

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
December 4, 2025

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:

Joe Schmitt, Chairman
Chuck Schumacher, Vice Chairman
Paul Shea, Secretary
Michael Petscher
Michelle L. McLeod
Charles "Chap" Colucci

ABSENT:

Randy Sparrazza
Amy Lockhart, Collier County School Board Representative

ALSO PRESENT:

Mike Bosi, Planning and Zoning Director
Eric Johnson, Planner Manager
Heidi Ashton-Cicko, Managing Assistant County Attorney
Courtney DeSilva, County Attorney's Office
Ailyn Padron, Management Analyst I
James Sabo, Planner III

PROCEEDINGS

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

CHAIRMAN SCHMITT: Thank you.

And good morning, everyone, and welcome to the December 4th, 2025, Collier County Planning Commission.

I ask that we please stand for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN SCHMITT: All right. Commissioner Shea, if -- I ask if you take roll, please.

COMMISSIONER SHEA: Chairman Schmitt?

CHAIRMAN SCHMITT: I'm here.

COMMISSIONER SHEA: Vice Chair Schumacher?

COMMISSIONER SCHUMACHER: Here.

COMMISSIONER SHEA: Secretary Shea is here.

Commissioner Sparrazza is not here.

Commissioner Colucci?

COMMISSIONER COLUCCI: Here.

COMMISSIONER SHEA: Commissioner McLeod?

COMMISSIONER McLEOD: Here.

COMMISSIONER SHEA: Commissioner Petscher?

COMMISSIONER PETSCHER: Here.

COMMISSIONER SHEA: And Ms. Lockhart is not here. So we have a quorum, sir.

CHAIRMAN SCHMITT: Excellent. We have a quorum, so we'll -- are there any addendum to the agenda?

MR. BOSI: Mike Bosi, Planning and Zoning director.

No, no agenda changes.

CHAIRMAN SCHMITT: No agenda changes, okay.

Please note our next meeting scheduled for December 18th, 2025, has been canceled, and our meeting that was -- typically would be scheduled two weeks later is January 1st, and that being a holiday, we will not meet on January 1st unless you-all decide you want to come in and meet on January 1st. I see no hands raised, so we won't do that.

So our next scheduled meeting is actually January 15th, 2026.

MR. BOSI: And right now we have five petitions. So hopefully we can get a quorum for that meeting.

CHAIRMAN SCHMITT: All right. Is anybody projected to be absent from that meeting?

(No response.)

CHAIRMAN SCHMITT: It looks like we'll have a quorum. Excellent.

And, Mike, do you have any BCC report?

MR. BOSI: The BCC has not met since the last time that the Planning Commission has met. They'll be meeting next Tuesday, because they only had one meeting in November.

CHAIRMAN SCHMITT: When's the Greenway Fritchey --

MR. BOSI: Greenway Fritchey is -- right now is scheduled for summary agenda on the -- Tuesday the 9th, but I'm not sure if it's going to remain on summary. We did have the one individual who spoke against it at your -- at transmittal. They did not show up to the Planning Commission at adoption when the PUD was -- was brought back. So our assumption was that their issues were satisfied. I'm not sure if they're going to pull -- if they're going to show up to pull it, so it may be discussed next Tuesday.

CHAIRMAN SCHMITT: Well, I guarantee it's going to be pulled, because Fiddler's Creek is going to come in and ask for a -- what do you call it? A fair-share proportionate contribution. So that -- you'll probably see that letter come in. If not today, it will be Monday. But it's probably tomorrow. I mean today. Today or tomorrow you'll see that letter come from -- Tony Pires is preparing a letter. He's the representative for both CDDs.

All right. Well -- and next item, then, is approval of minutes. In your agenda, November 6th, 2025, CCPC meeting minutes. Are there any addendum -- or addenda to the minutes?

(No response.)

COMMISSIONER SCHUMACHER: Motion to approve.

CHAIRMAN SCHMITT: And do I hear a second?

COMMISSIONER PETSCHER: Second.

CHAIRMAN SCHMITT: All in favor, say aye.

COMMISSIONER COLUCCI: (No verbal response.)

COMMISSIONER SHEA: Aye.

CHAIRMAN SCHMITT: Aye.

COMMISSIONER SCHUMACHER: Aye.

COMMISSIONER PETSCHER: Aye.

COMMISSIONER McLEOD: Aye.

CHAIRMAN SCHMITT: Any opposed, like sign.

(No response.)

CHAIRMAN SCHMITT: None, so it passes unanimously. Excellent.

And with that, Chairman's report, nothing, and nothing on the consent agenda.

And the next items are public hearing. These with -- both items are legislative in nature, so there's no disclosures required.

***And with that, there's no need for anybody wishing to speak to be sworn in since they're legislative in nature, so we'll proceed with the first item on the agenda, and that item is an amendment. I'm not going to read the whole thing, but this is an amendment. It's PL20250010243. It's the development order process and timeline LDCA, an ordinance of the Board of County Commissioners amending Ordinance No. 04-41, as amended, the Collier County Land Development Code, which includes the comprehensive land regulations for the unincorporated area of Collier County, Florida. Specifically it's to revise time frames for processing applications for approval of development permits and development orders.

So with that -- I'm not going to read the rest of it, but, Richard, you can proceed with that item, if you would.

MR. HENDERLONG: Good morning, Chairman and members. Is this on?

Good morning, Mr. Chairman and Commissioners. This is a request that is to establish compliance with new state law that was passed in July -- or October 1 of 2025.

More specifically, it's Florida Statute 125.022 and Florida Statute 166.033. It revises the time frame as mentioned for processing the applications for the approval of development permits or development orders by local governments.

The terms "development permit" and "order" do not apply to the processing time frames for building permits. The reason is because the building permit processing times are regulated separately by the Florida Building Code, Section 553.792.

Exhibit C, which I have on your visualizer, illustrates the GM/CD portal intake process leading up to when an application is deemed complete. I'll go over the key elements of the application and process.

First, the law requires that the application such as zoning/rezone subdivision approvals, certifications, special exceptions, and variances, additional information to be available to the applicant. Also, to revise the time frames for processing these applications and to provide for refund parameter when the county or a municipality fails to make certain time frames except when the applicant waives that time frame.

So the County may not request -- one of the key -- other elements is that the County may not request additional information from the applicant limited no more than three times unless the applicant waives that limitation in writing. And before a third request for the additional information, the applicant must be offered a meeting to attempt to resolve any outstanding issues. So when the application is deemed complete, that's when it's ready for review of the County to either approve, approve with

condition, or deny the application within 120 days for non-quasi-judicial hearing applications or 180 days for quasi-judicial hearing applications.

Also, there is a provision that during a public hearing or meeting, the applicant and the County can agree to an additional extension of the time period between the 120 or the 180 days.

So on this visualizer, if you look at the top, it shows the website requirement there, and then below it is the intake process with the arrow. And that process is currently being implemented by the department.

CHAIRMAN SCHMITT: Richard, in a nutshell, you have first request, second request, third request.

MR. HENDERLONG: Right.

CHAIRMAN SCHMITT: Typically -- now I'll withdraw the word "typically." It's been my experience, when I was in the Community Development at the time with the Growth Management, it seems that applications would come in, they would be deemed sufficient, they'd go through review, and then they'd get comments, comments based on requirements in the LDC or whether in the -- whether in the -- well, primarily LDC requirements --

MR. HENDERLONG: Correct.

CHAIRMAN SCHMITT: -- that define what needs to be required as far as any type of submittal. And oftentimes, the County review process was, frankly, used as almost a -- let's get the comments from the County and see what we have to correct as sort of a quality control measure rather than a complete submittal.

Based on those comments, how does this law impact that?

MR. HENDERLONG: Very differently.

CHAIRMAN SCHMITT: I submit an application. I get comments back. The clock starts over again?

MR. HENDERLONG: No, not exactly. How it works is we have a pre-application meeting -- and let's just talk rezones for the moment --

CHAIRMAN SCHMITT: Yeah.

MR. HENDERLONG: -- rather than an SDP or Site Development permit. There's a pre-application meeting. It is during that meeting that the planners go over the issues that they're going to want to get questions to -- or I mean answers to their questions so that when they make the formal application, that's when this system on the intake begins to apply, okay, and that's when it would start.

So at that first -- once the application -- they pay their fee and that application is initiated, intake is working up on the front to make sure that it's been notified. Our CityView system is preprogrammed to deal with tracking these time moments just for everyone's awareness. And the wonderful thing about CityView is that the respondents -- the reviewers have that 10-day period to provide answers to those questions.

Once they get it back, the applicant gets it back, he has a time clock, 30 days to respond or raise additional questions, okay, or he can say he's fine with it, all right? That's Step 1. The second step comes along when he says he's got more questions as a follow-up.

So every time you go to a second review for comments, that's where that 30-day time clock period comes in, and that's where the first request, the applicant submits that response within 30 days on that first line, and the County is obligated to permit a letter, and it goes electronically by email back to the applicant. We have four or five draft letters. They're actually implementing these letters already to the applicant so they're getting them by right.

The second request, if there is a second request, that -- we have to follow that. That letter comes out sooner, within 10 days as opposed to 30 days. So before the third request, the applicant has to be offered a meeting to resolve any outstanding issues.

So at the third request, that comes back within 30 days. It says the information must be deemed complete or proceed to process the application for approval or denial unless they waive the time limits. Each one of the letters has a provision for an option. The County can't request the time limit waiver, but it does have a check box in all of these applications to waive that time limit in anticipation that it's going

to take more time. Some of these, as you know, for, like, SAs [sic], SRAs, they're going to be exhaustive. They can run for a while, correct, and this allows the ability for a time waiver limit to be introduced.

CHAIRMAN SCHMITT: But what I don't -- I do not believe that the County should be penalized for making comments that are legitimate and then the applicant being -- saying, well, you're not reviewing my application in a timely manner when, in fact, the County is. It's just that it was a poor submittal.

MR. HENDERLONG: No.

CHAIRMAN SCHMITT: And with many errors or not in compliance with the LDC. And I don't think the County staff should be held responsible for -- I don't -- I'll use the word -- the incompetence of a poor application.

MR. HENDERLONG: Well, keep in mind that if they don't respond within that 30 days, the County's going to be forced to -- it's going to deny that application because it's insufficient or it's deemed incomplete.

CHAIRMAN SCHMITT: Well, in fact, that's what should happen is deny it.

MR. HENDERLONG: Right. And that's what they're going to do.

CHAIRMAN SCHMITT: I mean, this whole -- the whole state legislature and the law was dependent upon the fact that it's a complete and substantial application and it's in compliance with the local laws and requirements. If it's deemed not to be, then the County should not be held responsible. The onus should be on the applicant.

MR. HENDERLONG: Again, the difference is the word -- the operative word is "complete."

CHAIRMAN SCHMITT: Okay.

MR. HENDERLONG: When is the application deemed complete? And that doesn't occur till after the intake when you look at the -- let me bring this down.

CHAIRMAN SCHMITT: Mike, go ahead. Then I've got Michelle.

MR. BOSI: Chair, and what -- there's two separate processes we're talking about here. The time frame really starts after they've passed the sufficiency. So sufficiency is we get an application in. There's a number of things that are checked off at the pre-application meeting that need to be there. The intake team will review that application for sufficiency to make sure everything that's required has to -- is there. If that is -- if that is complete, then they send that -- they'll send that application to the reviewers, and that starts the substantive review. That's when the time clock starts for the 120 days or the 180 days is when the actual substantive review's going on.

The back and forth that happens during the sufficiency -- there are time frames that Richard was talking about, but you're right, that's just making sure the application is complete for review, because if we have that 120- or 180-day time clock, we want to make sure that everything's there -- is there so we can -- we can make sure we -- we are attending to those time frames.

And one of the keys is is we always give the option for the application to waive their -- waive the time limits if they want, because say a rezone application, a rezone application will hardly ever be heard before the Board of County Commissioners within 180 days of that -- of that application being sent to staff for their first review. There is neighborhood information meetings. There's the staff review. There's the Planning Commission. There's advertising days for that.

So we have checks -- we have -- we have the ability for the applicant to say, "Oh, we'll waive that because we know that we're probably not going to get through in 180 days or 120 days." If they don't waive that and we hit that 179 or 119, we automatically deny that application, and then they have to go back in and resubmit and start the whole process over again.

CHAIRMAN SCHMITT: Okay.

MR. BOSI: So that's really the overview of what the State was saying. And this is just another instance of the state statute, I think, being -- I think being influenced by developers who have experienced elongated delays within a county or a jurisdiction, and there's -- and they're saying to the legislature, "We can't get our projects out." They're stuck in permitting for so long. So the State is mandating how long we have.

So we respect that. We're changing our code to mirror what those requirements are, but we're

giving the applicant an out, and we are encouraging -- especially for land-use petitions, we are encouraging our applicants, "In the best interest of your client, it's probably best that you're going sign this waiver." Their agents are on top of us all the time, because if it's sitting in review and it's a 30-day review and we're at day 29, they want to know where the review is.

And that -- so we're not taking longer than what we're supposed to. It's just the state legislature has felt it was in the best interest to interject to every locality that this is the time frame you're going to be working at. So we're kind of -- we're working within that system, but we have an automatic out for the applicants, and we encourage those applicants, for the best interest of your clients, you probably want to sign this waiver. We're not going to be sitting on applications. That's not how we, you know, do our business.

CHAIRMAN SCHMITT: Well, yeah, I mean, I understand the real purpose is not -- for an application to come in and not just sit there and not be reviewed.

MR. BOSI: Yeah.

CHAIRMAN SCHMITT: That's the purpose of the law.

MR. BOSI: Yeah.

CHAIRMAN SCHMITT: But the law doesn't mean you should automatically approve it --

MR. JOHNSON: No.

MR. HENDERLONG: No.

CHAIRMAN SCHMITT: -- within that time frame, because there are -- subject to the -- conforming with the LDC requirements and meeting all the other stipulations as far as land development. Michelle, go ahead.

COMMISSIONER McLEOD: Yeah, I like the part about where it -- after it's rejected so many times, then the County is required to set up a meeting with the applicant to review what the problem is, because sometimes there's a code that's been changed and the applicant doesn't know it, and so it's this endless cycle of submittals and rejections.

MR. HENDERLONG: Good point.

COMMISSIONER McLEOD: And so I really like that. But the only -- my only concern is do we have the workforce to accommodate all of these meetings that we're going to have to do now to help them?

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

We do. I mean, we are always on a -- it seems like a minimal or short -- you know, staffing. But even before this law came into effect, after a review is provided to the applicant, we always invite the applicant, "Would you like to have a post review meeting with county staff so that you can specifically talk about" --

COMMISSIONER McLEOD: Right.

MR. BOSI: Because you get the written documentation of a four- or five-page re-submittal letter. Sometimes there's -- the specifics get lost in the verbiage, and a verbal communication can help, you know, address some of these issues quickly. So we always -- as a matter of practice, we have set this up -- for years we've had these post-review meetings that if an applicant wants to, if they're willing to sit down with the county staff, we'll tell them exactly what we're looking for; what needs to be addressed, so --

COMMISSIONER McLEOD: That's awesome.

MR. BOSI: -- yeah, it does place a little extra pressure upon staff. But I think we have -- we have the manpower to be able to maintain it and still provide the level of service, you know, to the other applications that are there.

MR. HENDERLONG: We just want to add to that that we're actually doing that now already.

COMMISSIONER McLEOD: Yeah.

MR. HENDERLONG: And that's the beauty of our CityView system, that we're able to track it, follow it, because the -- if you fail on this, for some reason if the County failed on the site, there's a 10, 20, 30 percent, depending upon where that is in the process, refundable fees. The County has no intention of refunding any fees, and they don't see that happening. And that was also talked about at the DSAC

meeting.

CHAIRMAN SCHMITT: And in my experience in the federal government side as well in the permitting side, oftentimes the AE firms, okay, will use the excuse, "I can't get my permit." Well, you can't get your permit because you didn't submit it properly or it was not in compliance or many other reasons.

But the County always becomes the -- almost a fall guy saying, yeah, yeah, I can blame it on the county I can't get my permit. The commissioners hear that all the time. But never self -- in a self-reflection mode and say, "Well, I didn't get the permit because it was not a very good application." Go ahead.

MR. BOSI: And I would add, Mr. French, who will not -- who has advised us that we're not providing refunds, so we're going to make sure that we're within the confines of what the law says.

It reminds us that CityView is extremely transactional, and it documents the transaction. So when we get those complaints, you know, that the County is taking a lot of time, we'll get the owner. Not the applicant, but it's the owner that the applicant's representing will call in or come in, and we'll show them how much that it's with us compared to how much with the applicant.

CHAIRMAN SCHMITT: Right.

MR. BOSI: And the majority of the time, we meet our 30- or a 15-day, whatever the review period is. It's the applicant that's taking a little bit of extra time. And that's fine, but we won't accept the responsibility of why it's taking extra time because of our delay. It's because of their delay.

MR. JOHNSON: Right. We don't want to take the blame.

MR. HENDERLONG: So I've got -- I'm just going to tell you the five letters -- email letters that go out, okay, regardless of whether it's a rezone, the first one is if the application is totally complete, that starts the process. The next one has another letter that goes out. Incomplete letters that are deficient. The other one is a review comment dealing with rejections. The third is a notice before the County intends to deny it, and then the actual denial. But just so you know, those are already uploading and being implemented through the CityView transactional process.

CHAIRMAN SCHMITT: Okay. Well, I don't -- I mean, the LDC amendment is pretty straightforward. I was just trying to --

MR. HENDERLONG: Clarify.

CHAIRMAN SCHMITT: -- enlighten some of my colleagues up here on the process, and often who -- the County is -- easily can become the fall guy when, in fact, many times it's not -- they're not -- they're not the problem.

But any of the commissioners see any problems with the LDC amendment? It's pretty straightforward.

(No response.)

CHAIRMAN SCHMITT: Richard, do you have any anything else?

MR. HENDERLONG: No, sir, just to make everyone aware this applies throughout the whole state of Florida. It applies also to the cities and those communities that do not have a system -- electronic system set up like Collier County. They're going to be at risk in having to deal more readily with these refund fees.

CHAIRMAN SCHMITT: Do I hear a motion to approve the LDC as written?

COMMISSIONER McLEOD: So moved.

COMMISSIONER SHEA: So moved.

CHAIRMAN SCHMITT: Second?

COMMISSIONER PETSCHER: Second.

CHAIRMAN SCHMITT: All in favor, say aye.

COMMISSIONER COLUCCI: (No verbal response.)

COMMISSIONER SHEA: Aye.

CHAIRMAN SCHMITT: Aye.

COMMISSIONER SCHUMACHER: Aye.

COMMISSIONER PETSCHER: Aye.

COMMISSIONER McLEOD: Aye.

CHAIRMAN SCHMITT: Any opposed, like sign.

(No response.)

CHAIRMAN SCHMITT: And it passes.

Yeah. I just want to make sure folks understand that the County pretty much leans forward, and they have in the past. I can tell you on the federal government side, oftentimes it's really a staffing issue, especially when you're dealing with the U.S. Fish and Wildlife.

Those applications can take 15, 18 months under the review of the 404 process, which is mainly because of staffing.

***Anyways, next item, and this is under old business. We heard this in the past, and I'll read it. This is 10A, PL2025000235. These are floating solar facilities. Part of an LDC. It's an ordinance of the Board of County Commissioners amending the Ordinance No. 04-41, as amended, the Collier County Land Development Code, and then we're going to address floating solar panels. I will not read the rest of it because it's in the public advertising. But, Richard, please go ahead.

MR. HENDERLONG: Okay. Thank you, Mr. Chairman.

This -- as you know, you had seen this before in May of 2025. On June 20th, '24 [sic], during staff's request to waive a nighttime hearing and hold two regularly scheduled Board daytime meetings, the Board approved the request to waive the hearing but further agreed to continue a discussion on what are the appropriate land-use categories for floating solar facilities.

The Board gave staff at that time some direction on moving forward with the amendment and provided guidance that we are to protect neighborhoods, allow them at least in public use areas and in an other areas -- and in an other-use request, whether it be a principal or an accessory use to require a conditional use but not allow them in the Estates, travel trailer/recreational vehicle campground, and residential zoning districts.

The Board further agreed to continue a discussion on whether agricultural and commercial areas are appropriate land uses once the staff would bring this amendment back.

So as a follow-up to their direction, you have before you additional text being presented that are highlighted in yellow, and in particular on environmental impacts as they relate to floating solar facilities. These impacts have been and continue to be assessed by other Florida solar facility projects such as Miami-Dade planning, engineering, and environmental departments of the Collier County's Water Pollution Control.

In addition to the amendment, there is a draft Administrative Code which you have not seen before. It's being introduced, which the Board will consider after the amendment has been approved and adopted by the Board.

So I don't have my PowerPoint. I'm going to go -- read to you the PowerPoint on this. We're not -- apparently having a problem setting that up.

MR. JOHNSON: And, Mr. Chair, while Rich is looking for that, this is Eric Johnson, planning manager. To just remind everyone that we're doing this amendment to comply with the Florida Statutes.

CHAIRMAN SCHMITT: Yes.

MR. JOHNSON: We're also wanting to be consistent with the Board's direction for staff, and that was to -- we're going to -- we're going to allow floating solar facilities as a conditional use in the "A" zoning district; the rural agricultural zoning district, conditional use in the C-1, C-2, C-3, C-4, and C-5 districts.

MR. HENDERLONG: That's on the PowerPoint slide, Eric.

MR. JOHNSON: And a conditional use in the industrial zoning district as well as the business park district. It would be permitted by right in the "P," the public use district. So I just wanted to -- remember we talked about, you know, permitted by right versus conditional. We're proposing to allow it conditionally in those zoning districts that I just mentioned and then permitted by right in the "P" zoning district.

Rich also had provided in the section of the code that's specific to floating solar facilities a lot of highlighted yellow text. That would have been -- that represents the change that occurred since the last

time you reviewed this earlier this year. Does that make sense?

MR. HENDERLONG: I'll go over those elements for you -- or provisions for you.

CHAIRMAN SCHMITT: Commissioner Shea.

COMMISSIONER SHEA: Something we were talking about earlier, what do we do about land-based solar? Are we silent on that?

MR. JOHNSON: And that's a good question that you ask that, because --

COMMISSIONER SHEA: Well, Richard told me that question, so...

MR. JOHNSON: Sorry to interrupt. I was just excited.

We had talked to you guys earlier this year, and I think that you kind of gave us a direction that we would move forward with land-based solar facilities, and we actually kind of wanted to memorialize that in a vote today, you know, if you're in favor of that, that we want to proceed with creating regulations for land-based or ground-based solar facilities.

COMMISSIONER SHEA: Why wouldn't we be in favor?

MR. JOHNSON: Well, I didn't want to be presumptuous.

(Simultaneous crosstalk.)

MR. JOHNSON: I'm thinking that you'd be in favor of it.

MR. BOSI: And I could add a little bit more depth to that in the sense that the Florida Statutes require that we permit land-based solar in the agricultural zoning district. We are allowed to provide for adequate buffering. Very -- they've got some strict limitations as to how we can and can't treat them, but one of the things they do allow us is how -- how we are going to buffer them from, say, the right-of-way.

So we want to be able to move forward and have an LDC amendment that's going to address, you know, how we're going to deal with land-based solar so we can make sure that they're not going to -- they're not going to provide for, you know, a visual impairment in terms of adjoining properties and right-of-way. Because I'm not sure if you've ever -- if you've ever driven past a solar field, they're not the most pleasant-looking facilities, and we think some adequate -- some softening of the edges with buffering, which the State does allow us, is what we're going to be working on with the LDC amendment team looking at some of the best practices that have been adopted already by some other Florida counties. So that's what we're really asking for in that regard.

CHAIRMAN SCHMITT: Yeah, one question, Michelle, before. I'm just trying to think of the -- are there federal requirements? I can't think of any in regards to permitting of this as well. I don't think it -- does it involve the Clean Water Act or Endangered Species Act? I don't think so. I just don't know.

MR. HENDERLONG: It does at the time when it comes to the location and the review of the plan. It goes along with any other permit to the extent that -- and I'll talk about that as we move forward with this on the elements and the changes, why we've introduced some new ideas like a water-quality control program, which is not required, but pollution control wants that because these floating -- I'm talking about floating solar now, not ground.

CHAIRMAN SCHMITT: My question is -- because I don't want to duplicate what the federal government's already going to do.

MR. HENDERLONG: No.

CHAIRMAN SCHMITT: And I'm just thinking of my past experience, whether there are federal requirements. It could be deemed a Clean Water Act issue and an Endangered Species Act issue in regards to setting up these solar panels that -- but I'm not sure. I've never encountered it in my experience on the federal side, so I don't know.

MR. HENDERLONG: And to the extent that the County Water Pollution Control -- and that's part of the slide here we'll talk about -- is that the water coverage surface area, we're limiting them to a certain percentage and putting a max on it based upon what other Florida communities are doing and also environmental in order to protect the aquatic life, marine life, littoral shelves. We want that all maintained, but the primary concern is where the runoff, after that facility's been operating during three, five years, how does the water quality get affected? That's why we're asking -- requiring a baseline water-quality survey be established before they go out and start implementing putting the solar -- floating solar on water.

CHAIRMAN SCHMITT: Yeah. Michelle.

COMMISSIONER McLEOD: I was just trying to think of some examples of land solar panels in our community, and there's -- at the zoo in the parking lot, they have their solar panels there, and that looks really nice. Like, are there other examples of where we're using land solar panels already?

MR. HENDERLONG: Some of them are on top of buildings, multifamily. I'll let Jaime mention that.

MR. JOHNSON: But remember that we're talking about floating solars now. We can discuss --

COMMISSIONER McLEOD: Well, we have time, right?

COMMISSIONER SCHUMACHER: We've got all the time in the world today.

COMMISSIONER SHEA: We already missed the record.

COMMISSIONER SCHUMACHER: Yeah, that record's shattered.

CHAIRMAN SCHMITT: I wanted to make sure his record stayed.

COMMISSIONER SCHUMACHER: I appreciate that, Joe.

MS. COOK: Jaime Cook, your director of Development Review. I don't know, mine's 13 minutes from now, so we're good.

COMMISSIONER McLEOD: Okay, good.

MS. COOK: As far as land-based solar, we have two large -- two large sites out in Immokalee that are former ag fields. One is at the corner of 29 and 82, and the other is on 82. They're both old orange groves that have been converted into solar fields by FPL specifically.

CHAIRMAN SCHMITT: Yeah, those are FPL sites.

MS. COOK: Yes.

COMMISSIONER McLEOD: Are they attractive? Because that was brought up that --

COMMISSIONER SCHUMACHER: You don't really see them.

COMMISSIONER PETSCHER: I don't want to get into telling people what they can and can't do with their land as far as being attractive or not, but buffering sounds like a great idea.

MS. COOK: Sir, that's exactly what I was going to say. They are still required to follow buffer requirements. So the one on 82 is still under construction, but the one that's at 29 and 82, they do have buffering. So unless you're looking for it, you're probably not going to notice that it's there.

COMMISSIONER McLEOD: Okay.

CHAIRMAN SCHMITT: I mean -- and the more I'm thinking about it, I know -- I'm pretty sure these have to go through federal requirements for the Endangered Species Act.

MR. HENDERLONG: They do.

CHAIRMAN SCHMITT: And these floating solar panels are going to certainly impact the temperature of the water in some manner or form that would have to be addressed as well.

MR. HENDERLONG: It is. And the interesting part about the floating solar is they tend to cool.

CHAIRMAN SCHMITT: Really?

MR. HENDERLONG: They have 15 to 20 percent more efficiency than ground mounting because of the cooling of the water, the effect on it. The data shows that.

CHAIRMAN SCHMITT: Again, I have no concerns with the LDC amendment. I mean, it's just --

MR. HENDERLONG: Okay.

CHAIRMAN SCHMITT: I think -- I think the requirements, as Paul stated, we probably have to address some issues in regards to the land base.

And another requirement we talked about briefly, which we're probably going to see sometime here, are the small nuclear power plants. What do you call it, package plants that can be set up to power --

MR. HENDERLONG: Renewable energy.

CHAIRMAN SCHMITT: -- data centers and those kind of things that are happening now. So those are just some future things that you might want to look at. I mean, they are extensive in the review process from the federal side, but from the local side, we're going to have to address compatibility, location, all the other kind of things associated with it. We're going to see it. We're going to see it. Other

communities in the country are dealing with these large data centers and small now what I call package nuclear plants.

Go ahead, Mike.

MR. BOSI: I was just going to say from a commentary standpoint, I think Florida will be one of the last states to have, really, locations for data centers just because of the temperature wise. The cooling aspect of the data centers is one of the most critical aspects in terms of the energy consumption. And what we're -- what the trend has been, some of the -- the South Dakotas, the North Dakotas, the cooler climates are where those -- where they're being located at. But at some point in time, we're going to have to deal with it, you're right, in one form or fashion or another.

CHAIRMAN SCHMITT: Commissioner Shea.

COMMISSIONER SHEA: Just a question on the water-quality part of it. I mean, putting it over a freshwater pond is one thing. Putting it over a wastewater treatment pond is another thing. Is that the designer's responsibility to deal with any corrosive environments that might be in the water body below it?

MR. HENDERLONG: The code exempts the water-quality control and study for wastewater treatment ponds because of the nature of what they are themselves. They're exempted in this, and that's part of the elements. If I can cover the elements here, and then if you'd ask the questions then, I could get through this, all right?

CHAIRMAN SCHMITT: Go ahead, please.

MR. HENDERLONG: All right. Thank you.

So the first element being introduced today, or aspect provision, is the new -- definition for solar facility. This is required by the statute, as cited on your board, 163.305. And that include -- that's included because Florida Power & Light's private initiative, solar facility, and electric LDC amendment has been withdrawn indefinitely.

The amendment also addresses the -- specifically the placement, the water surface coverage area, and the setback requirements. It is prohibited -- being prohibited over wellfield, Risk Management Special Treatment Overlay. This is a requirement that exists actually in Miami-Dade, and our Pollution and Control department staff have agreed that, let's take a baby step and let's don't put it over -- put at risk, potentially, on a public water-use location so our wellfields are protected.

Next, limit the water coverage to no greater than 60 percent of the water body area. That was agreed to and in heavy discussion with the environmental team over at Miami-Dade, which was part of the County's -- they were part of the County -- the County had comments to the state legislature in crafting this statute, so that's why we reached out as a team to get their input on it.

Next, clarify that the ecological function of freshwater bodies relative to the presence of -- and modify the littoral zones to be at least 30 percent or more in an area. That's submergent and emergent aquatic vegetation. This is in alignment with the County's mandate to protect environmental habitat as well as aquatic vegetation.

And lastly, to provide water-quality control survey.

Next -- next slide.

So at a minimum, the requirements will be that the water depth be at six feet, a minimum. A littoral shelf area of 30 percent or more and a maximum water surface area to be no greater than 60 percent of the water body. It also requires a site-specific assessment report, ecological, biological, physical impacts when the water surface area exceeds 30 and up to 60 percent of the water body; otherwise, they're allowed by right.

Thirdly, a baseline predevelopment water-quality survey and a long-term water-quality monitoring program except when located on wastewater treatment ponds.

Provide the -- make sure that the anchoring of the system is solid and it conformed with the manufacturer's and the system's integrity and prohibit the water from becoming energized.

Next, there is -- in the first-year inspection report to be delivered on the maintenance, repairs, and servicing of the floating solar facility system and thereafter, to be submitted tri-annually. And, again, the lifespans of these systems run from 15 to 20 years.

And lastly, clarify that the building permits shall be attained for the construction of structures and improvements to the extent they are required by the Florida Building Code.

So we are seeking a recommendation of your approval with approval -- or approval with conditions for PL20250000235 to modify the text changes and the requirements for the location, placement, and siting of Florida solar facilities.

And then lastly, as a separate vote, we ask that Planning Commission make a recommendation to the Board directing staff to prepare and vet an amendment for ground-mounted solar facilities as a permitted use in compliance with 163.302(3), which states, "A solar facility shall be a permitted use in all agricultural land-use categories in a local government comprehensive plan and all agricultural zoning districts within an unincorporated area."

So floating solars as proposed, as Eric pointed out earlier, for agricultural districts would be a conditional with the exception all of them -- the only place where it is permitted is in the "P" district currently as we propose unless the Commission sees that there's another district or two that they want to add to that.

Now, staff did go ahead and take a look at how many parcels were zoned P and how many parcels were zoned C-4. And I'll briefly give you an outline of the results of that.

MR. JOHNSON: Mr. Chair, Eric Johnson.

While Rich is looking for that, I misspoke before. I didn't -- I failed to mention that we would allow it conditionally also in the CF zoning district; CF, community facilities.

So we have prepared for you the proposed districts where it would be allowed conditionally, where it would be allowed permitted by right, and then also the changes that are highlighted in yellow as respect to water quality and, you know, building permits and the permanent location coverage area and setbacks.

I didn't know if you had any -- had any questions specifically about this or if you wanted to --

CHAIRMAN SCHMITT: I don't.

MR. JOHNSON: -- go into further --

CHAIRMAN SCHMITT: I don't, Eric. But, Paul, go ahead. You were next.

COMMISSIONER SHEA: No. I --

CHAIRMAN SCHMITT: Next -- okay, Michelle.

COMMISSIONER McLEOD: Oh. So my concern is that these panels are going to obstruct the natural beauty of these waterways, and I just wonder are their conditions that we can recommend to avoid the taking away of the natural beauty? Are there perhaps some design review requirements that we could attach to this?

MR. HENDERLONG: They are in the amendment as it relates to landscaping and buffering. That's on Page -- they're to comply with, specifically -- and I'll draw your attention to that on Page -- it's on Page 14, or 116 in your packet, "Landscape buffers shall apply pursuant to 4.02.03, 4.06.02, and 4.06.05." Buffering -- "and they shall be in conformance with the underlying zoning district."

So once they look at the site location, they're going to present us with a site plan, and they will put the facilities in there. We will look for those impacts as it relates to landscaping.

Staff did talk about putting fences up and landscape, because if wildlife tried to walk in to walk onto the panels and so forth, that would be determined as a result of the -- if there's any habitat that has a particular type of species, say panthers, raccoons, whatever was out there, then we would talk about -- address that as a review comment and put that in as a condition.

MR. JOHNSON: And then as you remember, if these are allowed conditionally, staff has the ability to ensure that the extra requirements are put in place to ensure compatibility, because compatibility is a review component of the conditional-use process.

COMMISSIONER McLEOD: I just think, you know, driving through the Midwest you see all of those windmills, and it's just -- I mean, you just lose the whole natural beauty of the landscape.

MR. BOSI: And I could offer a comment. One of the reasons why we're not going to -- wouldn't even -- we're suggesting that it would not be appropriate conditionally or permitted within the residential zoning district is you're not going to be able to dress these things up. When these are on a lake, it's going

to give an industrial feel to that lake. Now, it's got a utilitarian purpose, we understand that, but that's why we will require that there is -- buffering be allocated, because most people would rather have an unobstructed view of that lake. The buffering's going to help soften the lake because of the presence of these floating solar panels.

And that's why, I think, the Board, in their wisdom said, "Let's make this permitted only in public where we control the majority of the land uses and own the majority of the parcels that are zoned public." For all the other ones, they're going to be conditional uses so we can have that compatibility analysis, as Eric was describing as part of it.

COMMISSIONER McLEOD: But the public -- the by-right ability, that's the land that we all enjoy. We go to parks. We see the lakes. And now we're going to see all these solar panels.

MR. BOSI: That would be if the Board of County Commissioners thought it was in our best interest to put solar panels within our -- within our park system. I'm not sure if they've made that determination.

COMMISSIONER PETSCHER: From what I'm seeing, this is like conditional use for private lakes. So -- am I -- you know what I'm saying? Am I right on that?

MR. BOSI: Yes.

COMMISSIONER PETSCHER: Yeah. So I don't want to get into, like, the government telling people how their place needs to look. I mean, yeah, absolutely, there needs to be proper buffering, but if someone wants to paint their house pink, they could paint their house pink. I'm just saying, this is their lake. We can't -- if they want something in their lake, we can't -- they could permit for it, but they -- we can't really tell them how it can look.

COMMISSIONER McLEOD: I'm not so much concerned about private lakes, because the people who live around there have to live with that, but it's the public at-right ability is what concerns me. But, I mean, I'm sure that we as a county don't want to see these solar panels --

COMMISSIONER PETSCHER: Oh, I 100 percent agree with you on that.

COMMISSIONER McLEOD: -- in our beautiful parks.

MR. BOSI: And remember, the Board of County Commissioners, we had a much more permissive approach that we took to them, and they directed us back to the Planning Commission because they said we only want these on a very limited basis. So they've indicated that they're not -- there's no intention at every one of our parks that you're going to see the lake system covered with solar panels.

COMMISSIONER McLEOD: Right.

MR. HENDERLONG: And we also looked at the parcels, 51 parcels that are currently zoned "P" today, and out of that, about 24 are improved. The rest are vacant. The majority are governmental institution and, ironically, about 80 percent of them are owned by Collier County. So that message will be carried forward to the Board let them know that if they implement to stay with just the "P" district, that's the limitation they'll be imposing on the applicant.

CHAIRMAN SCHMITT: Is this -- oh, sorry. Does this impact -- I'm thinking about PUDs. A lot of the stormwater retention areas in the PUDs, does this open it up now -- let's say a PUD wanted solar panels to power -- provide additional power for one of their clubhouses or something, does this --

MR. HENDERLONG: Yes, they would.

CHAIRMAN SCHMITT: -- cover that criteria?

MR. HENDERLONG: They'd have to amend the PUD, come back and --
(Simultaneous crosstalk.)

CHAIRMAN SCHMITT: They have to amend the PUD. That's my question then. So they would amend the PUD to allow the use.

MR. JOHNSON: And that would require a public hearing.

CHAIRMAN SCHMITT: Therefore, that opens the public-hearing process.

MR. HENDERLONG: Yes.

CHAIRMAN SCHMITT: Thank you.

COMMISSIONER COLUCCI: I want to follow up on something you were talking about, Melissa [sic]. What is a public at-right? What is that?

MR. BOSI: What she was referring to, the parcels that are zoned "public" as this is proposed, would be able to move forward with the floating solar as a matter of right and not a conditional use. What she was saying is, so -- because it's a matter of right, she's concerned about would we see solar panels in all of our public parks, potentially.

COMMISSIONER COLUCCI: Mike, what I don't understand is give me an example of a "public at right."

CHAIRMAN SCHMITT: "At right" means there's no zoning limitation.

COMMISSIONER COLUCCI: I understand that. But what is a "public at right"?

MR. BOSI: The zoning of the parcel is public, and because it's public -- because it's a public zoning district, they are -- floating solar are a use that's permitted by right. So it was just -- it was a shortening of -- it was a shortening -- a public zoning district is now going to be allowed to have a -- public zoning district is allowed to have a floating solar as a permitted use, as a matter of right.

CHAIRMAN SCHMITT: So it wouldn't have to come in for any type of hearing.

COMMISSIONER COLUCCI: I totally -- I totally understand the issue. I just can't get my head around an example of a "public at right" situation.

COMMISSIONER SCHUMACHER: I can think of an example. If you have -- let's say you've got a mid-rise condo complex with carports and you want to add solar to those carports to help power some common-area things, you would have to come back because that's not an at-right. You would have to come back and amend your PUD --

COMMISSIONER COLUCCI: Right.

COMMISSIONER SCHUMACHER: -- for that allowance.

If we take North Naples Regional Park, they have carports there, and there's solar on top of those carports already. So that's a public at-right where they wouldn't have to come -- because it's public, it's owned by the County, they wouldn't have to come to the Planning Commission and amend their PUD because it's already County property. So it's allowed within that use.

MR. HENDERLONG: If it helps you, let's take a look at this table that I have up on the visualizer and explain to you how these communities took it through the process to the extent that these existing facilities have been developed and they're currently operating. This is Exhibit C in your packet, but I've added in some highlighting here. And I'll talk about that in a minute. There are 13 projects, of which nine operate on a not-for-profit basis. That's important to understand. Because this suggests that their electric power purpose is consumption on site. It's not going off into the grid to be sold for profit. Keep that in mind.

We also researched their zoning approval and found that two are zoned heavy commercial, two industrial, and all the other nine are in special districts such as a transit utility CDD, an airport support district, a Central Florida expressway, and Orlando Utility Commission District Water Reclamation.

We spoke to Bartow's planning director, because that is up there on your fourth item there, the Hines Energy Complex by Duke, and found that they didn't do it through any zoning. They did it by right through the process, and that's how they structure -- they don't have a specific code that allows that. So it's an example of public use.

Altamonte Springs is 100 percent offsite electricity for the wastewater treatment plant. That's a public use. You can see that Central Florida, which is a very interesting one because they're doing a 4.5-mile expressway that is going to be energized through the power of the solar energy system, and it's going to put WiFi underneath the roadway, that expressway and basically allow the electric cars that go through the 4.5-mile to get energized, and they're also putting it in for -- that's why it's called a micro grid, and it has an emergency digital sign, and it's also going to support the tollbooths that go in there. So those are on-site -- examples of on-site consumption, and that's typically where we would think we would find these. But Orlando's been the leader, as you can see by the table, for most of the -- going forward with this type of new technology.

MR. JOHNSON: Rich, may I interrupt for a second?

Commissioner Colucci, I just wanted to address your question from before, because I know that it seemed to me that maybe we didn't answer it well. We have a zoning district called the public-use

district. The acronym for it is "P." So sometimes we just use "public" as a way to describe the district, but the actual district name is "public-use district."

We're proposing the floating solar facilities as a permitted by-right use in that zoning district and in that zoning district only, which means it won't require a public hearing. It will not require a public hearing, as would solar -- floating solar facilities in the other zoning districts that we've identified. Does that make any sense?

COMMISSIONER COLUCCI: I'm going to -- maybe it's just me, Melissa [sic]. I don't know. Let me give you a made-up example. The North Naples Regional Park, let's say there's a pond out there now.

COMMISSIONER SCHUMACHER: There is.

COMMISSIONER SHEA: Is it --

COMMISSIONER McLEOD: Let's not just say it.

COMMISSIONER COLUCCI: Is it permitted by right that they can do anything they want with that pond?

MR. BOSI: It's a solar facility. If the government decided, if Collier County, if the Board of County Commissioners said we want a solar -- "we want a floating solar facility at North Naples Park," they would have the right if it was zoned "P." Unfortunately, that's zoned ag, and there's a conditional use that --

MR. HENDERLONG: Correct.

MR. BOSI: -- that is -- that entitled the park.

COMMISSIONER COLUCCI: Melissa [sic], if you're happy, I'm happy.

MR. BOSI: So it doesn't apply to that specifically.

COMMISSIONER SCHUMACHER: It doesn't apply to that specifically.

COMMISSIONER COLUCCI: If you're happy, I'm happy, Melissa [sic].

COMMISSIONER SHEA: Michelle.

COMMISSIONER COLUCCI: Michelle, I'm sorry.

COMMISSIONER McLEOD: No worries.

MR. JOHNSON: So the bottom line is --

MR. HENDERLONG: Of those 51 parcels, I only found Veterans Park -- there's a portion of the Veterans Park next to the regional wastewater treatment plant that has "P" zoning on it. That's the only place that I could find.

COMMISSIONER COLUCCI: Okay. I'm done.

COMMISSIONER SHEA: They wore you down.

CHAIRMAN SCHMITT: All right. Any other comments from commissioners?

(No response.)

CHAIRMAN SCHMITT: Anything else from staff?

MR. BOSI: No, other than we're -- as shown on the visualizer, we're just seeking a recommendation of approval.

CHAIRMAN SCHMITT: All right. Any public comments?

MR. SABO: No public comment.

CHAIRMAN SCHMITT: Got it. I didn't ask on the last one because nobody said there were any public comments.

With that, do I hear any proposals from commissioners on this LDC?

COMMISSIONER SCHUMACHER: Motion to approve.

CHAIRMAN SCHMITT: Do I hear a second?

COMMISSIONER PETSCHER: Second.

CHAIRMAN SCHMITT: All in favor, say aye.

COMMISSIONER COLUCCI: (No verbal response.)

COMMISSIONER SHEA: Aye.

CHAIRMAN SCHMITT: Aye.

COMMISSIONER SCHUMACHER: Aye.

COMMISSIONER PETSCHER: Aye.

COMMISSIONER McLEOD: Aye.

CHAIRMAN SCHMITT: Any opposed, like sign.

(No response.)

CHAIRMAN SCHMITT: It passes unanimously. It goes off to the Board of County Commissioners.

Eric?

MR. JOHNSON: Mr. Chair, would you like us to move forward with an amendment dealing with ground-based solar panels?

CHAIRMAN SCHMITT: It's -- I would say it's the consensus of the Board, yes, as discussed. So -- I don't think we need a motion for that. It would just be the consensus of the Board, and I see all sorts of nods "yes" so that we should move forward with ground-based as well.

And with that, any other issues?

MR. BOSI: None from staff.

MR. HENDERLONG: Thank you.

CHAIRMAN SCHMITT: And you say there are five items for January?

MR. BOSI: January 15th, there's five petitions scheduled.

CHAIRMAN SCHMITT: Is the -- what do you call it lakes up there, Imperial Lakes, is that on there? I'm just curious if that one's on there. I may have to -- may have a conflict on that one. I just don't know.

MS. ASHTON-CICKO: It's still under review.

CHAIRMAN SCHMITT: Go ahead, please.

MS. ASHTON-CICKO: It's still under review.

CHAIRMAN SCHMITT: Still under review? All right.

MR. BOSI: No.

CHAIRMAN SCHMITT: Okay. With that, motion to approve -- or motion to adjourn.

COMMISSIONER McLEOD: So moved.

CHAIRMAN SCHMITT: All right. All in favor?

COMMISSIONER COLUCCI: (No verbal response.)

COMMISSIONER SHEA: Aye.

CHAIRMAN SCHMITT: Aye.

COMMISSIONER SCHUMACHER: Aye.

COMMISSIONER PETSCHER: Aye.

COMMISSIONER McLEOD: Aye.

CHAIRMAN SCHMITT: We are adjourned. Thank you.

MR. HENDERLONG: Thank you.

December 4, 2025

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 9:54 a.m.

COLLIER COUNTY PLANNING COMMISSION

Joseph K. Schmitt

JOE SCHMITT, CHAIRMAN

These minutes approved by the Board on 1/15/2026, as presented X or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF VERITEXT
BY TERRI L. LEWIS, RPR, FPR-C, COURT REPORTER AND NOTARY PUBLIC.