

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
March 5, 2026

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
Randy Sparrazza
Michael Petscher
Michelle L. McLeod
Charles "Chap" Colucci
Amy Lockhart, Collier County School Board Representative

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Mike Bosi, Planning and Zoning Director
Heidi Ashton-Cicko, Managing Assistant County Attorney
Courtney DeSilva, County Attorney's Office
Ailyn Padron, Management Analyst I
Eric Johnson, LDC Manager

PROCEEDINGS

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

CHAIRMAN SCHMITT: Thank you. And good morning. Welcome to the March 5th, 2029 [sic], Collier County Planning Commission. And I ask that we stand for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN SCHMITT: And please, Commissioner Shea, if you could take the roll.

COMMISSIONER SHEA: Chairman Schmitt?

CHAIRMAN SCHMITT: Here.

COMMISSIONER SHEA: Vice Chair Schumacher?

COMMISSIONER SCHUMACKER: Here.

COMMISSIONER SHEA: Secretary Shea is here.

Commissioner Sparrazza?

COMMISSIONER SPARRAZZA: Here.

COMMISSIONER SHEA: Commissioner Colucci?

COMMISSIONER COLUCCI: Here.

COMMISSIONER SHEA: Commissioner McLeod?

COMMISSIONER McLEOD: Here.

COMMISSIONER SHEA: Commissioner Petscher?

COMMISSIONER PETSCHER: Here.

COMMISSIONER SHEA: Ms. Lockhart?

MS. LOCKHART: Here.

COMMISSIONER SHEA: Sir, we have a quorum. We are all present.

CHAIRMAN SCHMITT: Excellent.

Ray, any addenda to the agenda?

MR. BELLOWS: I have no changes.

CHAIRMAN SCHMITT: No changes, okay.

Please note our next meeting is scheduled for March 19th, 2026. Are there any commissioners projected to be absent? I will be absent, so Chuck is going to have to chair that one.

COMMISSIONER PETSCHER: I will also be absent.

CHAIRMAN SCHMITT: Okay. So that's two. Anybody else? Well, we'll have a quorum.

Mike, what's that agenda look like? If I recall, it's a Rural Lands Stewardship amendment.

MR. BOSI: Four petitions. Yeah, four petitions -- I'm sorry. Mike Bosi, Planning and Zoning director. Four petitions. A mine CU, rezone that's pretty mild, Moorings Park at Grande PUDA, as well as another -- and the Corkscrew Grove East SRA.

CHAIRMAN SCHMITT: Oh, so we saved them all for Chuck. That's good.

COMMISSIONER SCHUMACKER: Great. Spectacular.

CHAIRMAN SCHMITT: The March meeting, then, could you advise us on that meeting. I'll be here for that. But go ahead.

MR. BOSI: For March -- I mean, for March 19th, it's the next meeting.

CHAIRMAN SCHMITT: But then there's a -- one after that, you said.

MR. BOSI: The one after that is April 2nd.

CHAIRMAN SCHMITT: April 2nd. Thank you.

MR. BOSI: Then note, there's a specific change. We're not -- because we have an LDC amendment for a night hearing, it's a relatively quick one -- I don't think it's going to be more than 15, 20 minutes -- it's adding the comparable-use determination process to the industrial category. It's in the industrial zoning district. It's the only zoning district that doesn't have that language, so we are adding that -- we're proposing to add that back to the LDC.

That meeting will start at 1 o'clock. Because we have three petitions prior to the 5:05 start time, so we'll have -- 1 o'clock should be -- allow us -- give us plenty of time to get through the three petitions, and then we'll have the 5:05 meeting on the 2nd.

CHAIRMAN SCHMITT: Okay. Does anybody think they're going to be absent for that meeting?

(No response.)

CHAIRMAN SCHMITT: So we should have a quorum. All right, good.

Okay. Next item on the agenda -- let me pop that up. It's approval of minutes, scheduled -- minutes from March *[sic]* 19th, 2026.

COMMISSIONER SCHUMACKER: Motion to approve.

CHAIRMAN SCHMITT: Do I hear a motion to approve? Motion to approve. And do I hear a second?

COMMISSIONER SHEA: Second.

CHAIRMAN SCHMITT: All in favor, say aye.

COMMISSIONER COLUCCI: Aye.

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: All right. Ray, BCC report.

MR. BELLOWS: Yes, during the last Board of County Commissioner meeting -- is that working? It doesn't sound like it.

Anyways, at the last Board of County Commissioner meeting, there was a conditional use and a variance for the Immokalee sand mine. That was approved on the summary agenda.

CHAIRMAN SCHMITT: Okay. Next item, Chairman's report. I have nothing. Nothing on the consent agenda.

***So our next item is the first petition. That's Imperial Lakes PUD amendment. That's the -- it's on the future expansion of the Veterans Memorial Boulevard. This is an ordinance of the Board of County Commissioners, Collier County, amending -- Ordinance 2004-41, amending the Collier County Land Development Code, which established the comprehensive zoning regulations for the unincorporated area of Collier County, Florida, by amending appropriate zoning atlas map or maps by changing the zoning classification for the Planned Unit Development and the Special Treatment Overlay for this development.

Note: This is already an approved PUD, and we're here simply -- it's an amendment to the PUD to add some alternatives. I won't go through that; Mr. Yovanovich can.

But before we proceed, I would ask if we have any disclosures.

Amy?

MS. LOCKHART: Yes. I have -- I have met with the applicant and spoken to the applicant's representatives in the past about this project.

COMMISSIONER COLUCCI: I spoke with Mr. Yovanovich.

COMMISSIONER SHEA: Staff materials.

CHAIRMAN SCHMITT: Okay. I spoke with Mr. Yovanovich, but I want to put on the record that in 2014 I -- the company I was associated with, Dawson & Associates, I was serving as senior consultant, and we did some preliminary reviews of the biological assessment and biological opinion for this. It had nothing to do with the zoning. The zoning already existed.

So in 2014 we provided -- the owner of the property was one of the Gulf Bay associates -- of options for proceeding with the 404 permit, Section 404 of the Clean Water Act, U.S. Army Corps of Engineers. And in 2016, Tim Hall and I did walk the property. So I did a site visit, but it was strictly as a review of the existing 2014 biological assessment. That contract was terminated in 2019. I had -- like I said, it had nothing to do with the zoning. It was strictly just an advisory role on how to proceed with an already approved permit, but that's all been circum -- all been replaced by a new proposal with Tim Hall, and I've had nothing since then. So I just want to put that on the record. And I did speak to Mr. Yovanovich about this petition.

So, Chuck.

COMMISSIONER SCHUMACKER: Staff materials only.

COMMISSISONER SPARRAZZA: Staff materials and a conversation with Mr. Yovanovich.

COMMISSIONER PETSCHER: Staff materials only.

COMMISSIONER McLEOD: Staff materials, spoke with Mike Bosi, spoke with Rich Yovanovich, couldn't get to the site but drove all the way around the site.

CHAIRMAN SCHMITT: That's a good thing you didn't go on the site. It's pretty thick out there. I could tell a little story about Tim, but we don't want to bring that up on the record.

Anyways, please rise if -- anybody that wishes to speak on this matter.

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

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

CHAIRMAN SCHMITT: Rich.

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

N.A. Realty Trust, Inc., is the owner and the property and the applicant, and Joe Parisi is the representative of that company. Wayne Arnold is our professional planner, and he is here to answer any planning-related questions. Jim Banks is our traffic engineer and here to answer any questions related to traffic. And Tim Hall is here to answer any questions regarding the environmental-related issues for the property.

I'm going to do an overview of the presentation. I know you've all read the

materials. Then we'll open it up to -- open it up to any questions you may have.

The location of the property is along Veterans Memorial Boulevard. It is approximately 78.28 acres in size, and it has an existing zoning on the property. It's PUD approved for 430 multifamily units. And the only use allowed on the property is multifamily units.

So our request is to come in and amend the PUD to allow us to add single-family, two-family, and townhome options as options for development on the property. I'll get into a little bit greater detail in a second.

But because we want to make that change, this is a little bit of a unique piece of property. In 1982, the property was zoned the 430 units. There was a conveyance of land to the County for Veterans Memorial Boulevard to actually be built. We're 44 years later, and we're still waiting for Veterans Memorial Boulevard to be built.

But because of those transactions that occurred back in 1982, the 430 multifamily units are vested, they're approved, they're part of your transportation system. If you decide not to allow us to come in and ask to reduce the density, we still have the legal right to move forward on the 430 multifamily units.

Also, there was a change --

CHAIRMAN SCHMITT: Rich, can I interrupt you there for a moment? At the 430, that was six-story?

MR. YOVANOVICH: Five stories.

CHAIRMAN SCHMITT: Five-story. Okay. I just want to make --

MR. YOVANOVICH: And I'll get into that in a little bit greater detail. But I also wanted to get into -- there's been a change in the Comprehensive Plan since the original PUD was approved.

So we're approved at a little over five units per acre today. We're vested for that. It's been deemed consistent with the County's Comprehensive Plan; however, since we are now introducing the ability to do single-family and other uses on the property, if we go that way, we bring the property down to the four units per acre that's allowed in today's Comprehensive Plan. That's why you see the two different numbers in the PUD. Should we elect to no longer do 100 percent multifamily project, we actually bring down the number of units that can occur on the property, and that's what we're doing with today's petition by adding those additional uses.

Just by way of kind of where are we located, to our -- or to the right on this screen to our east is Aubrey Rogers High School, to our left and the west and to the north is Conservation Collier property, and to our south is Imperial Golf Course. Mediterra is kind of caddy-corner to us to, I think -- Mediterra is kind of over in that direction along Veterans Memorial Boulevard. As you work your way further to the east, you get to Livingston Road, and you also have Veterans Memorial Elementary School located on that road where my children were educated, if anybody wanted that tidbit of advice -- or knowledge.

So it's been a long time coming to try to get this piece of property developed. As I have already said, we're asking -- we're already vested at 430 multifamily units. We're asking for the ability to add single-family, which would bring the density down to 313 residential dwelling units if we introduce single-family to the mix, which is, candidly, the intention for this project, to go forward with some single-family in it.

So should we get approved, there will be, more than likely, a reduction in the

overall density for this piece of property. This is the existing master plan. It would allow five-story buildings throughout the development and the 430 units.

This is the master plan you have in your packet. We've had some discussions with our neighbors in Castlewood and with staff regarding what would be an appropriate height next to the Castlewood community. And if we could switch over to the visualizer, I'll show you a modification that we've agreed to with staff and the residents in Castlewood, or at least the HOA in Castlewood.

MS. ASHTON-CICKO: Rich, is this going in the PUD?

MR. YOVANOVICH: Yes. This is going to be a modification to the master plan in the PUD.

MS. ASHTON-CICKO: Okay. I haven't seen anything yet.

MR. YOVANOVICH: I know. It just got resolved yesterday, so -- but as soon as it gets on -- I don't think -- Heidi, we're just going to -- we'll go in, and we'll put language in the PUD that limits us to two stories. I'll give you the paper, Heidi --

MS. ASHTON-CICKO: Okay.

MR. YOVANOVICH: -- that will limit us to a maximum of two stories single-family in that purple area. So we'll depict it on the master plan like we're doing now with the crosshatching, and then we'll put in a commitment in the commitment section that will be limited to two stories in that particular area of the -- of the development.

I had conversations -- there are three staff recommendations. I had conversations with Mr. Bosi regarding those three recommendations. Obviously, this was one of the staff recommendations to go to two stories in this area. We've agreed with that staff recommendation.

We had further discussions about the staff recommendation regarding the change to the rear setback. We explained to him that the product type that is going to be built on this property wants to take advantage of the lakes that will be in this project. Maybe if we go back to the presentation and the original master plan in your packet, you can see there's a nice lake system, and the desire is to be able to pull the homes closer to the lake system. That's why we have in there the ability to go to zero-foot setback if we're adjacent to an open space or lake tract.

Keep in mind that there's always going to be a 20-foot lake maintenance easement between the water and the property line anyway. So if someone wants to pull in closer with their home or their accessory uses, that's why we've asked for the reduction to 10 feet and five feet, and if we're on an open face -- an open space tract or lake, we can go to zero.

And Mr. Bosi and I had further conversations, and he's told me staff is comfortable with the language that's currently in our version of the PUD regarding the setbacks, so I think we're in agreement there. Staff's going to withdraw their objection to -- or their recommendation to modify the rear setback.

I think the only issue that we're not in agreement on is the request that we go to Dark Sky lighting. And Dark Sky lighting -- Dark Sky lighting has been applied to commercial projects. It has not been applied to residential projects in the urban area. It has been applied to projects out east like the Estates or Rural Fringe Mixed-Use District and the RLSA where you have a different environment, but it has not been applied to the urban area. So we have taken the position that the Land Development Code is appropriate. The way the Land Development Code has our internal lighting is there's limitations on it really is not allowed to spill over to our neighbors' property anyway.

So we've said -- our position is if there's a problem with the lighting standards in the urban area, change the Land Development Code. Don't do this on a case-by-case basis, the PUD. So we're not in agreement with staff's recommendation to go to the Dark Sky lighting within the urban area.

The bottom line is we're really not going to be an impact to our neighbors with the existing lighting standards that are in the code. I'm fully aware that they have issues -- Castlewood and others may have issues with the lighting associated with the high school and their ball fields, but we're not -- we're not a high school with ball fields. We're a residential development that is going to meet the Land Development Code requirements for lighting, and we believe those are appropriate for purposes of the development of this property.

That's basically what I wanted to highlight. You can have any comments or questions for Wayne or Mr. Banks regarding our traffic analysis or planning. But basically what we're adding is the ability to do single-family, two-family, and townhome development with appropriate development standards associated with that in the PUD.

We are consistent with the Comprehensive Plan. We're vested for most of our traffic, and we'll have to meet the County's requirements for any new traffic.

Related but not part of the PUD is a development agreement that's going to the Board of County Commissioners hopefully in March for us to design, permit, and construct the extension of Veterans Memorial Boulevard to basically the railroad. The County will take it over from the railroad further west, my understanding all the way to U.S. 41.

So we will -- we will build improvements to Veterans Memorial Boulevard to give us access to Veterans Memorial as part of the development of this project. Again, that's something that goes to the Board of County Commissioners, but I believe it was mentioned in your staff report.

We will also be going through the process of vacating -- sorry. If you look at the southern boundary of this parcel, there was a road right-of-way created in an OR book by a reservation in a -- I don't know if I can blow this up. I can't. But right here is where it is. It's along the southern 30 feet of this property. It has already been vacated through the parcels to the west, which is the Krehling property. So it goes to nowhere. So we've submitted a vacation petition to vacate that 30 feet.

We've received letters of no objection from all the appropriate utilities as well as from Imperial and from Castlewood to go forward with that vacation. Again, not related to this application but part of what's happening as part of the development.

With that, that's the overview. Our team is here to answer any specific questions you may have. And that's our presentation.

CHAIRMAN SCHMITT: Okay. I'm going to ask the first question. In regards to the setback from the lakes.

MR. YOVANOVICH: The lakes, yeah.

CHAIRMAN SCHMITT: The lakes. That's a 25-foot distance.

MR. YOVANOVICH: Whatever the lake maintenance easement is, that will remain.

CHAIRMAN SCHMITT: Yeah. But are these homes that will be backing up in those areas, are those fee-simple lots, or are those in condominium? Are those townhomes?

MR. YOVANOVICH: Right now it could be either.

CHAIRMAN SCHMITT: Either.

MR. YOVANOVICH: Yes, it could either, but the intention is, along where you see the Rs, should the contract purchaser go through this -- go through with the acquisition, they will be single-family units.

CHAIRMAN SCHMITT: But just for clarity, you're still 25 feet from --

MR. YOVANOVICH: Sorry?

CHAIRMAN SCHMITT: You're still 25 feet from the shoreline of the lake. It's just --

MR. YOVANOVICH: Correct.

CHAIRMAN SCHMITT: It's just a matter of homeowners cannot plant in that area or other -- do other things in that area because it is a lake maintenance -- lake maintenance easement. But you're still -- you still have a 25-foot distance.

MR. YOVANOVICH: Yes. There's going to be a tract line --

CHAIRMAN SCHMITT: Yeah.

MR. YOVANOVICH: -- that is for the tract for the lake. Within this area right here, you can kind of see the gap between the water and the property line. That's about 25 feet distance. So there will always be green space between the property line and the water.

CHAIRMAN SCHMITT: So the onus is on the HOA or the homeowner or the board of some sort, whatever the management entity is, to make sure that that lake maintenance easement is always clear.

MR. YOVANOVICH: Correct, and that would have been their responsibility anyways.

CHAIRMAN SCHMITT: I have no issues. That 25-foot is pretty significant.

The second thing I want to -- and maybe, Jaime, if I could ask you because my colleagues understand this was a special treatment overlay, and, again, I put on the record, I'm very familiar with this property having walked it even 10 years ago. I remember, like, being there.

There are pretty significant and pristine wetlands in that area and with a pretty significant jurisdictional determination. But this had a previous special treatment overlay, but it's being waived because of the existing zoning. Can you explain that, please, so my colleagues understand that? I understand it, but I want to make sure it's for the record.

MS. COOK: So good morning. Jaime Cook, director of Development Review, for the record.

Typically when a property goes through a rezoning -- rezoning, the ST overlay, the special treatment overlay, is removed as part of that rezoning because we're establishing the requirements for the preservation areas.

CHAIRMAN SCHMITT: Right.

MS. COOK: Those preserves were previously established with the '82 ordinance. I'm not exactly sure why the ST overlay wasn't removed then. But this -- this zoning change would officially remove it, and these preserve areas, as shown on this master plan, would be the established preserve areas.

CHAIRMAN SCHMITT: Okay. And, again, I commend the staff in regards -- typically we do not separate preserves, but in this case there are very significant areas to protect in this property, and I think it was a great idea. Tim may have probably coordinated this with the staff, but several areas to protect out there because there were

jurisdictional wetlands, but at the same time staff coordinated to preserve these areas in conjunction with the lake.

So I think it's a great idea. I don't know if my other colleagues have any comments on that. But to protect the areas that needed to be protected, it was a great way to resolve it, and I noted at the --

MS. COOK: Correct.

CHAIRMAN SCHMITT: -- one of the comments in the neighborhood information meeting, one of the -- which was an interesting comment. Somebody wanted the lakes moved so they could have better scenery and -- where was that comment? Anyways, there was a comment about could you -- could they move the lakes. But though it's a great comment, typically those lakes and the lands to be preserved and the jurisdictional wetlands are all based on permitting process.

So though it was a comment, it typically is you just don't move a lake just to provide -- provide a viewpoint. The lakes are there because they were required. Is that -- through your review process, you guys established and determined all that?

MS. COOK: Correct. We -- aesthetics are not part of our review process.

CHAIRMAN SCHMITT: Correct.

MS. COOK: We're looking at things like listed species, wetlands on the property. And so we work with the developer on their proposal to protect the most sensitive areas.

CHAIRMAN SCHMITT: Okay. Thanks.

COMMISSIONER PETSCHER: I've got a question related to that.

CHAIRMAN SCHMITT: Mike, yeah, go ahead, then -- I'm jumping ahead of Randy, but we'll hold him.

COMMISSIONER SPARRAZZA: That's okay.

COMMISSIONER PETSCHER: Can you go back one slide where this is overlaid onto the -- I'm just looking for -- I could see on the -- on the images there's a --

MR. YOVANOVICH: This one?

COMMISSIONER PETSCHER: There's a big cypress dome there, and it looks to me like your master plan or your site map that you're going -- putting a road right through that cypress dome. Is that -- this is related to environmental. I'm just trying to --

MS. COOK: So, actually, I believe -- you're talking about this one down here?

COMMISSIONER PETSCHER: Yeah.

MS. COOK: That is actually going to be one of their proposed preserve areas. It may be slightly impacted by the lake, but it will be mostly protected as one of their preserves.

COMMISSIONER PETSCHER: Okay. Perfect. Thanks.

CHAIRMAN SCHMITT: That's an area I remember walking specifically, and it was already identified in previous permitting as preservation.

COMMISSIONER PETSCHER: Okay, perfect.

CHAIRMAN SCHMITT: Good point, Mike.

COMMISSIONER PETSCHER: Thank you.

MR. YOVANOVICH: Can I just correct one thing on the record?

CHAIRMAN SCHMITT: Yes.

MR. YOVANOVICH: The lake maintenance easement is 20 feet in width, not 25.

CHAIRMAN SCHMITT: Twenty feet?

MR. YOVANOVICH: Twenty feet.

CHAIRMAN SCHMITT: All right. But it's still --

MR. YOVANOVICH: It's still -- it's still a clear area --

CHAIRMAN SCHMITT: Clear distance away.

MR. YOVANOVICH: -- that will be maintained, but I just wanted everybody to understand it's a 20-foot lake maintenance easement, not 25.

CHAIRMAN SCHMITT: I mean, if somebody wanted to sit down there in a lawn chair, no big deal, but you can't plant an orange tree or something else there.

MR. YOVANOVICH: It's going to be the HOA's --

CHAIRMAN SCHMITT: HOA's responsibility, thanks.

MR. YOVANOVICH: -- property.

CHAIRMAN SCHMITT: Randy?

COMMISISONER SPARRAZZA: Rich, two quick questions for you, if I may, please, sir.

If this proposal does not go through today and/or at the BCC, can you walk in and put the 430 multifamily dwelling units the next day without any other --

MR. YOVANOVICH: Well, I've got to do a Site Development Plan, and I've got to get a building permit.

COMMISISONER SPARRAZZA: Right.

MR. YOVANOVICH: But, yes, we can go in tomorrow --

COMMISISONER SPARRAZZA: And do it.

MR. YOVANOVICH: -- and we would build a driveway from the existing --

COMMISISONER SPARRAZZA: From the end.

MR. YOVANOVICH: -- end of VME, and we would go forward with 430 multifamily units and five-story buildings.

COMMISISONER SPARRAZZA: Great. Thank you.

And another quick question. I was trying to follow the last conversations, including with what Ms. Jaime was talking about. But looking at an aerial map and your site proposal plan -- forgive me for not understanding this. But the current two bodies of water, they're going to be reconfigured --

MR. YOVANOVICH: Correct.

COMMISISONER SPARRAZZA: -- into this new I'll call it elongated lake.

MR. YOVANOVICH: There's the before. That's what's approved today.

COMMISISONER SPARRAZZA: Today, right.

MR. YOVANOVICH: And that's the after.

COMMISISONER SPARRAZZA: So you are modifying --

MR. YOVANOVICH: We reconfigured the lakes.

COMMISISONER SPARRAZZA: -- the current -- gotcha. All right. Very good. Thank you, sir.

CHAIRMAN SCHMITT: Nobody else?

(No response.)

CHAIRMAN SCHMITT: I'm going to ask the questions on Dark Skies. I realize that that was presented by staff, and it's been withdrawn now, or do you -- is it still staff -- because I -- in essence, you're still installing traffic -- or streetlights down focused, those kind of things. It's not going to be abusive and obtrusive in any way. We're still doing the same thing we typically do in a development.

The Dark Skies were far more restrictive. I really agree with your statement, unless

we change the LDC, I can't support the requirement for Dark Skies. I can support, though, if -- the statement on the record that we're going to at least comply with shaded down lighting and other types of streetlight.

MR. YOVANOVICH: We will meet the current county lighting requirements --

CHAIRMAN SCHMITT: Okay.

MR. YOVANOVICH: -- which has protections for our neighbors.

CHAIRMAN SCHMITT: And I think Jim might have talked about -- Jim Banks might have talked about this in the past. I know Norm has as well, our other astute traffic engineer but -- unless Wayne wants to cover it. Typically the kind of lighting we install in a community is not something that's going to create this abusive or obtrusive lighting throughout -- throughout this community.

MR. YOVANOVICH: I think staff agrees that this is the existing code requirements.

CHAIRMAN SCHMITT: Existing code.

MR. YOVANOVICH: The existing code is sufficient. I'd like to say I applauded staff, but I don't, for their trying to get a little bit more. But I get it. I understand it. But change the code if you want to change -- if you want to change the standards. Don't just make it for one project at a time.

CHAIRMAN SCHMITT: Okay.

COMMISSIONER SCHUMACKER: Can I ask a question?

CHAIRMAN SCHMITT: Yeah. Go ahead, Chuck.

COMMISSIONER SCHUMACKER: What's the current code --

COMMISSIONER COLUCCI: So Veterans --

CHAIRMAN SCHMITT: Chuck -- I missed it. Go ahead.

COMMISSIONER SCHUMACKER: Two Chucks don't make a right.

CHAIRMAN SCHMITT: Two Chucks.

MR. YOVANOVICH: Two Chucks don't make a right.

CHAIRMAN SCHMITT: Charles, Chuck. Go ahead, Chuck.

COMMISSIONER SCHUMACKER: What's the current -- Mike, what's the current code-required, like, height-wise of those light poles within the community?

CHAIRMAN SCHMITT: Typically 25, 30 feet.

COMMISSIONER SCHUMACKER: Twenty-five, 30 feet.

CHAIRMAN SCHMITT: Yeah, at best.

MR. BOSI: For -- I'm not -- in the site planning world for the most part, but I do remember -- I think it's 25 feet --

CHAIRMAN SCHMITT: Twenty-five feet.

MR. BOSI: -- but I can't say that for an absolute certainty. I don't believe it would be over 30 feet, but I believe it's 25 feet.

COMMISSIONER SCHUMACKER: This might be a question for Wayne, but what height are these light poles throughout the community planned and --

MR. YOVANOVICH: We don't --

COMMISSIONER SCHUMACKER: Don't know yet?

MR. YOVANOVICH: I don't know what the plan is yet, but we're going to meet -- we're going to meet the code.

COMMISSIONER SCHUMACKER: Okay.

CHAIRMAN SCHMITT: That's a good question. And that's why Dark Skies is

kind of -- how do you enforce it? Because somebody might want to leave their garage light on outside their garage all night to -- and that would be basically a violation of the Dark Skies. So I think what they're proposing is fine.

COMMISSIONER SCHUMACKER: Okay.

CHAIRMAN SCHMITT: Charles.

COMMISSIONER COLUCCI: This Veterans Memorial Boulevard, that's eventually going to dump into 41; is that correct?

MR. YOVANOVICH: Correct, both Old 41 and 41.

COMMISSIONER COLUCCI: Okay. Is there any -- do we have any idea when that road is going to be finished and done?

MR. YOVANOVICH: I could -- well --

CHAIRMAN SCHMITT: I was a youngster when they talked about it. That was many years ago.

COMMISSIONER COLUCCI: So we're a long way away.

MR. YOVANOVICH: No, no, no.

CHAIRMAN SCHMITT: We're closer.

MR. YOVANOVICH: We -- Mike Sawyer --

CHAIRMAN SCHMITT: Mike Sawyer --

MR. YOVANOVICH: -- can answer this, but it's in -- it's in the five-year plan. It's in the five-year plan.

COMMISSIONER COLUCCI: So within five years?

MR. YOVANOVICH: That's the plan.

CHAIRMAN SCHMITT: It was five years -- five years 15 years ago.

COMMISSIONER COLUCCI: Well, let me tell you the reason I'm asking this.

CHAIRMAN SCHMITT: The difficulty has been vacating the easement and --

COMMISSIONER COLUCCI: I'm interested in the answer, but let me tell you why I'm interested in this. I live up here.

MR. YOVANOVICH: Sure.

COMMISSIONER COLUCCI: I've got to tell you -- and this has got nothing to do with whether we approve Plan A or Plan B. The traffic situation in that part of North Naples is outrageously bad. This is going to make it worse. And, again, it's got nothing to do with whether we're dealing with A or B. The traffic on Old 41, for example, is nuts. The traffic on Bonita Beach Road is even more nuts. This is going to do nothing but make it worse. I just want everybody to know that.

CHAIRMAN SCHMITT: Well --

COMMISSIONER COLUCCI: The only way to change it is to revoke --

CHAIRMAN SCHMITT: That's not true. They're already vested for 430 units. That vesting --

COMMISSIONER COLUCCI: I know that.

CHAIRMAN SCHMITT: So if they build what they -- if they build what they want to right now -- what they're proposing is better than what they're allowed to do right now. You can't stop them from building what they want to do right now under the current zoning.

COMMISSIONER COLUCCI: I understand that.

CHAIRMAN SCHMITT: Okay.

COMMISSIONER COLUCCI: That's what I -- that's what I was about to say.

I just want to make everyone aware that the current zoning is making a very bad situation in that part of north analysis even worse. There's nothing I can do about it. There's nothing this commission can do about it. It would require a rezoning and probably would have the County buy the land to stop it. But I'm a little bit dismayed or upset or concerned, whatever -- however you want to word it, that we're making an intolerable traffic situation even worse regardless of what we do.

MR. YOVANOVICH: Well -- and Lorraine will answer the questions, but hopefully --

COMMISSIONER COLUCCI: No, that's all I have to say.

MR. YOVANOVICH: Hopefully when we finally get Veterans Memorial built, there will be a much better traffic circulation in the northern part of Collier County. She'll address the timing portion.

COMMISSIONER COLUCCI: Okay. Thank you.

MS. LANTZ: Lorraine Lantz, Transportation Planning.

Veterans is scheduled for design in Fiscal Year '26. There's right-of-way acquisition that's a component of that. That's also funded in '27, Fiscal Year '27, and then construction to begin -- I'm not saying to end, right? You're not going to see bulldozers. But it's scheduled to start in Fiscal Year '28.

Again, that's -- you know, we have to do procurement. There's other processes before you actually see bulldozers and construction vehicles on it.

This -- I think Rich mentioned this -- I started with Transportation Planning going for grants to try to fund this project, and I started in about 2015. So we've been looking for fundings. There's immense opportunities for interconnections. There's -- I get calls constantly about people who want to go to the school and have to go all the way around Immokalee Road, and that is causing congestion.

But those trips for this particular development are already vested, so we are already calculating them in our AUIR that you see for whatever the levels of service are.

So having this interconnection to go all the way to U.S. 41 will help the network in its entirety so that people can go different ways. And we're all about having different opportunities, different options. They could go through Veterans. They could go Immokalee Road. They could go up to Bonita Beach. They would have a different option.

COMMISSIONER COLUCCI: Thank you.

CHAIRMAN SCHMITT: Paul.

COMMISSIONER SHEA: A different question for Mike. What's your opinion on this Dark Sky? I don't feel the resolution. Joe feels that he agrees with the petitioner. I haven't heard your side yet.

MR. BOSI: From staff's perspective, we had reviewed the -- the comments that were received at the neighborhood information meeting related to lighting, and we recognize that it was probably more focused upon the school and the stadiums in closer proximity to the Castlewood development. But because of that, we had suggested the Dark Skies principle.

And we don't disagree with the applicant. We have not asked for this within a residential community within the urbanized area. And we can most certainly back off of requesting the Dark Skies compliance.

What we would still suggest, maybe as appropriate for the Planning Commission at least to consider, "The site lighting fixtures shall have a maximum color temperature of

3,000K." We don't have that regulation within our LDC. It basically just says it has to be down-shielded, can't be intrusive or can't be -- the light can't be spilling to other properties. That's the restriction that we have, but we have nothing related to the temperature.

So I would say for common areas and for the street system, that that -- light fixtures having a maximum color temperature of 3,000K would be something still we think would have value and could have a beneficial effect upon, you know, the overall lighting of the area and its -- and its influence or -- on an adjacent community.

COMMISSIONER SHEA: So that's a request for the petitioner?

MR. BOSI: It's a request for the -- I'm asking the petitioner. The petitioner doesn't want to yield that. I'm asking the Planning Commission to just debate the merits of that.

MR. YOVANOVICH: Again, I don't know what the impact of that is on the project from a -- from a cost perspective. If the concern is lights spilling onto the neighbors -- your staff just confirmed we're not going to spill light on the neighbors. Again, if you want to start making changes to the Land Development Code, make the changes to the Land Development Code and make it uniform. Make it apply to all residential projects that will be coming through this process, whether it's straight zoning or PUD zoning. But to ask us to agree to something that I don't know what the impact is when you're not going to require anybody else to do it unless they come through with a PUD to rezone the property, I don't think that that's the right process to do that. The right process is to amend the Land Development Code.

CHAIRMAN SCHMITT: Okay. Mike.

MS. ASHTON-CICKO: Well, you are establishing --

COMMISSIONER PETSCHER: Yeah. I'm really hung up on this Dark Skies thing. I do think we should change the Land Development Code. Do I think it's unfair to ask this petitioner to comply even though we haven't changed the LDC? Yes. But I think it would be a nice gesture. I'm not -- for you to do that. But I do think we should change the LD -- we could try to change it.

MS. ASHTON-CICKO: Commissioner, you're here to establish compatibility, so if you think the lights need to be addressed, then you can do that. We wouldn't have that provision here as a proposal if it was an LDC requirement because it would already be required. So you have the ability to address the lights as a compatibility measure.

COMMISSIONER PETSCHER: That's all I have.

CHAIRMAN SCHMITT: Randy.

COMMISSIONER SPARRAZZA: Scientifically, I think we have to look at this Dark Sky request differently. If -- in some developments you have -- the term may not be correct, but I'll call it a lantern-style light that has a bulb in the center, glass on four sides, and it emanates light everywhere across the roadway, onto lawns nearby.

If you're not doing something like that and you're doing what they used to call the old type down or gooseneck, right, pointing down, the amount of light that physically can get over to Castlewood is minimal just by physics of what that light -- the amount of light that could come out from the road to go across over to Castlewood. The one thing that I don't appreciate is the inconsistency, as we have talked about multiple times here.

If it's a requirement for any type of a project, let's say, for Dark Sky, then we need to make that a requirement, a suggestion, maybe there's a compromise, maybe depending upon -- at time of Site Development Planning, they can indicate, you know what, we found a pretty decent light that still is attractive, we'll keep it at 3,000K, which is the warm light.

These are not 3,000. These are about 42-. It's the more yellowish light. Maybe that can be done.

But realistically, even it was the globe type of light with glass all the way around, the amount of light that's going to come over to Candle Wood is -- Castlewood, excuse me, is minimal. If they can come with a goose light, 98 percent of your problems are solved.

MR. YOVANOVICH: And if you look at the master plan that I put back up, that light would have to go through the house that's going to be constructed between us and Castlewood.

COMMISISONER SPARRAZZA: So it's only --

MR. YOVANOVICH: So if you're talking about the lighting in the streets, you're talking about you could see the -- you know, it's a nonissue. Change the code. You know, if you want to change the code to where everything's going to be, you know -- I'm not saying we won't consider it, but what I'm saying is to mandate it, I think, is inappropriate.

COMMISISONER SPARRAZZA: If a homeowner -- two-story homeowner on that bottom right corner were to have security lights on the back of their house all night long at 100, 150 watts, right --

CHAIRMAN SCHMITT: Yeah.

COMMISISONER SPARRAZZA: I'm not for or against. I'm just bringing out facts that we have to consider -- that could go directly into a Castlewood home.

COMMISSIONER PETSCHER: Yeah, but that would be regulated by the condo association or their homeowner association.

COMMISISONER SPARRAZZA: They don't have -- I don't think anyone can indicate what you can do for security.

CHAIRMAN SCHMITT: They cannot. I'll add that, years of CDD, I got more complaints about streetlights not -- being burned out than I ever had -- I can never -- I never heard a complaint about streetlights being too bright.

And I think the Dark Sky issue, personal opinion -- I'll wait till I hear public speakers, but I think it's far too restrictive. And I think we need a lot more study from staff, and it should be an LDC issue and not forced upon the developer just because somebody thinks it's a good idea. But I'll wait to hear from the public speakers.

COMMISSIONER PETSCHER: No, I agree with that. I don't think it should be forced on the developer, but I do think something needs to be done about it.

CHAIRMAN SCHMITT: I agree. And we can direct staff to do that. I'd be very interested -- I go back 15 years when I was on staff as the administrator. We had issues with light as well. It's been talked about for 15, 20 years and Dark Skies a big issue even in the Rural Lands Stewardship, which it's already in the code in some areas in that part of the County, part of the requirements. But this is the urban area next to a high school.

MR. YOVANOVICH: And I'm hoping this exhibit helps a little bit to put it in perspective just how far back the homes are on Castlewood from our boundary. I mean, you're talking about you have 200 -- 215 feet before you even get to our property line between their buffer and their -- the width of their lake, and then you have our buffer and the back of our houses.

I just -- I just think that this is an issue that came about because of the high school. Sorry, Amy. But it really came about because of the ball fields. And I don't really think it's a residential lighting issue. It's a high school ball field lighting issue for the neighbors.

CHAIRMAN SCHMITT: Wait one, Mike. Chuck.

COMMISSIONER SCHUMACKER: Actually, Rich, thanks for pulling that up, because what I wanted to talk about was that buffer. I've seen with a lot of the development, they go in there with an SDP, once it's there, they go in to clear, and they clear everything.

So I was going to ask you or Wayne the proposal of leaving those mature trees that are on that buffer instead of taking them down on your side as part of that 15 feet.

MR. YOVANOVICH: Well, to the extent we can keep the trees, we're going to keep the trees, but then we have to supplement them obviously to meet the code standard for a Type B buffer.

COMMISSIONER SCHUMACKER: And is that -- I know there's an eagle nest designation further up and then all the way up. And the only reason I'm bringing this up is because all my Veterans -- and Ms. Cook can second this because we had to deal with a certain homeowner that would call and complain about the lights. I can understand the concern for these folks, but I'm also thinking about the residents that are moving in here forward for the ball field lighting --

MR. YOVANOVICH: Correct.

COMMISSIONER SCHUMACKER: -- that there is -- the trees are maintained that are there that are established, which will help cut down on that light noise coming over from the high school. So if those -- if those are staying in the buffer, that's great with me.

MR. YOVANOVICH: Well, to the extent we can keep them, we will.

CHAIRMAN SCHMITT: Yeah. Let me clarify, because that buffer has Melaleuca or Brazilians pepper that has to come out.

COMMISSIONER SCHUMACKER: That comes out. But talking about the pines and other trees that are there.

CHAIRMAN SCHMITT: Yeah.

COMMISSISONER SPARRAZZA: It also helps mitigate light coming from your development over to Castlewood if these trees are there.

MR. YOVANOVICH: And there's come in ours.

COMMISSISONER SPARRAZZA: Pardon me?

MR. YOVANOVICH: And theirs come in ours.

CHAIRMAN SCHMITT: That's true.

MR. YOVANOVICH: They don't have Dark Skies.

CHAIRMAN SCHMITT: All right. With that, Mike, you had one comment, because I want to go to -- I know you have staff report, but I want to go to public speakers, first.

MR. BOSI: Sure, just one comment related to the suggestion for the Dark Skies. And I understand the position of the applicant. But I will say I want to provide the justification for our staff's action. My staff -- my staff, when they are at a neighborhood information meeting, they hear adjoining property owners to the project and they express concern about lighting, and we recognize that that is a concern from the community that -- an existing community that's going to -- that's going to share common areas or common space with an adjacent proposed development.

We proposed a standard that has been often utilized, as the applicant says, east of 951. Very frequently that we utilize the Dark Sky provision when we have lighting concerns. So we defaulted to what we've done in the past because of the concerns we heard from the adjoining public.

We're not -- we weren't mandating -- we're not absolutely mandating, like, this is the only position that we're going to have, and we can't have any flexibility.

We wanted the conversation to be shared with the Board -- or with the Planning Commission so we could have the discussion that we're talking about.

And it sounds like there may be some direction for staff in terms of if you feel that it -- it appropriate to incorporate Dark Skies further and develop it into our LDC. That's the purpose of why we put the condition. We wanted the applicant to react in this way to be able to have this conversation.

So we don't think it's inappropriate for staff to say we're going to try to address concerns that we've heard at a neighborhood information meeting.

Now, whether this is the right -- the right solution for this particular problem, that's what this discussion is trying to get to. That's the whole purpose of why we did it, just to give you the example of why we -- why we initiated this additional condition.

CHAIRMAN SCHMITT: Okay.

COMMISSIONER SCHUMACKER: I'm sorry. Is there a --

CHAIRMAN SCHMITT: Chuck.

COMMISSIONER SCHUMACKER: -- cost difference in between Dark Skies to just standard lighting, Rich?

MR. YOVANOVICH: I don't -- Mr. Schumacher, I don't know.

COMMISSIONER SCHUMACKER: I'm trying to figure out what the rough here is that if staff is requesting it, the petitioner says, you know, we're just sticking with the code, which is -- I agree with, it's fine. I'm just trying to understand if there is a cost difference that is considerable here or --

MR. YOVANOVICH: The answer here is I don't know. I don't know the answer. I do know that -- and I'm not saying they may not choose to go that way. What I'm saying is there's a process, in my opinion and the property owner's opinion, on how you change the code. I think that there's been no testimony that the existing county lighting standards makes a project incompatible with another residential neighborhood.

Mike wanted to have this conversation. We've had the conversation. I think -- there's a process that needs to be followed. And my client has said, let's follow -- we'll consider it, but let's follow the process. We don't want something mandated on us that isn't going to be mandated on every other residential development that's coming forward in the future. And I think that's a fair position to take. I don't -- for all I know, it may be cheaper. I don't think it is, but who knows -- I don't know the answer. I don't know the answer.

COMMISSIONER SCHUMACKER: Okay. Thank you.

CHAIRMAN SCHMITT: Michelle.

COMMISSIONER McLEOD: I appreciate staff's concern for the neighbors in bringing this up, I really do, and I'm glad you did that.

I believe that the concern has arisen, though, as was mentioned already because of the concern of the high school and the lights there. So I think I want to get an understanding of is this a problem. Like, when I was on City Council for four years, just like yours, Chair, the complaints I heard was the lights were not bright enough.

CHAIRMAN SCHMITT: Right.

COMMISSIONER McLEOD: The neighborhoods were too dark. Is that still the complaints today, or are people complaining that neighborhoods are too bright? Because I never heard that. And even in my own neighborhood, it's so dark. If you try to back out of

your garage at night, if somebody's behind there, you're going to run over -- you just can't see at night in my neighborhood.

So I -- I just -- and I am about if it's not in the code -- but like Heidi said, we can consider it at this point. But anyway. So is this a problem? Is lighting a problem in neighborhoods is, I guess, my question.

CHAIRMAN SCHMITT: I have to agree with you. Lighting, most complaints are it's not bright enough. And that's really from people getting up early in the morning walking their dog.

COMMISSIONER McLEOD: Yeah. Or at night or...

CHAIRMAN SCHMITT: Or at night. And the streetlights provide adequate lighting. I think if there's some kind of restriction -- and I have no idea what -- to look at what I would call a standard globe-type light at 30 feet versus what -- Dark Skies. I have no idea what the difference is. I just -- and I think it's compatibility -- if I talk compatibility, then I would say reciprocity. The neighbor -- neighboring property would have to do the same. I just can't see imposing a restriction that doesn't exist.

And we can specify just -- the LDC is very clear, down-shaded lighting and all those type of things that we've implemented in the past, and I think that's more than adequate.

Go ahead, Mike.

MR. BOSI: I would just let you know that those aren't quite accurate statements. We routinely impose Dark Sky lighting within the SRAs that we approve.

CHAIRMAN SCHMITT: Yeah.

MR. BOSI: So we're not -- this isn't something that we just, you know, arrived upon. This is something we've had a history with.

I agree that it's -- the history with has been east of 951 in the more rural areas, but it's a standard that we've adopted with into our regulatory documents. The SRAs that would have been proposed have had this type of language. So we've had that Dark Sky language in various PUDs prior. It's just not within the urbanized area, and I agree --

CHAIRMAN SCHMITT: Right.

MR. BOSI: -- this would be one of the first times we asked for that.

COMMISSIONER McLEOD: Chair --

CHAIRMAN SCHMITT: But typically it's not an issue because the applicant already understands the requirement and has agreed to comply with it.

MR. YOVANOVICH: And not to keep this thing going, but remember out east people are used to being able to look up in the sky and see the stars. That's the purpose of Dark Sky lighting.

CHAIRMAN SCHMITT: Right.

MR. YOVANOVICH: It's a different standard in the urban area. You know, the whole purpose of that is -- out east is -- you know, was to not have light pollution. You already got -- you already have light pollution, if you want to use that term, in the urban area.

COMMISSIONER McLEOD: Chair, if I could ask another.

CHAIRMAN SCHMITT: Yes.

COMMISSIONER McLEOD: Mike, are there complaints in neighborhoods in the urban areas saying that my neighborhood is too bright?

MR. BOSI: Not that I'm aware of.

COMMISSIONER McLEOD: Right.

CHAIRMAN SCHMITT: All right. We're going to go to public speakers. Do we have -- our first public speaker, please, or is somebody signed up to speak? Go ahead.

MR. JOHNSON: Mr. Chair, we have three public speakers. Two are in person and one on WebEx. These are the registered ones.

The first public speaker is Paul Ewing, followed by Jim Reichart.

Mr. Ewing, please step up.

CHAIRMAN SCHMITT: Five-minute limit, please.

MR. EWING: Absolutely. Thank you. And thank you for your work. Am I good? One more time, can you hear me?

CHAIRMAN SCHMITT: Move the microphone up there.

MR. EWING: Ah, that's the magic, okay. In a moment, you may wish I turned it back away.

Hey, really, I want to thank you guys. This is tough work and absolutely unappreciated. And I know that there's a hill of information that needs to be climbed. And it's not about the merits of an argument. It's just the facts are the facts.

And I do understand that there's an option to be able to go and build 431 five-story units, but when this option was given, the economic cost of building a five-story unit probably made sense to your owners, but you're not building five-story units today because the economic cost of the new codes are such that it wouldn't make sense.

We have builders that will tell you that there's a reason why you're building 20 two-story units and not four fives. So don't think that this is dead, that there's not a way to be accommodative and appropriate to what the neighborhood needs for both our new neighbors, because we want new neighbors, and the existing neighborhood.

So what are my core concerns? And I'm going to limit it to this: One, that much of that zone is zoned AE and AH, which carry a 1 percent risk of flooding in the FEMA flood maps. Castlewood is AX which has a .2.

Building and zoning is not my specialty, but math, I'm pretty good. One percent is greater than .2. That means that anything that they add to that area that brings that flood risk over onto our side -- in Ian, the water level came within 12 inches of my pool deck. And I, by the way, live exactly on the end, right? So I'm the one that's on the end looking across at this development, across the lake.

So when we discuss this with our neighbors, there's a mutual concern about that, and they want you to hear that. There's not enough accommodations that have been discussed this morning. I don't know at the neighborhood information, but if you had seen what we were given for information to discuss during that conference, it's nothing like what you're seeing now. The neighbors have not had an opportunity to see this. They've not had an opportunity to have a discussion about it. They've not had a discussion about -- you know, I look across at 50-foot-tall pine trees. You know, you talk about 25 -- 20 feet being a pretty fair distance from the water's edge, well, let's be clear, it's cleared 10 feet. And this --

CHAIRMAN SCHMITT: Sir, you have to speak from -- up here. We have to put it on the record.

MR. EWING: Okay. So mid room is 20 feet (indicating). You're talking about 10 feet is the buffer zone if you don't make these buildings -- these buildings step back from there. That means that we're going to lose much of those pines. That means that

what you imagine to be a buffer is still a see-through area. And, you know, with that, when you think about the buffer and the -- how much of this you clear, all of that affects the speed at which this water floods, and it also affects the amount of surface area that is not available to absorb.

Respectfully, I would like you to send this back to flood and utility use and ask them to reevaluate the zero lot line.

Second, we are a gated community. We have a very substantial investment in 24/7 security in that area. There's no discussion about fencing to secure our neighborhood. I feel like that's a pretty valid right that we should have that -- while it wasn't considered in the PUD, I think it's something that, given the economic realities, that that is something that we should take back and consider.

I'm going to cede rest of my time to my neighbor who is much more qualified on the building part of this.

CHAIRMAN SCHMITT: Okay. Well, 16 seconds left, but next speaker.

MR. EWING: You get it.

CHAIRMAN SCHMITT: Next speaker, please.

MR. JOHNSON: Next speaker is Jim Reichert.

MR. REICHERT: I'm Jim Reichert. I live across the street from Paul. So we're all looking at it. And, you know, they brought up lots of different things. You know, ideally, if you ask me, I'd like Collier Conservation [*sic*] to buy the property. I don't think that's going to happen because it's adjacent to a nice area already owned by Collier Conservation.

So things that I see is I went through -- I liked all the staff recommendations. I mean, we're dealing with -- you know, Mr. Schmitt, how about I come sit in front of your house every night from 7 to 10, open my windows, play loud music. That's what I listen to every day from the high school.

CHAIRMAN SCHMITT: I have no control over the high school. Thank you.

MR. REICHERT: I'm just telling you what reality is. And the light pollution from the high school is awful.

So in this thing on the PUD, I'd be -- you know, development is development. You know, the world develops, and we all have to deal with it. I'd like to see them eliminate the multifamily and go to single-family and townhouse only.

I don't know if that, you know, makes financial sense for them or maybe, you know, it's some combination of bringing it down where Castlewood is more so.

Mr. Yovanovich, I talked to the president of the association, and he has not signed off on any of the things for the -- that you claim is agreed to by Castlewood. So I don't know where that's coming from, but he has not.

The setbacks, I think, are necessary. If you go look at their two maps -- I don't know if you can bring up the original PUD, but that original PUD had a road next to the Castlewood area, and you have the setback for the road. You have the road right-of-way and all that, and it moves everything 200 feet inboard on their property, and now it's at the property line.

So I don't think you should have any modification on the setback. And I think they should have to redraw their layout. And one of the things that came up in some of your comments was that they didn't indicate what's going where. And that's been a controversy for Castlewood is we keep asking them -- we write them letters -- "Tell us what you're doing," and nothing.

Same thing on the easement vacation. They asked us not to object. And we wrote them a letter and said, "Tell us what you're doing so we know what's going on." Nothing. So those type of things I'm concerned about.

You know, the other things that were in staff issues we're -- you know, the bears, the eagle plan, burrowing owls. The bear report is over two years old, hasn't been done since the high school got built. And we do see bears, and nothing's being done about that. I have to -- you know, in the staff report, the bonneted bat and burrowing owl, nothing was said about those.

I mean, I'm not the most green guy in the world, but I think as we've developed, we've taken away areas that the animals use for migration. I mean, I was walking on the golf course the other day, and, you know -- I know everybody sees deer everywhere, but there was a cougar -- either a cougar or a panther that was right out on the golf course and ran into their property. So to me it's important that we address those issues.

Another point of addressing might be extend the preserve area. Instead of having it in the center of the property -- and I realize there's reasons for all this. Instead of having it in the center of the property, proceed down the line so the animals have a corridor to get out.

Right now they've got to run through some houses. They've got to cross a road. I mean, you probably wouldn't want your kids doing that if they had to migrate to the golf course.

So that's all I have to say. I appreciate your time.

CHAIRMAN SCHMITT: Thank you.

You do understand, though, they still have to go through all of the permitting requirements, they still have to comply with the Endangered Species Act and the Clean Water Act. Those go through the federal permitting process, U.S. Army Corps of Engineers. It will go out to other commenting agencies, and they still have to go through the South Florida Water Management District permit. Those are the agencies that review all of the environmental requirements and concerns.

There's protected species, endangered species, and if there's any of those species that are identified, then there's -- there's opportunities to mitigate or compensate. So those are all part of the application process. We understand -- and the staff reviews those, but those restrictions are through the federal agencies in regards to listed -- listed or endangered species.

MR. REICHERT: Also, another point I forgot to bring up -- I'm not a professional speaker, so you'll have to pardon me. But all of their water is coming to the golf course. There's a -- I believe it's a 48-inch drain that runs all along the south side of the property. And I would be as concerned as Paul is with the flooding.

Now, I, fortunately, am a foot higher than Paul, so -- but, you know, something to maybe consider is that they deal with the water. Maybe they -- you set the elevation of every foundation in that division at the same elevation as ours so that they flood at the same time we flood.

CHAIRMAN SCHMITT: I would probably guess they're going to be higher, because they have a new BFE out there, base flood elevation, that's in accordance with the maps -- the flood maps. Also, in regards to water, they cannot trespass water. That's going to be dealt with, and that's through calculations. And through the application process through the South Florida Water Management District, they're going to have to deal with

how they displace water. And if there's water being displaced on your property, that's a trespassing issue that they need to -- they need to prevent.

MR. REICHERT: I think they have some agreement with the golf course already to -- for their drainage.

CHAIRMAN SCHMITT: I don't know. I would have to defer to Tim Hall if that exists or to the applicant. I know nothing about that.

MR. REICHERT: And I was reading something in the documents that said that.

CHAIRMAN SCHMITT: Okay. Thank you.

MR. REICHERT: Thank you.

CHAIRMAN SCHMITT: Next speaker, please.

MR. JOHNSON: Mr. Chair, those are all the registered speakers. Did you want to ask if there's other speakers in person?

CHAIRMAN SCHMITT: Yes. Are there any other speakers that would like to speak, or is there anybody online that would like to speak?

MR. JOHNSON: There is one person online.

CHAIRMAN SCHMITT: Thank you.

MR. JOHNSON: His name is Brad Cornell. Mr. Cornell.

MR. CORNELL: Thank you. This is Brad Cornell. I'm the policy director for Audubon Western Everglades. Mr. Chair, thank you for the opportunity to address you and the commissioners on this item.

CHAIRMAN SCHMITT: Yes.

MR. CORNELL: I have several comments. First, I'd like to address some compatibility issues. As you all know, on the west and north sides of this project are the Railhead Scrub Preserve, which is one of the rarest habitat types in Florida, coastal scrub. And on the west side of the project is a whole residential strip. There is no buffer next to that preserve.

And so our recommendation is that you need a buffer there for burning, for fire management purposes, and other land management purposes that would be incompatible with residential immediately adjacent to the preserve, but also we recommend the Dark Sky criteria be adhered to, especially in -- adjacent to these preserves, because Dark Sky doesn't -- the lighting doesn't just affect the neighbors. It also affects wildlife significantly, and it's a big impact on insects and wildlife, gopher tortoises, birds. It's a very important aspect of protecting the investment that the County has made in the Railhead Scrub Preserve. So Dark Skies and a fire buffer on the -- on the west side.

I additionally want to recommend that there be bear-proof trash management on the -- on the project, as you have seen in the backup for this. Bear nuisance calls have been all around this part of North Collier County. I have a picture of a very large -- it looks like a 400-pound black bear immediately north of this project in the Scrub. So bears are in this area, so it's very important to avoid conflicts with people and with traffic and kids going to Aubrey Rogers.

Also, the new reconfigured lake needs to have more littoral for water-quality purposes, more than the 7 percent that the code requires. More like 30 percent that you see in the Rural Fringe Mixed-Use District. That's just important for water quality, for taking up nutrients, nitrogen and phosphorus.

And on the northwest corner, I want to point out that the project site plans, both the 1982 and their reconfigured site plan, would destroy the most valuable, the rarest native

habitat that's on the site, which is the scrub in the northwest corner, which is adjacent to the scrub on the Railhead Scrub Preserve.

To our view, it would be easy for them to shift the development plans slightly to allow the preservation of that scrub. If it meant getting rid of some of the hydric pine in the northeast corner -- the scrub with the state-threatened gopher tortoises, there are, I think, about 11 burrows or more, a dozen burrows that have been found by the consultants -- that would be a very logical adjustment to that plan to preserve that northwest scrub.

And the last thing I'll just note is that it would be really helpful to see less turf grass in this project. Speaking of water quality in this big lake, the more turf grass, the more fertilizer and irrigation. And this -- as you all know, we're in a drought. This would be a good way to save water and prevent water pollution from fertilizer.

So those are our recommendations. Thank you very much for considering them.

CHAIRMAN SCHMITT: Brad, I have a question. Have you reviewed the biological assessment or any of Tim Hall's documents?

MR. CORNELL: I have gone through the environmental supplement --

CHAIRMAN SCHMITT: Environmental supplement.

MR. CORNELL: -- ERP application, so yes. Not the BA but the --

CHAIRMAN SCHMITT: Have you made comments to the state or federal agencies?

MR. CORNELL: We're preparing to. We have not yet.

CHAIRMAN SCHMITT: Okay. Well, that's the route I say you take for -- in regards to some of your comments, because they're far more restrictive than the current LDC. And I guess you're asking us to impose these restrictions where there are really not restrictions anywhere else. These restrictions don't exist in Castlewood nor the Imperial Lakes or even Mediterra. But I understand your petition.

MR. CORNELL: Mr. Chair -- yeah, the compatibility issue with the very rare scrub preserve --

CHAIRMAN SCHMITT: Okay.

MR. CORNELL: -- that's the County preserve on the west side is the -- is the issue that's different for this project.

CHAIRMAN SCHMITT: Yeah, I recall vividly. I was part of the staff when we purchased that property under Conservation Collier, and it was a significant preserve, yes. Okay. Thank you.

Any other comments from my colleagues? Go ahead.

COMMISSIONER McLEOD: I have a question.

I think Brad Cornell brought up some good points, especially the lighting that affects wildlife. So he got me on that, but then I think, well -- but everything surrounding this conservation area is -- like, the school has lights, so it's already affecting wildlife.

CHAIRMAN SCHMITT: It's going to be developed.

COMMISSIONER McLEOD: I don't know if we make this particular spot, then, different than everything else, so that's where I'm struggling.

CHAIRMAN SCHMITT: All right.

COMMISSIONER McLEOD: But I do -- I think it's interesting, and you guys out east would know this better. But bear trash regu -- whatever the -- bear trash regulations.

CHAIRMAN SCHMITT: I mean, we can certainly apply that restriction here that

they have to comply with bear restrictions --

COMMISSIONER McLEOD: Yeah.

CHAIRMAN SCHMITT: -- but all the other communities surrounding here do not. We typically do that in the Eastern Collier County. I could tell you I don't think they do it in Mediterra or in Imperial Lakes or -- correction -- in Imperial, south, or Castlewood.

Go ahead, Rich.

MR. YOVANOVICH: I'm sorry. We have to do a bear management plan as part of this, okay?

CHAIRMAN SCHMITT: Yeah, they do.

MR. YOVANOVICH: If people would have read our bear management plan, you'd see we have bear-proof trash cans, okay? That's all covered through the bear management plan requirements that's in the PUD that we have a bear management plan. We have a bear management plan. So, you know -- is it my turn?

CHAIRMAN SCHMITT: Yes.

MR. YOVANOVICH: Okay. Because I know we were focused on that question, on the wildlife. I didn't want to --

CHAIRMAN SCHMITT: Before you start then, are there any more public speakers?

MR. JOHNSON: No.

CHAIRMAN SCHMITT: No, none.

Then I'm going to close the public hearing. I'm going to turn to the applicant to -- any rebuttal. Go ahead.

MR. YOVANOVICH: A couple things. And, Mr. Chairman, you brought up my -- one of my major points was we have to go through the Water Management District for purposes of getting a water management permit, and they're going to address if -- I use the bathtub analogy. We're going to create a bathtub, that we're going to keep the water on our site, and we're going to disperse it at a rate that's dictated by the Water Management District. More likely than not it's going to improve the situation because right now it's just a free flow of water off our site --

CHAIRMAN SCHMITT: Right.

MR. YOVANOVICH: -- wherever it goes. So -- so, you know, you brought that point up that there is a process for Water Management District permitting. That's the Site Development Plan process. That's the platting process. So there is -- there is an engineering review that does occur, a very detailed engineering review.

I take exception with some of the comments about this is the first -- they've not seen these plans before. This was the -- at the NIM we provided our master plan. We got their comments.

We have been communicating with the HOA with regard to our request for a letter of no objections. We have -- they asked us to limit to two stories in the area I depicted. I have a signed document from the HOA president. Maybe you haven't even talked to him since --

MR. REICHERT: Talked to him yesterday.

MR. YOVANOVICH: Well, good. Well, we got it yesterday. So we got it yesterday afternoon, and it's being submitted to the County, because it's one of the requirements as part of the plat vacation process. So that letter will be transmitted to the County if it hasn't already been transmitted from my assistant. So we have that.

We have responded. They may not like our responses, but we have responded to what our development is.

We have an approved project, 1982. Castlewood was approved, I believe, in the '90s, maybe even late '90s, early 2000s. So you have a development that comes in knowing that there's an existing PUD that allows five-story buildings, 430 units at five stories.

The gentleman who's not the expert in building is incorrect. We can afford to build those units, and we will build those units if the transaction doesn't go through. We can afford them. We will build them.

We just have been waiting 44 years for access. I'm old enough that I was just about finishing college 44 years ago. But that's a long time to wait to get the right to build something that you've been vested to build for 44 years. We've been through a lot of five-year cycles that we were in the plan for this road to be built. We're finally going to get this road built, and this is a very important road for Collier County circulation.

So I don't -- I don't have any sympathy to somebody who moves to a development knowing they could have five stories and now they want to somehow say, "Take that away because we built our project." We're not going to reduce the height of our buildings other than the area we agreed to do that.

This is a much better project than -- the potential to bring in these single-family homes with 313 units versus multifamily at 430 is, I believe, a benefit to the overall community. It's a benefit to our neighbors. And, you know, I think the issues that people are really upset about are something that was not under our control, and that's the high school. That's the high school. That site, I think, has been identified as a school site, Ms. Lockhart could tell you how long --

MS. LOCKHART: More than 22 years.

MR. YOVANOVICH: Okay. So it's been identified as a site for a school for 22 years. I don't know when these two gentlemen bought their house, but if it's less than 22 years, again --

CHAIRMAN SCHMITT: I think it's more than that.

MS. LOCKHART: I think it is. I think it's more than 22.

MR. YOVANOVICH: More than 22 years.

MS. LOCKHART: It was before I started with the school district in 2002.

MR. YOVANOVICH: So that's 23. So that's -- plus, you know -- so we're talking probably somewhere north of 23 years ago that this has been identified as a school site.

We are proposing a very good project. We are consistent with the Land Development Code. Our request for the changes to the rear-yard setback for the -- for our houses and our accessory uses is not out of scale with other projects that have been approved in Collier County and other PUDs that have been approved in Collier County.

We have a 15-foot-wide landscape buffer around our perimeter before we even get to our rear yard line. So there's a -- there's an appropriate buffer for what we're asking. We've accommodated the request from Castlewood to limit the height to two stories adjacent to their perimeter. If they want a gated community, they should build their own gate. It's not our job to provide them security that they want that they could have controlled at the very beginning by making their own community gated. This happens a lot where people say, "Oh, no, I've got neighbors now, and now we don't feel safe. They should -- my neighbors should now put in a gated community to protect me." No, if they

wanted a gated community, they should have put in -- you know, they should have protected themselves with the gates.

Our people are -- it almost implies that we're going to have bad people living in our community so we need to be protected from that. That's -- I don't -- I'm sorry, I don't think that's a fair argument.

And with that, staff's recommending approval. I think we've met staff with everything they wanted other than we had a nice discussion about Dark Skies, and maybe there will be a change to the Land Development Code in the urban area for -- to oppose Dark Sky lightings. Again, I'm not an expert in lighting, but my gut is, Mr. Schumacher, is because they're lower intensity, I've got more fixtures. I'm assuming more fixtures cost more money than the number of fixtures that it would be today.

But again, that's just -- that's -- I'm a math guy. I would think more fixtures would cost more money. But I don't know for a fact.

With that, that's our -- that's our response to the comments. We're requesting that you transmit to the Board of County Commissioners with a recommendation of approval with the change to the master plan we discussed and with -- (cell phone rang) -- oh, good, it wasn't me. I didn't think it would be -- but with the changes we've discussed to the -- to the two-story area and with our requested setbacks and with our requested lighting.

With that, that's it.

CHAIRMAN SCHMITT: With that, Michelle, can you hold off a minute? Because I jumped over. He was up at the podium, so I had him do his rebuttal, but I wanted to make sure staff closes out first before we open for discussion and close the public hearing.

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

As we had indicated, we were willing to withdraw the request for the rear setbacks with the -- with the reduction of the area adjacent to Castlewood being restricted to the two-story single-family development.

I will note that the existing PUD has six deviations. The applicant is not looking for -- to maintain those six deviations. They are looking for three deviations. One deviation is the reduction of your street system from 60 feet to 50 feet. That's a common request within the -- a gated community.

A relief from sidewalk and bike lanes on both sides of the street. They're proposing a sidewalk on one side of the street and a bike lane or bike path on the other side of the street.

And finally, the third deviation -- or third deviation is for a fragmentation of the preserve -- the preserve locations. Normally we would like to have those preserves in a contiguous arrangement, but based upon our environmental staff's review and their consultant's report, there are pockets of wetland that are more critical, and because of those -- that make up the four preserve areas, staff is supporting all three of those deviations.

And with the modifications we discussed, we still would like the consideration for at least the 3,000 Kelvin restriction for lighting. But if the Planning Commission doesn't feel that it's appropriate related to the sealing out this applicant, we would look for some direction or guidance as to whether you wanted us to explore the cost ramifications and the potential for the -- or for the amendment of our LDC to require Dark Skies for development within the urbanized area.

CHAIRMAN SCHMITT: All right. Thank you.

Michelle, first of all -- with staff, then, just a follow-up -- and I don't know if Rich has any comments following staff because I had him jump ahead.

But you pretty much have concluded your presentation?

MR. YOVANOVICH: Yeah. I don't know -- honestly, I don't know from a safety factor. Maybe Mr. Sparrazza could give us some advice if you change -- I don't know what 3,000 Kelvins mean. Honestly, I don't know what that means from a -- is it going to affect the -- the safety factor for cars and others as far as lighting brightness to where am I now putting someone in harm's way because I have a different type of lightbulb? I don't know what that means.

COMMISISONER SPARRAZZA: If I may, Kelvin is a standard used to tell people the, quote, color temperature. If you -- in the old days in your house incandescent lamps were 3,000. They had that warm, yellowish glow. Many people nowadays -- these (indicating) are about 42. Many people nowadays go to what's called 56 or daylight, which is that bright, crisp, white, bluish light.

So if they say they're requesting or suggesting a 3,000 Kelvin head that's on top of your 20- or 25-foot pole, that's just the color temperature. The lumens will still be probably 8- to 12-, 13,000 lumens per each head wherever they are.

Safety factor, there is none. It's just how it looks when you're driving down. It's going to be kind of that yellowish haze. It's not going to be like the xenon lights on the front of a BMW shining at you. Those are actually 6,000 Kelvins. So it's just visually what it seems like. There is no safety factor brought into it.

And almost any head that you put on top of a pole can be modified for lumens for brightness and for color temperature, 3,000, 4,000, 56-.

So -- in fact, I was just online looking at them, and they're relatively inexpensive for the head versus the pole. The poles are \$2500 each. The heads are 3- or 400. So what you put on top of it is minor.

I am not an expert; that should go on the record. It's just simple things that I kind of know about. Thank you.

CHAIRMAN SCHMITT: I remember one petition. Didn't Norm Trebilcock or who -- somebody brought in a little demo to show the light.

COMMISISONER SPARRAZZA: Yes.

COMMISSIONER SHEA: Norm did.

COMMISISONER SPARRAZZA: And that was discussing the color temperature.

CHAIRMAN SCHMITT: That was color.

COMMISISONER SPARRAZZA: Three thousand temperature is more suitable for critters, any type.

CHAIRMAN SCHMITT: Right.

COMMISISONER SPARRAZZA: In fact, that's why a lot of people in neighborhoods and most neighborhoods are 3,000 or maybe even 4,000 lighting, and they'll request it on homes also so it doesn't disturb rabbits at night so they can sleep and everything else. There's -- a lot goes into the color temperature. I see you smiling there.

MR. YOVANOVICH: There's nothing worse than a cranky rabbit in the morning. I mean, you know.

CHAIRMAN SCHMITT: Paul.

COMMISSIONER SHEA: It seems like the only issue is the lighting. And for me,

it's hard to write an LDC document that covers every situation, which is why we come here. The part that appeals to me is the preserved areas around it.

So I would say, first, I don't know how you would change the LDCs as Mr. Yovanovich suggested, but in the case here, I -- I support staff's 3,000K recommendation on the lighting, not so much for the people that live next door, but for the preserve area on the other side. And I guess -- I understand the argument that we don't put it on everybody else, but not everybody has preserve areas adjacent to it. So I support the staff's recommendation.

CHAIRMAN SCHMITT: Okay. Before I ask for any other comments, Rich, can you put up that slide that shows the -- it was an enlarged view of -- near Castlewood. Right there. So right there where you have the 15-foot-wide buffer, you're still talking about a product with a zero setback up to the 15-foot buffer; is that correct?

MR. YOVANOVICH: It could be. It doesn't mean it will be. It could be.

CHAIRMAN SCHMITT: Right along that same stretch, what would be the impact if you increased -- if you made that a 10-foot setback from the 15-foot-wide buffer? Is that going to -- is that a --

MR. YOVANOVICH: Well, right now we have a 10-foot and a 5-foot. We could go to zero if we wanted to.

CHAIRMAN SCHMITT: All right. You're still 215 feet.

MR. YOVANOVICH: And I'm still -- and they've got their buffer.

CHAIRMAN SCHMITT: Yeah.

MR. YOVANOVICH: And they've got their lake, and then they've got their house if someone -- if someone who purchased a house along that portion of the project actually wanted to put their house right on top of the landscape buffer -- I'm not saying they will or they won't. Most of the time we experience it is by the lakes where you reduce the buffer.

CHAIRMAN SCHMITT: This is a relatively small area. I couldn't -- I don't know how many lots you have platted there, but these are restricted to two-story?

MR. YOVANOVICH: Yes, sir.

CHAIRMAN SCHMITT: And then --

MR. YOVANOVICH: Two-story single-family.

CHAIRMAN SCHMITT: Two-story single-family.

MR. YOVANOVICH: Single-family. So it's not even multifamily. It's two-story single-family along that crosshatched area.

CHAIRMAN SCHMITT: Is that in the -- that's now a stipulation, two-story single-family?

MR. YOVANOVICH: That was the stipulation we've agreed to. I'll work with Ms. Ashton.

CHAIRMAN SCHMITT: And that's the product they build -- the builder could build just a single-story there if they so choose.

MR. YOVANOVICH: Could, could, or two-story, yep.

CHAIRMAN SCHMITT: Okay. Michelle.

COMMISSIONER McLEOD: Chair, I had some concerns about buffers, too. Do you have a concern with buffers? Can you explain to me what your concern is right now?

CHAIRMAN SCHMITT: Well, I was just looking at this side. I heard Brad when he talked about the buffer on a preserve.

COMMISSIONER McLEOD: That was on the west side.

CHAIRMAN SCHMITT: Here's what he's saying, but a preserve is a buffer, and I don't recall ever -- there is a -- there is a perimeter buffer, correct?

MR. YOVANOVICH: There is.

COMMISISONER SPARRAZZA: There's a 15-foot perimeter buffer on the west side, correct?

CHAIRMAN SCHMITT: West side.

MR. YOVANOVICH: Correct.

CHAIRMAN SCHMITT: So that's the buffer to the preserve. I don't know -- I have no other -- I don't see any other need to put an additional buffer on the west side. I was talking about this adjacent to Castlewood just being a little more restrictive on what could be allowed there, that's all, so they would have a little more space.

MR. YOVANOVICH: If you want to take away the ability to go to zero along Castlewood, we'll agree to that.

CHAIRMAN SCHMITT: I would -- I would --

MR. YOVANOVICH: We'll say that the ability to go to zero along landscape buffers does not apply to the portion by Castlewood.

CHAIRMAN SCHMITT: I think that's a great proposal.

COMMISSIONER McLEOD: I don't understand that.

MR. YOVANOVICH: What I'm saying -- right now our -- our land development standard says our setback is five feet for accessory structures, 10 feet for principal structures, with the ability to go down to zero feet for both principal and accessory structures when we're adjacent to an open area, a lake, or a landscape buffer.

If you're saying you're not comfortable with our ability to go down to the zero adjacent to the landscape buffer along Castlewood's boundary, we're fine with saying we cannot reduce the rear setback to zero in that portion of the PUD.

The other areas is -- that's the high school. Do you really care? And then over here is the landscape buffer would be adjacent to preserve land. So I think if you're concerned that we're somehow getting too close to the Castlewood residences by doing that, then we can limit -- we won't be able to reduce our rear setback in that area.

COMMISSIONER McLEOD: And that is my concern.

MR. YOVANOVICH: Then we'll agree to that as an additional condition as part of the project.

COMMISSIONER McLEOD: Okay.

COMMISISONER SPARRAZZA: Chair, if I may.

Rich, I almost have to go against you in this. What true value is an extra five or 10 feet when we have 215 feet between the lot line and the next property owner?

MR. YOVANOVICH: I don't disagree, but you know what -- you know, I'm a lover, not a fighter.

COMMISISONER SPARRAZZA: I know, you're trying to get out of here.

MR. YOVANOVICH: You know, I just -- I don't think it adds much, but if that's something that will make Commissioner McLeod a little bit more comfortable along Castlewood, we're happy to add that condition.

CHAIRMAN SCHMITT: Actually, the builder -- property would -- build some homes there, they would probably be far more desirable.

COMMISSIONER McLEOD: Right, exactly.

CHAIRMAN SCHMITT: With that, then, I know we're at our break time, but I

think we're close to finishing. So if we think we can pound down for a few more minutes, we'll do that.

So I close the public hearing. I open for Board discussion.

Note that we do have to approve this as the EAC as well, so we'll need a vote for both the EAC because of -- specifically because of the preserve requirements.

And in the discussion piece, I just want to ask if -- my piece. If Tim Hall could come up a minute, because I want to ask him -- put on the record, I'm sure -- because it will come up on the -- in the Board of County Commissioners.

Brad talked about the scrub in the north area. In all your review through your environmental assessment, could you explain, you did preserve what needed to be preserved and what was protected and what was identified as jurisdictional wetlands. Brad was looking at this scrub area in the north. I have no idea, is that something that's of significant importance? To him it is, but from a standpoint of preserve.

MR. HALL: There is remnant preserve -- remnant scrub up in that north corner. Remember, though, that this property was completely cleared --

CHAIRMAN SCHMITT: Yes.

MR. HALL: -- at one time for the mining operation. So most of what's grown up in here is secondary growth with the -- with the exception of those big preserve cypress dome areas. The mining occurred around those domes.

So what's there -- while the habitat is there, it was pretty heavily impacted by off-road use. There were ATVs and motorcycles and Jeeps and everything else that ran through this area for years, so a lot of that area was adversely impacted. And in looking at that versus the preservation of wetland areas, when we have to go through the regulatory agencies, they would prefer us to build in upland areas and preserve wetland areas wherever possible.

CHAIRMAN SCHMITT: Correct.

MR. HALL: So we made the internal call to concentrate the development in those upland areas where we could so that we could preserve more of the wetland areas.

CHAIRMAN SCHMITT: Okay. Good. Thanks. For the record, that was Tim Hall. I don't know if he stated it.

MR. HALL: I'm sorry. Tim Hall with Turrell, Hall & Associates. Sorry.

CHAIRMAN SCHMITT: I have one other question. And maybe Mike Sawyer or Lorraine could address this.

The old rail right-of-way, is that now identified as eventually going to be the pathway up through to Lee County? So now we're talking about bicycles and other things going up along what was originally a dedicated right-of-way for a railroad, which hasn't been there in years. But now we're -- we are talking about public still passing through what was considered a -- and the public does have access to the Conservation Collier. So is that -- is that going to be now a right-of-way for the eventual bike lane or whatever all the way up to Lee County?

MS. LANTZ: So Lorraine Lantz, Transportation Planning.

We are in -- excuse me, sorry.

So the BERT Trail, it's, I believe, Bonita Estero Rails to Trails project.

CHAIRMAN SCHMITT: Yeah.

MS. LANTZ: That is what's coming -- what's looking for the right-of-way to purchase it from the railroad. I believe the railroad still owns it, and there's some

negotiations to acquire it. But it could be a rail corridor all the way up to Bonita and Estero.

CHAIRMAN SCHMITT: Where the public would pretty much have easy access through there?

MS. LANTZ: Correct.

CHAIRMAN SCHMITT: All right. That's what I thought. Thanks, Lorraine.

All right. With that, are there any other comments? Do we have any comments/recommendations from my colleagues?

(No response.)

CHAIRMAN SCHMITT: Note that we are voting as the EAC as well as the Planning Commission.

COMMISSIONER SCHUMACKER: Two separate.

CHAIRMAN SCHMITT: We can -- two separate votes we can take, yeah.

COMMISSIONER SHEA: Well, I'd like to make the motion -- you're going to have to help me with some of the other changes. But I'd like to make the motion we accept and approve the petition with the exception of the 3,000 -- add the 3,000 requirement that staff recommended. And there were several other amendments, which I didn't write all down, that we need to get in the record that staff agreed with.

CHAIRMAN SCHMITT: Second was the rear-yard setback that was being asked by staff would be eliminated except for the portion right near Castlewood that was identified. You're going to change that to accommodate an additional -- was it 10 feet or five feet?

MR. YOVANOVICH: No, no. What we're going to do is eliminate the ability to go to zero.

CHAIRMAN SCHMITT: Zero in that area.

MR. YOVANOVICH: Staff agrees with the 10-foot principal and the 5-foot accessory as well as the ability to go to zero except -- in certain areas, except for Castlewood. You can't go to zero by Castlewood.

CHAIRMAN SCHMITT: And the elimination of the third amendment, which was a request for Dark Skies, but with the expectation, as proposed by Paul, that the light mixtures would be 3,000?

COMMISSIONER SHEA: 3,000K.

CHAIRMAN SCHMITT: 3,000K, which I think is --

COMMISSIONER SHEA: Max, max 3,000.

CHAIRMAN SCHMITT: 3,000 Kelvin. Mr. Kelvin. So that is the standing -- that's the -- I think we covered everything, then, on the -- on the recommendation. Do I hear a second?

COMMISSIONER SCHUMACKER: Well, the staff had reduction in street width. (Simultaneous crosstalk.)

CHAIRMAN SCHMITT: Those are all in the stipulation already. They're all -- they were asked as deviations, so...

COMMISSIONER SCHUMACKER: So do we need to recognize the two-story max height adjacent to Castlewood, as Rich had --

CHAIRMAN SCHMITT: We already did that, but we can state for the record again it's a restriction, yes.

COMMISSIONER SCHUMACKER: Second.

CHAIRMAN SCHMITT: Second. And --

COMMISSIONER McLEOD: Can we have a discussion?

CHAIRMAN SCHMITT: Yeah. Go ahead, please.

COMMISSIONER McLEOD: Going back to the lighting, can I get a feel for what my colleagues think about that, the 3,000K?

CHAIRMAN SCHMITT: I don't see a big deal. The 3,000K is --

COMMISSIONER SCHUMACKER: It's softer than bright light.

CHAIRMAN SCHMITT: It's a little softer. I would love to see some come back in the -- in the LDC amendment sometime to discuss this, because it seems to be a popular issue, but I don't see it as a great financial burden.

MR. YOVANOVICH: It's a different light bulb, right?

CHAIRMAN SCHMITT: Different light bulb.

MR. YOVANOVICH: Is that what you're telling me, it's a different bulb?

COMMISSIONER SPARRAZZA: Many times it's selectable when you either purchase it, or there's literally a switch on the head of the fixtures when you put it onto the pole.

CHAIRMAN SCHMITT: Okay. Because I know in my community, we went to all the -- got rid of the incandescents and went to the -- what are they, LED.

COMMISSIONER SPARRAZZA: LED.

CHAIRMAN SCHMITT: LEDs, which are really brighter in a lot of ways, yeah.

COMMISSIONER SHEA: Did that answer your question?

CHAIRMAN SCHMITT: Did that answer your question?

COMMISSIONER McLEOD: A couple people. So everybody else is --

CHAIRMAN SCHMITT: I'll go with it.

COMMISSIONER McLEOD: -- okay with that?

CHAIRMAN SCHMITT: Paul made a recommendation, and I'm good.

COMMISSIONER McLEOD: Okay. And it sounds like now the petitioner is warming up to that.

COMMISSIONER SHEA: He'll be okay with that.

COMMISSIONER McLEOD: He went from 3K to 5K.

MR. YOVANOVICH: I'm a little -- I'm a little yellow about it. I'm cautious.

COMMISSIONER SPARRAZZA: You're warm.

MR. YOVANOVICH: I'm warm.

CHAIRMAN SCHMITT: So with that, we have a motion and a second. All in favor, say aye.

COMMISSIONER COLUCCI: Aye.

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: We have no opposition. It passes unanimously.

MR. YOVANOVICH: Thank you.

CHAIRMAN SCHMITT: But there is an opposition, so I'm sure this will be --

from the standpoint of the community, this will be heard by the Board of County Commissioners as well. I encourage you to attend.

MR. EWING: Thank you.

CHAIRMAN SCHMITT: So with that -- so do we have any other closing comments?

COMMISSIONER SCHUMACKER: Yeah. I had some new business I wanted to touch on.

CHAIRMAN SCHMITT: New business. Go ahead.

COMMISSIONER SCHUMACKER: First of those being some really great news out of District 3, because Gulf Coast High School basketball won their district and also went to semifinals, and that was the first time in the school's history. They've been there for almost 30 years. Coach Grillo and his team really deserve the props on that because there was zero media coverage to highlight these fine young men and their varsity team and their season. That's the good.

The bad is I wanted to ask the Commission for their thoughts on, and also ask Mr. Bosi to jump in on this. I had a conversation with the assistant fire chief down in Marco, and we were discussing rental boats. And I know that the boat clubs have a program they put their boaters through in order for them to operate a vessel, a powered vessel, but these half-day or full-day boat rentals have basically zero.

So I would put it to you like this: If you let somebody rent a car, they have to have a driver's license. Well, if there's no boater safety, which in my conversations with the assistant fire chief, the amount of calls that they got on the water due to people that don't know how to operate a vessel is outstanding.

I contacted FWC to try to get some of their data. I'm waiting to hear back from them. And I'm going to contact the Sheriff's Office and see what type of data they have.

I can tell you, being on the water almost every weekend or every other weekend, if I see rental boats -- which you can always tell because their fenders are hanging out. You know those little things that go on the side?

COMMISSISONER SPARRAZZA: Yeah, yeah.

COMMISSIONER SCHUMACKER: And they're usually going too fast through a "no wake" zone or they're on the wrong side of the channel. I can understand why there is so many emergency calls for those actions.

I think that something needs to be done because it's -- you're giving somebody a 3,000-pound vessel in the water that's under power, and that can hurt, harm, and maim other people.

So, Mike, I don't know if there's ever been discussion on some type of ordinance that would require them to do some type of boater education before they're allowed to take it out. I could -- I can understand the enforcement would be tough, but, like, if the County got a complaint and they went, and let's say there was an accident where somebody was injured, but that rental company had proof that, oh, no, this -- the operator had taken -- they're a very simple course. I mean, you can go online -- and the Coast Guard one is super simple. You read through it, and at least if you read through it, you know which side of the channel to drive on.

But has there ever been any discussion from the County's side on something of that nature?

MR. BOSI: Mike Bosi, Planning and Zoning director. I have expertise in land use.

Boat navigation requirements --

COMMISSIONER SCHUMACKER: Gotcha.

MR. BOSI: I could reach out to Coastal Zone to see if there's any programs or any -- has any -- been discussion. I could -- and report back to you. But in terms of my specific knowledge of that, outside of the area. They draw me in.

CHAIRMAN SCHMITT: Okay. It would not be in the LDC. It would have to be codified in the Code of Law and Ordinances, and that would be an issue going before the Board of County Commissioners. It's something we wouldn't do. It would have to be a separate initiative. I know, Tim, you're an expert.

COMMISSIONER SCHUMACKER: Yeah.

MR. HALL: Yeah. For the record, Tim Hall with Turrell, Hall & Associates again.

I was just going to say that the State does have a certification requirement. If you were born after I believe it's 1988 -- it's in the '80s sometime. But if you were born after 1988, you are supposed to have a boater education certificate or certification in order to operate anything more than 10 horsepower. I don't know if the rental companies actually check for that or anything. And like I said, I don't think it's a -- it's a super robust type of certification, but I know that the State does have that requirement in place.

COMMISSIONER SCHUMACKER: Excellent.

COMMISSIONER SHEA: Yeah. I rent a lot, and there is an age requirement. I had a course 30 years ago, but they just check my age and the driver's license, and I don't have to take it. So that's how most of us get around it. Now, I have experience running boats. But I don't have to have it if I'm over a certain age. So to your point, that's not very secure.

COMMISSIONER SCHUMACKER: Gotcha. Yes, sir. You had a question.

MR. REICHERT: I'm a member of Freedom Boat Club.

CHAIRMAN SCHMITT: Sir --

COMMISSIONER SCHUMACKER: Come up to the mic for me, please.

CHAIRMAN SCHMITT: The podium, the mic.

Terri, we're wearing your fingers out, but...

MR. REICHERT: Jim Reichert. I'm a member of Freedom Boat Club. And they require you to do a boater safety class, and then they take you out and test you before they'll rent you a boat.

COMMISSIONER SCHUMACKER: Well, I'm not talking about the boat clubs. I'm talking about -- as you've seen -- I'm sure you've seen on the water.

MR. REICHERT: Oh, yeah. You see everything.

COMMISSIONER SCHUMACKER: You see the half-day or full-dayers that they're renting from a marina, and it -- either they leave their boats on the beach when the tide goes out, and then they're stuck there, or they're in the mangroves, or there's some other issue. So that's really kind of what we're getting towards is that safety aspect of it because it's being -- from what I'm hearing, it's definitely becoming an issue.

CHAIRMAN SCHMITT: I mean, I think that kind of recommendation would be great. The Board would have to direct staff, but that would go -- Heidi could probably -- would go in the Code of Laws and Ordinances. It would have to be an ordinance -- not part of the LDC, but it would be Board of County Commissioners implementing an ordinance.

MS. ASHTON-CICKO: Yes, that's correct. There may also be some preemptions where -- I'm not sure about that --

CHAIRMAN SCHMITT: The State?

MS. ASHTON-CICKO: -- at this time. Yeah.

COMMISSIONER SCHUMACKER: Thank you.

CHAIRMAN SCHMITT: All right, thanks.

Anybody else, comments?

COMMISSIONER McLEOD: I have one thing. When I do these site inspections before our meetings, oftentimes I have to go through a guard gate, and I will tell them, "Hi, I'm on the Planning Commission. I'm here to visit the site that's coming before us," and the guard doesn't really -- they're like, "Who? What?"

So I was wondering if we could -- could we have business cards that say we're on the Planning Commission so we have some authority in entering these gated communities, which is most all of them?

COMMISSIONER PETSCHER: Badges.

COMMISSIONER McLEOD: Or a badge.

MS. LOCKHART: Almost like a -- an ID card or something.

COMMISSIONER PETSCHER: I never got one.

COMMISSIONER SPARRAZZA: Oh, I have a badge. I'm special.

COMMISSIONER McLEOD: Yeah, a badge would be good, just to give us some sort of authority. Because going to Imperial Lakes --

COMMISSIONER SCHUMACKER: What? What? Wait a second.

CHAIRMAN SCHMITT: You could buy one on eBay if you want.

COMMISSIONER SCHUMACKER: It's got a scanner on it, too. You can just go all over the place?

CHAIRMAN SCHMITT: I don't know. I'd have to defer to staff. I don't ever remember the issue. Typically -- but a lot of communities at CDDs, they typically have to let you in, because they're public -- technically public roads, but --

COMMISSIONER SCHUMACKER: Wait a second.

COMMISSIONER SPARRAZZA: I have a badge.

CHAIRMAN SCHMITT: -- I don't know. You have a badge because you're on the Planning Commission?

COMMISSIONER SPARRAZZA: I was given a badge for Planning Commission.

COMMISSIONER SCHUMACKER: Mr. Bosi, I am disappointed.

COMMISSIONER SPARRAZZA: Do I remember right?

MR. BOSI: I'm not aware of any badge program for commission members.

COMMISSIONER SPARRAZZA: Okay.

MR. BOSI: I can look into and speak with our administration about business cards or badge alternatives.

COMMISSIONER SCHUMACKER: I want a badge on a zip cord.

COMMISSIONER SPARRAZZA: That's what I have.

MR. BOSI: I have one of those.

COMMISSIONER SPARRAZZA: Now you're going to make me --

MR. YOVANOVICH: You can get one at the Halloween store.

COMMISSIONER SCHUMACKER: I'll make it myself. Don't worry about it.

MR. BOSI: I have to tell you that this doesn't really give me any privileges.

CHAIRMAN SCHMITT: Right, the ID card.

COMMISSIONER SCHUMACKER: I'll make sure of it from here on out.

CHAIRMAN SCHMITT: All right. Well, with that, I'll ask Mr. Bosi to come back to us on a recommendation, but I would also ask that in the future we look at staff addressing this issue with Dark Skies and what needs to be required as far as an LDC amendment, because we need to address that.

MR. BOSI: Well, I was just speaking with Mr. Johnson, our LDC manager, and he was asking -- I said I was going to seek the clarification. So we'll do some research, try to get some cost estimates, try to see what the difference is, see in terms of the specifics that are contained within the Dark Skies, and just to bring a full report back to the Planning Commission.

MR. YOVANOVICH: On that -- on that issue -- and I know you already took the vote, and I'll deal with this at the Board, but I'm assuming the intention was not to require us to put more fixtures in. You just wanted us to put in a different lightbulb?

CHAIRMAN SCHMITT: Correct.

COMMISSIONER SCHUMACKER: Correct.

CHAIRMAN SCHMITT: Correct.

MR. YOVANOVICH: But was it your intention if -- to meet safety requirements, we would need to put more fixtures in, was your intention to require us to put more fixtures in --

CHAIRMAN SCHMITT: No. It would be --

MR. YOVANOVICH: -- because you went with the -- went with the lighting? And I know you already took the vote. I'm just asking for clarification so I know what to do.

CHAIRMAN SCHMITT: My recommendation would be if it's a safety issue, you increase the brightness.

MR. YOVANOVICH: We just don't have to require -- we just don't [*sic*] have to meet the 3,000 Kelvins?

CHAIRMAN SCHMITT: Correct. And I think if I were to rephrase that, we would strongly encourage 3,000 lumen -- or Kelvin.

COMMISSIONER SCHUMACKER: Yes.

CHAIRMAN SCHMITT: And if it's a safety issue, I don't -- I mean, I could see going brighter.

Yes, Mike.

MR. BOSI: Like I said, we have the Dark Sky requirements for most of the developments that happen out east, and I don't think we've ever had any safety issues identified with the SDP but, if so, we will adjust.

CHAIRMAN SCHMITT: The biggest complaint I ever got was -- in the community was when -- with the cane frogs that we have here, people who take their dogs out, they want the streetlights so they can make sure they see the cane frogs so their dogs don't --

MR. YOVANOVICH: Die.

CHAIRMAN SCHMITT: That's been the biggest issue, but...

COMMISSIONER SPARRAZZA: They also have a thing called a flashlight.

CHAIRMAN SCHMITT: Yeah, I know.

Terri, thank you for exceeding your -- we're in 20 minutes big time of your time

there, but thank you.

With that, I conclude the Planning Commission. Thank you for your time.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:48 a.m.

COLLIER COUNTY PLANNING COMMISSION



JOSEPH K. SCHMITT, CHAIRMAN

These minutes approved by the Board on 4/2/2026, as presented X or as corrected _____.

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