30. We're in recess until 2:40.

(A brief recess was had from 2:30 p.m. to 2:40 p.m.)

CHAIRMAN FRYER: Let's reconvene. We have just two short items, I believe, under new business, and then we'll be out of here.

First of all, County Ordinance No. 2009-29, Section 1, as amended, provides that Planning Commission officers' term shall be, quote, for one year with eligibility for reelection, unquote. So we've customarily attended to this matter in our October meeting. And when I met with staff yesterday, we were scheduling it or -- intent upon scheduling it for October 7th. But then as it turns out, two planning commissioners will not be here, and the numbers would work out then that if -- incumbents could basically re-elect themselves, and the vote would be 3-2. And I don't -- I mean, I wouldn't feel comfortable with that. I'm -- personally, I'm willing to and, in fact, believe it or not, desirous of serving another term if it be the wish of the Planning Commission, but I want -- I want as many people here as possible to express what I hope will be a vote of confidence.

So without objection, we will, then, have the annual officers' election on the 21st of October under new business. Is that okay with everybody?

(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: Will I be here?

CHAIRMAN FRYER: Yeah. When I asked for attendance, everyone -- or no one signaled that they would not be here. Okay. All right. That's what we'll do.

Then, secondly, we need to talk about LDC amendments. Mr. Bellows or Mr. Bosi.

MR. BOSI: Yes, thanks, Chair.

We were -- we're trying to find a night that could serve for the LDC amendments for a night hearing. We arrived upon, I think, the November 19th [sic] meeting as the meeting where the Commission was agreeable to that. I wanted to explore -- we had only one item on the 21st of

October, and it was an informational item. It's just staff describing the redistricting process that is currently ongoing to the Planning Commission. And my idea was, okay, well, that's -- if we have only a small -- one item, we wouldn't hold the Planning Commission meeting just for an informational piece. Maybe the 21st would work for the night we could have the night meeting because there are also LDC amendments that are associated with the night meeting and Growth Management Plan amendments that could be heard prior to it.

With the inclusion of the -- of the church, I'm not sure if that's the best plan anymore. I think maybe sticking to the November 19th original date for our night meeting is probably wise, because trying to gauge when should we start related to the continuation of the church, I'm not sure if that gives us the freedom and flexibility that at one point in time -- with the assumption I came in today that we were going to get -- you know, that we were going to make a decision on that, that we were only going to have an informational piece, that's changed the discussion a bit.

And so what I was going to suggest was to see if the Planning Commission members were agreeable to having a meeting where we started later, but because of an issue that is of high controversy, I think it probably best just to leave it as it is scheduled with the 19th of November being the night meeting.

COMMISSIONER SHEA: It's the 18th.

COMMISSIONER SCHMITT: It's the 18th. 19th is a Friday.

MR. BOSI: Thank you.

COMMISSIONER SCHMITT: So it would be the 18th, right?

MR. BOSI: Yes, the 18th.

COMMISSIONER SCHMITT: Do you think -- I don't think the church is going to take that much longer, do you? I mean -- well never mind.

MR. BOSI: Yes.

COMMISSIONER SCHMITT: Yes.

MR. BOSI: Yes, I do. These same conflicts that we had, even when -- and I'm not -- I don't want to speak too much because that's outside of the public course of the -- I just think they're very -- it's a very difficult decision. There's pros and cons on each side that you've articulated, we've articulated. I just think it's still going to take a considerable amount of time and consideration.

COMMISSIONER KLUCIK: But aren't we limited? There's not going to be public comment, is there, or is there?

CHAIRMAN FRYER: Well, public comment is closed, but we can always ask for the applicant -- we can ask for anybody to comment outside of -- even after we've closed it.

COMMISSIONER KLUCIK: But I'm just saying as far as the time -- how much time it will consume, we won't have to worry about that. We can limit it to exactly what you want as Chairman or we, you know, agree to as a --

MR. BOSI: I'm not sure how we could limit public comment if we are discussing additional changes and restrictions to conditions of approval. I think we would want the public to be able to weigh in on that.

CHAIRMAN FRYER: In fact, we didn't structure this hearing by consent. So we probably -- we would be remiss in not letting the public speak.

MR. BOSI: I would think when we opened that up, we're opening it back up at --

COMMISSIONER KLUCIK: So we have the whole thing all over again?

MR. BOSI: Yes.

CHAIRMAN FRYER: Okay. Well, from my perspective, it doesn't matter to me whether we do it on October 21st or November 19 -- or 18, rather. What do other planning commissioners have to say?

COMMISSIONER VERNON: As proposed is fine.

COMMISSIONER SHEA: I can't do -- I can't do the 21st at night.

CHAIRMAN FRYER: Oh, you can't do the 21st.

COMMISSIONER SHEA: That's the -- they have to be at night, right?

CHAIRMAN FRYER: Yeah.

COMMISSIONER SHEA: I can do the day.

COMMISSIONER VERNON: My suggestion is to keep it the same, which would work for you.

COMMISSIONER SHEA: Yep. I'm fine with the way it's scheduled now.

COMMISSIONER VERNON: Works for me.

CHAIRMAN FRYER: Okay. So it would be November 18. Does that work with everybody, then?

COMMISSIONER SCHMITT: Yes.

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

And I don't think we have anything further, but we'll go through the formalities.

COMMISSIONER KLUCIK: So say that again. It's what day, the 18th?

CHAIRMAN FRYER: 18th at 5:05 p.m.

COMMISSIONER KLUCIK: And then when are we expecting our day meeting, normal meeting to start?

MR. BOSI: Well, that's -- we'll look at the -- right now I don't -- I don't believe we've identified the number of petitions. I don't think that there's a tremendous number right now. So if there's only one or two, we will coordinate with the Chair and the Planning Commission in terms of what we think is appropriate, whether it be 1:00 or 2:00 or 3:00 based upon the number of petitions and the complexity associated with them.

COMMISSIONER KLUCIK: Did we have a start time? Is it 5:00?

COMMISSIONER SCHMITT: 5:05.

CHAIRMAN FRYER: 5:05. And staff will thread the needle for us so that we're not here unnecessarily based upon their best estimates, which must be held in abeyance until we know what matters are coming to us.

All right. Is there any other new business to come before the Planning Commission?

(No response.)

CHAIRMAN FRYER: If not, is there any public comment on any matters that we haven't covered yet today?

(No response.)

CHAIRMAN FRYER: I don't see any members of the public, so I take that as a no. And, therefore, without objection, we're adjourned.

Oh, I'm sorry, Commissioner.

COMMISSIONER SCHMITT: One comment. Staff, thank you for guiding us through today. It was a difficult petition, and I hammered staff. So, thanks.

CHAIRMAN FRYER: Well, I share your kudos to staff. Thank you, and thanks --

COMMISSIONER VERNON: Good job, Mr. Chairman, as well.

CHAIRMAN FRYER: Thank you. Thanks to all planning commissioners. I think we had a very constructive meeting.

Thank you. We're adjourned.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 2:47 p.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

10/21/21



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

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