

**COLLIER COUNTY
Planning Commission**



AGENDA

Board of County Commission Chambers
Collier County Government Center
3299 Tamiami Trail East, 3rd Floor
Naples, FL 34112

**July 16, 2026
4:00 PM**

**Joseph Schmitt, Environmental - Chairman
Chuck Schumacher - Vice-Chair
Paul Shea, Environmental - Secretary
Randy Sparrazza
Michelle L. McLeod
Mike Petscher
Domenic Lucarelli
Amy Lockhart, Collier County School Board**

Note: Individual speakers will be limited to 5 minutes on any item. Individuals selected to speak on behalf of an organization or group are encouraged and may be allotted 10 minutes to speak on an item if so recognized by the chairman. Persons wishing to have written or graphic materials included in the CCPC agenda packets must submit said material a minimum of 10 days prior to the respective public hearing. In any case, written materials intended to be considered by the CCPC shall be submitted to the appropriate county staff a minimum of seven days prior to the public hearing. All material used in presentations before the CCPC will become a permanent part of the record and will be available for presentation to the Board of County Commissioners if applicable.

Any person who decides to appeal a decision of the CCPC will need a record of the proceedings pertaining thereto, and therefore may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Addenda to the Agenda**
- 4. Planning Commission Absences**
- 5. Approval of Minutes**
 - 5.A. June 4, 2026, CCPC Meeting Minutes (2026-1768)
- 6. BCC Report - Recaps**
- 7. Chairman's Report**

8. Consent Agenda

9. Advertised Public Hearing

- 9.A. **PL20260003715 - Facilities with Fuel Pumps Waiver of Separation (LDCA)** - An Ordinance of the Board of County Commissioners of Collier County, Florida, amending Ordinance Number 04-41, as amended, the Collier County Land Development Code, which includes the comprehensive land regulations for the unincorporated area of Collier County, Florida, to remove the separation requirements between facilities with fuel pumps, by providing for: Section One, Recitals; Section Two, Findings of Fact; Section Three, Adoption of Amendments to the Land Development Code, more specifically amending the following: Chapter Five – Supplemental Standards, including Section 5.05.05 Facilities with Fuel Pumps; Section Four, Conflict and Severability; Section Five, inclusion in the Collier County Land Development Code; and Section Six, Effective Date. [Coordinator: Eric Johnson, Planning Manager] *(2026-1382)*

10. Old Business

- 10.A. Discussion about Urbanized Outdoor Residential Street Lighting *(2026-1822)*

11. New Business

- 11.A. Discussion about Data Centers *(2026-1823)*

12. Public Comments

13. Adjourn

June 4, 2026, CCPC Meeting Minutes

ATTACHMENTS:

1. 06-04-2026 CCPC Meeting Minutes

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
June 4, 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:

Paul Shea, Acting Chair/Secretary
Joe Schmitt (Attending virtually)
Randy Sparrazza
Michael Petscher
Michelle L. McLeod
Domenic Lucarelli
Amy Lockhart, Collier County School Board Representative

ABSENT:
Chuck Schumacher, Vice Chairman

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
Richard Henderlong, Planner III

PROCEEDINGS

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

CHAIRMAN SHEA: I always wanted to do that.

Good morning and welcome to the June 4th Collier County Planning Commission meeting.

I'm Paul Shea. I am the secretary, but I was told by our attorney that we have to have a vote -- a motion and a vote to elect who should run the meeting. Vice Chair and Chair are automatic, but after that we have to take a vote. So does anybody want to run the meeting?

COMMISSIONER McLEOD: I nominate you.

MS. ASHTON-CICKO: It would be for -- yeah, it's temporary chair.

COMMISSIONER SPARRAZZA: I second the nomination.

CHAIRMAN SHEA: All in favor?

COMMISSIONER LUCARELLI: Aye.

CHAIRMAN SHEA: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER PETSCHER: Aye.

COMMISSIONER McLEOD: Aye.

MS. ASHTON-CICKO: Yeah. So he'll serve as temporary chair to preside over this meeting.

CHAIRMAN SHEA: Okay. Is Joe on the phone?

MS. PADRON: He is not.

CHAIRMAN SHEA: Not yet. Could you let -- yeah, let us know when he joins.

MS. ASHTON-CICKO: So when he is ready to join, you'll just need to make a finding of extraordinary circumstance to warrant him participating remotely and just do a motion for approval.

CHAIRMAN SHEA: Can we do that now in anticipation so we don't interrupt the meeting?

MS. ASHTON-CICKO: Why don't you wait until he does --

CHAIRMAN SHEA: In case he doesn't.

MS. ASHTON-CICKO: -- he does in case he doesn't, yeah.

CHAIRMAN SHEA: Okay. Let's please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN SHEA: Mr. Secretary, please take the roll.

Commissioner Schmitt?

(No response.)

CHAIRMAN SHEA: Not yet.

Commissioner Schumacher is not here.

Secretary Shea is here.

Commissioner Sparrazza?

COMMISSIONER SPARRAZZA: Here.

CHAIRMAN SHEA: Commissioner McLeod?

COMMISSIONER McLEOD: Here.

CHAIRMAN SHEA: Commissioner Petscher?

COMMISSIONER PETSCHER: Here.

CHAIRMAN SHEA: Commissioner Lucarelli?

COMMISSIONER LUCARELLI: Here.

CHAIRMAN SHEA: Ms. Lockhart?

MS. LOCKHART: Here.

CHAIRMAN SHEA: So we have a quorum here, and we may pick up Chairman Schmitt shortly.

Do we have any addenda to the agenda?

MR. BOSI: No addenda to the agenda. Mike Bosi, Planning director.

CHAIRMAN SHEA: So let's just confirm the next few meetings. Is the meeting on the 18th still canceled?

MR. BOSI: The meeting on the 18th is canceled.

CHAIRMAN SHEA: 18th of June is canceled.

So we had talked about July having two -- a double meeting. Is that still possible?

MR. BOSI: July 2nd --

CHAIRMAN SHEA: July 2nd.

MR. BOSI: July 2nd, right now we have no petitions, but we haven't canceled the meeting. Based upon if we needed to continue one of the items from today to the 2nd, we want to leave that open as an option.

But if at the end of -- at the conclusion of today's meeting, if nothing is continued to the 2nd from today's meeting, then we will be sending out an announcement and canceling the July 2nd meeting.

CHAIRMAN SHEA: Well, how does everybody look for July 2nd? It's kind of a hectic weekend, but -- coming up behind. It's okay? So we don't have anybody that's not going to be here?

(No response.)

CHAIRMAN SHEA: Okay. So we'll wait to hear from you.

MR. BOSI: Yes. And on the 16th of July, the second meeting, there's five LDC amendments, two that can be heard during your daytime hearing, and then three, the majority of it will be -- have to be heard after 5:05 because they're adding land uses. That meeting will start at 4 o'clock, and we'll send out an announcement to the Planning Commission to --

CHAIRMAN SHEA: The first meeting is not till 4?

MR. BOSI: The first meeting's not till 4 because we only --

CHAIRMAN SHEA: Not 2 like originally thought?

MR. BOSI: No, not 2, just at 4, because we have two LDC amendments that are pretty straightforward. I don't think they're going to take a lot of time to get through. But the majority of -- the bulk of that meeting starts at 5:05, because we'll have three petitions that need that.

CHAIRMAN SHEA: Okay. So how's everybody schedule look for the 16th? Are we going to have any trouble with which a quorum?

COMMISSIONER McLEOD: I'll be here.

CHAIRMAN SHEA: I'll be here. How do you look?

COMMISSIONER LUCARELLI: I'll be here.

CHAIRMAN SHEA: Okay. So it looks like your dates should work. I don't think we need to go any further than that.

We have the set of meeting minutes from the May 7th meeting. We've had a chance to read it. Are there any questions, additions, deletions, or motions to approve?

COMMISSIONER PETSCHER: Motion to approve.

COMMISSIONER SPARRAZZA: Second the motion.

CHAIRMAN SHEA: All in favor?

COMMISSIONER LUCARELLI: Aye.

CHAIRMAN SHEA: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER PETSCHER: Aye.

COMMISSIONER McLEOD: Aye.

CHAIRMAN SHEA: BCC reports? Any recaps?

MR. BELLOWS: Yes. Good morning, Commissioners.

On May 26th, the Board of County Commissioners heard the Copperstone Estates PUD/RPUD, and that was approved on their summary agenda.

CHAIRMAN SHEA: That's it?

MR. BELLOWS: That's it.

CHAIRMAN SHEA: Chairman's report? I have none.

So having completed the routine business, we'll move into the petitions. The first petition is -- first and second are companion petitions. We'll listen to both of them together, and then we can decide whether we need to vote separately or together at the end of the presentations.

***9A, which is PL20250008935, the Mini-Triangle Mixed-Use Subdistrict Growth Management Plan Amendment, and 9B, PL200250008076 *[sic]*, Mini-Triangle MPUD/PUD amendment.

Let's turn it over to the -- oh, will all those planning to speak today stand and be sworn in.

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth --

CHAIRMAN SHEA: Just for these two.

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 present in the room were duly sworn and indicated in the affirmative.)

MR. BOSI: Disclosures from the Planning Commission.

MS. ASHTON-CICKO: So the ex parte.

CHAIRMAN SHEA: Do you think I forgot that?

MR. BOSI: Redundancy.

CHAIRMAN SHEA: No, I need the help.

Disclosures. Ms. Lockhart.

MS. LOCKHART: Staff materials only.

COMMISSIONER LUCARELLI: Same thing, materials.

CHAIRMAN SHEA: You -- oh, I'm staff materials only.

COMMISSIONER SPARRAZZA: Okay. Staff materials and a conversation with Mr. Yovanovich.

COMMISSIONER PETSCHER: Staff materials and conversation with Mr. Yovanovich.

COMMISSIONER McLEOD: Visited the site, reviewed the staff materials, and spoke with Mr. Yovanovich.

CHAIRMAN SHEA: Okay. So we've gone through the formalities. We'll turn it over to Mr. Yovanovich.

MR. YOVANOVICH: Thank you, Mr. Chairman. Rich Yovanovich on behalf of the petitioner.

The applicant is 2001 TTE, LLC, and Jerry Starkey and Fred Pezeshkan are here representing that entity. Bob Mulhere and Jeremy Chastain are the two planners on this project. And Mr. Trebilcock is our transportation consultant on this project.

This is a relatively minor and simple request to increase the Mini-Triangle Mixed-Use Subdistrict within your Future Land Use Element of the Comprehensive Plan. We would be adding 1.35 acres, which is the U-Haul site, along East Tamiami Trail to the existing subdistrict to increase it from 5.35 acres to 6.7 acres. We would be incorporating the 16 units that the current Comprehensive Plan designation allows into this existing subdistrict and increasing the overall maximum number of dwelling units from 491 dwelling units to 507 dwelling units. That's the change to the Growth Management Plan.

And there is a companion PUD petition that would also add the 1.35 acres, add the 16 units to the overall project.

This is the location of the U-Haul site. I'll show you a picture in a second in case you don't remember what it looks like.

As you will recall, this mini-triangle subdistrict was established many years ago, and it was to be the catalyst for the redevelopment of this portion of Collier County which included the East Tamiami Trail and Davis Boulevard. It took a while, but it's finally moving along, and you can see

as you drive past the project that you have a rental community and a for-sale community already under construction. The rental community is up and running.

You recently heard the Housin petition, which is in this area right here, which was a condominium and a marina project, and you've got the JW Marriott also in this area. So this project has done what it was intended to do, which would be the catalyst of starting the redevelopment of this area.

This is the U-Haul site that will be incorporated into this project and further beautify this portion of Collier County. As I already mentioned, there's one other change -- well, I haven't mentioned it. But there is one other change to the PUD that we're making. In the old days, the floor area ratio associated with senior housing was a .45. This PUD referenced the .45. Recently, the Land Development Code was changed to increase the floor area ratio for senior housing to a .6. So we are basically eliminating the reference to the .45 and relying upon the floor area ratio associated with the Land Development Code into the project.

And this is the resulting changes to the PUD based upon what we're proposing to do. You can see the FAR goes -- I'm sorry. The FAR goes away, and it's just a reference of 150 maximum assisted living units, and we're increasing the maximum residential density to the 507 units.

There are no changes to the maximum number of hotel units that can result from this project and no changes to the maximum commercial square footage and no changes to the minimums that are required as part of this proposed project.

This is a mixed-use project, so there are safeguards to make sure that it will be developed as mixed use is because we have the minimum commercial that's required as part of the project.

We retained the existing trip cap in the PUD document. The reason we kept the original trip cap is because this project allows for, you know, a maximum of 507 residential units, a maximum of 228 hotel rooms, and a maximum of 130,000 square feet. All of that can't fit on the site.

So when the original TIS was done, there were certain development parameters assumed which resulted in the trip cap of 628. In the old days, we were required to actually analyze the maximums of every one of the maximum uses. So we would have been required to analyze 507 units, we would have been required to analyze 228 hotel rooms, and we would have been required to analyze 130,000 square feet of commercial even though that could not fit on the site.

So we ended up with this artificial examination of the traffic impacts on the road system that was never going to really happen.

So what we're required to do when we do these types of projects is make an assumption of a mix and match, if you will, the Chinese-menu approach of the uses, come up with a trip cap, and that's what we're capped at, and so -- but you still have the maximums, but you can never exceed that trip cap.

Since we're making a change to the PUD to add the number of units, we're keeping the trip cap the same. So our traffic impacts will remain the same that was originally analyzed even though we're analyzing -- or adding these 16 units.

And, in fact, if we develop based upon the current anticipated scenario, there will be less traffic than the 628. But since we don't know what the market's going to be, we kept the 628 trip cap that was originally analyzed and approved by the Board of County Commissioners.

I'm going to turn it over to Bob to briefly take you through the master plan and revisions to the project, show you some conceptual drawings of the buildings that will occur as a result -- or the building that will occur as a result of this change, and then we're all here to answer any questions you may have regarding this -- these two petitions.

MR. MULHERE: Thank you.

For the record, Bob Mulhere with Bowman.

So the PUD master plan -- I'll get to it in just a second -- it's been updated to include Lot 4 and to add the notations that are required on the master plan to reflect the deviations that may relate to Lot 4. We didn't add any new deviations. They were in the PUD already.

We also removed a number of conceptual landscape and architectural design exhibits that were really superfluous. Boy, that's a tough one. And we really didn't need those. They're no longer necessary, so we've removed those.

So this is the master plan. And Lot 4 is right here; that's the U-Haul site. And as I mentioned, you know, there are various numerical delineations of deviations that might apply. For example, the landscape buffer here along 41 and up here along Davis.

COMMISSIONER McLEOD: Can I ask a question now while he's on that -- or, Bob, can you --

CHAIRMAN SHEA: Sure.

COMMISSIONER McLEOD: -- tell us what's already -- oh, go back to Slide 12.

MR. MULHERE: Sure.

COMMISSIONER McLEOD: Can you tell us what's already on those sites or what's expected?

MR. MULHERE: Yes. I was going to show you that.

COMMISSIONER McLEOD: Oh, sorry.

MR. MULHERE: I have some exhibits that I think will clarify that.

COMMISSIONER McLEOD: Thank you. Sorry.

CHAIRMAN SHEA: Can I interrupt you, Bob?

MR. MULHERE: Yeah.

CHAIRMAN SHEA: I think Joe's on now. Joe, can you hear us?

COMMISSIONER SCHMITT: Yes, thank you. I finally got in. I can hear you, and I would ask the Board allow me to participate by -- remotely, if they could vote and accept my participation.

CHAIRMAN SHEA: Do we have a vote -- a motion to approve Joe to speak virtually this meeting?

COMMISSIONER SPARRAZZA: So motion to allow Joe to participate virtually for this meeting.

COMMISSIONER McLEOD: Second.

CHAIRMAN SHEA: All in favor?

COMMISSIONER LUCARELLI: Aye.

CHAIRMAN SHEA: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER PETSCHER: Aye.

COMMISSIONER McLEOD: Aye.

COMMISSIONER SCHMITT: (No verbal response.)

CHAIRMAN SHEA: Motion passes.

Go ahead, Bob.

MR. MULHERE: So this exhibit here just shows you -- the text is pretty small, so I added a little -- something a little larger for us that are visually challenged here. So Lots 1, 2, and 3 and then the addition of Lot 4, which is down here.

And, you know, the access is right through here. This existing access that you saw in the aerial picture that Rich showed of U-Haul, that will be closed. So that's kind of a good thing. That's sort of nonconforming. It's pretty wide, allowing trucks to enter and exit. That's going to be closed. The access to Lot 4 will be through here. And there's a system of platted roadways through here.

This is a little more specific focus on Lots 3 and 4, and it shows you the outline of the buildings. And Lot 4 you see proposed buildings. These are conceptual. I don't think any final decisions have been made, but there's some conceptual plans, and I'll show you some renderings in just a minute. Hopefully this will clarify for you what exactly the intent is there. But you can see that there's a building here and parking underneath, and then the same over here. There's a podium, and then multistories above on both of these.

And so this is a -- it's Borges Architects & Associates. It's a rendering for Lot 3 which has a podium and includes approximately four -- three stories or four stories, which includes parking underneath and then behind it additional floors.

The existing PUD allows a height of up to 15 floors above FEMA, and that was approved not only by the County but also by the Naples Airport Authority.

The Lot 4 that we're adding, I just want to clarify, we did not ask for any additional height for that lot. And so the LDC, the actual underlying zoning is C-4, and it's within the overlay, the CRA overlay. CR -- and it's within the mini-triangle that Rich referenced. So anything in that mini-triangle defined by 41, Davis, and Commercial, is intended to create a catalyst for future development. As a result, there is a height allowance within the mini-triangle of 112 feet for mixed-use projects.

So we're not asking for the 15 stories that is already approved. We're only asking for what's already allowed in that underlying zoning district for a mixed-use project, which is 112 feet, and that's always measured from FEMA or DEP, whichever is the more restrictive.

And this is MHK rendering of Lot 4 proposal, so you can see that. I didn't count the floors, but one, two, three, four, five, six, seven, eight, nine. It's probably -- and there's parking underneath, probably three floors of parking, and then 10 or 11 floors above that. And again, this is conceptual, because we are restricted to stay under or at 112 based on the height limitation. And the PUD actually has language in it that restricts the height on this lot to 112 from FEMA.

So we did have a neighborhood information meeting on April 7th. We only had one member of the public in attendance. There was one member of the public who attended by -- via Zoom. No one spoke or asked any questions.

The staff recommendation is -- for both the Comp Plan amendment and the PUD amendment is a recommendation for approval.

I did want to mention that the amendment to the PUD to strike through the 0.45 FRA -- FAR, floor area ratio, and allow the 0.6 to apply still -- as Rich said, still contains the limit of 150 ALF units. We also had to amend the subdistrict because there was a reference to 0.45 in the subdistrict. So both -- both of those were amended.

And that brings us to questions.

CHAIRMAN SHEA: Michelle.

COMMISSIONER McLEOD: Bob, Slide 16, okay, so you have I think it was seven stories, and then over three stories of parking?

MR. MULHERE: Total of 10, okay. Total of 10.

COMMISSIONER McLEOD: Total of 10.

And then -- okay. So parking. But what's in the -- on the third floor? Is that parking, too, or is that commercial -- is that commercial? Where's the commercial space?

MR. MULHERE: Well, the commercial space will be likely on the -- potentially on the first floor, but there may be office or other commercial uses on the second or third floor. So I imagine that that's what that is. But there's also parking. You just don't see it there.

COMMISSIONER McLEOD: Okay. And then just out of curiosity, why didn't you go to the maximum allowable in this district?

MR. MULHERE: You mean floors?

COMMISSIONER McLEOD: Yeah.

MR. MULHERE: Well, I don't know what the height of this is. I'm guessing it's pretty close to 112.

COMMISSIONER McLEOD: Okay.

MR. MULHERE: You know, today folks want a lot of headroom. You know, maybe it's 10- or 11- or 12-foot floor to ceiling, and then you've got a foot or 18 inches for slabs in between each floor. When you add all that up, I'm guessing that it's pretty close to 112. So even though we're only doing 10 floors, the height is probably pretty close to 112.

COMMISSIONER McLEOD: Okay.

MR. MULHERE: Anyway, we need to stay within that limitation.

COMMISSIONER McLEOD: And is there any talk about the Budget rental car area? Wasn't there talk about that possibly?

MR. MULHERE: I don't know.

COMMISSIONER McLEOD: Okay.

MR. MULHERE: I mean, I think you probably know that -- you heard a PUD amendment further to the east probably six months ago or seven months ago that amended an older PUD along the East Trail where U-Haul is moving.

COMMISSIONER McLEOD: Right, right. I was going to -- that was one of my questions. Isn't this where now U-Haul will go out to that petition we heard last year?

MR. MULHERE: Yes, yes.

COMMISSIONER McLEOD: Okay, yeah.

MR. MULHERE: Yes. So that's moving. And that presentation at that time was made to the CRA as well as our presentation. So they're aware of all of what's going on.

COMMISSIONER McLEOD: Just wondering, because that's also in the Triangle, right, that Budget rental car?

MR. MULHERE: You know, I'm not sure.

MR. YOVANOVICH: Yeah, Budget is.

COMMISSIONER SPARRAZZA: Yeah. You access it, I believe, off of Davis, because everything in the Triangle west --

MR. MULHERE: So it's on the other side.

COMMISSIONER SPARRAZZA: -- of Commercial is up for grabs --

MR. MULHERE: Yes.

COMMISSIONER SPARRAZZA: -- during the redevelopment.

MR. MULHERE: Yes. Well, on both sides up for grabs. It's all within the CRA, yeah.

COMMISSIONER SPARRAZZA: Right.

COMMISSIONER McLEOD: Okay. Yep. Thank you.

CHAIRMAN SHEA: Any other questions?

(No response.)

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

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

As the applicant had indicated, this has been slated, ever since the 2000 designation of the Bayshore area, as a community redevelopment area.

This corner, the mini project triangle has been designated as the catalyst project for the Bayshore CRA. It took a while. Like I said, 2000 -- 2000 is when it was created. It was 18 years before it was adopted. And as it was adopted, it was adopted at an intensity that reflected the special category in terms of how it was viewed from the Bayshore CRA plans, but overall, the Growth Management Plan of Collier County, meaning that we allowed a density of 91.77 units an acre, which is extremely high for the County, also a height of 168 feet, which is extremely high for the County, especially a non-coastal development, because they were the catalyst to help attract additional capital.

And I think the applicant has indicated across the street at Brookside Marina to the south, the Marriott that's going in as well. You're starting to see the catalyst project have that effect.

So the additional 1.35 acres to the catalyst project within the confines and not even taking the intensity of the height, capping it at the 112 -- and it is 112 along that Davis Boulevard for that mixed-use project as a matter of right. So they are asking for what the LDC already provides for any project that would be available there.

The other unique twist about this is the intensity that I mentioned, 91.77, 92 units an acre. Pretty intense. Well, they're adding 18 additional units to get to the 507, and they're adding the 1.35 acres. Actually, the density for this project goes from 92 to basically 75. So it de-intensifies this project by adding this project [*sic*], and it's not asking for the same intensity of the 168, but it's

accepting the 112 cap that's assigned to projects within this by the LDC as a matter of right.

For all those reasons, staff looks at this and is very supportive of it. We recognize the uniqueness of this situation, but we also recognize the benefit of adding some additional acreage, lowering -- lowering the overall density, which is a -- overall, we think it could be a positive thing for the area. For all those reasons, staff is supporting the project and would have -- answer any questions that you may have regarding that.

CHAIRMAN SHEA: Are there any deviations that we're talking about?

MR. BOSI: No. As the applicant had indicated, there are deviations currently existing in the PUD. They are not asking to add any additional deviations.

So for the -- like I said, for all of those reasons, staff is recommending approval.

CHAIRMAN SHEA: Any questions for staff?

COMMISSIONER McLEOD: Just one. Is there any plans for the Budget rental car, anything that's come up for that, or that one's --

MR. BOSI: I would have to do a little -- I haven't personally been involved in any -- in conversations, but I'm sure there is market forces that are going --

COMMISSIONER McLEOD: Right.

MR. BOSI: -- to convert that at some point in time.

COMMISSIONER McLEOD: Exactly.

MR. BOSI: This catalyst project is going to have an affect upon all properties within a -- not only contiguous to this project but within the -- within the sphere of influence just because the capital amount -- the capital that has been invested within the first iteration of the mini-triangle with the second -- with these additions is only going to continue that -- that process of converting and changing that land use in the area.

And this mini-triangle area is one where just to -- I mean, it -- as you head to the east from the -- from this location, you get into a series of zero lot lines, auto, just an eclectic mix of uses. And we think at some point in time you're going to see even those areas start to have some land assembly and some -- and some conversion to alternative uses that are currently allowed by the -- by the plan.

So staff is -- staff is confident in this is consistent with the overall mission of the Bayshore CRA, and we think this will only help that -- that individual direction that it wants to go.

COMMISSIONER McLEOD: Thank you.

CHAIRMAN SHEA: Any other questions for staff?

(No response.)

CHAIRMAN SHEA: Do we have any public speakers on the -- on these two items?

MS. PADRON: Good morning, Chair. We have no speakers.

CHAIRMAN SHEA: We have no speakers. So I'm going to open and close the public speaking and open it up to the Board here for discussion.

COMMISSIONER SCHMITT: Mr. Chairman, this is Commissioner Schmitt. I recommend approval of both the proposed changes -- both amendment items -- for both items. I see no problem with it. They're pretty minor, and so I would recommend approval.

CHAIRMAN SHEA: Joe, just for the record, did you have any -- any dialogue or anything you should announce before we get into the discussion any further?

COMMISSIONER SCHMITT: No, I have no disclosures on this item. I did email Mr. Yovanovich telling him I was going to participate via the web, but no, I've had no prior discussions.

CHAIRMAN SHEA: Okay.

COMMISSIONER SCHMITT: Thank you.

COMMISSIONER SPARRAZZA: With that said, I would like to second Joe's recommendation for approval on both the -- well, we'll call them out here, PL2050008935 [sic], and also the PUD on PL20250000 -- I'm sorry -- -8076, the mini-triangle.

CHAIRMAN SHEA: Is there a second?

COMMISSIONER SPARRAZZA: I was seconding.

CHAIRMAN SHEA: You were seconding.

COMMISSIONER SPARRAZZA: Joe. I just put in the --

CHAIRMAN SHEA: I'm falling behind. I'm used to sleeping at these meetings.

All in favor of the recommendation?

COMMISSIONER LUCARELLI: Aye.

CHAIRMAN SHEA: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER PETSCHER: Aye.

COMMISSIONER McLEOD: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN SHEA: It passed unanimously.

MR. YOVANOVICH: Thank you.

COMMISSIONER SPARRAZZA: Does that conclude this?

CHAIRMAN SHEA: That concludes those two hearings.

We're going to move into what is on the agenda as 9C and D. And they're companion items as well. We'll give everybody a minute to clear out.

***Okay. Now we're going to move into the -- again, the second -- the third and fourth, which are 9C and D, which are companion items for the Fairways Inn. They are a continuation from a previous meeting. The first petition is PL20240000329 for the Fairways Inn. The second petition is -- big numbers -- PL20240000220, and we'll hear those together. We can decide at the end of the presentation whether we want to vote on them separately, but we'll hear the content together.

Let's have any disclosures. Ms. Lockhart?

MS. LOCKHART: Staff materials only.

COMMISSIONER LUCARELLI: I have -- I live in the neighborhood there. I drive by there all the time. I've actually lived there for about nine years. I don't know if that -- if there's a requirement that I recuse myself from the -- from any discussion or vote, but...

MS. ASHTON-CICKO: I can't really hear you that well on this speaker, but I think you said that you live in the neighborhood, and you're wondering whether you're required --

COMMISSIONER LUCARELLI: Correct.

MS. ASHTON-CICKO: -- to abstain from voting.

COMMISSIONER LUCARELLI: Yes.

MS. ASHTON-CICKO: Are you or your family members receiving any financial -- any money from the applicant?

COMMISSIONER LUCARELLI: No, no.

MS. ASHTON-CICKO: Then I don't -- it's always good to reach out ahead of time in case there are other facts that, you know --

COMMISSIONER LUCARELLI: Okay.

MS. ASHTON-CICKO: -- I need to know, but it sounds like you do not need to abstain from voting.

COMMISSIONER LUCARELLI: Okay.

MS. ASHTON-CICKO: It doesn't sound like there's a pecuniary benefit to you or your family.

CHAIRMAN SHEA: Any other disclosures?

COMMISSIONER LUCARELLI: That's it.

CHAIRMAN SHEA: Staff materials?

COMMISSIONER LUCARELLI: Staff materials. That's it.

CHAIRMAN SHEA: Staff materials for me as well.

COMMISSIONER SPARRAZZA: Staff materials and a conversation with Mr. Davies.

COMMISSIONER PETSCHER: Staff materials only.

COMMISSIONER McLEOD: Staff materials, spoke with Mike Bosi, and visited the site.

CHAIRMAN SHEA: Would anybody --

COMMISSIONER SCHMITT: I would ask -- I need to --

CHAIRMAN SHEA: Oh, I'm sorry, Joe.

COMMISSIONER SCHMITT: -- present mine. Yeah. I did speak to Mr. Davies on this extensively several weeks ago when it was first scheduled and had follow-on discussion with Mr. Davies. Again, I notified him that I was going to participate by the web, and we had a discussion as well about the petition. So for the record, phone conversation with Noel Davies.

Thank you.

CHAIRMAN SHEA: Okay. Would anyone planning to speak today please rise and be sworn in by the county clerk *[sic]*.

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 present in the room were duly sworn and indicated in the affirmative.)

CHAIRMAN SHEA: Thank you.

We'll turn it over to Mr. Davies.

MR. DAVIES: Thank you, Mr. Chairman. Good morning, Planning Commissioners.

For the record, Noel Davies on behalf of the applicant, Seasonal Investments, Inc., the owner of Fairways Inn. This is a proposed PUD rezone and companion small-scale Growth Management Plan Amendment to permit the expansion of Fairways Inn on four immediately abutting parcels to the north of the existing inn.

I have with me today my client representative, Steven Mirowitz; Andrew Rath with Davidson Engineering is our civil engineer; Kyle Vayda with Beck Architectural Group is the project's architect; Charles Thomas is our land planner; Norm Trebilcock is our transportation engineer; and Susan Heffron is our economist.

The existing facility has been operating since the 1960s and is one of the last remaining Old Florida style motels in the County. It is located at 103 Palm River Boulevard.

This is Immokalee Road to the south, and this is Palm River Boulevard to the east.

The southernmost red box is the existing inn, and the box immediately north of that is the proposed expansion parcel. The existing inn currently includes 46 rooms, and we are proposing to add 30 rooms.

Everything is in keeping with the neighborhood from an aesthetic and compatibility perspective. The height on the expansion would be limited to two stories or 35 feet, which is the same as the existing RSF-3 zoning on the expansion site and the neighboring properties. It is also substantially similar to the height of the existing two-story building.

The contrast between what sits there today and what we're proposing is a substantial aesthetic improvement. As you can see in these renderings, the architectural style and scale, site orientation, and development limitations ensure that we are consistent with your code and compatible with our neighbors.

The existing site is currently zoned residential tourist, RT, and the expansion site is currently zoned RSF-3. Both sites are designated urban residential on the Future Land Use Map.

My client acquired the Fairways Inn in 1998 and has operated it as a family business ever since and would plan to continue to do so with the expansion. This is a true legacy project for my client and his family who would be self-funding the renovation and expansion and would continue to operate the inn in a way that is mindful of its neighbors and fits with the community while staying committed to providing high-quality lodging at reasonable rates, something that is desperately needed here, as we all know, in a market dominated by luxury hotels.

Here is our table of development standards. At staff's request, we included the existing site of the inn into our PUD as Tract A and ported over the existing residential tourist development standards. Tract B is the expansion parcel. We are providing 30-foot front-yard setbacks on both the eastern and western sides with 10-foot-wide Type D landscape buffers and a 15-foot-wide

side-yard setback with a 15-foot-wide Type B landscape buffer to the north.

As outlined in the staff reports, the proposed expansion will be complementary to the existing use of the inn and will be compatible with the neighboring residential land uses. The existing hotel has proven its compatibility over many decades with the surrounding residential neighborhood as a permitted use within the Residential Tourist Zoning district.

The expanded use will remain compatible with the surrounding area. The proposed expansion will be appropriately buffered from neighboring properties. The new building is oriented away from the neighborhood and internal to the site, and no outdoor sound amplification is proposed.

As I mentioned, the height will also be limited to two stories or 35 feet to be consistent with what exists there today and consistent with the RSF-3 zoning district.

Here is our Master Concept Plan. What's in color is the proposed expansion parcel which shows a single access point here from Palm River Boulevard. All parking for the expansion parcel will be located on site for Tract B.

Norm Trebilcock is here to answer any questions regarding transportation.

We are limited to a total of 16 new p.m. peak-hour trips. Mr. Trebilcock prepared the required transportation impact statement which shows only a de minimis traffic impact and is in compliance with the pertinent regulations. There is sufficient roadway capacity for this de minimis impact. His report has been reviewed and approved by County Transportation staff.

We are not requesting any deviations, and our applications have been duly reviewed by the County's professional staff who have found them to be consistent with the Land Development Code and Growth Management Plan and are recommending approval.

We did try to meet with a group of the neighbors since we were before you last month. Unfortunately, they refused to meet with us. I was able to have discussions with a couple individuals who wanted to meet separately. We tried again to get a meeting with the larger group, but they were only willing to meet if we withdrew our applications altogether.

My client remains open and receptive to meaningful, reasonable dialogue with our neighbors.

And with that, my team and I are happy to answer questions. I yield back to you, Mr. Chairman. Thank you very much.

CHAIRMAN SHEA: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: All right.

Thank you, Mr. Davies, for your presentation.

I just want to confirm something that I thought I understood yesterday in our conversation. The current owners of Fairways Inn currently own those four properties, correct?

MR. DAVIES: Yes, sir.

COMMISSIONER SPARRAZZA: So they are wanting to do something different with property that they own. Are they currently leasing or renting out those four homes on a six-month, one-year, whatever lease basis *[sic]*?

MR. DAVIES: Yes.

COMMISSIONER SPARRAZZA: Okay. Obviously, they would have to conclude that lease with whatever requirements are in the written agreement with their tenants. After that, they have the property. It would be, quote, vacant. They can do with it as they see fit as long as it's within County guidelines and everything. But it's their property right now. They own it.

MR. DAVIES: Correct.

COMMISSIONER SPARRAZZA: Great. Thank you.

CHAIRMAN SHEA: Any other questions for Mr. Davies?

COMMISSIONER LUCARELLI: Is there any other alternative plan other than getting a -- I mean, Palm Drive is kind of a -- there's a lot of traffic coming off of Immokalee Road there. And the other -- the Piper Boulevard side is pretty much unused except for the little bit of parking that's there. Wouldn't that be a better way in and out of it?

MR. DAVIES: As far as the access point to the new expansion?

COMMISSIONER LUCARELLI: Yeah.

MR. DAVIES: It's just the way the geography sort of sits. The proposed tract is immediately on the north side, and so the only sort of viable access point is from Palm River Boulevard.

COMMISSIONER LUCARELLI: Okay. Well, I'm looking at the proposed rendering. That's Palm Drive, right?

MR. DAVIES: So that's from Palm River Boulevard.

COMMISSIONER LUCARELLI: Palm River Boulevard. And then Piper would be to the left there.

MR. DAVIES: Um-hmm.

COMMISSIONER LUCARELLI: That's my only concern about, you know, in and out. There's only one way in and out. Why not have another way from Piper Boulevard that would alleviate some of that traffic?

MR. DAVIES: So the existing inn is south of what you see on this rendering.

COMMISSIONER LUCARELLI: Okay.

MR. DAVIES: So there's just a -- there's a building in the way from Piper.

COMMISSIONER LUCARELLI: Okay.

CHAIRMAN SHEA: I need to amend my disclosures. I forgot to mention I spent some time at the site.

Any other questions for Mr. Davies?

(No response.)

CHAIRMAN SHEA: None. Hearing none, we'll turn it over to staff.

MR. DAVIES: Thank you.

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

As contained within the GMP as well as the PUD staff report, the project has been reviewed by all of the professional disciplines within the County's review process. There are -- there is recommendations of approval for both of these -- these proposals.

This is a unique situation in a sense that there is an encroachment into an existing residential neighborhood, and that is something of a commercial encroachment into an existing residential neighborhood, and staff is generally concerned about that encroachment.

But there are some very -- strict limitations towards what staff has an ability to react to that. Why do I say that? What does that mean? The hotel property with their 36 individual units, you know, that are rented out on a daily or weekly basis. The four individual single-family homes that sit to the north, because of the prohibition that the State has placed upon localities to have to allow short-term rentals, the commercial use of those properties have already been authorized by the State legislature. There is nothing that we can do that will stop those individual houses from being rented daily, weekly, monthly, whatever the case may be. Those properties are being -- are functionally a commercial unit that's already encroached upon into that neighborhood. But there's no buffering. They're designed as single-family houses because that's how they were designed -- that's -- when they were built. They were occupied by someone who lived there for six, nine months, whatever the case may be, or owned it.

There's no buffering. There's no attention to the exterior. There's no attention to how does that affect the residential property that's adjacent to those units. And because of that, staff feels that the intensity of the hotel and the intensity of those units can bleed over into the residential units.

Staff's perspective is if you allow for the conversion of those four units -- or those four units and those four parcels to be brought into the hotel property, the hotel property can attend to the edges with buffering, can attend to the edges with the water management, and could put the focus of the intensity of the hotel interior to the property and pay attention to how the affect this property and how this hotel will affect and is affecting the existing residential neighborhood.

We understand that this is a situation where the residents are not -- are not supportive of

this activity. It's already happening. It's already -- it's allowed for. The State legislature, when they said that you cannot -- locality cannot regulate short-term rentals, basically said commercial activity is allowed to encroach upon any residential neighborhood that does not have deed restrictions. That's the reality, and that's the reality staff has worked upon.

So when we looked at this, we tried to figure out what was the best way to work with the applicant to be able to have that attention to the edges, have the attention to how does -- this facility and this proposed expansion, how can it be best mitigated to minimize the impact to the residential neighborhood?

And I understand that at the end of the day there's no answer that's going to satisfy them, because they just want to -- they want -- they want those four single-family houses to remain four single-family houses and not be rented out on a daily basis or weekly basis, but that's not the reality that we have to deal with. The reality that we are dealing with is that right now those four units are not -- are -- can be utilized by the hotel as short-term rentals, and the effect upon those are not being buffered or being mitigated at all.

So it's a very difficult situation that the Planning Commission has to make an evaluation based upon those concepts and based upon those realities. So I understand that this -- and when we hear the public, it's going to place us -- and place the Planning Commission in some very tough situations.

But remember, there is -- at the end of the day, the fallback is to continue to do -- and if this petition was to be denied, they'll continue to utilize those residential houses as additions to their hotel without any buffering, without any attention to the edges, and they're perfectly within their rights to do so.

So this is a very unique situation, one that staff recognizes that there is going to be some -- some individuals that leave here maybe aren't satisfied with the process. But we think that there is -- as long as we can pay the closest attention to how we address the edges, how we address the impact, that there can be some mitigation that can make this project more compatible than what it is currently in terms of its impact on the existing residential properties.

And so with that, staff is recommending approval and will -- any questions that you may have.

COMMISSIONER SCHMITT: Mr. Chairman, I have a question, if I could, please.

CHAIRMAN SHEA: Go ahead, Joe.

COMMISSIONER SCHMITT: Yes. Mike, maybe Mr. Davies can answer this as well. In addition to the four units to the north, the petitioner also owns the additional houses further north, three additional houses further north; is that correct? That then will be the -- those will be the lots abutting the new development. The petitioner owns those houses as well, and as rentals?

MR. DAVIES: That's correct. That's correct, Commissioner Schmitt.

COMMISSIONER SCHMITT: Okay, thanks.

CHAIRMAN SHEA: How many homes is that?

MR. DAVIES: So there's three additional that my client owns that's north of the four that we're including in the PUD.

COMMISSIONER SPARRAZZA: And they're adjacent to these four, correct?

MR. DAVIES: Correct.

COMMISSIONER SPARRAZZA: That means that a neighbor won't be adjacent to the property.

MR. DAVIES: That's correct.

COMMISSIONER SPARRAZZA: It will be the petitioner who owns the homes adjacent to this property, correct?

MR. DAVIES: That's correct.

COMMISSIONER SPARRAZZA: Okay, thank you.

MR. DAVIES: Thank you.

COMMISSIONER PETSCHER: But that also means that there's a potential to expand

even further north in the future.

MR. DAVIES: Well, that would have to go through --

COMMISSIONER PETSCHER: No, but that is a potential, that he could expand forth.

MR. DAVIES: So to be clear, that is not a potential that is before you today. We would have to -- we would have to go back through this process, apply to rezone, apply for a small-scale Growth Management Plan Amendment. That's not the intent. That is not the desire. But what's before you today is the use of just those four lots which immediately abut, to your point, Mr. Sparazza, three additional homes that are -- that are to the north of that that are not included in today's applications.

MS. ASHTON-CICKO: Noel, I understand that you met with the Transportation department and there was some -- there were some commitments that were discussed. Do you have anything to put on the record?

MR. DAVIES: Yes, I do. So --

MR. BOSI: And I just spoke with Lorraine Lantz, and she was going to go up -- she was going to come up and introduce some transportation commitments that they've agreed upon with the applicant as well.

MS. LANTZ: So Lorraine Lantz, Transportation Planning.

I have on the visualizer the commitments that we provided to Mr. Davies and he agreed to. So there's two -- or two additional commitments in regards to transportation. The first one, just to summarize, but it is for -- it will be in the record -- is that -- regarding the parking.

We are aware that there is some public parking, current parking in the current right-of-way. It's been a preexisting condition. So if Tract A, in whole or in part is redeveloped, that that parking would then go away.

So that public on-street parking would go away, and then we reserve the right if there is a safety issue to amend or revise the parking to modify it in the public spaces.

And the required spaces for Tract B have to be located fully on Tract B. So we are in agreement that this is not redevelopment of Tract A and that everything on Tract B has to be self-enclosed on Tract B.

CHAIRMAN SHEA: So the parking spaces in Tract A that back out into the road in order to come in and out will be eliminated when Tract A is updated? Is that what I'm hearing?

MS. LANTZ: If Tract A --

CHAIRMAN SHEA: If it's --

MS. LANTZ: If Tract A is redeveloped, then tract -- the tract -- the parking spots on -- I believe it is Palm View Drive as well as Palm River Boulevard, there's parking on the street on both. They would have to be revised.

CHAIRMAN SHEA: Michelle.

COMMISSIONER McLEOD: Lorraine, I'm having trouble realizing where you're talking about. Do you -- can you -- okay. I just wanted to get an aerial of Tract A. Oh, so this one right here?

COMMISSIONER PETSCHER: Yeah, I think it's this one.

MS. LANTZ: So they're just getting it up. Tract A is the one further south. It's the corner property, and so this would be Tract A. And there's parking at that arrow and at the other arrow. One is parallel and one is back in.

COMMISSIONER McLEOD: So the parking area to the south on the canal is not going away, right?

MS. LANTZ: That is right over here?

COMMISSIONER McLEOD: Yeah.

MS. LANTZ: Those spaces, that is an easement agreement --

COMMISSIONER McLEOD: Right.

MS. LANTZ: -- in which they are allowed to park there.

COMMISSIONER McLEOD: Okay. Because I know Southwest Florida Water

Management, they need that space.

MS. LANTZ: I think they have some access to get to the canal for maintenance.

COMMISSIONER McLEOD: Yeah.

MS. LANTZ: But there is a parking agreement in place for them to park there legally.

COMMISSIONER McLEOD: Okay. Okay. I just wanted to make sure that wasn't the one you were talking about that's going to be eliminated.

MS. LANTZ: Correct.

COMMISSIONER McLEOD: Okay.

CHAIRMAN SHEA: Any other --

COMMISSIONER SCHMITT: Mr. Chairman, I have a question of Lorraine.

CHAIRMAN SHEA: Go ahead, Joe.

COMMISSIONER SCHMITT: Yeah. Lorraine, just to clarify, the perpendicular parking at Tract A would be modified. They -- would they still be allowed -- if that -- during the development of the Tract A, if they would have to remove the perpendicular parking, would they still be allowed some parallel parking along the street? It seems to me that parallel parking would be allowable through County codes, but -- and I heard you say it would be eliminated, so which is it?

MS. LANTZ: So I believe in this area, there is no -- there is no on-street parking allowed. So that is the current code. This -- obviously, this hotel was in existence since the '60s where there was parking -- parallel parking or on-street parking. So once Tract A is redeveloped, we would then look at it, but potentially we'd eliminate all parking.

COMMISSIONER SCHMITT: Then again, I'm confused.

(Simultaneous crosstalk.)

MS. LANTZ: All on-street parking.

COMMISSIONER SCHMITT: There's certainly space available now because they're perpendicular parking, and you're saying there's -- that there's no parking allowed on Palm River Drive. But if that perpendicular parking was converted to parallel parking, I don't understand how that -- how the County would eliminate that completely. It seems to me there would be sufficient space for parallel parking. You're saying that the County would eliminate -- would disallow any parallel parking on that section?

MS. LANTZ: We would have to consider that based off of the parking standards, which is a development review criteria. It's not necessarily a transportation criteria; however, in this -- in this area, this overlay -- or this district, there is no on-street parking allowed.

CHAIRMAN SHEA: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Real quickly, Elaine *[sic]*. The parking right now that's perpendicular to Palm River Boulevard, that parking is intended for use by guests at the Fairways Inn?

MS. LANTZ: It's public parking, to my knowledge, but it is -- the guests do park there, yes.

COMMISSIONER SPARRAZZA: Okay. I don't want to get ahead of myself, but if that parking is eliminated, are there adequate spots within the property of the Fairways Inn for parking if they were to have full -- if they were to have zero vacancies, full attendance?

MS. LANTZ: Okay. So, again, that would be a parking deviation or a parking requirement from Development Review regarding parking size, parking location standards. I'm talking about the parking in the right-of-way, it's our -- it's Transportation's --

COMMISSIONER SPARRAZZA: Is yours.

MS. LANTZ: -- right-of-way, correct. So we're saying it should be eliminated. How that is reviewed, if they have to redevelop and modify their site plans, that's a development --

COMMISSIONER SPARRAZZA: That's my question. If this is taken away, it kind of looks like there's not enough parking inside. Does that mean that the City *[sic]* and the petitioner will be working together to figure out -- you have 46 rooms, correct? It sounds like you probably

need 46 parking spots. Not sure. But is that something that is being talked about? The reason I say that is if you're agreeing to eliminate those and if -- what do we have there? Fourteen spots or something. If eight of them were used for guests, I just want to make sure that, whoops, all of a sudden we don't have enough parking for the redevelopment of Tract A, and now there's people parking on the street. That's my caution.

Mike, do you have a comment?

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

And just let me -- for the listening public, right now we're talking about a hypothetical situation upon -- on Tract A during a -- if it's redeveloped.

COMMISSIONER McLEOD: Right.

MR. BOSI: Because these parking spaces are -- they're grandfathered in. It's only if this Parcel A is redeveloped.

If this Parcel A is redeveloped, it's RT. It's 100 feet of zoning. They could put three stories of parking and then put on top of that. There's -- there's going to be no -- no shortage of ability to park whatever is going to -- whatever the concept they want to propose.

So there's no -- there's -- there is no real value in terms of trying to figure out what they're going to do eventually, if they ever do anything on that redevelopment. That's -- that would be a -- that would be a -- probably an SDP process, because they have currently --

COMMISSIONER SPARRAZZA: Okay.

MR. BOSI: -- the RT zoning.

What we're saying is is Tract A can maintain the grandfathered parking. If they were to redevelop the site, and the parking goes away because everything is being redeveloped, that right that they're entitled to to the existing spaces go away, they will have to park adequately whatever is being proposed on site to be able to handle the parking demands towards what's being proposed, but we don't know what that is right now.

COMMISSIONER SPARRAZZA: Okay. When you say "redevelop," maybe I'm way out of line here, but that's if they wanted to tear down the structure, do something else?

MR. BOSI: Yes.

COMMISSIONER SPARRAZZA: Not, when you say, "redevelop," okay, we're going to change the façade, we're going to do a little painting, swap out windows.

MR. BOSI: No.

COMMISSIONER SPARRAZZA: Correct?

MR. BOSI: Correct.

COMMISSIONER SPARRAZZA: All right. So more than likely this parking will remain in place for the near future.

MR. BOSI: For the near future --

COMMISSIONER SPARRAZZA: Okay.

MR. BOSI: -- it is grandfathered in.

COMMISSIONER SPARRAZZA: Great. Thank you. Now I understand. Thank you.

COMMISSIONER PETSCHER: I'm going to follow up on that if I can. We're not talking about Tract A, though.

COMMISSIONER McLEOD: Right.

COMMISSIONER SPARRAZZA: Right.

COMMISSIONER PETSCHER: So why -- I'm not trying to -- why would this matter in this decision about this parking spot?

MR. BOSI: It matters -- it matters to -- the neighborhood is concerned about the perpendicular parking pulling back into the roadway, and Transportation is concerned about that as well. It's -- but it's a condition that's grandfathered in.

COMMISSIONER PETSCHER: But it's currently happening now anyways.

MR. BOSI: It's currently happening now, and it's been currently -- it's been happening since the '60s. I'm not saying it doesn't -- it doesn't create an increased risk if it wasn't -- wasn't

there, but it is there. They have a right to maintain what -- what has been in place for close to, you know, 64 years.

COMMISSIONER PETSCHER: So the agreement is only if in the future they develop Tract A. This decision is only Tract B.

CHAIRMAN SHEA: Yeah.

COMMISSIONER SPARRAZZA: Correct.

MR. BOSI: Correct.

CHAIRMAN SHEA: Michelle.

COMMISSIONER McLEOD: Well, yeah. I had the same concern as Mike, but I think what the neighbors then may be concerned about is that they're going to 30 more units, and so you need parking for that, and so that's where --

COMMISSIONER PETSCHER: Yeah, but that's only -- they can only eliminate that if they're going to develop that sometime in the future.

COMMISSIONER McLEOD: No, but the residents are concerned about the parking already on Tract A, and so you're going to have more people using -- utilizing that parking area.

COMMISSIONER SPARRAZZA: No, that's in B.

CHAIRMAN SHEA: No, no. Tract --

COMMISSIONER McLEOD: They can't?

CHAIRMAN SHEA: Tract B is enclosed.

COMMISSIONER McLEOD: But it's public parking.

CHAIRMAN SHEA: Tract B parking's enclosed on the lot. It's not in the right-of-way.

MS. COOK: If I can chime in. Jaime Cook, the Development Review director.

So when -- if this were to be approved for Tract B to redevelop, they will be doing a Site Development Plan amendment. Our Land Development Code requires that when you do a Site Development Plan amendment, the entire site has to come up to current code. Current code does not allow parking in the right-of-way. So the Tract A, the southern portion where the on-street parking currently exists, with this request, would be allowed to stay until they tear down the buildings and build something else. But for Tract B, they will have to put all of that parking somewhere within the tract.

COMMISSIONER SPARRAZZA: Which is indicated in the conceptual design.

MS. COOK: Yes.

COMMISSIONER SPARRAZZA: It's all interior.

MS. COOK: Yes.

COMMISSIONER SPARRAZZA: There's no parallel or perpendicular parking on Palm River Boulevard, so it's all contained within B, the northern section.

COMMISSIONER McLEOD: Okay. Question, Chair.

CHAIRMAN SHEA: Yes, sir *[sic]*.

COMMISSIONER McLEOD: Is that parking in Tract A not public parking?

MS. COOK: If it's in the right-of-way, technically it is public parking.

COMMISSIONER McLEOD: Right. So anybody can park there.

CHAIRMAN SHEA: Yeah.

COMMISSIONER McLEOD: The 30 units can park there.

CHAIRMAN SHEA: There's just not a lot of people looking to park in that area that don't already have parking.

MS. COOK: But also, you're going to have people that are going to want to park near their rooms, so...

MR. BOSI: I was going to say, human nature tends -- people would like to park as close to their hotel room as possible.

COMMISSIONER McLEOD: True, true, true.

MR. BOSI: So they're going to have to provide all the adequate parking for B on Tract B. If someone who has a room in Tract B wants to park on the perpendicular parking spaces, nothing

will prevent them from doing that. It's just the tendency mostly is they want to be closer to their room.

COMMISSIONER McLEOD: Right. Yeah. Good point. Okay, thank you.

CHAIRMAN SHEA: Any other questions from the Board?

(No response.)

CHAIRMAN SHEA: Okay. How we doing on time? Do you want to take a break before we go into public?

THE COURT REPORTER: I'm okay.

CHAIRMAN SHEA: You're okay? Public could be a while. We've got a lot of people out here.

Okay. We're going to -- with that, we're going to open up the public input session. How many speakers do we have registered?

MS. PADRON: Okay. We have a total of about 13 speakers. We will begin with Jim Capwill.

CHAIRMAN SHEA: And who's the second?

MS. PADRON: Starling Hendricks.

CHAIRMAN SHEA: So if the second speaker could come up to the opposite podium so they're ready to go, we can keep things moving. We have a lot of speakers. And one thing I will tell you from being on the Commission for a while, saying the same thing over and over again is tiring. If somebody's made your point, please don't make everybody sit through the same arguments. You have a lot of good arguments, so we're looking forward to hearing them.

COMMISSIONER SPARRAZZA: Chairman, if I may, I'd also like to remind the folks in the audience, we are not the final decision. We are advisory only. We're volunteers. So the buck does not stop here. We are helping the public and the commissioners to bring out any details, ideas, topics, discussions that helps them make the final decision. Just wanted to remind you of that. We are advisory only. And as Commissioner said, hearing the same thing five times actually doesn't help you at all, okay? Thank you.

CHAIRMAN SHEA: Name, please, and residence for the court reporter.

MR. CAPWILL: Jim Capwill. I live at 177 Oakwood Drive, which is in River Oaks HOA, which is a part of the Palm River community.

And I stand here at the request of the River Oaks HOA board. We presented a letter to this commission and to the commissioners of Collier County in support of the --

CHAIRMAN SHEA: Can I interrupt you a minute?

MR. CAPWILL: Yes.

CHAIRMAN SHEA: Usually we allocate three minutes. Have you been ceded time?

MR. CAPWILL: I will try to get done in three minutes. If not --

CHAIRMAN SHEA: Okay. Just so everybody knows that it's a three-minute time limit unless somebody else cedes their time. So when she announces the speaker, hopefully you might have put it on your sign-in sheet that you have time ceded from other participants, and you need to be present in the room to cede your time. So, excuse me, please proceed.

MR. CAPWILL: No problem. Again, I'm here to -- in strong support with the opposition, the people who you should be listening to, in my opinion, most closely, those residents that are going to be affected on Palm View Road and Palm River Boulevard.

And I want to open my conversation, though, with the argument that was presented by this gentleman over here that because he's already having Airbnb or short-term rentals on those properties, that should not enter into anyone's thinking of should this or should this not be approved. That is a separate issue that -- the community supports Airbnb. We're not going after them for that.

If you go back to the transcript on the NIM, you'll see the owner even said, if this does not go forward, this change, he's just going to continue to do what he's doing now, and we're -- we can accept that.

But this case, I believe, is different than most of the cases that you have to decide when developers come in here and ask for something. This is not we're asking for anything. We're asking to uphold only the property rights of the existing community property owners. They purchased single-family resident homes in a single-family resident community with the expectation that you would uphold that community to remain as such.

And now, without demonstrating a need or a benefit to the community, you're being asked to change that entire complex, okay, for one property owner versus all the property rights of all the other property owners.

I spoke about need. Sixty-one to 65 percent occupancy in hotels in Collier County, okay? Benefit for the community? In their application, there is no benefit that's been displayed in the community. Quite frankly, I don't know how the review process goes in the community and how it got to you at this point, but there's some serious questions that will be raised by these residents who have -- are laypeople who have hired outsiders to review this, help them with this. And I have serious reservations that what was reviewed, have this just, you know, approved and sent for your decision.

For instance, we talk about transportation. Commissioner, I'm glad you live in the community. You know about the traffic problems existing. No one's complaining about what he has there. I support his hotel, okay? However, to expand on that and to watch on a Friday night resident -- or nonresidents, tourists, drive down the wrong way of that median strip to get into those parking spaces. Then he's proposing another addition off the same street. How are we going to expect them to follow the law? And it's not his responsibility, but you're allowing him -- or allowing those people to have the ability to do this, okay.

Second thing I wanted to say about this: The transportation. This board approved a project in our community. I'm going to call it the Anthrax project -- Arthrex project, okay. The report being submitted in this application --

CHAIRMAN SHEA: You're out of time, so could you wrap it up? You can keep -- just finish your thought.

MR. CAPWILL: Yes.

MS. PADRON: Chair, excuse me. He's being ceded time by Jim -- or I'm sorry, Michael Galli, so that would be a total of six minutes.

CHAIRMAN SHEA: Okay. Continue, please. Thank you.

MR. CAPWILL: I'm available to 10:30, but I have to leave.

Okay. The transportation report that I saw submitted by the outside consultant is dated September 4th, 2024, I believe. This board and the Board of Commissioners approved that other project, the Arthrex project, in which they took 16 units and took it up to 41, yet we're using an old traffic study, okay.

I urge this board to reject this thing. You're never going to get the support of the neighborhood changing single-family homes into a commercial use. But more importantly, if you can't do that today and we have to take this up the line, we're prepared to do so. But at least reject it because it's not -- the application is defective in my opinion.

Thank you.

CHAIRMAN SHEA: Just so you know, whatever we do will go up the line either way. Whether we approve or reject, it will go to the commissioners.

MR. CAPWILL: And I think you'll see about four times as many people there with their pitchforks.

CHAIRMAN SHEA: Good. Thank you.

Who's the third speaker so we can get them up to the empty mic?

MR. HENDERLONG: Mr. Chair, the next speaker is Gerard Howard.

CHAIRMAN SHEA: Mr. Howard, if you could move up to the -- is he here? Is he online?

MR. HENDERLONG: The next speaker is Dean Ramineh.

CHAIRMAN SHEA: Okay. He's here. Could you --

MR. HENDERLONG: Address, 120 Carlfind *[sic]* Drive.

MR. HOOGLAND: That's mine.

MR. HENDERLONG: All right. That's the speaker, then. Please mention your name for the record.

CHAIRMAN SHEA: If you could move up to that mic. And if you could proceed. Identify yourself, please.

MS. HENDRICKS: Yes, good morning. My name is Starling Hendricks. I live at 196 Sharwood Drive. My family and I have lived in Palm River since 2015 and have lived in the county since 2001.

I want to talk a little bit this morning about the C word that everybody keeps talking about, which is compatibility, and I think that's an important factor in the entirety of this application.

The applicant has conceded in his presentation this morning that they have agreed to a self-imposed 35-foot height cap, and they believe this is a good neighbor measure; however, under the current -- excuse me -- Collier County LDC, as the Commission knows, the zoning district permits structures up to 75 feet and a conditional use up to 125 feet. The surrounding lots, the parcel to the north with the four homes, are zoned RSF-3 and they are subject to a maximum height of 30 feet under Collier County dimensional standards.

And in Florida, generally speaking, an actual single-story residence is typically about 15 to 20 feet. So a 35-foot commercial structure is still approximately 75 percent taller than the zoning maximum for every neighboring lot. So I just want the Commission to keep that in mind. And potentially, it could be twice the height of the homes that are immediately adjacent or would be immediately adjacent to this proposed addition.

Measuring a concession from a 75-foot baseline that should never apply in a single-family residence is not compatibility. It is the applicant asking for credit for not doing the worst possible thing they could do, which is raising it all the way to the top.

So I would encourage and submit to the Commission to consider that the concession, the other C word that the applicant is using, is not compatible with our C word, which is compatibility. And I would encourage the Commission to deny this application.

Thank you.

CHAIRMAN SHEA: Thank you. Who's the next speaker so they can come up to the empty mic?

MR. HENDERLONG: Dean Ramineh.

CHAIRMAN SHEA: Okay. Please proceed, sir.

MR. HOOGLAND: I'm Gerald Hoogland, and I live a 120 Coral Vine Drive, which is the road just -- the next road over from Palm River to the east.

And right now with this new complex that they have built that you guys allowed at the end, that six-story building in a two-story building area, that is going to have a lot of people in it. Already they come down Coral Vine Drive as a shortcut to get onto Palm River Drive.

And unless you guys are going to -- are willing to put speed bumps and everything else on there -- because they come sailing by using this. All they have to do is come off -- off the bridge, turn right -- turn left on Palm View and make that little jog to come down Coral Vine so that they avoid all that traffic at Palm River and Pine View -- or Piper, yes, Piper.

And there is a traffic jam there every day all times of the day, and now you're going to put 30 more cars, or whatever, in that area.

That median that they have there is already the most unsafe thing there is, because you can't see half the cars that are coming down there.

So they are using Coral Vine as a bypass for all the -- they come down Coral Vine, turn left on Piper to go down to Airport-Pulling rather than take that bridge across to get onto Immokalee.

And I know they say they are going to turn -- all that traffic from this parking lot that they have is going to be turning onto Palm View. And that is going to really exceed all the traffic that's coming from that new place that they're building there, because -- I don't know how many you guys

approved or how many rooms there are, condos or whatever. But that's going to increase the traffic. And I know they're going to come down Coral Vine Drive.

And they are -- when they're using it as a bypass, it is not as a -- it's a speedway because they don't care whether it's private property in there. They don't care about how many kids or dogs are on that road.

There are no sidewalks, so we have to use the road as our sidewalks to walk the dogs, which is another sorrowful point for this area. We needed sidewalks in our area and get rid of the swales because you've got water swales on each side of Coral Vine Drive. So the only place to walk is on that road, and they come down that road.

And they'll give you the finger. They'll do everything -- when you say "slow down," they yell out the window at you and cuss you and everything else.

And I don't believe that we really need the extra motel and have all that extra traffic, because that's going to put more people down Coral Vine Drive. And I'm not going to get into the water --

CHAIRMAN SHEA: Can you wrap up. You're exceeding your time here. Thank you.

MR. HOOGLAND: Yeah. I'll --

CHAIRMAN SHEA: Well, if you have another thought, I'll give you another minute. I just don't want to hear the same thing.

MR. HOOGLAND: Well, I'm not going to get into the water shortages we've got now and all that, because I'm sure she will cover that.

CHAIRMAN SHEA: Yep, thank you.

MR. HOOGLAND: So that is my main concern, plus the property values are definitely going to go down.

And the one thing I want to argue with him is all these Airbnbs. We've got three or four Airbnbs, and you're telling me that that's commercial property now. So what's to pretend -- prevent anybody from buying all these Airbnbs and putting a motel right in the middle of the -- right in the middle of our properties?

That is not -- and I heard that you're saying short-term -- short-term rentals. Now, anything under three days is not allowed; is that right?

MR. BOSI: No. They could rent it out on a daily basis. Any Airbnb -- any residential unit in the state of Florida, unless you have a provision that predates the statute, you can rent those out on any duration that you deem fit. That's the law.

CHAIRMAN SHEA: Okay. Well --

MR. HOOGLAND: Anybody can build anything now because they turn it into an Airbnb, and then they can make it commercial.

CHAIRMAN SHEA: Yep. Thank you for your comments.

MR. HOOGLAND: Thank you.

MR. HENDERLONG: Mr. Chairman, the next speaker is Chris Cowan.

CHAIRMAN SHEA: Chris, if you could come up to the -- and the current speaker is? Please identify yourself.

MR. RAMINEH: My name is Dean Ramineh. My family and I live at 168 Palm View Drive, which is in close proximity to the site.

I'm here today to speak about the rezoning from RSF-3 to commercial land use. The rezoning currently removes RSF land from residential supply in one of North Naples' most accessible ownership neighborhoods, and it cannot be undone.

Palm River and its surrounding neighborhood represents something increasingly rare in Collier County: Established owner-occupied single-family neighborhoods with a range of home prices accessible across cross-sections in the county where the median home price now exceeds about \$600,000.

Neighborhoods like this with intact residential characters, RSF-3 zoning, proximity to employment corridors are finite, and it's going to diminish resources.

The argument here operates at a zoning level not a parcel level. Whether these four houses are currently owned, occupied, rented, or otherwise is besides the point. What matters is the RSF-3 zoning is designated that makes the residential use possible here as far as to right, no special approvals to rezoning. No GMPA required.

Once these parcels are converted to Commercial Planned Unit Developments through a GMPA, that designation is permanent.

Beyond the four lots, the precedence matters enormously. The hotel owner controls additional parcels, and it has a clear pass to continue expanding northward. Each approval makes the next request easier. The cumulative effort of incremental commercial encroachment is a gradual erosion of our residential characters that makes Palm River and Willoughby Acres a viable ownership neighborhood. Once the character's lost, it can't be legislated back in.

The County should weigh in not just what's being requested today. By approving this, this requests what's possible tomorrow.

I'll leave you with this question. What's the County's policy for evaluating permanent loss of an RSF-3 zoned land to commercial use in an established residential neighborhood, and has that analysis been done?

Thank you very much for your time.

CHAIRMAN SHEA: Next speaker?

MR. HENDERLONG: The next speaker will be Missy -- after this speaker, Missy Cowan.

CHAIRMAN SHEA: Okay. Please proceed. Identify yourself.

MR. COWAN: Good morning. I'm Chris Cowan, and I am a resident at 430 Palm View Court in the Palm River area. And the project location map that was shown, we're literally on the left upper diagonal house from the Tract B that's being proposed. So we are definitely impacted by this.

I appreciate -- we've lived here for 12 years now. Sorry, no. But the -- my wife, Missy, and I selected this location for very specific reasons that she'll go into.

But I appreciate your practice of good governance here and that you're willing to listen to neighbors who are concerned on this issue. You're in a difficult position. And as has been expressed, we're not objecting to the four houses already owned being run commercially nor, as we learned -- some of us learned this morning for the first time, the three new properties further. I think Steve's playing a nice game of chess without the other side being able to make moves.

There's only -- I'll be brief here, because there's really only one question before your Planning Commission, and it's, do you honor the neighborhood's wishes and well-being or do you enable the financial gain of one person? I ask that you do not recommend this application.

CHAIRMAN SHEA: Thank you.

MS. COWAN: Sorry. I had no idea he was speaking.

My name is Missy Cowan, and I live at 430 Palm View Court.

CHAIRMAN SHEA: Could we get the -- can I interrupt you for a moment? Could we get the next speaker up after her?

MR. HENDERLONG: The next speaker is Craig Hendricks.

MS. COWAN: So I've been a resident of the Palm River community for 12 years. My home sits in the immediate vicinity of Fairways Motel which means this proposed expansion will directly and personally affect my family.

We hear a great deal lately about the idea of free Florida, and I'd like to offer a fuller interpretation of that phrase. It speaks to the freedom to do, to build, to expand, to pursue a business opportunity, but freedom is a two-sided coin. It also speaks to freedom from, from disruption, from noise, from the erosion of safety and peace in a neighborhood where families have chosen to put down roots.

My husband and I purchased our home in this community deliberately and specifically for the quiet residential character it offered. That character is not incidental. It's the very foundation of our property values and our way of life, our quality of life.

The Planning Commission exists precisely for moments like this one to weigh competing interests and to determine what is right for the community as a whole, and I'd like to reiterate "the community as a whole," not simply what is profitable for one individual. The rights of long-term residents to protect their peaceful slice of paradise should take precedence over a single property owner's desire for commercial gain.

I respectfully and strongly urge you to vote no for both of these petitions, and I thank you for the opportunity to speak.

CHAIRMAN SHEA: Thank you.

MR. HENDERLONG: Mr. Chairman, the next speaker, then, would be Geoff Crause.

CHAIRMAN SHEA: Jeff.

MR. CRAUSE: Are you speaking, Craig?

(No response.)

MR. CRAUSE: Okay. I'm going to kind can of make this short and --

CHAIRMAN SHEA: Could you identify yourself.

MR. CRAUSE: I'm sorry. My name is Geoff Crause. I'm a homeowner on -- at 141 Palm View Drive. I've been in the neighborhood. I purchased in there 18 years ago.

My property is adjacent to the hotel. It's right across the street from the proposed expansion project. So mine is directly across -- I will be looking at the façade of this hotel if this happens, okay, out of my front door. So, obviously, I'm not terribly pleased about it. I'm concerned about my property value being affected, and I think rightfully so.

Anyway, the point I wanted to make today is based around the idea of is there a need for this? Okay. Is there a need to -- let me restart. The -- I believe one of the most important issues that the applicant hasn't shown is need as to why adding 30 hotel rooms would be a public benefit that justifies rezoning four residential properties.

According to the applicant's own studies, he identifies nine comparables within the immediate area, which is roughly about a three-mile radius from Center Point Hotel, which represent a total occupancy of 1742 rooms just in North Naples in a three-mile radius from the hotel.

In addition to those 1740 rooms, there are also -- we also did an Airbnb search and a VRBO search. There are an additional 1200 units in that same 300-mile *[sic]* radius just with Airbnb and VRBO.

So now we're talking 3,000 units in a three-mile radius. Is there a need, or is the area overly saturated with short-term rentals? That's my question to you guys today.

Those -- I think that's really it, guys. You know, I just wanted to get those numbers out: The 1742, the 1200. We have 3,000 units already in the immediate vicinity.

Is there really a justifica- -- ask yourselves this. Is there any reason to justify an addition of 30 units into an already saturated market that from my understanding and the research I've done and some of the other neighbors have done, only, usually, at its peak, is at 65 percent occupancy.

All right. Thank you for your time today, guys.

MR. HENDERLONG: The next speaker, Mr. Chairman, is Craig Hendricks.

CHAIRMAN SHEA: Do you have -- does he have time ceded, or is he --

MR. HENDERLONG: No. He's speaking for himself, and then he'll be followed up by Ed Boeder.

CHAIRMAN SHEA: Thank you.

MR. HENDRICKS: Craig Hendricks. I live at 196 Charlotte Drive.

This is a residential area where pedestrian safety already matters. The neighborhood includes families, pedestrians, and children. Increasing commercial traffic even at modest volumes is going to change the character and safety profile of the streets that were not designed for this additional traffic.

They have not done a neighborhood-level safety analysis of the local streets, and it wasn't included in the application.

A few years ago -- a few years ago my daughter was coming down -- coming across Piper going to cross over Palm River Boulevard, and a vehicle coming south where we're talking about on the display earlier, those cars that back out are perpendicular to Palm River Boulevard. But the car was coming south on Palm River Boulevard and T-boned my daughter's -- the car my daughter was in, which rolled over.

So you can understand the velocity and the impact. She's okay, thankfully, but now we're going to add 30 more units and vehicles from those units dumping onto Palm River Boulevard to head south. I mean, it's just going to make it worse.

They come down -- currently come down Palm River Boulevard, and they want to catch the light at Immokalee Road, okay. They're not caring about anything else in the world. And adding 30 more vehicles, 30 more units to that is just going to make this a lot worse.

So I would ask that you not approve the application. Thank you.

CHAIRMAN SHEA: Thank you.

MR. HENDERLONG: Mr. Chairman, Ed Boeder has been ceded an additional three minutes by Dan Summers.

CHAIRMAN SHEA: Okay.

MR. BOEDER: Do you want the other speaker up?

CHAIRMAN SHEA: He's the next speaker, right?

MR. HENDERLONG: The next speaker after that is Patricia Parisi.

CHAIRMAN SHEA: Okay. So you're on, sir.

MR. BOEDER: Yes, sir. Thank you. Good morning, Commission. My name is Ed Boeder. I have lived at 3616 Sharwood Drive just down the street around the corner from the Fairways Inn for 25 years. I've lived there for 25 years.

I want to address the narrative made by the two studies or feasibility reports issued by Davidson Engineer and Zanda. Davidson Engineering is a local engineering firm, but as you're probably aware, Zanda is a California-based firm, and there was no indication in their report that anyone in their firm actually visited the motel site. So while it's hard to understand how reliable any conclusions from a California-based consulting firm can be, I'm going to address their report anyway.

Let's start with Davidson. Davidson says, quote, "The existing hotel maintains a good relationship with the neighborhood, and it's operated in a cleanly, quiet manner so as not to cause any adverse impacts," end quote.

The Collier County -- I want to direct your attention to the 129-page Collier County Sheriff's report, which you all have. That shows that in the five years from 2021 to 2025, there were 118 incidences involving the Sheriff's department at the motel. That averages almost two per month.

And in the first three and a half months of 2026, there were seven calls to the Sheriff's department. That's also two per month.

I don't know how you put much value on the words "much beloved" since it's just a value judgment and it's opinion. I don't know how you quantify that, but the sheriff's report paints a picture of a neighbor that doesn't operate in a quiet manner.

I personally witnessed a fistfight myself while walking the dog on a quiet evening in our beautiful residential neighborhood by two intoxicated gentlemen in the back parking lot. Of course, I called the Sheriff's department on that one. And you wonder why did the Collier County School Board eliminate the bus stop across the street from the motel? For safety reasons.

But Davidson says, quote, "This same quality of operation will be maintained in proposed expansion," unquote. I certainly hope not.

And how do they know that anyway? They say it will quote-unquote -- create, quote, "a minimal impact to neighbors." Two calls to the Sheriff's department on average every month, and you're proposing to increase this motel by 40 percent, but that won't have any more than a minimal impact to the neighbors? Davidson says the proposed expansion will be, quote, "compatible with

the surrounding residential land uses," and I emphasize the word "residential." How can a commercial motel be compatible with residential units when it's surrounded -- the motel is surrounded on three sides by residences?

Davidson and Zanda both point out that the single-family residential homes that would be adjacent to the motel expansion, should that occur, are also owned by the motel owner, and that for -- that creates additional buffering to the residents. Wait a minute. Houses are not buffers to a motel. Regardless of who owns them, you don't buffer a motel with a house.

Davidson also states these homes will be maintained as residential property, but how do they know that? Can they guarantee that? Especially if four single-family residences adjacent to these other homes that the motel owner owners are torn down and replaced with a motel building. That just sets a precedent for those adjacent motel-owned homes to convert to more motel in the future.

Zanda points to, quote, "Numerous similar uses in the vicinity of the subject," end quote. They are referring to two medical offices and a self-storage facility along Piper Boulevard, a frontage road that faces Immokalee Road, and they say those properties highlight that the motel location should not be considered inappropriate. But those properties are zoned C-1, as they are low-intensity uses, versus a motel, and they are not adjacent to single-family residential properties. They're adjacent to condominiums.

Zanda references the home at 128 Palm View Drive that was damaged by fireworks on July 4th, 2021. This is the first property to be demolished. It's right next to the motel. They state that demolishing that home for the motel expansion, quote, "Will be an improvement to the neighborhood." The motel owner has indicated that they do not have -- did not have adequate insurance to repair the home so that it's sat damaged now and vacant for almost five years, since July 4th of 2021.

It seems to me like the best improvement to the neighborhood would be to repair this residential home and have it occupied instead of tearing it down and putting in a motel building.

Now, to further our claim that the Fairways Inn is not a beloved motel, as stated, I would like to comment on the reports that you also have from the North Collier Fire department. At the annual inspection on August 20th of '24, it was discovered that 22 of the existing 42 motel units now have kitchenettes without -- installed without fire suppression systems or hoods. It's unclear, though, when those kitchenettes were actually installed, because there's no permits that were issued. No permits that can be found. And the fire department report from 2023, the year earlier, didn't mention any kitchenettes in those 22 units.

At the reinspection a year later on August 14th of 2025, the cooktops remained with no fire suppression systems or hoods while the owner was, quote, "researching options," end quote, according to the report.

A further meeting between the fire department and the owner occurred in November of last year and again in February of this year and still with no approved plan in place to address the fire code violations.

In closing, I'd like to advise you that there are almost 550 signatures on a petition opposing the Fairways Inn expansion. The people have spoken. The neighbors have spoken. Converting four single-family residential properties, whether they're rented out or not, into 30 units is not a compatible use.

This is clearly the wrong use in the wrong location. I urge you to deny totally the Fairways Inn petitions, and thank you for your time.

CHAIRMAN SHEA: Thank you.

MR. HENDERLONG: Okay. Mr. Speaker *[sic]*, the next speaker, Mrs. Parisi, has been ceded six additional times *[sic]* by Ann Hoogland and U. Beckerman.

CHAIRMAN SHEA: Please identify yourself.

MS. PARISI: Good morning. My name is Pat Parisi. I live at 475 Palm River Boulevard. I am on the other side off of Cypress Way East, and --

COMMISSIONER SPARRAZZA: Excuse me one minute. Are -- the people that granted time to her, are they here in the room?

(Hands raised.)

COMMISSIONER SPARRAZZA: Okay, thank you.

MS. PARISI: Okay. I have lived in Palm River for almost 30 years. I have seen many changes, both residential and commercial, in our neighborhood. You will be hearing from many -- or have heard from many of my concerned neighbors regarding this planned development. While I agree with their concerns, I have additional concerns. When I reviewed the narrative by the applicant that was presented, I quickly noticed that it was an illusion.

The project proposes two separate tracts, Tract A and Tract B. They propose to put this into a CPDU [*sic*], okay, within a single PDU [*sic*]; however, they're not separate at all. The two tracts share everything from parking, including all amenities, pools, chickee hut, shuffleboard, check-in facilities. I have it -- oh, my presentation isn't up. I had a presentation. I don't know if I have to do something here.

CHAIRMAN SHEA: You might, but I think we should get you some help.

MS. PARISI: Okay. Thank you.

My concern -- well, this addresses Mike's -- you brought up before that you were only ruling today on Tract B. That's a fallacy. They're trying to put Tract A and Tract B into one CPDU, okay. So what you rule on today is Tract A and Tract B.

COMMISSIONER SPARRAZZA: Excuse me. One minute. Can we -- and we'll bid back your time.

MS. PARISI: No, go ahead.

COMMISSIONER SPARRAZZA: Mike, is that true? Technically? The question of does she have a --

CHAIRMAN SHEA: Ruling on both.

COMMISSIONER SPARRAZZA: That basically this turns it into one PUD?

MS. ASHTON-CICKO: Correct.

COMMISSIONER SPARRAZZA: It kind of looks it, correct?

MS. ASHTON-CICKO: Correct, that's correct.

COMMISSIONER SPARRAZZA: Okay.

COMMISSIONER PETSCHER: That's correct. Wow. Okay.

COMMISSIONER SPARRAZZA: Thank you for that.

MS. PARISI: Did you want to -- I don't know if my -- okay, my concern --

MR. BOSI: Control room's got it.

MS. PARISI: My concerns -- my concerns include traffic and design standards as the requirements of your LDC. Parking spaces accessible from single-family entrance from the single-family -- I'm sorry. Parking spaces accessible from the single entrance to Tract B, they're only adding 22 when 33 are needed. You need 11 parking spaces per 10 hotel rooms.

That's insufficient to meet the requirements of the LDC. A deviation from the requirements of the LDC has not been requested, nor should it be approved.

Additionally, many of the parking spaces that support Tract A and Tract B are off-street parking. That's what we've all been talking about. Again, a deviation from the LDC has not been requested and should not be approved. The narrative itself in the back of their narrative states that they did not request any deviations from the LDC.

The proposed design project with off-street parking remains dangerous to our community, violates the LDC that I noted in my presentation. The LDC design standard and requirements are contradicted by allowing any off-street parking to remain. I would ask that the Planning Commission focus on all the design standards and requirements set forth in the LDC that are not being met by this design for this PUD and specifically the violations that are important to our neighborhood. The violations -- in fact, these violations of the LDC result in conditions which the Planning Commission must eliminate all off-street parking.

In your own LDC, it states that arrange -- parking shall be arranged so that no vehicles shall be forced onto any street to gain access. All off-street parking must be arranged so that no motor vehicles shall have the block -- back onto any street. The LDC -- also, off-street parking vehicles do not interfere with the use to the adjacent streets.

Additionally, and probably most importantly, your LDC clearly provides that no parking spaces on or within any public or private road or travelway shall be counted to fulfill the required number of spaces for this hotel.

For the PUD, using off-street parking is a violation, and that's the only way that Tract A and Tract B meet their requirements. And I can go into it. Twenty-two parking spaces have been added to Tract B when 33 are needed. Twenty-five parking spaces are accessible for Tract A when 51 parking spaces are needed if they're not using off-street parking. They are using 37 -- right now 37 off-street park- -- out of 42 off-street parking spaces to fulfill their requirements to your LDC.

Lastly, I would like to discuss the development standards of the PUD in relation to other adjacent that -- I think it was Dean brought up. We have two commercial corners, two commercial developments at the entrances and exits of our neighborhood. The commercial project on the corner of Cypress Way each -- East, sorry, was limited to 35 feet.

Leaving the current straight zoning height of Tract A at 100 feet, 10 stories is incompatible with the surrounding community and contrary to the reasons for creating this PUD in the first place.

The applicant should be required to reduce the height of Tract A to a more residential neighborhood standard consistent with that commercial development on Cypress Way East as well as their own Tract B not to exceed 35 feet.

I want to thank you for allowing me to speak today. I urge you to consider all of the -- in viol- -- or the violations of the LDC that you and Collier County board put into place.

Thank you.

CHAIRMAN SHEA: Thank you. We have a next speaker?

MS. PADRON: Yes. Our next speaker will be a virtual speaker, Ann Lefcakis.

CHAIRMAN SHEA: Mike, can I ask you a question? I hear -- this -- it's a combined PUD. Is the past speaker correct that when you combine A and B that A is now subject to current codes?

MR. BOSI: No, no. A is existing. They have incorporated the specific zoning standards of the RT zoning district into the proposed PUD. The only way that they would be in violation is if they redevelop this site and they sought to try to maintain that -- that parking as it exists.

Because they are not asking to maintain those -- that parking as a deviation, they're not requesting the deviation because they said, if the project is redeveloped, they have to -- they have to eliminate those on-street parking. It has to go away. So they don't have -- they don't have to request a deviation for what they're entitled to, what they're grandfathered in right now. It's recognized within -- within the PUD with the language that says, "If it's ever redeveloped, the on-street parking has to go away."

CHAIRMAN SHEA: Okay.

MS. PARISI: If I had any minutes left -- I did meet with Mr. Davies. I met with him at the Fairways Inn, okay. So what you're saying is correct; however, what I just stated was they only added 22 parking spaces on site for Tract B. So where is everybody else going to park?

If you look at their own -- which is on the screen right now -- there is one exit out of Tract B. These 11 other additional that they're trying to count in their -- with their 22, there's no way of getting out onto the street. They have to go onto Tract A. So those should not be counted as Tract B parking. So Tract B parking is only adding 22.

And Mr. Davies did express that they will be improving, his words, improving Tract A with this project. So does that mean they're going to go up 10 stories? Does that mean the parking -- where are they going to put the parking?

CHAIRMAN SHEA: Okay.

MS. ASHTON-CICKO: So the parking, though --

CHAIRMAN SHEA: Mike?

MS. ASHTON-CICKO: -- is established at the SDP stage, the Site Development Plan amendment stage that Ms. Cook referenced earlier. You're not really looking at the details of the parking as part of the master plan review.

MR. BOSI: That was -- I was going to remind you this is a conceptual master plan. This isn't a -- we're not counting spots -- parking spots within a conceptual master plan. The requirement is that Tract B must contain all parking for Tract B on Tract B. It's clear. When they build Tract B, the parking for Tract B, the required parking for Tract B must be placed on Tract B, or they can't get approved from a site development standpoint.

CHAIRMAN SHEA: Okay. Thank you.

Next speaker?

We need a break, or are you okay?

THE COURT REPORTER: A break would be good.

CHAIRMAN SHEA: You could use a break? Okay. Let's take a quick break. Come back at 11. We'll give her 12 minutes.

(A recess was had from 11:49 a.m. to 11:59 a.m.)

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

CHAIRMAN SHEA: Okay. One more time, before they fire me, we'll continue. We have one more speaker. The speaker's on Zoom. Could you please connect them?

MS. PADRON: Yes. Anne, can you hear us?

(No response.)

MS. PADRON: I requested her to unmute.

MS. LEFCAKIS: Hi. Good morning.

CHAIRMAN SHEA: Good morning.

MS. LEFCAKIS: Hi, good morning.

COMMISSIONER McLEOD: Good morning.

MS. LEFCAKIS: Anne Lefcakis, thank you. I hope you can hear me, a local business owner and, fortunately, a Palm River homeowner at 266 Fairway Circle.

I wanted to request that you oppose the request for expansion and rezoning. And I'll expand on a couple of points and concerns.

The traffic study that was conducted in 2024, as someone mentioned, the Arthrex apartments wasn't a factor at the time. It was a 12-apartment property, vacant, you know, nearing conclusion now to have 41 apartments. So at the minimum, we would expect those 40 vehicles to utilize that single lane road that's lined with homes. If there happen to be two adults in those apartments, then we could see upwards to 80 more vehicles that wasn't incorporated into the study.

Additionally, LaPlaya golf course, which uses the same street as Fairways Inn and the Arthrex -- what would be the Arthrex apartments has changed management -- or excuse me -- ownership style. So it's an individual owner now. And with business changes, we can expect investments and a drive for membership. And we would anticipate heavier traffic from them with increased tee times, meals at the clubhouse, et cetera, as they split from the beach club.

And another concern or loop I would ask that gets closed is the turn lane that is directly in front of Fairways Inn. That was deferred for future evaluation and future, you know, consideration on what those needs would look like, but I think it's a disservice to you as a planning committee to not know what that would entail because of safety concerns, to not know the greater impact that it's going to have on the community and the several bus stops that are surrounding Fairway Inn.

As mentioned, they've shifted the bus stops, but they're still within 40 feet to the east and behind, which is the west of the property. So to know what that turn lane would need, I think, is a big factor that should be detailed out and have more specifications to really vet how that would fare and play out with the single lanes there and the amount of pedestrian lanes and residential traffic for the bus stop.

And then it is in my opinion -- they mentioned in the application that they were a benefit to the neighborhood; however, the civic association has been upkeep -- been responsible for the expense and upkeep of the median, the landscaping, the signage, et cetera, there as you enter into Palm River and directly in front of Fairways Inn, and they haven't contributed in several years. So I think that that is actually a reflection more so of their opinion of the neighborhood, you know, the actions are speaking louder than words.

So I think with the absentee owner it's apparent to me that they care less about the community and the Palm River residents than they do on the business factors and trying to increase their rooms and what that would look like.

So as a minimum, I would ask that -- for an updated traffic study could factor in the increase of rooms that they're adding onto it, Arthrex's apartments conclusion, and then the LaPlaya increased traffic as well, because, again, that's a single-lane road going in and out with no sidewalks, and those factors were not a part of the traffic study, which I respect that that was done, but it would be outdated and no longer relevant even today, but furthermore, in the next year or two when their project is completed.

CHAIRMAN SHEA: Thank you. Is that --

MS. LEFCAKIS: Is that possible to request a new traffic study?

CHAIRMAN SHEA: Is it possible to request a new traffic study? Are you talking about relative to the one that was submitted with the petition?

MS. LEFCAKIS: Correct, yeah, to require one that would factor in the additional traffic volume with these other components.

CHAIRMAN SHEA: Jaime.

MS. COOK: Jaime Cook, again, for the record, director of Development Review.

When they come in for their Site Development Plan, they're going to have to provide an operational study which will be more specific to what is actually on the site, to include the number of rooms for the entire site as well as the pool or any other amenities that they have.

When they take all of that into consideration, the operational analysis will look at things like whether turn lanes are needed or other improvements in the area. So, yes, a new traffic study will be done when they come in with their Site Development Plan.

CHAIRMAN SHEA: Thank you.

MS. COOK: Thank you.

CHAIRMAN SHEA: Any other -- no other speakers? Is there anybody else in the room that we've overlooked that wants to speak?

(No response.)

CHAIRMAN SHEA: If not, I am going to close the public session. And I'm going to ask Noel if he has -- he wants some rebuttal time for the comments that we heard.

MR. DAVIES: I do. Thank you, Mr. Chairman.

We do appreciate the comments and the feedback from the public. I'm not going to address every single statement that was made. I would like to share my objection to a number of false statements that were made and provide clarifications to this board with respect to some of those.

As a technical matter, I do stand by my initial presentation as well as the testimony and reports from staff that we meet the pertinent legal criteria and are consistent with the Land Development Code and GMP.

Before I go into the substance of some of the comments that were made, I would like to preface those responses with an important caveat, and that caveat is that the weight that you give the evidence that's before you today is important. The evidence you have before you from applicant's team, both in the form of documents and testimony as well as the same for staff is expert testimony and documentation which is to be accorded the significant weight -- or is to be accorded significant weight.

I'm going to go through the disagreements with false statements made from the public, but I think it's important that that weight that's given experts is weighed appropriately against

speculation, against lay testimony, personal opinions. I'm not saying that that evidence is not relevant. I think that you can consider that evidence, but I think that you have to consider that evidence in accordance with the governing legal criteria for this proceeding and weighing that evidence against expert evidence from staff and applicant.

So a few clarifications, and then I want to dive deeper into some of the bigger categories. Someone mentioned financial gain. Whether or not my client obtains a financial gain from these applications is not a relevant legal criterion. That's sort of an example of the theme of my rebuttal here which, again, is you've got to weigh the evidence, and you've got to look at whether or not we satisfy the legal criteria. And it's my position that we do. It's staff's position that we do.

Someone mentioned 30 feet as max height in RSF-3. That is not a correct statement. The LDC very clearly states it's 35 feet. I just wanted to clarify that.

We are not in violation of the LDC regarding parking. There was a mention of a fire violation. None of that is true. None of that is accurate. There's been no findings of violation for fire for code or otherwise.

You heard the staff testimony with regard to parking. The parking is legally grandfathered. That's the existing parking for the inn today. All the new parking spaces, as required by today's code for the additional 30 rooms, will be parked on Tract B.

A sidewalk was mentioned. We are providing a sidewalk, and our Master Concept Plan shows that, on the eastern side of Tract B alongside Palm River Boulevard.

I did want to mention also on the driveways, so there are -- there are technically five with respect to those four northern parcels, because one's sort of a horseshoe driveway. So there are -- there are five access points today or entry points off of Palm River Boulevard and Palm View Drive. Those would all be eliminated and replaced with the single access point for the Tract B expansion.

There was mention of not paying dues or sharing. My client shared with me he always does that. He participates in whatever's voluntarily and is always paying his fair share, so that's just not a true statement.

The words "need" and "benefit" were mentioned. Your Land Development Code and the Florida statutes governing GMPAs has very specific requirements on that. We have to provide you, we have to provide your staff with a market study conducted by a professional to demonstrate the need for this. That is in your packets. That has been duly reviewed and approved by the County's staff, and it demonstrates, as staff is recommending, that there is a need.

I mentioned in the beginning that, you know, I think we're all aware of the number of luxury hotels that exist in town and more that are coming online. This is -- this is a rare breed here. This is -- this is a little different, and this is -- this is a sort of subsection of the hospitality market that provides high-quality lodging but does so at a more reasonable -- reasonable rate. It's in a -- it's in a good location. It's in proximity to employment centers close by to two different activity centers at Immokalee and Airport and Immokalee and 41, and it's not competing with the Ritz-Carlton, with the Four Seasons, but it does provide -- that doesn't mean there's not a need for a more affordable lodging option here in Collier County.

Benefit was also mentioned, or the lack thereof. And I want to quote the staff report. These aren't my words. This is staff. So in the staff report for these items, "Proposed use is a compatible use with adjacent residential development." It then goes on to say, it is, quote, "a benefit to the neighborhood and local employment centers, such as Arthrex, providing visiting families with alternate options to stay near loved ones and business professionals lodging in proximity to work opportunities at reasonable rates."

So benefit and need do go together. We've provided, again, the expert market study that goes through that analysis that demonstrates needs, that demonstrates the benefit. That's been reviewed and approved by the County's expert professional staff.

So I want to clarify and answer any questions that you-all have about -- about the parking. There is existing -- there's an existing inn today. We're aware of this. It's been there since the

1960s. There is existing parking that goes with that. All of this predated -- and if I may, I've got -- this is going to help contextually, okay.

What's on your screen, this is the 1968 historical aerial, and this is from FDOT, and it's not the clearest, but this is the area that we're talking about. So this is Palm River Boulevard divided, and here is the depiction of the parking spaces that's east of the building but west of the roadway for Palm River. This is -- you can see it a little more clearly here, and that's covered by the trees.

But the point is this -- and you can see, of course, what's around it or what's not around it from when it was originally developed. But just to put that in context, we're not in violation of the parking code. We've been here with our parking spaces since the '60s. Staff's looked at that. We worked closely with staff with that, and there is a, you know, very common legal concept that I'm sure you're all familiar with about grandfathering status or what we call legally nonconforming.

The parking spaces are there. I admit that they're not perfect and that's not how it would be designed if it was designed in 2026, right? But this is in 1968 when it was first developed. That's how it was done. Those rights are grandfathered, and we're agreeable, and I wanted to state that for the record so that it's clear, to the staff condition -- to the language that you heard staff say, that in the event that -- God bless you -- that that has been -- that that Tract A is developed, or at any time that the County truly feels that these conditions are unsafe.

Mr. Trebilcock, as I mentioned, is here. He went through, as did County staff, and looked at the incident reports -- or the accident reports, excuse me, for this specific section of Palm River Boulevard. And my understanding -- but I'll defer to County staff -- is that there's been one accident in the last five years.

The condition of that roadway is not deemed unsafe. In the event that it is deemed unsafe -- in the event that it is deemed unsafe, we will remove the parking -- parking spaces.

So there are two prongs to that language we're agreeable to. One is a redevelopment of Tract A, but also if County Transportation staff comes to me, if Lorraine, Mike, Trinity, someone from Transportation staff comes and says, "Look, we've been tracking the data" -- again, not anecdotal speculative evidence, but as you know, your County Transportation department has a lot of data, right? And that data was analyzed and will continue to be analyzed. If there are -- and I don't know what the standard is that they use, right? And I think -- as far as what is deemed unsafe.

But if they come to me and say, "It is our professional expert opinion, which opinion has changed from today because of an increase in accidents in this section of Palm River Boulevard, we've got to remove the spaces," and we'll do that. How we fit those, how we work with Ms. Cook and her staff as far as what that looks like on an SDP we've got to do, and we've got to figure that out, and that's my client's problem to deal with.

But for now we are focused on Tract B, and the parking for Tract B is all contained on Tract B. But the existing spaces with -- go with the 1960s built building that -- buildings that exist today, those spaces are grandfathered unless we redevelop Tract A, or unless that condition changes and at the time that it does and County Transportation staff says, "Noel, you've got to fix that because they're unsafe," we're going to do that, and we're committing to that on the record today.

The transportation piece, again, Norm is here if anyone has specific questions.

I just want to reiterate that, again, this is an expert report. It complies with your code. Your code has specific criteria for what these Transportation Impact Statements look like. As you hear from Ms. Cook, we've got to update those with specific -- more specific numbers incident to the Site Development Plan approval. We will do that. That will be reviewed by County staff, again, at the expert level.

There is sufficient capacity on the roadways for the -- under the current AUIR. It doesn't matter, again, what you're told speculatively by the neighbors about what they think might happen with the traffic. You have to rely upon the expert evidence, which is the TIS, which I know you're all familiar with, and that process and that review by County staff.

So again, it's weighing of that evidence. I'm not saying that that evidence isn't important.

I'm not saying that that evidence cannot be considered. I'm simply asking that in accordance with the governing legal standards for these proceedings, you've got to weigh that evidence with the expert evidence on applicant and staff's side.

The police reports, like anything, the devil is in the details on these. I don't know if they brought a copy of them. I have seen a copy of them. If you look closely at the reports, a number of them, most of them, relate to medical emergencies. So I think this -- I think someone mentioned painting a picture and that this was all calls to the Sheriff's department. I mean, this was -- these were calls to the -- to 911, right, whether it's a medical emergency or something else, and all of those calls -- I think they got a public records request, and they reviewed them. I think it's important that we walk through them.

I think as a preparatory matter, I think it's also important that my client and every citizen should be encouraged to call 911 if there's an emergency, whether that be medical or some other type of emergency. And the report -- they are saying two a month. Well, I don't disagree that I think it's approximately -- well, certain months there are two incidents, but that may be, "Elderly person fell, elderly person had a stroke." They're trying to present it to you as if there is some sort of safety issue at the inn, and that is not, again, what the evidence reflects and what those reports reflect.

If you -- if you look back at the most recent reports, you'll see a series of incidents relating to -- and I think the report states "kids living in the Palm River neighborhood who are banging on doors at the inn," essentially playing Dingdong Ditch at the Fairways Inn.

That's not some sort of nefarious activity by my client. It is a gross mischaracterization to try to assert that there's some sort of serial safety issue at the inn based on a general, again, speculative statement that there are police reports that occur at the facility or that my client had the occasion -- or had the -- had the good sense to call 911 in the event of an emergency.

My client has always interacted well with the neighborhood. They have prided themselves and their family has prided themselves on trying to be a good neighbor within the Palm River community. They've done that, and they've peacefully coexisted for many decades.

This proposed expansion doesn't change that. I know that many family -- many of the residents and their family members stay at the inn on a regular basis. We haven't heard any complaints about safety, police reports, parking, traffic. It's only now that we're hearing these, and I think the reason is that it's dislike for these applications.

The word "compatibility" was mentioned. Again, this is a key prong of the staff review. Staff is recommending approval because we are compatible with the neighborhood, we have been for decades, and expanding that same use does not change the current compatibility that exists today.

Again, you heard evidence from my team and from staff, experts in their field, that have reviewed the applications, including with respect to compatibility. And given our landscape buffers, open space, water management, the way the site is oriented, all -- all -- you know, all the testimony that you heard from Zoning Director Bosi, we meet the governing criteria, and it's because of those mitigation efforts. It's because of the thoughtful site design. It's because of the buffering and all those requirements that don't exist today based on by-right use that we are compatible. Again, the staff report states the proposed use is, quote, "a compatible use with adjacent residential development," and that analysis, again, is expert testimony and expert documentation in support of that position.

CHAIRMAN SHEA: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Mr. Davies, I have two questions. The first one will be for you and Mr. Bosi.

MR. DAVIES: Yes, sir.

COMMISSIONER SPARRAZZA: I don't think I have this correct, but let me ask: If you were to go to a redevelopment program -- I'll back up.

If this gets approved and you go for a redevelopment program for I'll call it Parcel A, the

current Fairways Inn, is it possible or legal within the statute that you could put a 100-foot building on that property?

MR. BOSI: By right, yes, the RT zoning has a 100-foot height limitation.

COMMISSIONER SPARRAZZA: Okay, great.

Second question is for Mr. Davies. I did review -- I reviewed previously and just double-checked everything now regarding the kitchenettes.

MR. DAVIES: Um-hmm.

COMMISSIONER SPARRAZZA: Does your client now have the kitchenette problem resolved, yes or no?

MR. DAVIES: Can you elaborate about what the kitchenette problem is?

COMMISSIONER SPARRAZZA: Sure. There's no fire suppression system in 22 of the rooms.

MR. DAVIES: I know that he has met with the fire department. I know that there has been no finding of some sort of fire violation. And to the extent that there's some compliance issue, that's going to be remedied by my client.

COMMISSIONER SPARRAZZA: Okay. Well, it first started back in November 18th, 2024. The last statement was given in -- December 23rd, 2025, that a courtesy -- oh, I'm sorry. Later than that. A courtesy meeting occurred on February 12th. Property management advises no changes have occurred to the stovetops in the guestrooms. Changes will not occur until April, possibly April at the earliest.

Have those changes taken --

MR. DAVIES: And if I may -- which document are you reading from?

COMMISSIONER SPARRAZZA: I am reading from North Collier Fire Control and Rescue District.

MR. DAVIES: Okay.

COMMISSIONER SPARRAZZA: Inspection dates throughout --

MR. DAVIES: If there is a -- if there is a concern that the fire department has -- I know there's been no finding of violation. If there's a concern that the fire department has about the kitchenettes or about a lack of suppression system and that is required by law, my client will do that and will do that right away.

COMMISSIONER SPARRAZZA: Okay. But it looks -- and I'm not trying to be argumentative here, but it looks as if they've had 16, 18 months to take care of the problem, and they haven't yet. And I'm concerned with if it's something as simple as fire suppression in the hotel room that they haven't done in 14, 18 months, that doesn't bode well for them as far as what they're doing.

MR. DAVIES: I haven't seen that document. I don't know if that is a fair assessment, frankly, of 14 to 18 months. I can tell you that if there is a compliance issue with respect to that, especially a safety one, I mean, my client's here and can commit to doing that now, before -- I mean, before the --

COMMISSIONER SPARRAZZA: Let's -- may we just ask him? Has it been taken care of today?

MR. MIROWITZ: It's in the process of. Agreement has been reached with the fire department.

COMMISSIONER SPARRAZZA: All right. That's fine. All I asked, sir -- excuse me. And I'm not trying to be a pain here. Fourteen, 18 months, "it's in process" gives me the answer.

MR. DAVIES: Well, but I think -- I think it's important --

COMMISSIONER SPARRAZZA: No. That's all I asked, was it done today, and it's not.

COMMISSIONER PETSCHER: I have a follow-up question.

MR. DAVIES: I don't know which document you're referring to.

COMMISSIONER SPARRAZZA: A legal document from North Collier Fire on an inspection. Inspection date and report.

MR. DAVIES: And so it's a finding of violation from the fire department?

COMMISSIONER SPARRAZZA: Yes. Failed, in red, FLNFPA012021, Chapter 50, yeah, it's --

MR. DAVIES: So I think that is --

COMMISSIONER SPARRAZZA: It says failed.

MR. DAVIES: That is an allegation of a fire issue where the property owner works together with the fire department to remedy it. We're working through to remedy that.

COMMISSIONER SPARRAZZA: Okay. And that's taken you roughly 18 months to remedy it.

MR. DAVIES: I would dispute that assessment of it, that it's taken 18 months.

COMMISSIONER SPARRAZZA: Okay, all right. I'm done asking questions right now. Thank you.

COMMISSIONER PETSCHER: I've got a question.

CHAIRMAN SHEA: Go ahead, Mike.

COMMISSIONER PETSCHER: The house that your client owns directly behind it that has the roof burned off --

MR. DAVIES: Yes.

COMMISSIONER PETSCHER: -- has that roof been fixed?

MR. DAVIES: So there was a fire that occurred there through no fault of my client and based on a tenant that was --

COMMISSIONER PETSCHER: What year?

COMMISSIONER SPARRAZZA: 2021.

COMMISSIONER PETSCHER: 2021. Has that roof been fixed? That's my only question, yes or no? It's a yes or no question.

MR. DAVIES: So I do believe that there --

COMMISSIONER PETSCHER: Okay.

MR. DAVIES: If I may have the opportunity to respond. I do not believe that there are any life-safety issues with respect to that. This process with respect to the proposed expansion has taken significant time. The thinking is that that would be demolished as part of the expansion, but I do not believe it presents any life-safety issue. There's been no finding of violation with respect to that.

COMMISSIONER PETSCHER: I'm done.

CHAIRMAN SHEA: Any other questions for -- go ahead, Michelle.

COMMISSIONER McLEOD: So, Noel, I'm really concerned about this project. Just as they mentioned, you know, the lack of attention to safety, and then this -- I have a 63-page document in front of me with all these police reports -- calls to the police over an eight-year period. That's what I'm looking at. Another gentleman referenced an over 100-page document. And these are, like, serious incidences.

MR. DAVIES: I'm happy to go through them. I mean, I'm not -- I'm not doubting the seriousness of emergencies. I think it's important that we look at the specifics of what was -- what that was relating to.

COMMISSIONER McLEOD: I almost want to ask the owner to come up and explain, like, how is he okay with this? How is he okay with operating a hotel that has these serious incidence reports? I mean, if I lived next to this, I don't -- I would -- I would be in shock. When I read this, I was in shock.

AUDIENCE MEMBERS: We are.

COMMISSIONER SPARRAZZA: Okay. All right.

CHAIRMAN SHEA: Please.

COMMISSIONER McLEOD: And so I'm struggling to give him 30 more units when he has trouble managing what he currently has. And I'm -- there's nothing that tells me that he is not *[sic]* going to care for this new building any more than he's not caring for the existing building.

MR. DAVIES: Can I ask what concerns you about him not caring for this building? And I think we can -- I'd like to go through the specifics of the police report if we -- the police reports if we can.

COMMISSIONER McLEOD: I mean, if you want me to read them out loud, it's quite -- it's quite shocking.

MR. DAVIES: So the -- I'm going back from the most recent. This is from the summary from my team's review of this.

COMMISSIONER McLEOD: Do you have the 83 -- or the 63-page -- is that what you're referring -- I just want to --

MR. DAVIES: I think so, yeah. That's the only one that I've seen. I believe it's the last five years of calls to 911.

COMMISSIONER McLEOD: Right -- or eight years, okay.

MR. DAVIES: So this one's -- the first says, "Legal advice. Complaining about quality of care. Received from Collier EMS." Second -- and that was April 11th, 2026.

Medical -- next one, April 10th, medical emergency. Refused medical treatment for heart problems.

There are, "Suspicious person. Suspicious kid knocking on guest doors. Ran into neighborhood." These were the -- I think the Palm River children that were doing this, because this has happened a few times.

Same -- next one, "Kids riding on bicycles and pounding on guest doors. Ran down neighborhood street."

Next one, "Kids riding on e-bikes and kicking on guest doors. Ran down neighborhood street."

Number 7, January -- so that was from April to January. So that's a three-month snapshot, and, you know, Ms. McLeod, I respect and appreciate -- and I think that it's -- it is very important that we assess whether that statement is accurate and reflected in the data and in the evidence before you today as to how my client cares for this building, cares for the safety, and if there is a -- is a safety problem.

COMMISSIONER McLEOD: I mean, I'd like to read some of these. Like, there's a Baker Act, and this is most recent on up. There is --

MR. DAVIES: Where is the Baker Act?

COMMISSIONER McLEOD: Drugs and alcohol. Okay, I'll give you dates. The Baker Act was April 10th of 2026.

MR. DAVIES: And I think the notes say, "Refused medical treatment for heart problems but not determined to meet criteria for Baker Act."

COMMISSIONER McLEOD: April the 10th, there's narcotics, drugs, or alcohol.

MR. DAVIES: April the 10th of 2026?

COMMISSIONER McLEOD: Meds or -- patient is aggressive, and they were taken away in an ambulance. I do see the kids -- a lot of kids in the neighborhood causing trouble.

CHAIRMAN SHEA: Do we want to continue going through that, or do we just want to say you guys disagree with the interpretation of the data? Because there's many more factors that have been discussed here than that. So I don't want to get hung up on whether they -- there's an inordinate amount of good claims versus nothing they could control.

MR. DAVIES: The last thing I would want to be is disrespectful to that -- to that statement. I just want to make sure that this board is making its decision today based on the legal criteria and also the evidence that's before it and not just a statement from a neighbor saying, "They're not taking care of the property. It's not safe," when I don't believe that the underlying data supports that from the police reports or otherwise.

And, again, you know, the standard -- and I hate coming back to this because I know you're all very familiar with it, but you've got to weigh the evidence, and you've got to give the proper weight to expert evidence versus speculative testimony from neighbors.

COMMISSIONER SPARRAZZA: Mr. Davies, we do have an awful lot of evidence. We had roughly 400 pages, probably more like 450 when we include all of the emails and the information that was passed on to us for us to review before this proceedings.

And I would like to ask the rest of the Commission here, are there any other questions that we want to get out on the table before we bring this to a vote? Because I would like to see a vote of this come quickly.

MR. DAVIES: If I may, Mr. Sparrazza, though, it's not the number of pages or the number of people that don't like this project.

COMMISSIONER SPARRAZZA: No, I'm talking about us reviewing evidence.

MR. DAVIES: Right, but it's whether or not that evidence proves or doesn't prove whether the legal criteria have been met.

COMMISSIONER SPARRAZZA: Okay.

CHAIRMAN SHEA: But I think there's a lot of other criteria in terms of the legal. There's a lot of subjective criteria that's going to go into this, but I'm with Mr. Sparrazza, I'd like to get into a discussion, if you don't have anything more to offer, or, Mr. Bosi, is there anything you feel you should offer?

MR. BOSI: Nothing further from the --

CHAIRMAN SHEA: I'm not looking for anything.

MR. BOSI: Nothing further from the staff, but I will say --

CHAIRMAN SHEA: Okay.

MR. BOSI: -- and just understand the issue of compatibility is a big issue related to rezoning of property. And if you feel evidence that's provided for within police reports, I mean, obviously that can be related to compatibility, compatibility issues. Just that you're on safe ground to have this discussion. It's part of the evaluation criteria.

COMMISSIONER SPARRAZZA: Right.

CHAIRMAN SHEA: Any other questions for the -- with that, we'll close and open it up. I'd like to kind of start out more for the audience. First of all, I want to thank you. This is the first session I've come to with that many public speakers where everybody didn't repeat what the previous person said. You all spoke on a different topic. When you go to the commissioners, do the same thing. Don't overlap.

COMMISSIONER SPARRAZZA: Well, we might have an argument at the dinner table with the couple in the back, but...

CHAIRMAN SHEA: But I wanted to -- you know, we're all volunteers, and we're going to make an opinion of this group to the commissioners who are really the decision-makers. Our job is to try and facilitate as much -- many of the projects as possible that they don't have to spend a lot of time on that are pretty -- pretty innocuous. But we all probably view the roles we have a little bit differently. Since we're all paid the same, we still have different views of why we're here.

I can tell you why I'm here. I look back that 20-plus years ago the County put a roadmap together called the Growth Management Plan, and I view us as the caretaker of that plan for two reasons: First, infrastructure is planned in accordance with that Growth Management Plan, which is periodically changed; and, second, you as residents have a right to assume, pending some huge benefit to the community that we don't see, that you have a right to count on that plan as to what's going to happen in your area.

So it's a very difficult scale to balance. We look at -- I look at -- the way I view it, what is the public benefit and what is the neighborhood impact?

We could get into all of these little details, but to me the neighborhood impact is overwhelmingly the winner. I don't see enough public benefit to change the Growth Management Plan. And if it needs to be changed in a situation like this, then the individuals who drafted it, which is the County Commissioners, should change the plan.

So I'm going to recommend against this knowing that the County Commissioners will have the final say.

COMMISSIONER PETSCHER: Yeah. Do you want to go next?

COMMISSIONER SPARRAZZA: Sure.

COMMISSIONER SCHMITT: Paul, can I -- Paul, can I ask, have you closed the public hearing and opened for commissioner discussion?

CHAIRMAN SHEA: Yes, I thought we did.

COMMISSIONER SPARRAZZA: Yes.

CHAIRMAN SHEA: Yep, we did. So if you want to speak --

COMMISSIONER SCHMITT: All right, thanks.

CHAIRMAN SHEA: Push your button, Joe.

COMMISSIONER SCHMITT: Yeah. I will have to raise my hand here --

CHAIRMAN SHEA: Okay. Mike was up next.

COMMISSIONER PETSCHER: It's up to you. It don't matter.

COMMISSIONER SCHMITT: Go ahead. I'll -- let me know, because I'll -- after Mike or whomever, Michelle or whomever, I'd like to just add my thoughts. Thanks.

CHAIRMAN SHEA: Thank you.

COMMISSIONER PETSCHER: Yeah. I'm with you on the Growth Manage- -- the GMP. I don't -- I kind of try to stick to the GMP. I don't want to -- I don't really see any need for deviation.

The Airbnb thing, I think that's totally different than what a hotel is. I don't think this is compatible with the neighbors. I think that they own the four houses behind it. They own the additional three houses. All -- they could actually come back very easily, if we allow this, and get the additional four *[sic]* houses changed into the same exact setting into the wrong -- into a neighborhood setting.

I'm going to recommend denial as well, so...

CHAIRMAN SHEA: Thank you.

Michelle.

COMMISSIONER McLEOD: I really -- I really feel like, you know, if I saw better compatibility -- I don't know if I need to use that word, but it just -- I just don't feel that this developer/owner has earned this. Yeah, right. So I'm going to recommend denial, too.

COMMISSIONER SPARRAZZA: I'm a stickler for technical issues, code violations. And I'm not going to assume, but I'm wondering if the kitchenettes were installed and modified within the buildings correctly with inspections and licensed electricians. What's more concerning with me -- and I have the documentation right here. It's in the two reports I have from the fire department, that roughly 14- to 18-month period, something as simple as fire suppression in the 22 units was not looked after to me sends a clear signal on what that owner intends to do with the way he operates his business. I also will vote no for this.

CHAIRMAN SHEA: Any other --

COMMISSIONER LUCARELLI: I'd like to say a couple things, yeah.

Just -- I live there. I've had friends and relatives stay there at the motel over the last 20 or almost 30 years that you've been the owner, sir. It's a -- it's -- the rooms are not very nice. It's kind of a seedy place, and that's sort of what brings some of the bad element there.

A little bit of bad faith is what I see, and I don't trust that all of a sudden you're going to change it and it's going to be a good-faith situation where you're going to be doing things. For example, what Noel said about the parking. "If we see that there's a problem, we'll fix it." I don't trust it right now. I don't trust that statement, and I don't see that.

So I figure we'll be arguing about it in the future, or someone else will be arguing about it. I'd like to see -- I would have liked to have seen a little more good faith where some of the things would have been -- would have been addressed before today. I mean, these are kind of empty promises.

CHAIRMAN SHEA: Amy?

MS. LOCKHART: I'm good.

CHAIRMAN SHEA: Joe, closing comments?

COMMISSIONER SCHMITT: Yeah. First of all, I think the comments of Mike, I appreciate your concern about the encroachment going forward, but certainly any encroachment beyond Tract B would certainly have to go through a very extensive public hearing process again, so it -- and typically -- and Heidi typically does advise us that precedence is not what authorizes future development.

But that said, I have some very, very deep concerns about moving forward on this. I made it clear to Noel when I spoke with him this is a unified plan of development. Despite it's Tract A and Tract B, it's still a unified plan of development. It's a PUD. It's converting RT zoning to PUD, and I look at that as one development, irrespective that it's Tract A and Tract B. I have some very deep concerns about Tract A.

I'm absolutely appalled at the response that I just heard about the fire codes. Look it, I was -- I was the Community Development administrator, and the building director worked for me, and one of the things we enforced strictly was the fire codes. I -- if there were cooktops or other things that were installed, if this were to move forward and it was -- if it was to move forward, it moves forward as a unified plan of development, my stipulations would be, one, that there would be a complete inspection of the existing facilities to ensure that there's no code violations, fire code violations.

Number 2 -- and I made this clear to Noel when I spoke with him -- I will not move forward with this and allow for the perpendicular parking. At the first development order that -- the owner would have to come in and discuss a plan on how they would remove the perpendicular parking and to allow for either safe parking along the street -- I think there is enough room for safe parking, parallel parking, but that would be between the County.

But I would have -- for this -- for me to vote for approval of this, I would have to have clear understanding that this is a unified plan of development, that the parking, though it's grandfathered, it's no longer grandfathered when it comes in as the unified plan of development. They would have to resolve the parallel -- perpendicular parking.

And, again, I'm going to stipulate or stress that any fire code violations, 18, 20 months of noted violations with nothing being taken care of -- I don't even understand how they can deal with this through an insurance basis. But I will wait to hear if there's any proposals, and I'll see where it goes. But if this were to move forward, my first stipulation would be that the -- at the first development order, the applicant would have to come in and define to the County how they would resolve and remove the perpendicular parking to correct what I think is a -- I could not allow it to move forward to allow what I believe is a violation of the Land Development Code, and they would have to abate that parking or at least correct that -- that petition as -- or situation as well.

But I'll hold off until I hear any motions. Thank you for allowing me to comment.

CHAIRMAN SHEA: Any more comments from the commission?

(No response.)

CHAIRMAN SHEA: Do I have any recommendations?

COMMISSIONER SPARRAZZA: Yes, I'd like to recommend that for Petition PL --

CHAIRMAN SHEA: We're going to vote on both of them together on these two?

COMMISSIONER SPARRAZZA: Yes, they will be a common vote.

I would like to recommend for the Petition PL20240000329 and accompanying PL20240000220 that we deny the petition -- that we deny both of these petitions together.

COMMISSIONER PETSCHER: I'll second that.

CHAIRMAN SHEA: All in favor of Commissioner Sparrazza's recommendation?

COMMISSIONER SPARRAZZA: Denial, right?

CHAIRMAN SHEA: Pardon me?

COMMISSIONER SPARRAZZA: In favor of a denial.

CHAIRMAN SHEA: Oh, in favor of your recommendation, which is a denial.

COMMISSIONER SPARRAZZA: Yes.

CHAIRMAN SHEA: Excuse me.

COMMISSIONER SPARRAZZA: Sorry.

CHAIRMAN SHEA: All in favor of the proposal?

COMMISSIONER LUCARELLI: Aye.

CHAIRMAN SHEA: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER PETSCHER: Aye.

COMMISSIONER McLEOD: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN SHEA: All opposed?

(No response.)

CHAIRMAN SHEA: So on a six to nothing, it is rejected.

COMMISSIONER SCHMITT: Paul, if I could just add something at the end. The current zoning still stands and that the petitioner has every right to come in under the existing RT zoning to make any changes or plans or correction or whatever they want to do on that existing site. I think the public needs to be aware that that certainly is allowable. It's RT zoning. And the zoning allows him to go to a maximum of 100 feet.

CHAIRMAN SHEA: Thank you.

COMMISSIONER SPARRAZZA: Does that -- no. We've got old business?

CHAIRMAN SHEA: Do we have any --

MR. BOSI: I was just going to remind the Planning Commission that based upon no items being continued, the July 2nd meeting will be officially canceled. We'll send out an email to let you guys know that, but --

CHAIRMAN SHEA: July 2nd will be --

COMMISSIONER PETSCHER: Yeah. That was going to be a difficult one anyways.

COMMISSIONER LUCARELLI: Isn't there a July 16th meeting or something? July 2nd is canceled.

MR. BOSI: And we will send out another email for the July 16th meeting. It will be a 4 o'clock start time.

CHAIRMAN SHEA: Yep, got that.

Any new business?

COMMISSIONER SCHMITT: Mike, can I -- Mike, can I ask about the July -- is that the July 16th --

CHAIRMAN SHEA: We're going on with the agenda, so please --

MR. BOSI: Joe, the July 16th Planning Commission meeting's going to start at 4 o'clock. We're going to have two LDC amendments that can be heard during the day, and then we will have three that need the 5:05 start time.

COMMISSIONER SCHMITT: All right. Now, the -- most of the other commissioners, I don't know if they've gotten information on those two LDC amendments, but they're going to be pretty contentious. Is that sufficient -- is that the two that have to deal with the Quail --

MR. BOSI: Quail Creek?

COMMISSIONER SCHMITT: -- Creek?

MR. BOSI: Yes, that --

COMMISSIONER SCHMITT: Is that at 4 o'clock?

MR. BOSI: Those are the nighttime hearings. Those are the ones that are -- that's why we started at 4 o'clock, because the two LDC amendments that we have are very procedural.

COMMISSIONER SCHMITT: Okay. Those are at night.

MR. BOSI: Yes.

COMMISSIONER SCHMITT: All right. So we -- I would probably at least -- I don't know if the other commissioners have been contacted, but I do expect certain -- a lot of -- a lot of public to participate in that LDC hearing for that night. It's a fairly contentious issue.

COMMISSIONER SPARRAZZA: Yep.
COMMISSIONER SCHMITT: So all right.
COMMISSIONER SPARRAZZA: So our next -- just to confirm, our next meeting is not until the 16th of July?
CHAIRMAN SHEA: Correct.
MR. BOSI: Correct.
CHAIRMAN SHEA: And it's an afternoon start.
COMMISSIONER SPARRAZZA: Right, at 4 p.m.
Do we have any old business?
CHAIRMAN SHEA: No.
COMMISSIONER SPARRAZZA: No. Any new business?
CHAIRMAN SHEA: I like this. See, he gets it next time.
COMMISSIONER SPARRAZZA: All right. Get the gavel.
CHAIRMAN SHEA: Do I have a motion --
COMMISSIONER SCHMITT: Paul, you did a great job.
CHAIRMAN SHEA: -- to adjourn?
COMMISSIONER PETSCHER: So moved.
COMMISSIONER SPARRAZZA: So moved.
CHAIRMAN SHEA: Do I a second?
COMMISSIONER LUCARELLI: I guess that's a second.
MS. LOCKHART: I'll second.
COMMISSIONER SPARRAZZA: Second.
CHAIRMAN SHEA: All in favor?
COMMISSIONER LUCARELLI: Aye.
CHAIRMAN SHEA: Aye.
COMMISSIONER SPARRAZZA: Aye.
COMMISSIONER PETSCHER: Aye.
COMMISSIONER McLEOD: Aye.
COMMISSIONER SCHMITT: (No verbal response.)
CHAIRMAN SHEA: We are closed.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:50 a.m.

COLLIER COUNTY PLANNING COMMISSION

JOE SCHMITT, CHAIRMAN

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

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

ORDINANCE NO. 26 – ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, TO REMOVE THE SEPARATION REQUIREMENTS BETWEEN FACILITIES WITH FUEL PUMPS, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER FIVE – SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.05.05 FACILITIES WITH FUEL PUMPS; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE. (PL20260003715)

Recitals

WHEREAS, on October 30, 1991, the Collier County Board of County Commissioners adopted Ordinance No. 91-102, the Collier County Land Development Code (hereinafter LDC), which was subsequently amended; and

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

WHEREAS, on March 18, 1997, the Board adopted Resolution 97-177 establishing local requirements and procedures for amending the LDC; and

WHEREAS, all requirements of Resolution 97-177 have been met; and

WHEREAS, the Collier County Planning Commission, sitting as the land planning agency, did hold an advertised public hearing on _____, 2026, and reviewed the proposed amendments for consistency with the Comprehensive Plan and did recommend approval; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold an advertised public hearing on _____, 2026, and did take action concerning these amendments to the LDC; and

WHEREAS, the subject amendments to the LDC are hereby determined by this Board to be consistent with and to implement the Collier County Growth Management Plan as required by Subsections 163.3194 (1) and 163.3202 (1), Florida Statutes; and

WHEREAS, this ordinance is adopted in compliance with and pursuant to the Community Planning Act (F.S. § 163.3161 *et seq.*), and F.S. § 125.01(1)(t) and (1)(w); and

WHEREAS, this ordinance is adopted pursuant to the constitutional and home rule powers of Fla. Const. Art. VIII, § 1(g); and

WHEREAS, all applicable substantive and procedural requirements of the law have otherwise been met.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida, that:

SECTION ONE: RECITALS

The foregoing Recitals are true and correct and incorporated by reference herein as if fully set forth.

SECTION TWO: FINDINGS OF FACT

The Board of Commissioners of Collier County, Florida, hereby makes the following findings of fact:

1. Collier County, pursuant to §163.3161, *et seq.*, F.S., the Florida Community Planning Act (herein after the “Act”), is required to prepare and adopt a comprehensive plan.

2. After adoption of the Comprehensive Plan, the Act and in particular §163.3202(1). F.S., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted comprehensive plan.

3. Section 163.3201, F.S., provides that it is the intent of the Act that the adoption and enforcement by Collier County of land development regulations for the total unincorporated area shall be based on, be related to, and be a means of implementation for, the adopted comprehensive plan.

4. Section 163.3194(1)(b), F.S., requires that all land development regulations enacted or amended by Collier County be consistent with the adopted comprehensive plan, or element or portion thereof, and any land regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent.

5. Section 163.3202(3), F.S., states that the Act shall be construed to encourage the use of innovative land development regulations.

6. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan (hereinafter the "Growth Management Plan" or "GMP") as its comprehensive plan pursuant to the requirements of §163.3161 *et seq.*, F.S.

7. Section 163.3194(1)(a), F.S., mandates that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with the Act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such comprehensive plan or element shall be consistent with such comprehensive plan or element as adopted.

8. Pursuant to §163.3194(3)(a), F.S., a development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development are compatible with, and further the objectives, policies, land uses, densities, or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

9. Section 163.3194(3)(b), F.S., states that a development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with, and further the objectives, policies, land uses, densities, or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

10. On October 30, 1991, Collier County adopted the Collier County Land Development Code, which became effective on November 13, 1991. The Land Development Code adopted in Ordinance 91-102 was recodified and superseded by Ordinance 04-41.

11. Collier County finds that the Land Development Code is intended and necessary to preserve and enhance the present advantages that exist in Collier County; to encourage the most appropriate use of land, water and resources consistent with the public interest; to overcome present handicaps; and to deal effectively with future problems that may result from the use and development of land within the total unincorporated area of Collier County and it is intended that this Land Development Code preserve, promote, protect and improve the public health, safety, comfort, good order, appearance, convenience and general welfare of Collier County; to prevent the overcrowding of land and avoid the undue concentration of population; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing and other requirements and services; to conserve, develop, utilize and protect natural resources within the jurisdiction of Collier County; to protect human, environmental, social and economic resources; and to maintain through orderly growth and development, the character and stability of present and future land uses and development in Collier County.

12. It is the intent of the Board of County Commissioners of Collier County to implement the Land Development Code in accordance with the provisions of the Collier County Comprehensive Plan, Chapter 125, Fla. Stat., and Chapter 163, Fla. Stat., and through these amendments to the Code.

SECTION THREE: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE

* * * * *

SUBSECTION 3.A. AMENDMENTS TO SECTION 5.05.05 FACILITIES WITH FUEL PUMPS

Section 5.05.05 Facilities with Fuel Pumps, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.05.05 Facilities with Fuel Pumps

A. The purpose of this section is to ensure that facilities with fuel pumps do not adversely impact adjacent land uses, especially residential land uses. The high levels of traffic, glare, and intensity of use associated with facilities with fuel pumps, particularly those open 24 hours, may be incompatible with surrounding uses, especially residential uses. Therefore, in the interest of protecting the health, safety, and general welfare of the public, the following regulations shall apply to the location, layout, drainage, operation, landscaping, parking, and permitted sales and service activities of facilities with fuel pumps.

B. Site design requirements.

1. Table of site design requirements:

Minimum dimensions:	Site Standards
Minimum lot area (sq. ft.)	30,000
Minimum lot width (ft.)	150
Minimum lot depth (ft.)	180
Separation from adjacent facilities with fuel pumps (ft.) (based on distance between nearest points)	500
Minimum setbacks, all structures:	
Front yard (ft.)	50
Side yard (ft.)	40
Rear yard (ft.)	40

~~2. Waiver of separation requirements.~~

~~a. The BZA may, by resolution, grant a waiver of part or all of the minimum separation requirements set forth herein if it is demonstrated by the applicant and determined by the BZA that the site proposed for~~

~~development of a facility with fuel pumps is separated from another facility with fuel pumps by natural or man-made boundaries, structures, or other features which offset or limit the necessity for such minimum distance requirements. The BZA's decision to waive part or all of the distance requirements shall be based upon the following factors:~~

- ~~i. Whether the nature and type of natural or man-made boundary, structure, or other feature lying between the proposed establishment and an existing facility with fuel pumps is determined by the BZA to lessen the impact of the proposed facility with fuel pumps. Such boundary, structure, or other feature may include, but is not limited to, lakes, marshes, nondevelopable wetlands, designated preserve areas, canals, and a minimum of a 4 lane arterial or collector right-of-way.~~
- ~~ii. Whether the facility with fuel pumps is only engaged in the servicing of automobiles during regular, daytime business hours, or, if in addition to or in lieu of servicing, the facility with fuel pumps sells food, gasoline, and other convenience items during daytime, nighttime, or on a 24 hour basis.~~
- ~~iii. Whether the facility with fuel pumps is located within a shopping center primarily accessed by a driveway, or if it fronts on and is accessed directly from a platted road right-of-way.~~
- ~~iv. Whether the granting of the distance waiver will have an adverse impact on adjacent land uses, especially residential land uses.~~
- ~~b. The Administrative Code shall establish the submittal requirements for a facility with fuel pumps waiver request. The request for a facility with fuel pumps waiver shall be based on the submittal of the required application, a site plan, and a written market study analysis which justifies a need for the additional the facility with fuel pumps in the desired location.~~
- ~~c. Additional conditions. The BZA shall have the right to add additional conditions or requirements to its approval of a distance waiver request in order to insure compatibility of the facility with fuel pumps with the surrounding area and the goals and objectives of the GMP.~~

C. Building architecture, site design, lighting, and signage requirements.

* * * * *

SECTION FOUR: CONFLICT AND SEVERABILITY

In the event that any provisions of this ordinance should result in an unresolved conflict with the provisions of the Land Development Code (LDC) or Growth Management Plan (GMP), the applicable provisions of the LDC or GMP shall prevail. In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of

competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION FIVE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE

The provisions of this Ordinance shall become and be made a part of the Land Development Code of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION SIX: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this ____ day of _____, 2026.

ATTEST:
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: _____
_____, Deputy Clerk

By: _____
Dan Kowal, Chairman

Approved as to form and legality:

Courtney L. DaSilva
Assistant County Attorney

CLD
6/17/26

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20260003715

ORIGIN

 Board of County
Commissioners (Board)

SUMMARY OF AMENDMENT

To eliminate the waiver of distance separation requirements between Facilities With Fuel Pumps. LDC amendments are reviewed by the Board of County Commissioners (Board), Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR).

HEARING DATES

Board	TBD
CCPC	07/16/2026
DSAC	05/06/2026
DSAC-LDR	04/21/2026

LDC SECTION TO BE AMENDED

5.05.05 Facilities With Fuel Pumps

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR

Approval

DSAC

Approval

CCPC
BACKGROUND

On October 14, 2025, by Resolution No. 25-116, the Board of Zoning Appeals (BZA) approved the Costco's petition for Hacienda Lakes Mixed-Use PUD to reduce the required separation distance between fueling facilities to 132', limit the number of fueling stations to 12 fueling pumps (24 positions) and stipulate additional fuel pumps shall require the Board's conditional use approval. After the decision, the BZA directed staff to evaluate the distance spatial requirement, public concerns, and bring back for discussion the process for waiving a distance separation between gasoline stations.

The request for waiver to the separation of distance requirements was first established on June 24, 1998, by Ordinance No. 98-63. It had been for a specific ingress/egress location at Pine Ridge Road, due to the volume of traffic from several gas stations being developed along Pine Ridge Road and near I-75 Interchange. The minimum distance separation criteria at that time evolved from the industry's stand-alone gas and service stations that are clustered to maximize visibility, capture high traffic flow and ensure easy access for motorists rather than be spread out. Since that time, the BZA and Hearing Examiner (HEX) have reviewed 11 distance separation waiver requests (one withdrawn) and approved 10 waivers to the minimum 500-foot separation of distance requirement (six by BZA and four by HEX) ranging from 117' up to 420'. See Exhibit A. Its notable the requests had occurred at four-lane and six-lane intersections. Only two out of the 11 petitions had occurred on a two-lane collector roadway and eight of the ten requests were approved within designated Activity Centers.

Also, staff researched other Florida counties and municipalities land development codes and found that very few require a separation of distance between other gas stations or facilities with fuel pumps and only nine communities require a separation of distance from 150' and up to 1,000'. See Exhibit A. It's notable there are 67 counties and 411 municipalities (478 local jurisdictions) within the State of Florida, which only seven have a distance of separation waiver requirement or 1.5 percent.

On March 10, 2026, agenda item 11.D, the Board discussed the following three options related to gas station waivers for a distance separation requirement:

- A) Eliminate the waiver requirement in its entirety,
- B) Eliminate the waiver requirement within designated activity centers as most of them have physical dividers that address safety and ingress/egress concerns with the overall transportation system, and they provide for multiple entrances with spacing criteria with the quadrants of commercial/mixed use development, and
- C) Modify the separation requirements and evaluate the standards and site design requirements which may include, but are not limited to the following:
 - Reduce separation distance to 250 feet.
 - Cap and limit the number of fueling stations at major mixed-use Activity Centers.
 - Require and prioritize a written conceptual traffic study analysis to justify interconnectivity, safe and efficient mobility for the public's benefit, instead of a market study analysis.
 - Expand the current list of factors to waiver part or all the separation requirements.

Staff's analysis and re-evaluation were presented in the Executive Summary to the Board. See Exhibit B. Members of the Board recognized, that there is no Florida Statute prohibiting facilities with fuel pumps within 500 feet of each other, only 1.5% of statewide jurisdictions have a distance waiver, the waiver request is outdated, and during the site development plan approval and transportation operational analysis process (access management policies) there is a adequate process for the review and analysis to address safety concerns and ingress/egress issues for facilities with fuel pumps.

This proposed LDC amendment will eliminate LDC subsection 5.05.05 B.2. in its entirety and retain LDC subsection 5.05.05 B.1 site design requirements.

DSAC-LDR Subcommittee recommendation:

On April 21, 2026, the Subcommittee recommended approval as proposed.

DSAC recommendation:

On May 6, 2026, the DSAC recommended approval.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts associated with this amendment.

GMP CONSISTENCY

The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP.

EXHIBITS: A) Distance Separation Waiver Decisions/Other Florida Communities Separation Distances; and B) Executive Summary

Amend the LDC as follows:

5.05.05 Facilities with Fuel Pumps

A. The purpose of this section is to ensure that facilities with fuel pumps do not adversely impact adjacent land uses, especially residential land uses. The high levels of traffic, glare, and intensity of use associated with facilities with fuel pumps, particularly those open 24 hours, may be incompatible with surrounding uses, especially residential uses. Therefore, in the interest of protecting the health, safety, and general welfare of the public, the following regulations shall apply to the location, layout, drainage, operation, landscaping, parking, and permitted sales and service activities of facilities with fuel pumps.

B. Site design requirements.

1. Table of site design requirements:

Minimum dimensions:	Site Standards
Minimum lot area (sq. ft.)	30,000
Minimum lot width (ft.)	150
Minimum lot depth (ft.)	180
Separation from adjacent facilities with fuel pumps (ft.) (based on distance between nearest points)	500
Minimum setbacks, all structures:	
Front yard (ft.)	50
Side yard (ft.)	40
Rear yard (ft.)	40

~~2. Waiver of separation requirements.~~

~~a. The BZA may, by resolution, grant a waiver of part or all of the minimum separation requirements set forth herein if it is demonstrated by the applicant and determined by the BZA that the site proposed for development of a facility with fuel pumps is separated from another facility with fuel pumps by natural or man-made boundaries, structures, or other features which offset or limit the necessity for such minimum distance requirements. The BZA's decision to waive part or all of the distance requirements shall be based upon the following factors:~~

~~i. Whether the nature and type of natural or man-made boundary, structure, or other feature lying between the proposed establishment and an existing facility with fuel pumps is determined by the BZA to lessen the impact of the proposed facility with fuel pumps. Such boundary, structure, or other feature may include, but is not limited to, lakes, marshes, nondevelopable wetlands, designated preserve areas, canals, and a minimum of a 4-lane arterial or collector right-of-way.~~

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- ii. ~~Whether the facility with fuel pumps is only engaged in the servicing of automobiles during regular, daytime business hours, or, if in addition to or in lieu of servicing, the facility with fuel pumps sells food, gasoline, and other convenience items during daytime, nighttime, or on a 24 hour basis.~~
- iii. ~~Whether the facility with fuel pumps is located within a shopping center primarily accessed by a driveway, or if it fronts on and is accessed directly from a platted road right-of-way.~~
- iv. ~~Whether the granting of the distance waiver will have an adverse impact on adjacent land uses, especially residential land uses.~~
- b. ~~The Administrative Code shall establish the submittal requirements for a facility with fuel pumps waiver request. The request for a facility with fuel pumps waiver shall be based on the submittal of the required application, a site plan, and a written market study analysis which justifies a need for the additional the facility with fuel pumps in the desired location.~~
- c. ~~Additional conditions. The BZA shall have the right to add additional conditions or requirements to its approval of a distance waiver request in order to insure compatibility of the facility with fuel pumps with the-~~
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Exhibit A – Distance Separation Waiver Decisions / Other Florida Communities Separation Distances

ASW- BZA Resolutions and HEX Decisions Distance Separation Table			
BZA Resolution No.	HEX Decision No.	Fuel Facility- Location	Distance Separation Relief in feet. (Remaining Distance)
1998-499		At U.S.41 and Royal Palm Terrace.	400 (100)
2000-61		Sam's Club and ? at Immokalee and Airport Rd.	182 (318)
2000-277		7-Eleven and Capri Commerce Center.	300 (200)
	2016-01	7-Eleven and RaceTrac at U.S.41 between Fredrick and Palm Streets.	Varies
	2017-19	7-Eleven and Naples South Plaza at U.S.41 and Rattlesnake Hammock Rd.	191.77 (308.23)
	2018-03	RaceTrac and an Existing Facility at Shadowlawn Dr. and U.S. 41.	185 (315)
	2021-13	New ASS with convenience store and car wash and RaceTrac at NE corner of Collier Blvd. and Rattlesnake Rd.	117 (363)
2021-116		7-Eleven and Handy Convenience Store at North 9th St. and Mainstreet-Immokalee.	420 (80)
2021-227		7-Eleven and Estates Shopping Center Golden Gate Blvd. and Wilson Blvd.	370 (130)
2025-216		7-Eleven and Costco at Rattlesnake Hammock Rd. and Collier Blvd.	132 (368)

Other Florida Communities	
Community	Fuel Facilities Separation Distance (feet)
County	
Collier	500'
Arcadia	750' except at the intersection of any two designated primary state highways, or lots on opposite sides of four-lane streets where there is a median for control of traffic constituting, for all practical purposes, two separate one-way streets. 250' from places of public assemblage, occupied for a church, hospital, elementary or high school, public library, theater, auditorium stadium arena assembly hall or other similar public or semipublic place where large numbers of people congregate.

Exhibit A – Distance Separation Waiver Decisions / Other Florida Communities Separation Distances

Highlands	250' from any lot used or to be used for church, playground, playfield, park, hospital, elementary or high school, public library, theater, auditorium, stadium, arena, assembly hall or other similar public or semi-public place where large numbers of people congregate schools.
Palm Beach	<i>Intersection Criteria:</i> applicable uses shall be limited to within 1,000' of any intersection, measured from intersection centerlines of each street to nearest exterior wall or outdoor dining area and a maximum of two at an intersection. <i>Separation Criteria:</i> A use shall meet the following separation criteria of any other same and existing or approved use, measured by straight line between nearest point of exterior wall or outdoor dining area of proposed use: 1,000'.
Wakulla	150' from residential property, school, public playground, churches, hospital, public library, or institution for children or dependents.
City	
Estero	500' separation unless a deviation or variation is granted by Village Council.
Jupiter	400' from place of worship, hospital, or school. 750' from other fueling station. Separation between street driveway or intersection: 125' (center line to center line) on 80' or smaller collector road ROW or 245' on 100' or greater arterial road ROW.
Lauderhill	2,000'; does not apply if 2 or more stations are located on different corners of an intersection of 2 or more streets. Use is prohibited in the General Commercial zoning district if the land use is located on property that abuts property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 zoning districts or that abuts a water body zoned PO district and if the land use is located on property with a depth equal to or less than three hundred fifty (350) feet. This land use also is prohibited in the General Commercial zoning district if the land use is located on property where the front or rear property lines are three hundred fifty (350) feet or less from property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, or RM-22 districts.
Margate	1,000' and 100' from residential
Palm Springs	250' from intersection-arterial or collector and a parcel occupied by a church, public or private school, daycare, hospital, governmentally owned or operated building, nursing home or assisted living facility, theater, auditorium, stadium area, place of assembly, and/or a public play field or 1,000 in village.

Exhibit B – Executive Summary

3/10/2026
Item # 11.D
ID# 2026-295

Executive Summary

Pursuant to prior Board direction, recommendation to remove the existing 500-foot separation requirement between facilities with fuel pumps, or alternatively, initiate a publicly vetted amendment modifying the site design criteria set forth in Land Development Code (LDC) Section 5.05.05.B.2.

OBJECTIVE: For the Board of County Commissioners (Board) to direct staff to delete LDC section 5.05.05 B.2, Facilities with Fuel Pumps, waiver of separation requirements in its entirety, or establish an exemption for the distance separation requirement for facilities with fuel pumps when located within a designated Mixed Use Activity Center, and/or retain the distance separation requirement and include staff's suggested changes.

CONSIDERATIONS: On October 14, 2025, after the Board of Zoning Appeals (BZA) granted PL20240011790, Costco's request for a waiver from the minimum required separation distance of 500 feet to 132 feet between facilities with fuel pumps and limiting the number of fueling pumps to 12 and six fueling stations, the Board directed staff to evaluate the spatial distance requirement and bring back for discussion. During Costco's public hearing, the public's concerns centered on mitigating impacts at the Rattlesnake Hammock/Collier Boulevard Mixed Use Activity Center intersection, the intensity of development at the intersection, pedestrian safety, traffic congestion, offsite stormwater management, and accessibility to major arterial and collector roadways. Processing of similar waiver requests began in 1998, when the Board first adopted the separation-of-distance standard. It had been for a specific ingress/egress situation involving Pine Ridge Road, due to the volume of traffic from several gas stations being developed along Pine Ridge Road and near the I-75 Interchange. Since that time, the County has processed 11 distance-separation waiver requests, with six approved by the BZA, four by the Hearing Examiner, and one withdrawn. Within this 27-year period, the approved waiver distance granted for relief has varied, ranging from 117 feet to 420 feet. It's notable that the requests had mostly occurred at four-lane and six-lane intersections. Only two out of the 11 petitions occurred on a two-lane collector roadway.

As a result of Costco's public hearing, the Board decided to re-evaluate the distance separation requirement. Staff is seeking direction from the Board with respect to an LDC amendment to one or more of the following options:

A) Eliminate the Waiver of Separation Requirement in its Entirety

There is no Florida Statute prohibiting facilities with fuel pumps within 500 feet of each other. Staff conducted a comprehensive review of other Florida Communities' land development codes and found most communities fail to establish and/or require a design requirement for a distance of separation between fueling facilities and automobile service stations other than the seven communities' requirements listed below:

- Arcadia County: 750' except at an intersection of any two designated primary state highways, or lots on opposite sides of four-lane streets where there is a median for control of traffic constituting, for all practical purposes, two separate one-way streets and 250' from places of public assemblage, occupied for a church, hospital, elementary or high school, public library, theater, auditorium stadium arena assembly hall or other similar public or semi-public place where large numbers of people congregate.
- Town of Jupiter: 750' from other fueling station; 125' on 80' or smaller collector road ROW, 245' on 100' or greater arterial road right-of-way, 400' from place of worship, hospital, or school.
- Palm Beach County: Maximum of two retail gas and fuel sales allowed within 1,000 feet of an intersection and 200 feet from residential unless approved by waiver, separated by either 1,000 or 500 feet between other same, existing, or approved use.
- City of Estero: 500 feet separation unless a deviation or variation is granted by Village Council.
- City of Lauderhill: 2,000 feet and not applicable when two or more stations are located on different corners of an intersection of two or more streets.
- Highlands County: 250' from lot used for church, playground, playfield, park, hospital, schools, public library, theater, auditorium, stadium, arenas, assembly hall or other similar public or semi-public place where large numbers of people gather.

Exhibit B – Executive Summary

City of Palm Springs:

- 1) Allowed only adjacent to major arterials and within 250 feet of an intersection of roadway classified as an arterial or collector or adjacent to a signalized intersection,
- 2) 1,000 feet between the nearest points of property lines on any two parcels occupied or to be occupied for automobile repair, fuel/gas station or convenience store or car wash purpose, and
- 3) 250 feet from a parcel occupied by church, public or private school, daycare, hospital, governmentally owned or operated building, nursing home or assisted living facility, theater, auditorium, stadium area, place of assembly, and/or public playfield.

It should be noted that there are 67 Counties and 411 Municipalities (267 Cities, 123 Towns & 21 Villages) within the State of Florida, which translates to 1.5% of governments with fueling facility separation requirements. Attachment “A” contains the summation of the research materials utilized to evaluate the Board directed request.

B) Exempt the separation distance requirement within all designated Mixed Use Activity Centers.

This option arises from evidence presented by Cosco’s locational analysis and the economic synergy of multiple fueling facilities located at major activity center intersections which serve large-scale commercial uses while serving existing and future residential development. The 19 mixed use activity centers’ locations identified in the Future Land Use Map are based on major road intersections and spacing criteria.

C) Modify the separation requirements and evaluation requirements of LDC section 5.05.05 B and H.

This option directs staff to publicly vet and proceed with additional modifications that would improve the standards and site design requirements for facilities with fuel pumps, which may include, but are not limited to the following:

- 1) Change the existing distance separation requirement from 500’ to 250’, which could have eliminated 50% of the previously granted waiver requests.
- 2) Cap the number of fueling pumps/stations at major mixed-use activity centers to no more than three within a one-mile radius of a proposed facility, except for intersections at I-75.
- 3) Limit the number of fueling stations in a shopping center within a specified distance of any intersection and only on major collector or arterial roadways. For fueling stations on a local roadway, require conditional use or variance approval.
- 4) Require and prioritize a written traffic study analysis to justify interconnectivity, safe and efficient mobility for the public’s benefit, instead of a market study analysis.
- 5) Limit the number of driveways and access points on roadways unless there is an integrated driveway within a PUD and or Mixed Use Activity Center.
- 6) Expand the minimum dimensional site design requirements to address :
 - Depth from all residential land uses;
 - Distance from school, public playground, hospital, church, etc.; and

Exhibit B – Executive Summary

- Distance from public water supply wells to protect groundwater infiltration.

7) Expand the current list of factors to waive part or all of the separation requirements by including:

- Whether an adequate vehicular designed queuing area and buffer and landscaping to residential land uses are proposed.
- Whether the total number of trips generated by the number of fuel pumps and its associated land use does not exceed the maximum allowable number of peak hour trips for the roadways' connection.
- Whether there are any onsite or offsite improvements established by a development commitment to mitigate adverse impacts.

This item furthers the County's objective to operate an efficient and customer-focused permitting process.

FISCAL IMPACT: There are no anticipated fiscal impacts to Collier County, except for the costs associated with processing and advertising the proposed LDC amendment, estimated at \$50.00.

GROWTH MANAGEMENT IMPACT: There is no growth management impact associated with this action.

LEGAL CONSIDERATIONS: This item is approved as to form and legality and requires a majority vote for Board direction. -HFAC

RECOMMENDATION(S): To direct staff to amend the Collier County Land Development Code relating to the elimination of the facilities with fuel pumps waiver of separation requirements and bring back the draft ordinance to the Board after vetting the amendment through advisory bodies.

PREPARED BY: Mike Bosi, AICP, Zoning Director

ATTACHMENTS:

1. Attachment-A-Research-Material



Clerk of the Circuit Court and Comptroller - Crystal K. Kinzel
Collier County, Florida
3315 Tamiami Trail East, Ste. 102 - Naples, FL 34112-5324
Phone: (239) 252-2646

Publication Confirmation

COLLIER COUNTY STATE OF FLORIDA

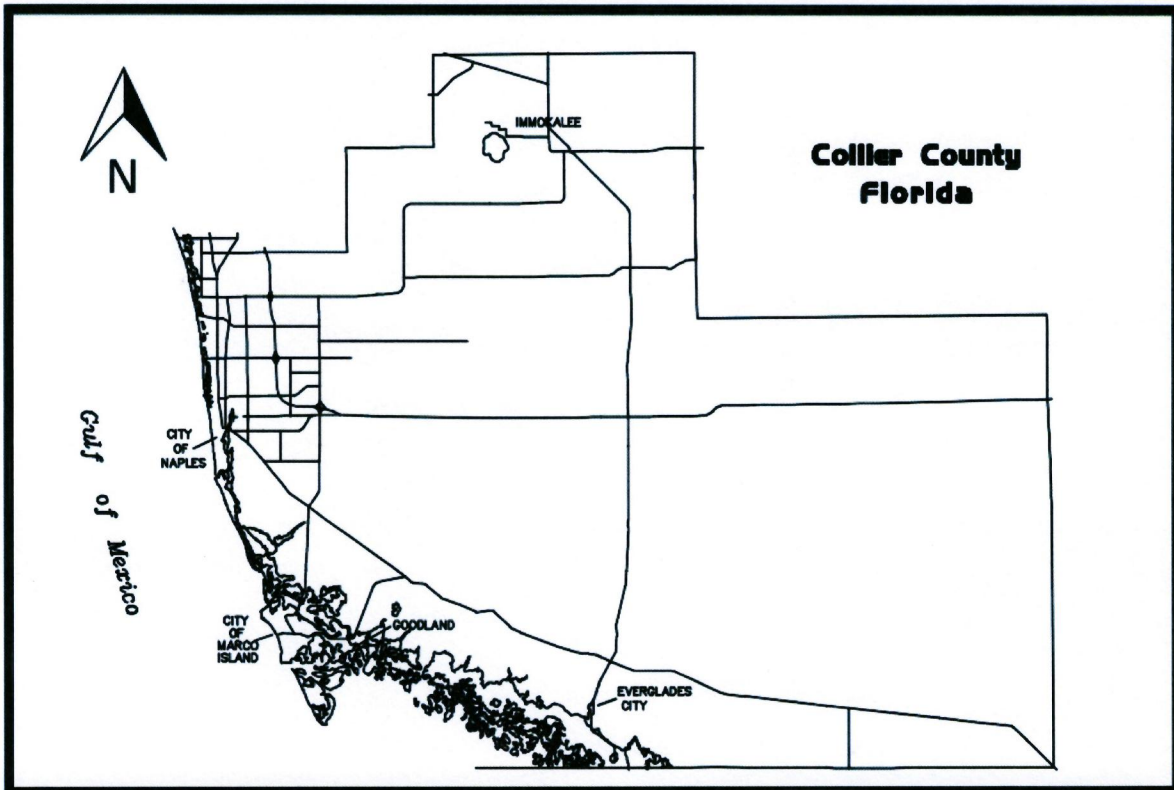
The attached copy of advertisement,
7/16/26 CCPC- Facilities with Fuel Pumps Waiver of
Separation (LDCA) (PL20260003715) was published on
the publicly accessible website
<https://notices.collierclerk.com> as designated by Collier
County, Florida on 06/26/2026.

THIS IS NOT AN AFFIDAVIT OF PUBLICATION.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the **Collier County Planning Commission (CCPC)** at **4:00 P.M.** on **July 16, 2026**, in the Board of County Commissioners Meeting Room, third floor, Collier Government Center, 3299 Tamiami Trail East, Naples, FL to consider:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, TO REMOVE THE SEPARATION REQUIREMENTS BETWEEN FACILITIES WITH FUEL PUMPS, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER FIVE – SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.05.05 FACILITIES WITH FUEL PUMPS; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE. (PL20260003715)



All interested parties are invited to appear and be heard. Copies of the proposed Amendment will be made available for inspection at the Collier County Clerk's office, fourth floor, Collier County Government Center, 3299 East Tamiami Trail, Suite 401, Naples, FL 34112, one (1) week prior to the scheduled hearing. Written comments must be filed with the Zoning Division, prior to **July 16, 2026**.

As part of an ongoing initiative to encourage public involvement, the public will have the opportunity to provide public comments remotely, as well as in person, during this proceeding. Individuals who would like to participate remotely should register through the link provided within the specific event/meeting entry on the Calendar of Events on the County website at www.collier.gov/Calendar-Events-directory/events after the agenda is posted on the County website. Registration should be done in advance of the public meeting, or any deadline specified within the public meeting notice. Individuals who register will receive an email in advance of the public hearing detailing how they can participate remotely in this meeting. Remote participation is provided as a courtesy and is at the user's risk. The County is not responsible for technical issues. For additional information about the meeting, please call Ray Bellows at 252-2463 or email to Ray.Bellows@collier.gov

Any person who decides to appeal any decision of the **Collier County Planning Commission (CCPC)** will need a record of the proceedings pertaining thereto and therefore, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Collier County Facilities Management Division, located at 3335 Tamiami Trail East, Suite 101, Naples, FL 34112-5356, (239) 252-8380, at least two (2) days prior to the meeting. Assisted listening devices for the hearing impaired are available in the Board of County Commissioners Office.

Collier County Planning Commission
Joseph K. Schmitt, Chairman

Discussion about Urbanized Outdoor Residential Street Lighting

ATTACHMENTS:

1. Memo to CCPC
2. 1.a) Current Outdoor Lighting LDC sections
3. 1.b) Approved Projects Residential and Commercial Textual Commitments
4. 1.c) Approved Residential Project Commitments
5. 1.d) Approved Commercial Project Commitments
6. 2.a) DarkSky Five Principles for Responsible Outdoor Lighting
7. 2.b) IDA and IES Definitions
8. 3) Differences in Color Temperatures and Kelvin Value-Residential Streetlighting Costs
9. 4) BUG Luminaire Classification System Chart
10. 5) Table of Other Communities Site Lighting Requirements

Memorandum

To: Collier County Planning Commission (CCPC)
From: Richard Henderlong, Planner III
Date: June 26, 2026
Re: Urbanized Outdoor Residential Street Lighting

On March 5, 2026, the CCPC directed staff to address the issue of “Dark Sky” lighting requirements and how they can be applied to urbanized residential areas. This issue resulted from the public discussions and comments received during an applicant’s “Dark Sky” commitment review for the Imperial Lakes RPUD, between the applicant, Castlewood, and Imperial Lakes’s established residential neighborhoods. The questions raised included:

- What are cost differences between “Dark Sky” compliant lighting and standard residential lighting?
- What is “Dark Sky” lighting’s purpose?
- What are its effects when adjacent to preserves?
- How does brightness and Kelvin (K) value color temperatures apply to perimeter project boundary lighting versus interior street lighting?
- What height should light poles and spacing be?
- What safety issue is addressed at the time of Site Development Plan (SDP) approvals?
- An additional concern expressed is how “Dark Sky” contextual terms are being utilized when other projects are reviewed by County staff and approved by the Board of County Commissioners.

Staff researched all streetlighting PUD, Hearing Examiner (HEX) decisions, and SRA commitments made by developers since 2016, relative to “Dark Sky” terminology, color temperatures, shielding, illumination light levels in foot candles, glare, light trespass, light spillage or overflow. Staff would like to discuss the following topics with the CCPC and seek direction for a future Land Development Code (LDC) amendment.

- 1) LDC section 6.03.03 Streetlight standards and prior approved project lighting commitments.
- 2) The principles of the International Dark Sky Association (IDA). IDA and Illuminating Engineering Society (IES) terms and definitions.
- 3) Differences in color temperatures and what Kelvin value lighting means. General cost breakdown for relevant Kelvin value residential street lighting and spacing.
- 4) IDA Luminaire Classification System-Backlight/Uplight/Glare (BUG), how it relates to offsite lighting impacts (spillage/trespass).
- 5) A table of other Florida communities’ residential streetlight level measurements by foot candles, Color Temperatures, and/or BUG values.
- 6) What could be required in an LDC amendment? Several alternatives will be presented.

Outdoor Lighting - LDC Section	Current LDC Textual Standards- June 2026
6.06.03 Streetlights	A. Streetlights shall be designed and installed utilizing the IES standards for each street, intersection at required intervals along each street and at the end of each cul-de-sac. The IES standards for this street lighting are per IESNA RP 8.00, except as below: B. At the entry/exit of any residential or commercial development approved through a SDP, SDPA, or PPL located on a public collector or arterial street, the following additional standards shall apply. For projects subject to architectural design standards, see LDC section 5.05.08 F. for related provisions. 1. At the points where the edges of pavement of the entrance road meet the intersecting right-of-way line, the illumination level shall be at or between, a minimum of 2.0 foot candles and maximum of 5.0 foot candles. In cases when this Code may conflict with any other lighting codes, requirements, policies, or recommendations relating to the spillover of light outside of project boundaries, public safety needs shall be evaluated by staff and shall take precedence in the required placement of fixtures. 2. A full cutoff fixture is required on both sides of each entry or exit outside of the intersecting public right-of-way except when located at a single-lane one-way driveway. In such case, one (1) fixture will be allowed but it shall meet minimum required foot-candle values. If the applicant can show the existing illumination levels from existing roadway lighting meet the required foot candles through a photometric lighting plan (calculated or by field measurement) certified by an engineer, licensed in the State of Florida, the county manager or designee may waive or modify the requirement for additional lighting at the point where the entry road intersects the public right-of-way. C. All sidewalks not directly lighted by street lighting that interconnect developments must be lighted to pedestrian level standards per ANSI/IES RP-8-22. D. Wherever, in the opinion of the County Manager or designee, based on an engineer's determination, a dangerous condition is created by sharp curves, irregularities in street alignment, or other similar circumstances, additional lights may be required. Streetlights and mounting poles shall be wired for underground service. All conduits and casing to be placed under the roadway required for the lights must be installed during each construction phase prior to roadway subbase completion. Streetlights shall be designed and installed in either of 2 ways: 1. Where streetlights are to be installed on private streets, the developer, through a professional engineer registered in the State of Florida, shall design and install the street lighting system subject to the approval of the County Manager or designee. Upon completion of the streetlights, they shall be owned, operated, and maintained by the property owners' association, a condominium association, cooperative association, or other similar entity, or the public utility furnishing the electric service. 2. Where the streetlights are to be installed on public streets, the developer may elect to initiate a municipal services benefit or taxing unit in coordination with the County Manager or designee in order to provide street lighting. If the municipal services benefit or taxing unit is approved by the BCC, the County Manager or designee shall authorize the public utility to design, install, and maintain the street lighting system at no cost to the County's general fund. If no municipal services benefit or taxing unit is created for public streets, the provision of this section shall govern the design, construction, and maintenance of streetlights.
4.02.23 Design Standards for the Collier Boulevard/Interstate 75 Innovation Zone Overlay (CBIIZO)	F. Additional design standards for the Economic Development uses in the CBIIZO 5. Architectural and site design standards. d. The following shall apply to all exterior lighting: i. All light fixtures shall be directed away or shielded from neighboring properties. ii. Illumination levels shall not exceed 0.5 footcandles at property lines where adjacent to residential development or residentially-zoned property, excluding where required pursuant to LDC section 6.06.03.
4.02.26 Design Standards For The Golden Gate Parkway Overlay District (GGPOD)	B. Architectural, building, and site design standards. 12. Exterior lighting. a. Public paths shall be clearly marked by using design elements such as landscaping and pedestrian lighting. b. Illumination levels in the GGPOD shall not exceed 0.5 footcandles at property lines where adjacent to residential development that is external to the GGPOD or residentially-zoned property that is external to the GGPOD, excluding where required pursuant to LDC section 6.06.03. 16. Off-street parking and loading. g. <i>Parking structures. iii. Freestanding light fixtures on the top level of the parking structures shall be a maximum of 20 feet in height and setback from the perimeter of the structure a minimum distance of twice the height of the light fixture. Light fixtures shall be fully shielded to contain light to the surface of the deck only.</i>

4.02.27 Architectural and Site Design Standards for the Immokalee Urban Area Overlay District (IUAOD). B. Building and site design standards for the entire Immokalee Urban Area Overlay District (IUAOD)	3. Design Standards for Specific Building Uses. c. Supplemental standards for facilities with fuel pumps within 250 feet of residentially zoned or residentially developed property. However, a facility with fuel pumps shall be exempt from this section when it is separated from residential property by a minimum of 100 feet of designated preserve area that is 80 percent opaque and at least 12 feet in height within one year, or a minimum four (4)-lane arterial or collector right-of-way. iv. Lighting standards . a) All light fixtures shall be directed away from neighboring properties .b) On-site light fixtures within 50 feet of residential property shall not exceed a height greater than 15 feet above finished grade. Light fixtures elsewhere shall not exceed a height greater than 20 feet above finished grade. c) All light fixtures shall be full cutoff with flat lenses. d) On-site luminaries shall be of low level, indirect diffuse type, and shall be between a minimum average of one and a half (1.5) foot-candles and a maximum average of five (5) foot-candles. e) Illumination shall not exceed: i) One-half (0.5) foot-candles at all residential property lines. ii) One-fifth (0.2) foot-candles at 10 feet beyond all residential property lines. f) Lighting located underneath the canopy shall be recessed, of indirect diffuse type, and designed to provide light only to the pump island areas located underneath said canopy. g) Under canopy luminance shall be between a minimum average of five (5) foot-candles and a maximum average of 20 foot-candles. 7. Outdoor lighting requirements. a. Applicability. In addition to LDC section 4.02.08 Outside Lighting Requirements, <i>the following regulations shall apply to all non-residential development within the IUAOD .</i> If any of the provisions noted herein conflict with other regulations within LDC section 4.02.08 Outside Lighting Requirements, the following shall apply. b. Design. i. The design of the lighting fixtures shall be consistent with the design of the project (including outparcels) in style, color, materials, and location. ii) Lighting shall be <i>designed to comply with the intent of the Illuminating Engineering Society of North America (full cutoff) . All lighting shall be designed to eliminate uplighting. iii. Lighting shall be designed to prevent the glare or spillage of light onto adjacent properties and to prevent hazardous interference with automotive and pedestrian traffic.</i> In order to accomplish this, all exterior lighting shall be directional, and use recessed light bulbs, filters or shielding to conceal the source of illumination. c. Security Lighting. Lighting for security purposes shall be <i>directed away from and shielded from adjacent properties and rights-of-way .</i> This requirement shall also apply to agricultural uses.
4.02.38 - Specific Design Criteria for Mixed Use Development within C-1 through C-3 Zoning Districts.	K. Parking Requirements. 5.Parking Structures. b. Parking structures without ground floor retail or residential uses along the front façade shall have a minimum 10-foot wide. Building Foundation Landscaping pursuant to section 4.06.00 of the Code. Where the parking structure is attached to the building or adjacent to preserve area, and the preserve area meets the otherwise required landscaping, no additional landscaping is required. ii. Parking structure lighting shall be a maximum of 20 feet in height. <i>Lighting shall incorporate full shield cut-offs to contain light to the surface of the deck only.</i>
4.08.05 Baseline Standard: Lands within RLSA District. J. Standards applicable outside the ACSC.	3. If the wildlife survey indicates that listed species are utilizing the site, or the site is capable of supporting and is likely to support listed species, a wildlife habitat management plan shall be prepared and submitted to the County. b. The wildlife habitat management plan shall also incorporate the following: i. A description of the techniques used to direct incompatible land uses away from listed species and their habitats and to comply with the criteria identified in 1 and 2 above, as applicable ii. Identification of appropriate lighting controls for permitted uses including, outdoor lighting that is designed to protect the nighttime environment, conserve energy, and enhance safety and security , and a consideration of the opportunity to utilize prescribed burning to maintain fire-adapted preserved vegetation communities and provide browse for white-tailed deer, consistent with the USFWS South Florida Multi-Species Recovery Plan, May 1999, except as recommended otherwise by the USFWS or FFWCC.

4.08.05 N. Outdoor Lighting	Any development proposed in the RLSA District shall be compatible with surrounding land uses and implement appropriate lighting controls for permitted uses, including outdoor lighting that is designed to protect and preserve the nighttime environment by minimizing light pollution and glare while reducing energy consumption and upholding safety and security . Except for when the County Manager or designee determines otherwise to protect the health, safety, and welfare, permanent outdoor lighting shall comply with the following: 1. All outdoor freestanding lighting facilities shall be limited to a maximum of 25 feet in height. This height limitation shall also be applicable to streetlights located within private and public rights-of-way. However, any lighting from a non-residential use, excluding rights-of-way, and located within 50 feet of a residential property line shall be limited to 15 feet in height. 2. All off-street parking, loading, and other vehicular use areas shall utilize lighting fixtures that are fully shielded and directs lighting downward. This includes the top-level/roof areas of parking garages. 3. All lighting fixtures shall be fully shielded when affixed to walls of non-residential uses, multi-family buildings, and related accessory structures. Any mounted to soffits for these uses shall be recessed into the soffit or otherwise fully shielded. 4. Lighting shall not be aimed onto adjacent properties without consent, except in cases of shared parking, shared pedestrian pathways, coordinated development sites spanning multiple parcels, or to otherwise comply with LDC section 6.06.03. 5. Lighting used for outdoor athletic fields, courts, or tracks shall be shielded to the maximum extent possible to reduce glare, safety hazards, light trespass, and light pollution. These lights shall be extinguished within one hour at the end of active use. 6. For pedestrian pathway lighting, if bollard-type lighting facilities are used, they shall be fully shielded and painted dark colors, such as black, dark gray, dark brown, or dark earth tones. 7. Pedestrian walkway lighting shall use shatterproof lamp coverings.
4.08.07 SRA Designation	A. Lands Within the RLSA District that can be Designated as SRAs. etc, 1.Suitability Criteria. The following suitability criteria are established to ensure consistency with the Goals, Objectives, and Policies of the RLSA Overlay. a. An SRA must contain sufficient suitable land to accommodate the planned development. Any development proposed in the RLSA District shall be compatible with surrounding land uses <i>and implement appropriate lighting controls for permitted uses, including outdoor lighting that is designed to protect and preserve the nighttime environment by minimizing light pollution and glare while reducing energy consumption and upholding safety and security</i> . Except for when the County Manager or designee determines otherwise to protect the health, safety, and welfare, <i>permanent outdoor lighting shall comply with the criteria listed in LDC section 4.08.05 N.</i>
5.05.08 Architectural and Site Design Standards: Applicable to Commercial, non-residential components of PUDs, and Business Parks.	F. Site design standards. 7. Lighting. See LDC sections 4.05.02 D and 6.06.03 for additional requirements. a. Purpose and intent. All building sites and projects, including outparcels, shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting must be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures must be integrated and designed so as to enhance the visual impact of the project on the community and blend with the landscape. b. Shielding standards. Lighting must be designed so as to prevent direct glare, light spillage and hazardous interference with automotive and pedestrian traffic on adjoining streets and all adjacent properties. Light sources must be concealed or shielded. c. Height standards . Lighting fixtures within the parking lot must be a maximum of 25 feet in height, and 15 feet in height for the non-vehicular pedestrian areas. d. Design standards . Lighting must be used to provide safety while accenting key architectural elements and to emphasize landscape features. Light fixtures must complement the design of the project. This can be accomplished through style, material or color. i. When visible from a public right-of-way or from an adjacent residential property, the illumination of new or existing building facades, architectural features, or windows with lights that change color, flash, or alternate at intervals more frequently than once per day is prohibited. e. Illumination. Background spaces, such as parking lots, shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property. Foreground spaces, including building entrances and plaza seating areas, must utilize local lighting that defines the space.
5.05.09 Wireless Communication Facilities	F.Design and development standards. 1. General standards applicable to all types of wireless communication facilities. c. Security. ii. Security lighting to protect on-ground facilities/equipment <i>shall be fully shielded and directed away from neighboring properties</i> . 2. Standards applicable to all towers. f. Lighting. i. No signals, lights, or illumination on towers shall be permitted unless required by the Federal Aviation Administration (FAA) or other applicable authority. If lighting is required by the FAA, the alternatives chosen shall be the least obtrusive to the surrounding community. ii. <i>Site lighting</i> (not required by FAA) <i>shall be elevated less than 20 feet above grade, fully shielded, and directed downward away from neighboring properties.</i>
3.04.02-Species Specific Requirements	B. Sea Turtle Protection. See LDC for current text.
COL Sec. 22-240 - Responsibilities of owners of nonresidential structure, vacant buildings, vacant structures, and vacant or unimproved lots.	1. Nonresidential Structures. L. Exterior Lighting . All outdoor lighting shall be in compliance with the following: a) non-vehicular light sources that shine into the eye of drivers of vehicles or pedestrian which could impair safe traverse are prohibited ; b) all lighting shall be shielded and aimed at owner's premises or sidewalk and shall not create an adverse affect on adjacent properties.

(1.d) Approved Past Project Lighting Textual Commitments and Stipulations:

(How Frequent)

Staff researched more than 34 approved projects (SRAs, HEX decisions, and PUDs), from 2016 to 2026, to have a better understanding of and compare outdoor residential and commercial streetlighting commitments.

A) The commitments or stipulations agreed to by applicants related to Dark Sky terminology and outdoor street lighting are as follows:

- “The RPUD shall conform with “*Dark Sky*” *lighting design principles* (flat panel, full cut-off fixtures-backlight, up light and glare [BUG] ratio where U=0) to avoid light trespass onto adjacent property. Site lighting fixtures will have a *maximum color temperature* of 3000 K.” (1) [Imperial Lakes PUD]
- *Proposed in process*: “All lighting facilities shall be shielded from neighboring residential land uses and *utilize International Dark Skies Association best practices*”. (1) Golden Gate Parkway/60th S.W. RPUD under current staff review.
- Shall utilize “*Dark Sky*” *Lighting Design Principles*. (6) 3 SRAs, 1 HEX Decision, 2 PUDs
- Consistent with public safety requirements and the *International Dark Skies Association’s best practices*, street, recreational and structure lighting shall be placed, constructed and maintained in such manner as to prevent or reduce light pollution. (1) CFPUD [Emmanuel Lutheran Church].
- *Be consistent with or utilize International Dark Skies Association’s best practices*. (1)
- All light fixtures/poles will be *Dark Skies Compliant*. (1)MPUD [Hacienda Lakes]
- All lighting shall be *Dark Sky Compliant, shielded and not to exceed 0.2 ft. candles* at residential property lines. (1) HEX decision [Celebration Park].
- Light fixtures shall be “*Dark Sky*” *Compliant* (flat panel, full cut-off fixtures-backlight, uplight and glare (BUG) rating where U=0. (1) SRA Project.
- Newly installed lighting shall be *Dark Skies Compliant*. (1) MPUD
- Light fixtures will be shielded to direct illumination only onto subject property and use minimum brightness necessary. Developer shall follow *International Dark Associations IDA Simple Guidelines for Outdoor Lighting Regulations* and shall *specify Fixture Seal of Approval (FSA) lighting by IDA*. (1) CPUD.
- Site lighting shall be *Dark Sky Compliant* to protect neighboring properties from direct glare. (1) MUPUD
- Site lighting shall be *Dark Sky Compliant* with flat panel and full cut off fixture. (1)
- *Dark Sky Compliant* to avoid light *spillage* onto adjacent properties. (3)
- *Dark Sky Compliant* to avoid light *trespass* onto adjacent properties. (2)

- *Dark Sky Compliant* (flat panel, full cut-off fixtures-backlight, uplight and glare (BUG) rating where U=0) *to avoid light trespass* onto adjacent property.(3) CPUDs.
- *Dark Sky Compliant* (flat panel, full cut-off fixtures-backlight, uplight and glare (BUG) rating where U=0) *to avoid light spillage* onto adjacent property, (1) CPUD.
- “*Dark Skies*” lighting will be used to protect nighttime environment. (1) HEX
- *Dark Skies-Outdoor Lighting* basics shall apply. (1) [City Gate Commerce Park PUD]
- Parking lot lighting shall be *Dark Sky Compliant* to *avoid light spillage* onto adjacent properties. (1)
- Parking lot lighting shall be “*Dark Sky*” *Compliant* (flat panel, full cut-off fixtures-BUG rating where U=0) to *avoid light spill* onto adjacent properties. (2) MPUD [Baumgarten] and CPUD.

B) The following relate to Color Temperatures:

- “Common area lighting and streetlights in the RPUD will be a *maximum color temperature* of 3, 000 K.” (1)
- Light fixtures shall have a *maximum Color Temperature* of 3,000 K. (1)
- Lighting with a *lower Color Temperature* (3,000 K and below) is required for site lighting. (1)
- “Common area lighting and streetlights in the RPUD will be a *maximum color temperature* of 3, 000 K.” (1)
- Lighting with a lower color temperature (3,000 K and below) is required for site lighting. Color temperature of recreation lighting (athletic field) shall be as recommended by Illuminating Engineering Society (IES) standards. (1) CFPUD [Emmanuel Lutheran Church].

C) The following address: shielding, illumination lighting levels in foot candles, glare, light trespass, light spillage or overflow.

- Illumination at all adjacent residential properties’ s lines shall not exceed *0.5 foot-candles*. Display lighting will not exceed a 1,000 Watt Metal Halide intensity or its equivalent (intensity of LED, or other bulb type). (2)
- Lighting facilities in connection with open and/or recreational areas *shall not cause glare* or other interference to adjoining residential areas or any public interest. (1) MPUD [Longview Center].
- Light levels along the PUD boundary shall be limited to no more than 0.2 Ft. candles along the joint property line adjacent to residential property. (1) MPUD [Baumgarten].

- Lighting shall be:
 - Shielded or directed *to avoid light overflow* on adjacent property. (1) HEX Decision [CU- Therapeutic Equestrian Riding and Stables]
 - Shielded from residential areas *to avoid glare*. (1)
 - Shielded and not to exceed *0.2 foot-candles* at residential property lines.(1)
 - Shielded with no excess bleeding of light greater than *0.2 foot candles*. (1) PUD [Courthouse Shallows]
 - Shielded and directional *to avoid glare* on neighboring properties. Illumination at all adjacent residential properties shall not exceed *0.5 foot candles*. (1) CPUD.
 - Shielded and directional *to avoid glare* on neighboring Via Veneto subdivision. (1) HEX Decision
- Area lighting shall be *shielded* such that direct rays do not pass property lines. If a streetlight or an area light is required, it shall be of the type specified to protect neighboring property from direct *glare*. Parking lot lamps shall be mounted so that they *point downward* without direct rays extending past the parking lot, building entrance, walkway, or other area intended to be illuminated. (1) CFPUD [Emmanuel Lutheran Church].
- Outdoor lighting for parking areas will be designed to reduce *light spillage* beyond property line. (2) HEX Decision
- All poles shall be limited to flat cutoff *shields*. (1) CPUD
- Lighting within 30 feet of perimeter of project will utilize *full cut-off shields*. All pole lighting will be flat panel fixtures, if the site is developed in accordance with Master Concept Plan for Commercial Mixed-Use and Mult-Family. (1) MPUD [Buckley].
- Site light poles, structures, and fixtures will be *shielded* from residential property lines. (1)
- Light levels along PUD boundary shall be limited to no more than 0.2 foot-candles along the joint property line. (2)
- Light levels along PUD boundary shall be limited to no more than 0.2 foot-candles along the joint property line, where adjacent to residential property. (1)

Approved Residential Project Development Outdoor Lighting Committments-Dark Sky (2016 to 2026)					GMP-Future Land Use Element (FLUE)
Project	Ordinance Section or HEX Finding	Applicable Area	Dark Sky Requirement-Lighting Development Commitment	Reason	A. Urban Mixed Use District
	6.06.03 Streetlights				27. Radio Road Commercial Infill Subdistrict b. Dark sky compliant lighting standards
	3.04.02 Species Specific				C. Urban Commercial District
PUD/ CU Project Name					21. Boathouse Commercial Subdistrict b. Dark sky compliant lighting standards.
Golden Gate Parkway/60th St. SW RPUD Proposed Consisting of 36 MF units subject to Affordable Housing Commitments PL20250006068	Exhibit F Developer Commitments	Site lighting-Adjacent to Estates Zoning District	SUBMITTAL 3 (2-09-26) D. Lighting. 1. All lighting facilities shall be architecturally designed, and lighting shall be limited to a maximum height of fifteen (15) feet. Such lighting facilites shall be shielded from neighboring residential land uses and utilize International Dark Skies Association best practices.		GGAMP Rural Golden Gate Estates Sub-Element and as set forth below: Policy 4.2.5 Consistent with public safety requirements and the International Dark Skies Association's best practices , street, recreational and structure lighting shall be places, constructed and maintained in such manner as to prevent or reduce light pollution. the following standards shall apply: a. If a streetlight of an area light is required, it shall be of the type specified to protect neighboring properties from direct glare. Area lighting shall be shielded such that direct rays do not pass property lines. Lighting with lower color temperature (3,000K and below) is required for site lighting.
Imperial Lakes RPUD Ord. 2026-14	Exhibit F-Development Commitments	Preserves and Adjacent Castlewood Homeowners	2. Utilities: D. Common area lighting and streetlights in the RPUD will be a maximum color temperature of 3, 000 K. Note: CCPC and staff recommended: "The RPUD shall conform with “Dark Sky” lighting design principles (flat panel, full cut-off fixtures- backlight, up light and glare [BUG] ratio where U-0) to avoid light trespass onto adjacent property. Site lighting fixtures will have a maximum color temperature of 3000 K.	Compatibility: Requested by adjacent property owners due to light trespass and environmental impact; to protect preserves and wildlife: eagle, burrowing owls, scrub jays, bear, gopher tortise.	Golden Gate Area Master Plan (GGAMP)
					Policy 3.2.5 Urban Golden Gate Estates Sub-Element and Policy 4.2.5 Rural Golden Gate Estates Sub-Element: Consistent with public safety requirements and the International Dark Skies Association's best practices, street, recreational and structure lighting shall be places, constructed and maintained in such manner as to prevent or reduce light pollution. In implementing this Policy, the County shall: a. Adhere to the Collier County Lighting Standards (County Manager's Office Standards dated 6,2017) as amended with respect to new and existing County owned or maintained sites and structures. b. Continue to coordinate with FPL and FDOT to improve roadway and security lighting consistent with International Dark Skies Association best practices . c. Consider changes to the LDC and other applicable ordinances to create voluntary or mandatory outdoor lighting standards for commercial , residential or other uses consistent with International Dark Skies Association best practices , and determine the extent such standards apply to new or existing development.
Immokalee One Stop MPUD Ord. 24-33 Commercial Mixed-Use Subdistrict	Exhibit F Development Commitments	Site Lighting- Adjacent to Estates Zoning, Bethune School, Conservation and Preservation area.	3. LIGHTING A. Newly installed lighting shall be Dark Skies compliant .		
Emmanuel Lutheran Church CFPUD Ord. 2024-23	Exhibit B Development Standards Table 1-F Lighting	Site Lighting-Adjacent to Estates Zoning District	Consistent with public safety requirements and the International Dark Skies Association' s best practices , street, recreational and structure lighting shall be placed, constructed and maintained in such manner as to prevent or reduce light pollution. The following standards shall apply: a. If a streetlight or an area light is required, it shall be of the type specified to protect neighboring properties from direct glare. Area lighting shall be shielded such that direct rays do not pass property lines. Lighting with a lower color temperature (3, 000K and below) is required for site lighting . 1. Where required, the street lamp shall be of the high pressure sodium type and have a " cobra head with site/ street lighting will be " flat bottom" style or be fully shielded so that light is directed only downward. Light poles shall not exceed a height of 25 feet. 2. Parking lot lamps shall be mounted so that they point downward without direct rays extending past the parking lot, building entrance, walkway, or other area intended to be illuminated. b. Where lighting of recreational areas is required, such lighting shall be mounted so as to focus illumination on the areas intended to be illuminated, and to limit the amount of light that extends outside of the intended area. Color temperature of recreation lighting (athletic field lighting) shall be as recommended by Illuminating Engineering Society (IES) standards. c. All lighting associated with the Athletic Field shall be turned off no later than 9: 30 P. M.		

Hacienda Lakes Mixed Use PUD Ord. 22-18	Exhibit B Development Standards	All areas. Operational Characteristics for Senior Housing- Household 450 units at less than 80% AMI	All light fixtures/ poles will be limited to a maximum height of 25 feet and <i>will be "Dark Skies" compliant</i> . Exterior wall lighting, on the buildings shall not be located above the second story. JHEX2021- 331	
Courthouse Shadows PUD- 300 MF Rental Units Ord. 19-40	Development Commitments Section 3.11 Planning	Adjacent property	D. Parking lot lighting in areas where noted on the Master Plan shall be a maximum of 15 feet in height and shall be fitted with full cut-off fixtures. Lighting fixtures above 15 feet in height will be no closer than 120 feet to the property line of developed residential property. I. For residential buildings within 120 feet of Collee Court and Peters Avenue, the lighting maximum height shall be 15 feet and <i>shielded with no excess bleeding of light greater than 0. 2 foot-candles.</i>	
Longview Center MPUD- Church and North Tracts Ord. 19-43 Residential and Commercial	Section 4 Common Areas and Amenities Section 4.3 Development Regulations	Open and Recreation Areas- Adjacent Zoning Orange Blossom Gardens and Citrus Gardens PUDs.	C. Lighting facilities in connection with open and/ or recreation areas shall be arranged in a manner that shall not cause a glare or other interference to adjoining residential areas or any public street.	
Naples Heritage Golf and Country Club Ord. 19-12	Section 3.6 F.2	Tennis Courts	2. Lighting: Lighting shall be limited to standard tennis court lighting no taller than 25 feet measured from the court surface.	
Baumgarten MPUD (PUDR) Ord. 19-11	Exhibit F Development Commitments	Along joint property line where adjacent to residential property.	2. c. Parking lot lighting <i>shall be dark sky compliant (flat panel, full cut off fixtures— BUG rating where U = 0)</i> to avoid light spill onto adjacent properties. Fixtures within 50- ft of residential properties along the PUD boundary shall be set at no higher than a 15- ft mounting height. Otherwise the site light poles shall not exceed a 25-ft mounting height. <i>Light levels along the PUD boundary shall be limited to no more than 0. 2- ft. candles along the joint property line where adjacent to residential property</i> (i. e. not applicable to Collier Blvd. and Immokalee Rd.). However, light levels at interconnections identified on Master Plan may be standard lighting for residential development.	
Buckley Mixed Use PUD Ord. 16-10	Exhibit F Developer Commitments	Residential and Commercial	OUTDOOR LIGHTING 1. All pole lighting will be flat panel fixtures if the site is developed in accordance with the Master Concept Plan for Commercial Mixed Use and Multi -Family. 2. Lighting within 30 feet of the perimeter of the project will utilize full cut off shields. 3. Any lighting within 50 feet of a residential property line outside of the MPUD will be limited to 15 feet in height.	
HEX Decision				
One Life Church Naples-CU HEX No. 25-24, Zoned E- Estates and RMF-6	Findings: #6	Neighboring properties	3. Effect the Conditional Use would have on neighboring properties in relation to noise, glare, economic or odor: <i>Furthermore, outdoor lighting for the parking areas will be designed to reduce light spillage beyond the property lines .</i>	
Collier Rod and Gun Club (CU) at Preserve SRA-CU HEX No. 25-28	Conditions of Approval	All areas-Residential- Commerical- Preserves	Compatibility with adjacent properties and other properties in the district: "Dark skies" lighting will be used to protect the nighttime environment. Condition 4. The Collier Rod and Gun at the Preserve Conditional Use <i>shall utilize `Dark Sky' lighting design principles</i> .	
Wentworth Estate MPUD- Car Condo HEX No. 22-38	Finds # 2 and Condition # 11	Adjacent Via Veneto Subdivision	Lighting shall be shielded and directional to avoid glare on the neighboring Via Veneto subdivision.	
Goodlette Frank Rd. and Center Street-CU Therapeutic Equestrian Riding and Stables HEX No. 22-54	Conditions of Approval	Adjacent residential properties	5. Outside lighting shall be limited to low intensity bollards or pole lighting with cutoff fixtures and no exterior lighting is allowed except as necessary for security and safety. <i>Lights shall be shielded or directed to avoid light overflow on adjacent property.</i>	
Allegro at Hacienda Lakes HEX No. 21-33	Conditions of Approval	Senior Apartment Housing-Site Design Lighting	f. All light fixtures/poles will be limited to a maximum height of 25 feet and will be "Dark Skies" compliant . Exterior wall lighting, on the buildings shall not be located above the second story.	

First Haitian Alliance Church (CU) HEX No. 21-19	Conditions of Approval	Residential Property Lines	11. Site lighting shall adhere to the applicable Collier County Land Development Code Criteria with the following: a. Site lighting will be Dark Sky compliant with flat panel and full cut off fixture. b. Site lighting will have a maximum height of 25-ft. C. Project site light poles, structures and fixtures will be shielded away from residential property lines.	
Celebration Park HEX No.19-38	Conditions of Approval	Residential Property Lines	7. Lighting to be bollard style no higher than 48 inches except for pole lighting adjacent (within 10 feet) of any right-of-way not to exceed 10 feet in height. <i>All lighting to be Dark Sky compliant, shielded and not to exceed 0.2 foot-candles at residential property lines.</i> Lighting to be restricted to evening hours of operation.	
Keiser University CU HEX No. 19-27	Conditions of Approval	Parking areas - Adjacent Residential	3. At the time of SDP, applicant shall submit plans illustrating that outdoor <i>lighting for the parking areas shall be designed to reduce light spillage beyond the property lines</i> .	
Church of Latter Day Saints within the Estates CU-Res. 14-247	Exhibit C Conditions of Approval	Street Lights and Area Lighting	4. Street lighting and area lighting shall be of the type specified to protect neighboring properties from direct glare. <i>Area lighting shall be shielded such that direct rays do not pass property lines.</i> Low-pressure sodium lamps are encouraged while halogen type lights are discouraged. a. Street lamps shall be of the high pressure sodium type and have a "cobra head with flat bottom" style or be fully shielded so that light is directed only downward . Street lamps shall be mounted on a wood pole at a height and wattage recommended by the appropriate electric utility and as appropriate for a rural area. b. Parking lot lamps shall be low-pressure sodium type lamps and shall be mounted so that they point downward without direct rays extending past the parking lot, building entrance, walkway, or other area intended to be illuminated.	
Stewardship Receiving Area- Project Name				
Corkscrew Grove East Village SRA Development Document-Alico 2-19-26 Under Staff Review: page 21 of 25.	Section 9.2 D. Environmental	All areas	D. Light fixtures shall be dark sky compliant (flat panel, full cut-off fixtures-backlight, up light and glare (BUG) rating where U=0).	
Bright shore Village Redevelopment Document Res. 25-174	Section 9.2 D. Environmental	Residential and Commercial	D. The Bright shore Village SRA shall utilize "Dark Sky" lighting design principles for both residential and commercial (nonresidential) development, subject to public safety design standards for public areas.	
Town of Big Cypress SRA Development Document Res. 23-127	Section 9.2 D. Environmental		D. The Big Cypress SRA shall utilize "Dark Sky" lighting design principles for both residential and commercial (nonresidential) development, subject to public safety design standards for public areas.	
Bellmar Village SRA Res. 21-120	Section 8.2 B. Environmental		B. The Bellmar SRA shall utilize "Dark Sky" lighting design principles for both residential and commercial (nonresidential) development, subject to public safety design standards for public areas.	
Rural Land Stewardship Overlay Policies				
RLSA Overlay Policy 3.15 states: Any development on lands participating in the RLSA Overlay shall be compatible with surrounding land uses. By July 13, 2022, <i>LDC regulations shall be initiated for outdoor lighting to protect the nighttime environment, conserve energy, and enhance safety and security</i> .				
RLSA Overlay Policy 4.23: Any development on lands participating in the RLS Program shall be compatible with surrounding land uses. Within one year of the effective date of this Policy <i>LDC regulations shall be implemented for outdoor lighting to protect the nighttime environment, conserve energy, and enhance safety and security.</i>				

Approved Commercial PUD Project Development Commitments (2010 to 2025)			
Project	LDC section 6.03.03 Streetlights		Dark Sky Requirement-Lighting Development Commitment
	Ordinance Exhibits	Applicable Area	
Commercial Project			
951 Vehicles Suite CPUD Ord. 2025-29	Exhibit F Development Commitments	Site Lighting	IV. Other: G. Light poles shall be limited to a height of 20' and <i>dark sky compliant (flat panel, full cut-off fixtures-backlight, up light and glare (BUG) rating where U=0) to avoid light trespass onto adjacent property.</i>
BCHD I CPUD Ord. 24-36 and Ord.21-30	Exhibit F Development Commitments	Adjacent Property	2. Miscellaneous c. Parking lot lighting <i>shall be dark sky compliant (flat panel, full cut off fixtures— backlight, uplight and glare (BUG) rating where U = 0) to avoid light spill onto adjacent properties.</i> Fixtures within 50- ft of residential properties along the PUD boundary shall be set at no higher than a 15- ft mounting height. Otherwise the site light poles shall not exceed a 25- ft mounting height. Light levels along the PUD boundary shall be limited to no more than 0. 2 ft. candles along the joint property line where adjacent to residential property (i. e. not applicable to Immokalee Rd).
NC Square Mixed Use PUD Ord. 25-31	Exhibit F List of Development Commitments	Site Lighting	5. Lighting (Residential And Commercial Tracts) A. <i>Site lighting shall be Dark Skies compliant to protect neighboring properties from direct glare .</i>
Livingston Veterans CPUD Ord. 24-21	Exhibit F Development Commitments	Parking Lot	5. Special Conditions. c. All pole lighting shall be limited to flat cutoff shields.
GMA CPUD Estates Ord. 2024-15	Exhibit F List of Development Commitments	Adjacent Property	4. Other: A. Light poles shall be <i>limited to a height of 20' and dark sky compliant (flat panel, full cut-off fixtures-backlight, up light and glare (BUG) rating where U=0) to avoid light trespass onto adjacent property.</i>
Everglades Equipment Group CPUD Ord. 2022-45	Exhibit F Developer Commitments	Commercial	A. Light poles shall be <i>limited to a height of 15' and dark sky compliant (flat panel, full cut-off fixtures-backlight, up light and glare (BUG) rating where U=0) to avoid light trespass onto adjacent property.</i>
Randall Curve Mixed Use PUD Ord. 21-42	Exhibit F	Parking Lot	2. Miscellaneous C. Parking lot lighting shall be dark sky compliant (flat panel, full cut off fixtures- backlight, uplight and glare (BU) rating where U=0) to avoid light spill onto adjacent properties. Fixtures within 50-ft of residential properties along the PUD boundary shall be set at no higher than 15-ft mounting height. Otherwise the site light poles shall not exceed a 25-ft mounting height. Light levels along the PUD boundary shall be limited to no more than 0.2-ft-candles along the joint property line where adjacent to residential property. Interconnections identified on the Master Plan may be standard lighting for residential development.
Estates Shopping Center CPUD Ord. 21-40	Exhibit E Development Commitments	Commercial and Residential	E. Miscellaneous. 3. Parking lot lighting shall be dark sky compliant (flat panel, full cut off fixtures—backlight, uplight and glare (BUG) rating where U = 0) to avoid light spill onto adjacent properties. Fixtures within 50- ft of residential properties along the PUD boundary shall be set at no higher than a 15- ft mounting height. Otherwise the site light poles shall not exceed a 25- ft mounting height. Light levels along the PUD boundary shall be limited to no more than 0. 2- ft-candles along the joint property line where adjacent to residential property.
City Gate Commerce Park PUD Ord. 21-15	Section III Project Development Regulations	Sports Complex Project	3.2. A. 3. Sports Complex Project; G. Dark Skies- Outdoor lightng basics shall apply.

Germain Honda CPUD Ord. 15-43	Exhibit F Developer Commitments	Adjacent Residential Property	Operational Restrictions: 12. Lighting; a. Lighting will be shielded and directional to avoid glare on neighboring properties. <i>Ilumination at all adjacent residential properties's lines shall not exceed .5 foot candles.</i> b. Display lighting will be limited to the area shown on the Masterplan and will be reduced in specified areas to a security level lighting after 11pm. Security level lighting will have a minimum lumens reduction of 50%. c. All lighting will be flat panel fixtures d. Lighting on the perimeter of the project will utilize full cutoff shields e. Lighting height will be limited to 20' f. <i>Display lighting will not exceed 1, 000 watt metal halide intensity or equivalent (intensity of LED, or other bulb type).</i>
Top Hat Auto CPUD Ord. 13-24	Exhibit F Development Commitments	Adjacent Residential Property	OUTDOOR LIGHTING: a. All lighting will be shielded from residential areas to avoid glare. Lighting will be a directional type, aimed downward with shielding to reduce glare to adjacent properties. <i>Illumination at all adjacent residential property lines shall not exceed .5 foot candles.</i> b. Display lighting will be limited to that area shown on the Master Plan as lying west of the line marked as line ` A' and will be reduced to security level lighting at 11pm. Security lighting that will have a minimum reduction in average lumens of 50%, will be the minimum needed for safety and security, and will occur in the area between lines ` A' and ` B' as shown on the Master Plan. No lighting will be located east of line ` B'. c. All lighting will be flat panel fixtures. d. Lighting on the perimeter of the project will utilize full cut off shields. e. Any lighting within 50 feet of a residential property line will be limited to 15 feet in height. f. All lighting west of Line `A' and south of the Service portion of the main building as shown on the Master Plan will be no more than 20 feet in height. g. <i>Display lighting will not exceed a 1, 000 Watt Metal Halide intensity or its equivalent (intensity of LED, or other bulb type).</i>
Corkscrew Commercial Center CPUD Ord. 2010-40	Exhibit F Developer Commitments	Commercial	3. The Corkscrew Commercial Center CPUD shall be designed and developed to minimize unnecessary outdoor lighting. Due to the rural character of the surrounding area all light fixtures will be shielded to direct illumination only onto the subject property and will use the minimum brightness necessary. <i>The developer shall follow International Dark Associations IDA Simple Guidelines for Outdoor Lighting Regulation s</i> and shall specify Fixture Seal of Approval FSA lighting by the IDA.

GMP Future Land Use Element- (XV) I. Urban Designation	
A. Urban Mixed Use District This District represents approximately 116,000 acres	
27. Radio Road Commercial Infill Subdistrict	b. Dark sky compliant lighting standards
C. Urban Commercial District	
21. Boathouse Commercial Subdistrict	b. Dark sky compliant lighting standards

**UNACCEPTABLE**

Unshielded/
Poorly shielded

**BAD**

Partially shielded

**BETTER**

Fully shielded
(Light source fully covered)

**BEST**

Fully shielded +
timer/motion sensor

LIGHTS DOWN, STARS UP

Five Principles for Responsible Outdoor Lighting



RESPONSIBLE OUTDOOR LIGHTING IS...

1 USEFUL

USE LIGHT ONLY IF IT IS NEEDED

All light should have a clear purpose. Consider how the use of light will impact the area, including wildlife and their habitats.



2 TARGETED

DIRECT LIGHT SO IT FALLS ONLY WHERE IT IS NEEDED

Use shielding and careful aiming to target the direction of the light beam so that it points downward and does not spill beyond where it is needed.



3 LOW LEVEL

LIGHT SHOULD BE NO BRIGHTER THAN NECESSARY

Use the lowest light level required. Be mindful of surface conditions, as some surfaces may reflect more light into the night sky than intended.



4 CONTROLLED

USE LIGHT ONLY WHEN IT IS NEEDED

Use controls such as timers or motion detectors to ensure that light is available when it is needed, dimmed when possible, and turned off when not needed.



5 WARM-COLORED

USE WARMER COLOR LIGHTS WHERE POSSIBLE

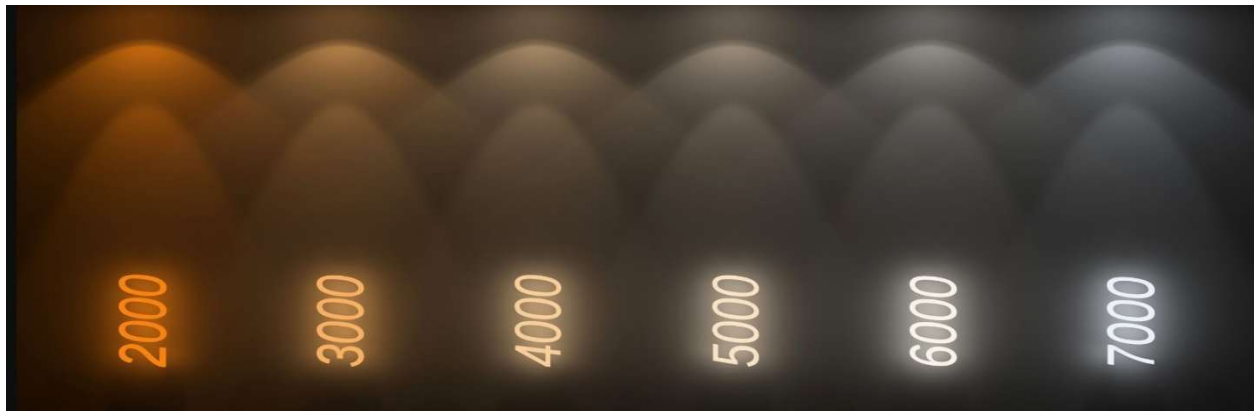
Limit the amount of shorter wavelength (blue-violet) light to the least amount needed.



Joint International Dark Sky Association (IDA) and Illuminating Engineering Society (IES) Terms	Definitions	
BUG	A luminaire classification system that classifies backlight ("B"), uplight ("U"), and glare ("G"). Backlight creates light trespass onto adjacent sites, Uplight causes artifical skyglow, and Glare can be annoying or visually disabling.	
BUG Rating System	BUG ratings apply to the Lighting Zone of a property under consideration. Lighting Zones (LZ) reflect the base (or abmient) light levels desired by a community. BUG rating limits are defined for each luminare and are based on the internal and external design of the luminaire, its aiming, and the initial luminaire of the specific luminaires. The BUG rating limits also take into consideration the distance the luminaire is installed from the property line in multiples of the mounting height.	
Correlated Color Temperature (CCT)	A measure in degrees Kelvin ("K") of light's warmness or coolness. Lamps with a CCT of less than 3,200 "K" are pinkish and considered warm. Lamps with a CCT greater than 4, 000 "K" are bluish-white and considered cool.	Display Picture
Fixture	The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.	
Footcandle (f.c.)	A unit of illuminance, representing the amount of light, or luminous flux, falling on a surface area of one square foot. A footcandle meter measures the light arriving at a surface (illuminance), rather than the light leaving a fixture (luminance). It is typically used to measure "light trespass".	
Full Cutoff Fixture	Zero intensity at or above horizontal (90 degrees above nadir) and limited to a value not exceeding 10% of lamp lumens at or above 80 degrees.	
Glare	Intense and blinding light that reduces visibility. A light within the field of vision that is brighter than the brightness to which the eyes are adapted.	
Kelvin (K) Scale	Measures the correlated color temperature (CCT) of a light source. It defines the hue (warmth or coolness) of light, with lower values (e.g. 2700K-3000K) indicating yellow-red (pinkish) tones and higher values (e.g. 5000K) indicating blue-white tomes.	
Lamp or Blub	The source of electric light. To be distinguished from the whole assembly (see luminaire). Lamp often is used to denote the bulb and its housing.	
Type of Lamps	HID (High Intensity Discharge) : In a discharge lamp, the emitted energy (light) is produced by the passage of an electric current through a gas. High-intensity discharge (HID) include mercury, metal halide, and high- pressure sodium (HPS) lamps. Other discharge lamps are low-pressure sodium (LPS) and fluorescent . Some such lamps have internal coatings to convert some of the ultraviolet energy emitted by the gas discharge into visual output. Mercury : An HID lamp where the light is produced by radiation from mercury vapor. MetalHailde : an HID lamp where the light is produced by raditaionf from metal-haide vapors. Incandescent : Light is produced by a filament heated to a high temperature by electric current.	
Light Spillage	The cause of unwanted spillage of light onto adjacent areas and may affect sensitive receptors particularly residential properties and ecological sites. A general term for light escaping from or extending beyond the targeted area to be lit.	
Light Trespass	A specific encroachment of light falling where it is not wanted or needed. Spill light. Obtrusive light. A nuisance (causing annoyance or health issues-e.g. sleeplessness) impacting the surrounding area and happens when unwanted artifical light is crossing property boundaries or entering windows. It is typically measured at the property line.	
Lighting Zone (LZ)	Lighting zones reflect the base (or ambient) light levels desired by a community. LZ0: No ambient lighting; LZ1 Low ambient lighting; LZ2 Moderate ambient lighting; LZ3: Moderately High ambient lighting and LZ4 High ambient lighting. Its recommended lower lighting zone(s) be given perference when establishing zoning criteria.	
Luminaire	A complete lighting unit that usually includes the fixture, ballasts, and lamps.	
Shielding	An opaque material that blocks the transmission of light.	
Skyglow	Diffuse, scattered sky light attributable to scattered light from sources on the ground.	

(3.a) WHAT ARE THE DIFFERENCES BETWEEN 2000K, 4000K, 6000K AND 7000K COLOR TEMPERATURES? WHAT IS KELVIN (K) VALUE IN LIGHTING?

Kelvin is a unit of measurement for temperature that, in the context of lighting, is used to describe the color temperature of a light source. Unlike Celsius or Fahrenheit, Kelvin values tell us about the hue of the light. In other words, they determine whether the light appears warm (yellowish), neutral, or cool (bluish).



Reference Source: <https://leotek.com/wp-content/uploads/2024/02/Color-temperature.jpg>

Dark Sky Approved Luminaires Guideline:

A. CCT (correlated color temperature): The measured color appearance of light emitted by a light source described using a *nominal* value in kelvins (K). Lower CCTs (1800 K to 2200 K) appear very warm or amber. Medium CCTs (2700 K to 3000 K) appear “warm white,” similar to standard incandescent bulbs. High CCTs (4000 K and higher) appear “cool white” or “blue.”



Reference Source: <https://darksky.org/what-we-do/darksky-approved/darksky-approved-luminaires-program/darksky-approved-luminaires-guidelines/>

(3. b) WHAT DOES KELVIN (K) VALUE INDICATE IN LIGHTING?

Kelvin measures the color temperature of a light source. Lower Kelvin values (e.g., 2700K–3000K) produce warm, yellowish light, while higher values (e.g., 5000K–6000K) yield cool, blueish light.

Which Kelvin value is best for outdoor and security lighting?

- **Optimal Range for Street Lighting:** For street and roadway lighting, a Kelvin range between 3000K and 4000K is often recommended for residential areas to reduce glare and light pollution. In high-traffic or security-critical areas, a slightly higher range (4000K–5000K) may be used to improve visibility and safety. This range offers enhanced visibility and clarity, ensuring safety while minimizing light pollution.

On Environmental Impact

- *Minimized Light Pollution:* Choosing the right Kelvin value, especially warmer lights, can reduce light spillage and skyglow.
- *Wildlife Protection:* Lower Kelvin values can help mitigate the negative impacts of artificial light on nocturnal animals and ecosystem.

References (APA Style)

What Are the Differences Between 3000K, 4000K, 5000K, and 6000K Color Temperatures? by LEOTEK Electronics USA, LLC. Interior Lighting Retrieved from:

https://www.google.com/search?q=What+are+differences+between+3000K%2C4000K%2C+5000K%2C+and+6000K+color+temperature&rlz=1C1GCEA_enUS1162US1162&oq=What+are+differences+between+3000K%2C4000K%2C+5000K%2C+and+6000K+color+temperature&gs_lcrp=EgZjaHJvbWUyBggAEEUYOdIBCTYyMzExajBqN6gCALACAA&sourceid=chrome&ie=UTF-8&zx=1778591900591

(3. c) WHAT IS THE GENERAL COST FOR RESIDENTIAL STREET LIGHTING WITH 3000 K VALUE COMPARED TO TYPICAL RESIDENTIAL STREET LIGHTING?

Reference Source is AI Generated Overview :

The cost estimate for installing outdoor residential street lighting with 3000K (warm white) LED fixtures ranges from **\$2,000 to \$6,000 per light**, with an average of around \$3,000–\$4,000 per fixture when professionally installed. For a full project of 10 to 20 lights, total costs can range from \$30,000 to over \$120,000 depending on complexity.

Installing 3000K (warm white) LED residential street lighting typically falls within a similar price range to standard LED street lighting (often 4000K or 5000K), averaging

between **\$2,000 and \$4,000 per fixture** for total installation. While 3000K LED fixtures may occasionally have a slightly higher upfront cost due to the specific, more expensive phosphor blends required to produce warmer light compared to cooler, more common LEDs, the long-term energy and maintenance savings remain equivalent.

Cost Breakdown: 3000K vs. Typical (4000K+) Residential Street Lighting

- **Initial Fixture Cost:** \$100–\$500 per fixture. 3000K LEDs may be on the higher end of this range due to specialized production.
- **Installation Cost:** \$500–\$1,000 per unit for labor (electrical work/mounting).
- **Total Installed Cost:** \$2,500–\$4,000 per unit for LED streetlights.
- **Operating Cost:** 3000K and 4000K+ LEDs of the same wattage have identical energy consumption and costs.
- **Hidden Costs:** Traditional grid-tied systems require trenching, costing roughly \$40 per linear foot.

Key Differences and Considerations:

- **No Significant Cost Penalty:** Many manufacturers offer 3000K and 4000K options at the same price point, making the choice more about environmental impact than budget.
- **Performance:** 3000K LEDs are slightly less efficient in terms of raw lumen output compared to cooler 4000K/5000K LEDs, but they are often preferred in residential areas to reduce glare and skyglow.
- **Benefits:** 3000K is considered more comfortable for residential environments and is recommended by the American Medical Association (AMA) to minimize blue light pollution, often resulting in higher community satisfaction.

Cost Breakdown by Component:

LED Fixture Unit (3000K): Individual high-performance LED street/roadway fixtures (3000K, 14,500–28,000 lumens) typically cost between **\$500 and \$650 per unit**.

Installation Labor: Professional installation, including trenching for wiring, adds roughly **\$1,000 per light**.

Poles: Standard 8–10 foot poles add \$200–\$350+ to the cost of the fixture.

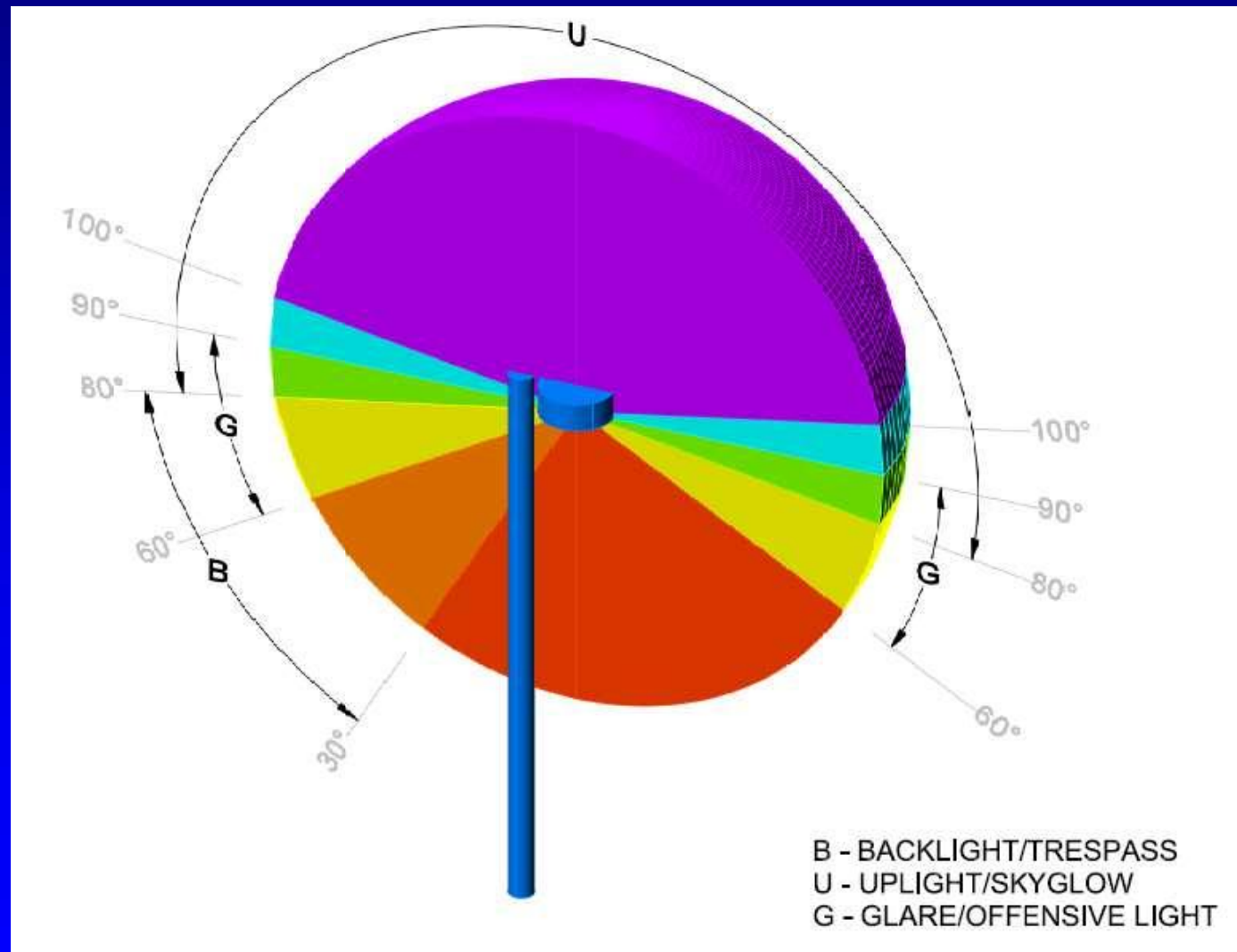
Total Installed Cost: \$2,000–\$6,000 per unit, which covers materials, labor, and permits.

Factors Affecting Cost:

- **Lighting Type:** 3000K LED lights offer a warmer, more residential feel compared to 5000K options, often favored for reducing blue light pollution.

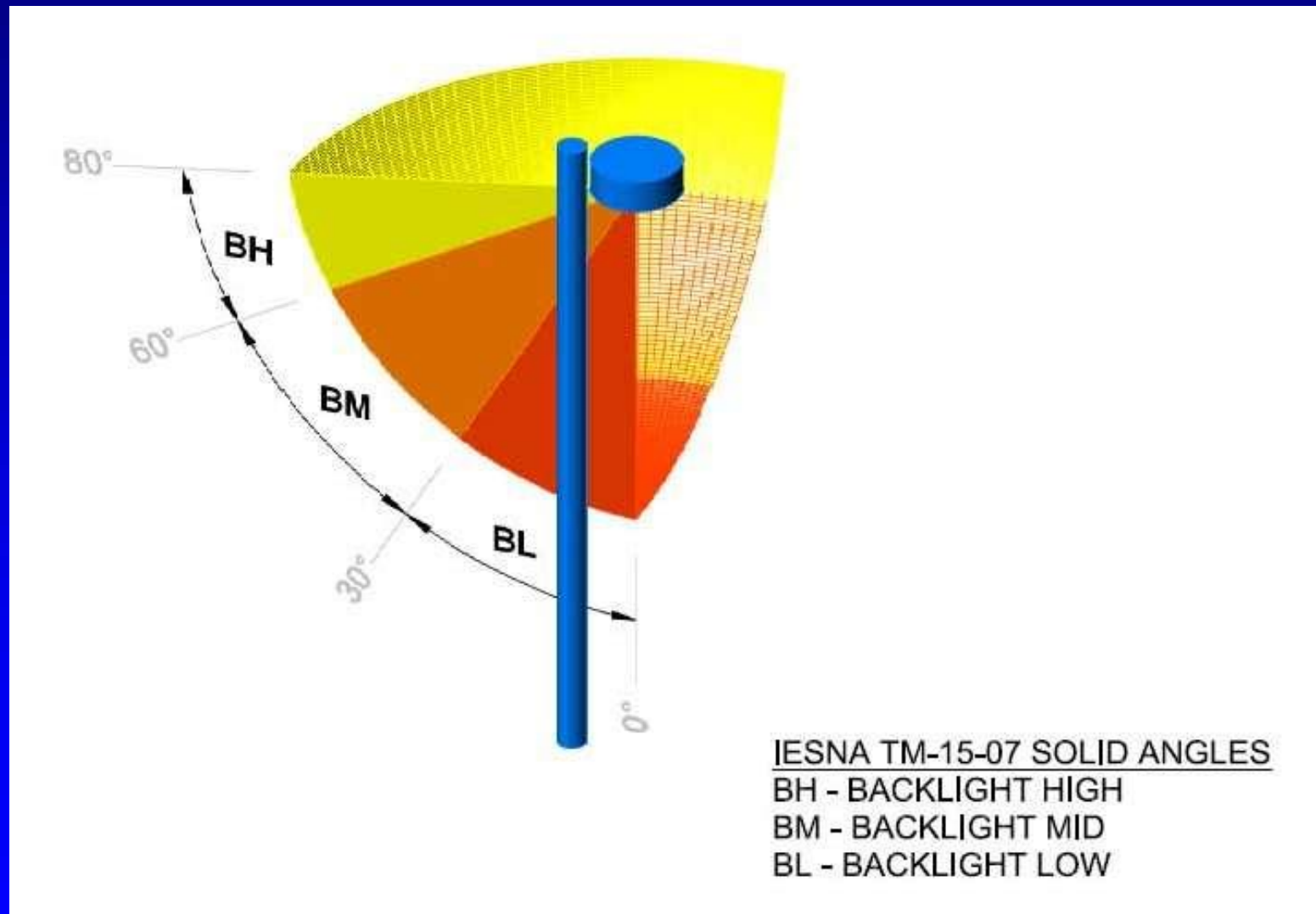
- **Installation Complexity:** Trenching for new underground wiring for 100–200 linear feet can add significantly to the cost.
- **Mounting:** Direct burial poles or decorative municipal-style fixtures are on the higher end of the price spectrum (\$3,000–\$5,000+ per package).
- **Optional Features:** Adding features like photocells for automatic dawn-to-dusk operation can increase the unit cost but save on electricity in the long run.

Luminaire Classification System (Backlight/Uplight/Glare – BUG)



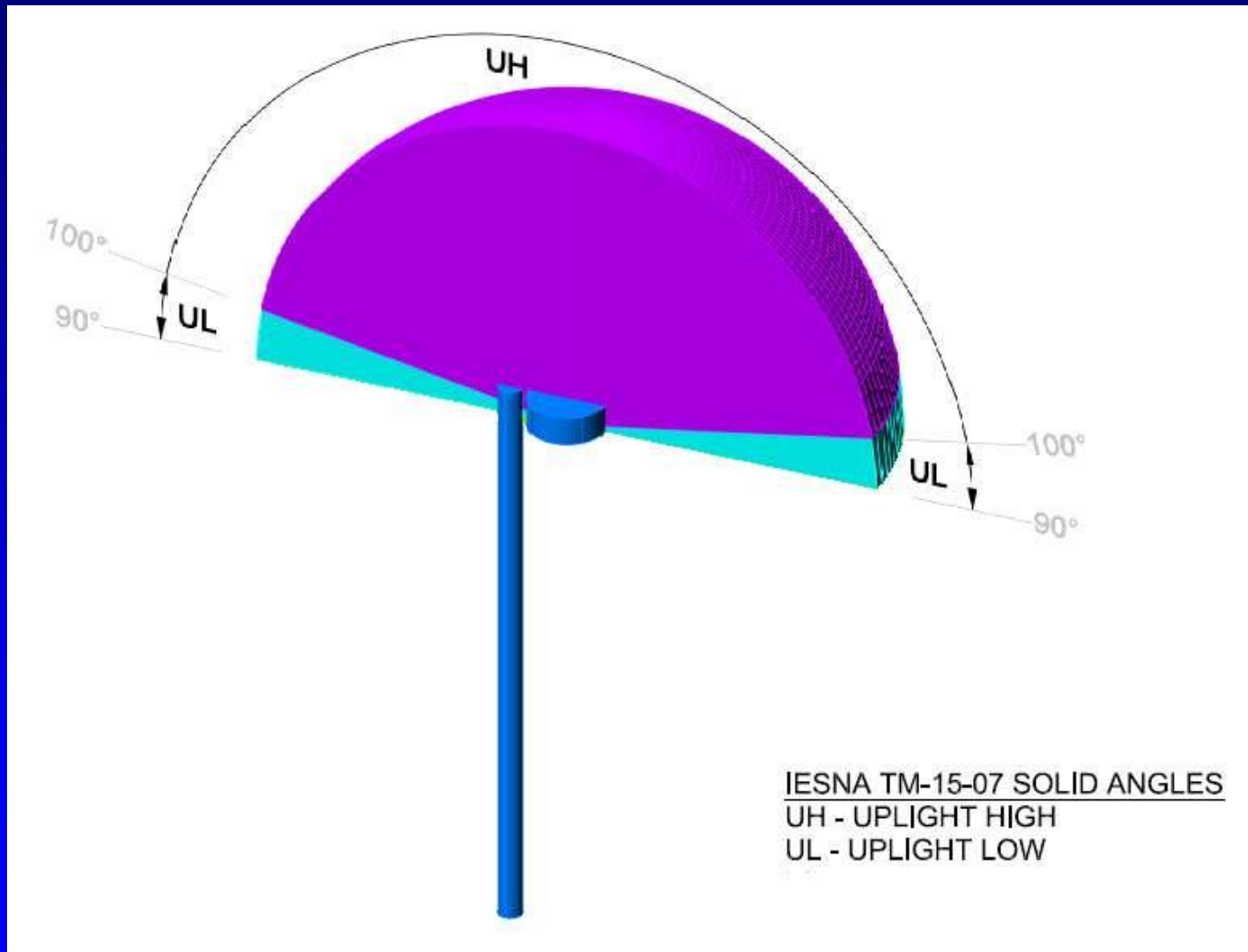
New Luminaire Classification System

B = Backlight / Trespass



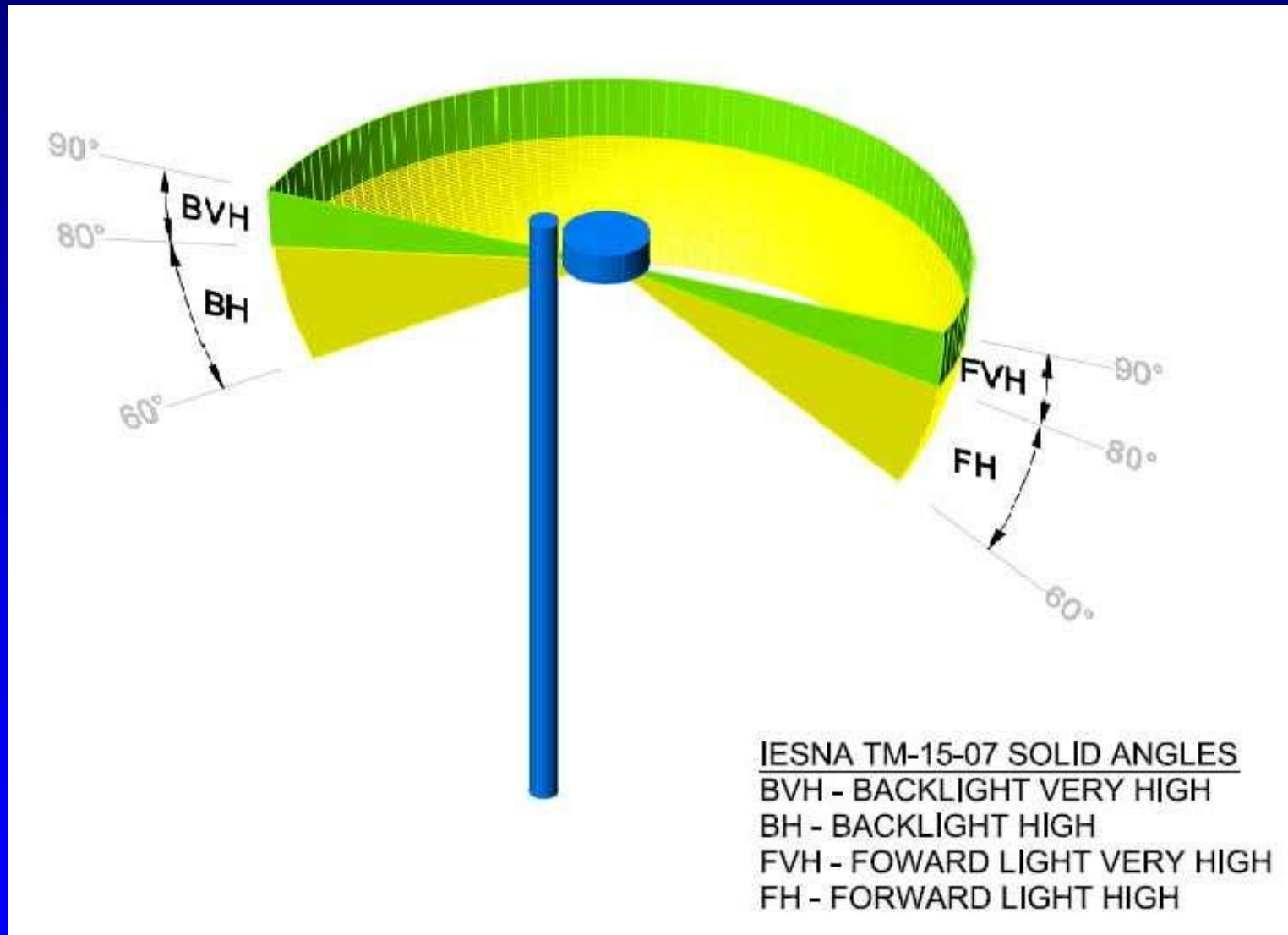
New Luminaire Classification System

$U = \text{Uplight} / \text{Skyglow}$

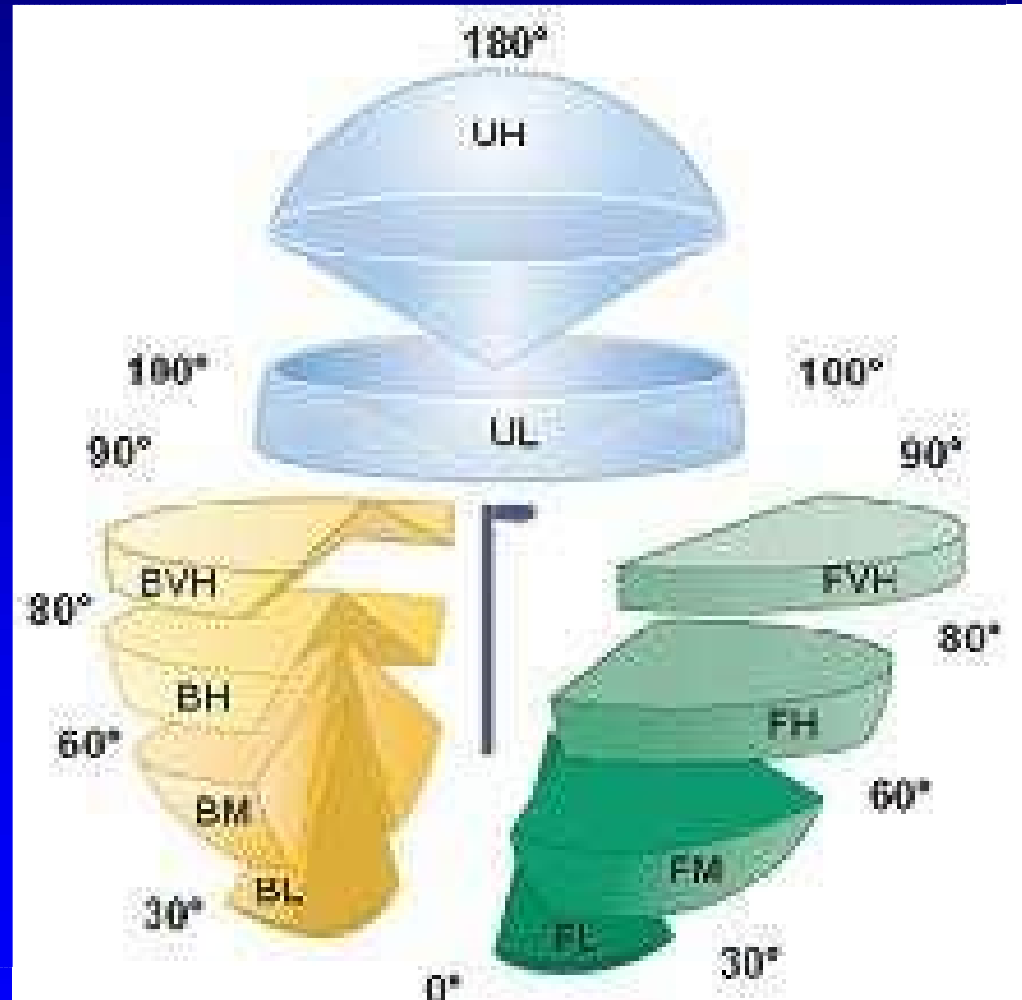


New Luminaire Classification System

G = Glare / Offensive Light



Solid Angles in the BUG Rating



U=Uplight
Combination of
UH and UL

G=Glare
Combination of
BH & BVH
and
FH & FVH

B=Backlight

Class

B: 2

U: 2

G: 2

(BH between 501 and 999 lumens)

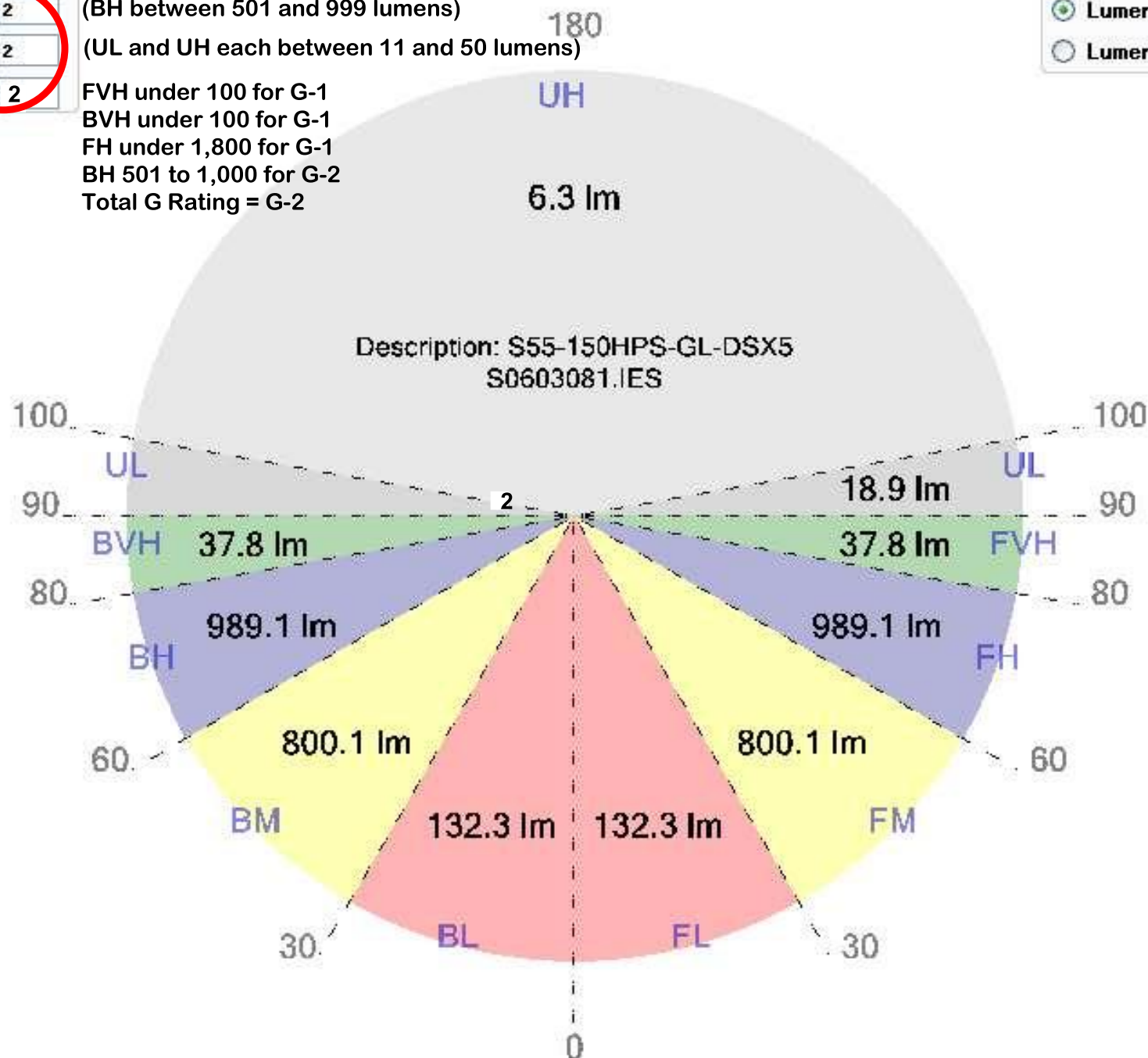
(UL and UH each between 11 and 50 lumens)

FVH under 100 for G-1
 BVH under 100 for G-1
 FH under 1,800 for G-1
 BH 501 to 1,000 for G-2
 Total G Rating = G-2

Options

☒ Lumen

☐ Lumen %



5) How are Other Florida Communities Measure Light Levels?

Using the search function on www.municode.com, staff reviewed the residential street lighting standards and light level measurements for the following comparable Florida communities including Collier County. In most communities the method and requirement of lighting measurements are uncomplicated and easy to understand for homeowners, see columns A and B. The more complex and detailed lighting standards are given in columns C and D.

Community County/City (Number of Communities)	Light Level Measurement By			
	A) Foot Candles (FT.) Only	B) Color Temperatures (CT.) & FT.	C) CT. & Backlight- Uplight-Glare (BUG) Values	D) CT., FT., & BUG Values
Collier, Lakeland, Lee, Manatee	X (11)			
Marion, Martin, Lakeland, Lee				
Palm Beach, Palm Springs, Pinellas				
Broward, City of Jupiter Island		X (5)		
City of Naples, Orange, Walton				
City of Parkland				X (2)
Pembroke Pines				
City of St. Cloud			X (2)	
City of Groveland				

Discussion about Data Centers

ATTACHMENTS:

1. CCPC Memo
2. Data Centers Special Report 1000 Friends of Florida
3. Laws of Florida Ch. 2026-065
4. SB 484 Bill analysis and fiscal impact statement)



Collier County

Memorandum

To: Collier County Planning Commission (CCPC)
From: Eric Johnson, AICP, CFM, Planning Manager I
Date: June 26, 2026
Re: Data Centers

In February 2026, the nonprofit organization 1000 Friends of Florida published a special report entitled *Potential Impacts of Data Center Development on Florida Communities: Issues for State and Local Policymakers*. The report identified data centers as establishments that store and process “vast amount of electronic data now required by American society’s use of electronic media and computing capacity for a wide range of purposes by corporations, government and individual consumers.” The report explored the potential impacts that data centers may pose to Florida communities with respect to energy demand, water use, air quality, land use and quality of life, property taxes, and traffic. The report implores planners to address potential impacts by outlining suggested questions to ask future developers.

Concerns regarding data centers have also drawn the attention of Florida policymakers. On May 7, 2026, Governor DeSantis signed Senate Bill 484 into law, amending Florida statutes related to data center development. Under the new law (see Chapter 2026-65), effective July 1, 2026, the Florida Legislature found that certain land uses, such as data centers, may present unique planning, infrastructure, and compatibility considerations. The Legislature further stated the intent that considerations should be addressed at the local level through comprehensive planning and land development regulations. During the legislative review of Senate Bill 484, the Bill Analysis and Fiscal Impact Statement categorized data centers into five general classifications based, in part, on facility size and electrical power demand. They are categorized as follows:

Data Center Type	Size (in square feet)
Micro	Less than 5,000
Small-sized	5,000 to 20,000
Medium-sized	20,000 to 100,000
Large-scale	Somewhere between medium and hyperscale
Hyperscale	Large campus of buildings

The Collier County Land Development Code (LDC) does not expressly identify a data center as a permissible land use within any zoning district. The LDC relies on the 1987 Standard Industrial Classification (SIC) system to classify and regulate land uses throughout the County. Because the SIC system predates the emergence of modern data centers, it does not specifically recognize

this use. By comparison, the current North American Industry Classification System (NAICS) classifies data centers under NAICS 518210, *Data Processing, Hosting, and Related Services*, which expressly includes activities such as “cloud storage services,” “computer data storage services,” and “data hosting.” For zoning purposes, the closest corresponding SIC classification is SIC 7374, *Computer Processing and Data Preparation and Processing Services*.

SIC 7374 is a permitted use in a wide range of commercial zoning districts (i.e., C-1 through C-5) as well as the Industrial (I) zoning district. However, the LDC's reliance on an outdated classification system creates ambiguity regarding the regulation of modern data centers, particularly large-scale and hyperscale facilities. This ambiguity in the LDC and the potential size of large-scale and hyperscale facilities could present significant land use and infrastructure planning challenges if such facilities are proposed in areas of Collier County where public infrastructure and essential services are inadequate to support their operational demands.

The CCPC serves as the County's Local Planning Agency pursuant to Section 163.3174, F.S., and is responsible for reviewing and making recommendations on matters relating to comprehensive planning and land use. Staff are seeking the CCPC's input regarding data centers, with particular emphasis on large-scale and hyperscale facilities, to determine whether the County should proactively study and evaluate the possible need for future land development regulations or comprehensive plan policies governing their siting and development.

Potential Impacts of Data Center Development on Florida Communities: *Issues for State and Local Policymakers*

By 1000 Friends of Florida

February 2026

Introduction

Data centers are facilities for the storage and processing of the vast amount of electronic data now required by American society's use of electronic media and computing capacity for a wide range of purposes by corporations, government and individual consumers. Data centers are expanding rapidly at locations across the country — driven particularly by cloud storage of data and by the rapid growth of Artificial Intelligence (AI) for multiple applications. While Florida is not seen as much of a national hot spot for data center growth like Virginia and Texas, there are already an estimated 120 data centers in Florida and substantial investment in data centers is likely with the attendant impacts described in this paper.



Physically, data centers are buildings filled with servers and computers linked to outside users operating 24 hours a day. They include systems to cool the equipment, which produces significant amounts of heat from its operation. Data centers require massive amounts of electricity and include banks of large generators as backup in case of power failures or shortages of power. Data centers are expensive to construct and equip (and represent substantial property value), but when operational, they employ relatively few people and fewer still highly paid workers.

The Impacts of Data Centers



Energy Demand

Data centers require vast amounts of electrical energy to power servers and cooling systems, according to the PEW Research Center, which has sourced data from the International Energy Agency. A typical AI-focused data center consumes as much electricity as 100,000 households. The larger data centers now under construction are expected to use 20 times as much. This translates into increasing overall energy demand, shown on the graph on the next page.

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The Impacts of Data Centers *continued*

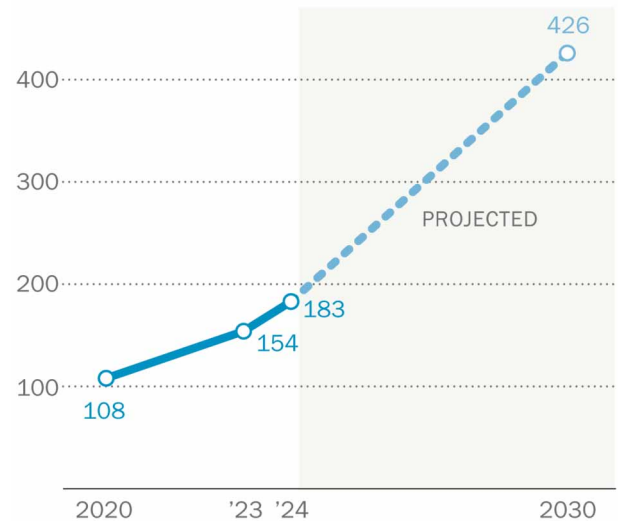
Existing electrical generating capacity is usually not sufficient to power these facilities, so new generating sources need to be constructed adjacent to sites, or at other locations requiring new transmission lines and substations. In some cases renewable energy sources, particularly solar arrays, are being constructed to supply some of the needed power, but because data centers require power 24 hours a day, very large other energy sources are generally needed.

Energy demand for data centers has raised several important issues:

- Because of the speed at which data centers are being developed, new generating facilities cannot come online fast enough to supply the needed power, so old, polluting, and inefficient fossil-fuel power plants that were scheduled to be retired are being kept in operation.
- Some companies and developers have made commitments for the use of renewable energy to power data centers and co-location of solar power generation is taking place, particularly in the West. While solar power has no emissions, it changes land use, including displacing active farm and ranch land.
- Gas-fired generating plants are the easiest to construct, but while they have lower conventional and greenhouse gas emissions than coal plants, they still represent a net increase in emissions. They also require new gas pipelines and electricity transmissions corridors.
- There is much talk of small modular nuclear generating plants and restarting closed conventional nuclear plants, but these energy

Electricity Consumption at U.S. Data Centers is Expected to More Than Double by 2030

Total electricity consumption by U.S. data centers (terawatt-hours)



Note: 2030 projection is based on IEA's "base case" scenario, which assumes current industry forecasts and regulatory conditions persist. Source: International Energy Agency, "Energy and AI," April 2025. PEW RESEARCH CENTER

sources will take time to get online and present their own land-use issues.

- A major concern is who pays for the additional electrical and generating and transmission capacity. The article, "Extracting Profits from the Public: How Utility Ratepayers Are Paying for Big Tech Power" from the Environmental Energy and Law Program at Harvard Law School (March, 2015) makes the case that in some instances power companies and data center developers have entered into agreements that allocate some of the costs of additional generating and transmission capacity to other ratepayers, thus increasing electric rates for all. States are now passing legislation to preclude this from happening. Policies and legislation addressing this issue have been proposed in Florida.

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The Impacts of Data Centers *continued*



Water Use

The operation of the servers and other equipment within data centers produces substantial heat, requiring the buildings and the equipment to be cooled. While there is ongoing research and development to invent and perfect new, more-efficient cooling systems, most data centers now use evaporative cooling for this purpose. This means that most of the water used for cooling is lost to the air and cannot be recirculated. A study by the Houston Advanced Research Center (HARC) and the University of Houston found that data centers in Texas will use 49 billion gallons of water in 2025, and as much as 399 billion gallons in 2030. That would be equivalent to drawing down the largest reservoir in the US — 157,000-acre Lake Mead — by more than 16 feet in a year.

Given that local groundwater is the primary source of water in Florida and that some areas of Florida are already withdrawing too much water to be sustainable under drought conditions, water use is likely a major factor in data-center siting and management in this state. Yes, recycled water can be used for cooling, but it, too, will be lost in the most widely used cooling systems.

There are air-cooling systems that can be used for data systems, and, as noted above, new cooling systems are being explored. However, air cooling and some other approaches use more power. Thus, there is a tradeoff between water use and the impacts of power demands discussed above.



Direct Air Quality

The primary direct air-quality issue from data centers is when their diesel generators are in operation. This is an intermittent problem not as significant as the larger air-quality issues from base electric generation, but generator noise and emissions can be a concern for adjacent residential neighborhoods.

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The Impacts of Data Centers *continued*



Land Use and Quality of Life

Data centers are large, windowless buildings that are strongly fenced for security purposes, are brightly illuminated, and include larger emergency power generators that are noisy and that produce air pollution when in use. These buildings employ comparatively few people. Large electric substations are likely a related land use. The overall land-use effect is one of an industrial dead zone that in scale and character may be incompatible with other land uses like housing and commercial activity. Because data centers tend to cluster in certain locations (particularly at the intersection of electric and fiber-optic transmission lines), this can produce large areas of fenced-off industrial land uses. Operation of the on-site generators can produce noise sufficient to disturb adjacent land users. In some locations, data centers displace farming on suitable soils and wildlife habitat. These land-use impacts have become controversial in rural areas and adjacent to minority communities.



Property Taxes

Because of the value of their buildings and equipment, data centers have the potential to enhance local tax bases, but the literature suggests that a number of states and municipalities have made tax-reduction agreements with developers to attract data centers that negate those potential tax benefits. A study by the Ford School of Science, Technology and Public Policy at the University of Michigan suggests that many such tax breaks are net losers for states and municipalities — that is, the overall economic benefits to the community are worth less than the benefits afforded the corporations from the tax reductions.



Traffic

Because data centers have relatively few employees for the size of the facilities, automobile traffic is not an issue with their siting and construction.

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Addressing Impacts

As data center development has accelerated, state and local governments have taken steps to address data-center impacts. Various states including Florida, as noted above, have new or pending policies pertaining to data centers and their electric-power requirements.

The highest concentration of data centers in the U.S. is in northern Virginia outside Washington, D.C. The Piedmont Environmental Council (PEC), a large non-profit conservation and regional planning organization, has been deeply involved in the data-center policy in that region.

Among PEC's suggestions is the need to integrate planning for data centers with comprehensive planning for the communities in which they are to be located. In Florida, while regulating electrical utilities is a state responsibility, planners at the local level are best positioned to address land-use issues presented by data centers, with the support of regional water management districts and relevant state agencies.

Questions for planners to consider in evaluating applications to site data centers:

Community Compatibility & Equity

- How close would the data center be to sensitive public facilities, such as schools, parks, wildlife trails, elder-care centers and hospitals?
- Would the data center be located near low-income communities?
- What noise impacts would cooling systems and generators create for any neighboring communities or future development?
- What limits on lighting for industrial-scale data centers would be needed to curtail negative impacts on the environment and on the quality of life of nearby communities?
- What buffers and design requirements would be needed to make a data center more compatible with its neighbors?
- What limits on height and intensity would be needed to make a data center more compatible with neighboring land uses?

Land-Use Compatibility & Growth Implications

- What other land uses might be incompatible with a data center — e.g., commercial, tourism?
- If located near undeveloped land, would the data center spur price increases for land that inhibit future residential or mixed-use development in the region?
- Would the data center and the electrical infrastructure supporting it consume productive agricultural land?
- What would be the impacts on neighboring land use of the electrical infrastructure needed to support a data center?
- What other kinds of development would be attracted by that electrical infrastructure?

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Addressing Impacts *continued*

Natural Resources & Conservation

- Would the data center be located in or near the Florida Wildlife Corridor, and how could it impact efforts to conserve and protect the Corridor?
- Would the proposed data center hinder landscape connectivity due to its size, fencing or security measures?
- How would impacts to wildlife habitat and conservation lands be avoided, minimized, or mitigated?

Water Supply & Wastewater

- What would be the projected water demand for cooling, and how large a share of the local water supply would it consume?
- Would recycled water be available? (These are issues to be explored with water management districts.)
- What would be the impact on local wastewater treatment capacity?

Energy Infrastructure & Environmental Impacts

- What would be the land-use and environmental impacts of the electrical infrastructure required to support the data center?
- What would be the potential environmental impacts of backup generators?
- Would requirements for low-sulfur fuel, filters, emissions limits and air-quality monitoring be needed?

Public Safety & Emergency Services

- Would local fire departments be trained and equipped in responding to risks associated with lithium batteries, diesel generators, on-site fuel storage, facility size, and limited access?
- How would the environmental risks created by on-site fuel storage be mitigated?

Given the potentially significant impacts of data centers on electricity, water, the environment, public services, future development, agriculture, neighboring communities and their quality of life, these are issues planners need to *consider thoroughly before any approvals are granted.*





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CHAPTER 2026-65

Committee Substitute for Committee Substitute for Senate Bill No. 484

An act relating to data centers; creating s. 163.326, F.S.; providing legislative findings; specifying that local governments maintain authority to exercise power and responsibility over comprehensive planning and land development regulations relating to large load customers; prohibiting a large load customer from being considered an electric substation; amending s. 288.075, F.S.; defining the term “data center”; providing an exception to a provision allowing an extension of certain confidentiality protections; creating s. 366.043, F.S.; providing legislative findings; defining terms; requiring public utilities to provide certain minimum tariff and service requirements for large load customers; requiring that such requirements ensure that large load customers bear their costs of service and that such costs are not shifted to the general body of ratepayers; requiring certain measures to minimize the risk of nonpayment of such costs; requiring that such minimum tariff and service requirements include certain provisions designed to prevent a public utility from providing electric service to a large load customer that is a foreign entity; prohibiting a customer from separating a certain electrical load into multiple smaller connections for a specified purpose; authorizing the Florida Public Service Commission to approve public utility tariffs that include certain utility industry-accepted ratemaking and other financial tools; prohibiting any tariff, contractual provision, service requirement, or other public utility policy from preventing or hindering the curtailment or interruption of electric service to a large load customer for certain purposes; prohibiting a public utility from knowingly providing electric service to a large load customer that is a foreign entity; requiring each public utility to file a tariff in compliance with the provisions of the bill by a specified date; amending s. 373.203, F.S.; defining terms; creating s. 373.262, F.S.; providing legislative intent; prohibiting the governing board of a water management district or the Department of Environmental Protection from issuing a permit for the consumptive use of water to a large-scale data center under certain circumstances; requiring that such permit be issued to a large-scale data center applicant if the applicant establishes that the proposed use of water satisfies certain requirements; requiring the governing board or the department to require the use of reclaimed water for a large-scale data center applicant’s allocation when certain requirements are met; specifying requirements for certain permit applications; prohibiting the approval of permit applications without a hearing; amending s. 373.239, F.S.; requiring that consumptive use permit modifications proposed by a large-scale data center be treated in a specified manner; requiring the Office of Program Policy Analysis and Government Accountability to contract for a study relating to the construction and operation of large-scale data centers; providing requirements for the study; requiring the study to be submitted

to the Governor, the President of the Senate, and the Speaker of the House by a specified date; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Effective upon becoming a law, section 163.326, Florida Statutes, is created to read:

163.326 Large load customer considerations.—

(1) The Legislature finds that certain land uses, including facilities with substantial electric or other utility demands, such as data centers and other large load customers as defined in s. 366.043(2), may present unique planning, infrastructure, and compatibility considerations. The Legislature intends that such considerations shall be addressed through local comprehensive planning and land development regulations adopted pursuant to this chapter, including provisions related to infrastructure capacity, land use compatibility, environmental impacts, and the efficient provision of public facilities and services.

(2) Local governments shall maintain the authority to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers. A large load customer may not be considered an electric substation for the purposes of s. 163.3208.

Section 2. Paragraphs (a), (b), and (c) of subsection (1) of section 288.075, Florida Statutes, are redesignated as paragraphs (b), (c), and (d), respectively, paragraph (a) of subsection (2) is amended, and a new paragraph (a) is added to subsection (1) of that section, to read:

288.075 Confidentiality of records.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Data center” has the same meaning as in s. 373.203.

(2) PLANS, INTENTIONS, AND INTERESTS.—

(a)1. If a private corporation, partnership, or person requests in writing before an economic incentive agreement is signed that an economic development agency maintain the confidentiality of information concerning plans, intentions, or interests of such private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state, the information is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 12 months after the date an economic development agency receives a request for confidentiality or until the information is otherwise disclosed, whichever occurs first.

2. An economic development agency may extend the period of confidentiality specified in subparagraph 1. for up to an additional 12 months upon

written request from the private corporation, partnership, or person who originally requested confidentiality under this section and upon a finding by the economic development agency that such private corporation, partnership, or person is still actively considering locating, relocating, or expanding its business activities in this state. Such a request for an extension in the period of confidentiality must be received prior to the expiration of any confidentiality originally provided under subparagraph 1. This subparagraph does not apply to information described in subparagraph 1. relating to data centers.

If a final project order for a signed economic development agreement is issued, then the information will remain confidential and exempt for 180 days after the final project order is issued, until a date specified in the final project order, or until the information is otherwise disclosed, whichever occurs first. However, such period of confidentiality may not extend beyond the period of confidentiality established in subparagraph 1. or subparagraph 2.

Section 3. Section 366.043, Florida Statutes, is created to read:

366.043 Large load tariffs for public electric utilities.—

(1) The Legislature finds that the provision of safe and reliable electric services, provided at fair, just, and reasonable rates, is essential to the welfare of the ratepayers of this state. The Legislature further finds that when one class of electric service customer requires uniquely large electrical loads at a single location, it imposes a disproportionate risk on the other ratepayers of this state and makes it necessary for the commission to develop and enforce rate structures and other policies for such customers which ensure such risk is mitigated as much as possible and prevent shifting the costs of serving large load customers to the general body of ratepayers.

(2) As used in this section, the term:

(a) “Controlled by” means having the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company or that is entitled to 25 percent or more of its profits is presumed to control the entity.

(b) “Foreign country of concern” has the same meaning as in s. 692.201.

(c) “Foreign entity” means an entity that is:

1. Owned or controlled by the government of a foreign country of concern;
or

2. A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal

place of business in a foreign country of concern, or a subsidiary of such entity.

(d) “Large load customer” means a customer with an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval at a single location. The term does not include a load aggregated across multiple locations owned by the same customer. However, the term includes all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load provided in this paragraph.

(e) “Public utility” has the same meaning as in s. 366.02, except that the term does not include a gas utility.

(3) The following minimum tariff and service requirements for large load customers are required in public utility tariffs:

(a) The minimum tariff and service requirements must reasonably ensure that each large load customer bears its own full cost of service and that such cost is not shifted to the general body of ratepayers. Such cost of service includes, but is not limited to, connection, incremental transmission, incremental generation, and other infrastructure costs; operations and maintenance expenses; and any other costs required to serve a large load customer. The risk of nonpayment of such costs may not be borne by the general body of ratepayers.

(b) The minimum tariff and service requirements must include provisions reasonably designed to prevent a public utility from providing electric service to a customer that would otherwise qualify as a large load customer if that customer is a foreign entity.

(4) A customer may not separate an electrical load at a single location into multiple smaller connections to avoid being classified as a large load customer.

(5) To effectuate the requirements of subsection (3), the commission may approve public utility tariffs that include utility industry-accepted rate-making and other financial tools, including, but not limited to, the following:

(a) Contributions in aid of construction or other required customer infrastructure investments that may be returned, in whole or in part, to such customers over time.

(b) Demand charges, including minimum demand charges.

(c) Incremental generation charges.

(d) Financial guarantees.

(e) Minimum load factors.

(f) Take-or-pay provisions or similar provisions requiring payment for contracted capacity, regardless of a large load customer's actual electricity use or demand.

(g) Minimum period of service contract requirements, including early termination fees or other fees for violation of such contracts.

(6) Any tariff, contractual provision, service requirement, or other public utility policy relating to large load customers may not prevent or otherwise hinder the curtailment or interruption of electric service to a large load customer where such curtailment or interruption is intended to ensure grid stability, reduce the likelihood or breadth of wider service outages, or ensure public safety during an emergency or other exceptional circumstance.

(7) A public utility may not knowingly provide electric service to a customer that would otherwise qualify as a large load customer if that customer is a foreign entity.

(8) No later than October 1, 2026, each public utility shall file, for commission approval, a tariff that complies with this section.

Section 4. Effective upon becoming a law, subsections (3) and (4) of section 373.203, Florida Statutes, are redesignated as subsections (5) and (6), respectively, and new subsections (3) and (4) are added to that section, to read:

373.203 Definitions.—

(3) “Data center” means a facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be:

(a) A free-standing structure; or

(b) A facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

(4) “Large-scale data center” means a single location, with a data center on site, that has an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval. The term does not include a load aggregated across multiple locations owned by the same customer. However, the term includes all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load provided in this subsection.

Section 5. Section 373.262, Florida Statutes, is created to read:

373.262 Large-scale data center permitting.—

(1) It is the intent of the Legislature that the development and operation of large-scale data centers in this state be managed under a permitting framework that ensures this state's water resources are used in the public interest, in a manner that is not harmful to the water resources of this state, and consistent with local government zoning regulations and comprehensive plans.

(2) Consistent with other provisions of this part, the governing board of a water management district or the department may not issue a permit to a large-scale data center applicant for an allocation of water if the proposed use of the water is harmful to the water resources of the area or is prohibited by the applicable local government zoning regulations and comprehensive plan. A permit shall be issued to a large-scale data center applicant for an allocation of water if the applicant establishes that the proposed use of water:

(a) Is a reasonable-beneficial use as defined in s. 373.019;

(b) Will not interfere with any presently existing legal use of water; and

(c) Is consistent with the public interest.

(3) The governing board or the department shall require the use of reclaimed water in lieu of all or a portion of a proposed use of surface water or groundwater by a large-scale data center applicant when:

(a) A suitable reclaimed water supply source is available and permitted;

(b) Reclaimed water distribution or supply lines are available at the property boundary in sufficient capacity and quality to serve the applicant's needs;

(c) The applicant is capable of accessing the reclaimed water source through distribution or supply lines;

(d) Use of reclaimed water is environmentally, economically, and technically feasible; and

(e) Use of reclaimed water would not conflict with the requirements contained in the applicant's surface water discharge permit, if applicable.

(4)(a) In addition to the requirements of s. 373.229, all permit applications made under this part requesting an allocation of at least an average daily flow of 100,000 gallons of water per day by a large-scale data center must contain:

1. All sources and amounts of water and losses of water used for cooling, industrial and treatment processes, personal or sanitary needs of employees, and landscape irrigation; and

2. A water conservation plan that, at a minimum, incorporates recycling cooling water before discharge or disposal, implementation of a leak detection and repair program, use of water efficient fixtures, and implementation of an employee awareness and education program concerning water conservation.

(b) Notwithstanding s. 373.229(4), the governing board or the department may not approve a permit application made under this part by a large-scale data center without a hearing.

Section 6. Subsection (2) of section 373.239, Florida Statutes, is amended to read:

373.239 Modification and renewal of permit terms.—

(2) If the proposed modification involves water use of 100,000 gallons or more per day or is proposed by a large-scale data center as defined in s. 373.203, the application shall be treated under the provisions of s. 373.229 in the same manner as the initial permit application. Otherwise, the governing board or the department may at its discretion approve the proposed modification without a hearing, provided the permittee establishes that:

(a) A change in conditions has resulted in the water allowed under the permit becoming inadequate for the permittee's need, or

(b) The proposed modification would result in a more efficient utilization of water than is possible under the existing permit.

Section 7. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall contract for an independent, interdisciplinary study of policy considerations related to the construction and operation of large-scale data centers, including, but not limited to, state, regional, or local economic development and tax revenue impacts; use of land, water, and other natural resources; energy use and related cost and rate impacts; and public health and safety related impacts. OPPAGA may contract with one or more nonpartisan academic or nonprofit research organizations with policy and scientific expertise in relevant fields of study. The study must identify any issues unique to the construction and operation of large-scale data centers in this state. The study must also include recommendations on facility siting and mitigation measures that should be considered to reduce any potential negative impacts. OPPAGA shall submit the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2027.

Section 8. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2026.

Approved by the Governor May 7, 2026.

Filed in Office Secretary of State May 7, 2026.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 484

INTRODUCER: Rules Committee; Community Affairs Committee; Senator Avila and others

SUBJECT: Data Centers

DATE: February 18, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Schrader	Imhof	RI	Favorable
2. Hackett	Fleming	CA	Fav/CS
3. Schrader	Kruse	RC	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 484 revises Florida law regarding the regulation of large-scale data centers and certain other large electricity users. Specifically, the bill:

- Specifies that agencies may not enter into non-disclosure agreements, or other contracts restricting the agency from disclosing information about a potential data center development to members of the public.
- Maintains the authority of local governments to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers. The bill also establishes that large load customers may not be considered an electric substation for the purposes of s.163.3208, F.S.
- Provides definitions for the terms “controlled by,” foreign country of concern,” “foreign entity,” “large load customer,” “public utility,” “data center,” and “large-scale data center.”
- Requires the Public Service Commission to develop minimum large load tariff requirements for public electric utilities. The tariff requirements must reasonably ensure that large load customers (such as large data centers) pay for their own cost of service, minimize the risk of nonpayment of such costs to the maximum extent practicable, and include provisions to prevent a public utility from providing electric service to a foreign entity large load customer.
- Prohibits public electric utilities from knowingly providing service to large load facilities owned or controlled by foreign countries of concern.
- Establishes a distinct large-scale data center consumptive use permit (CUP) permit requirements and application process. The bill also authorizes water management districts or

the Department of Environmental Protection to require large-scale data centers to use some portion of reclaimed water as part of a CUP approval.

- Specifies that CUP modifications involving a large-scale data center must be treated as new, initial applications.

The bill takes effect July 1, 2026.

II. Present Situation:

Florida Public Service Commission

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.¹ The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.² In order to do so, the PSC exercises authority over utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.³

Electric Utilities

The PSC monitors the safety and reliability of the electric power grid⁴ and may order the addition or repair of infrastructure as necessary.⁵ The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities⁶ (defined as “public utilities” under ch. 366, F.S.).⁷ However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, and bulk power supply operations and planning.⁸ Municipally-owned utility rates and revenues are regulated by their respective local governments or local utility boards. Rates and revenues for a cooperative utility are regulated by its governing body elected by the cooperative's membership.

Public Electric Utilities in Florida

There are four investor-owned electric utility companies (electric IOUs) in Florida: Florida Power & Light Company (FPL), Duke Energy Florida (Duke), Tampa Electric Company (TECO), and Florida Public Utilities Corporation (FPUC).⁹

Electric IOU rates and revenues are regulated by the PSC, and the utilities must file periodic earnings reports. This allows the PSC to monitor earnings levels on an ongoing basis and adjust

¹ Section 350.001, F.S.

² See Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited Dec. 3, 2025).

³ Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited Feb. 2, 2026).

⁴ Section 366.04(5) and (6), F.S.

⁵ Section 366.05(1) and (8), F.S.

⁶ Section 366.05, F.S.

⁷ Section 366.02(8), F.S.

⁸ Florida Public Service Commission, *About the PSC*, *supra* note 3.

⁹ Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, pg. 4, Apr. 2025 (available at: <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf>).

customer rates quickly if a company appears to be overearning.¹⁰ If a utility believes it is earning below a reasonable level, it can petition the PSC for a change in rates.¹¹

Section 366.041(2), F.S., requires public utilities to provide adequate service to customers. As compensation for fulfilling that obligation, s. 366.06, F.S., requires the PSC to allow the IOUs to recover honestly and prudently invested costs of providing service, including investments in infrastructure and operating expenses used to provide electric service.¹²

Water and Wastewater Utilities

Florida's Water and Wastewater System Regulatory Law, ch. 367, F.S., regulates water and wastewater systems in the state. Section 367.011, F.S., grants the PSC exclusive jurisdiction over each utility with respect to its authority, service, and rates. For the chapter, a "utility" is defined as "a water or wastewater utility and, except as provided in s. 367.022, [F.S.], includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation." In 2024, the PSC had jurisdiction over 153 investor-owned water and/or wastewater utilities in 40 of Florida's 67 counties.¹³

Section 367.022, F.S., exempts certain types of water and wastewater operations from PSC jurisdiction and the provisions of ch. 367, F.S. (except as expressly provided in the chapter). Such exempt operations include: municipal water and wastewater systems, public lodging systems that only provide service to their guests, systems with a 100-person or less capacity, landlords that include service to their tenants without specific compensation for such service, and mobile home parks operating both as a mobile home park and a mobile home subdivision that provide "service within the park and subdivision to a combination of both tenants and lot owners, provided that the service to tenants is without specific compensation," and others.¹⁴ The PSC also does not regulate utilities in counties that have exempted themselves from PSC regulation pursuant to s. 367.171, F.S. However, under s. 367.171(7), F.S., the PSC retains exclusive jurisdiction over all utility systems whose service crosses county boundaries, except for utility systems that are subject to interlocal utility agreements.

Municipal Water and Sewer Utilities in Florida

A municipality¹⁵ may establish a utility by resolution or ordinance under s. 180.03, F.S. A municipality may establish a service area within its municipal boundary or within five miles of its corporate limits of the municipality.¹⁶

Under s. 180.19, F.S., a municipality may permit another municipality and the owners or association of owners of lands outside of its corporate limits or within another municipality's

¹⁰ PSC, *2024 Annual Report*, p. 6, (available at: <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/AnnualReports/2024.pdf>) (last visited Feb. 2, 2026).

¹¹ *Id.*

¹² *Id.*

¹³ Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, *supra* note 9, at 4.

¹⁴ Section 367.022, F.S.

¹⁵ Defined by s. 180.01, F.S., "as any city, town, or village duly incorporated under the laws of the state."

¹⁶ Section 180.02, F.S., *see also* s. 180.06, F.S.

corporate limits to connect to its utilities upon such terms and conditions as may be agreed upon between the municipalities.

The PSC does not have jurisdiction over municipal water and sewer utilities, and as such, has no authority over the rates for such utilities. Municipally-owned water and sewer utility rates and revenues are regulated by their respective local governments, sometimes through a utility board or commission.

PSC Setting of Public Utility Rates and Other Charges

Section 366.041, F.S., establishes the considerations the PSC must apply in fixing just, reasonable, and compensatory rates:

the [PSC] is authorized to give consideration, among other things, to the efficiency, sufficiency, and adequacy of the facilities provided and the services rendered; the cost of providing such service and the value of such service to the public; the ability of the utility to improve such service and facilities; and energy conservation and the efficient use of alternative energy resources; provided that no public utility shall be denied a reasonable rate of return upon its rate base

Section 366.06, F.S., establishes the PSC's authority to establish and implement procedures for the fixing of and changing public utility rates. Under this section, all applications made by public utilities for changes in rates must be in writing with the PSC under the PSC's established rules and regulations.¹⁷ Section 366.06(2), F.S., requires the PSC to hold a public hearing whenever it finds, upon request made, or upon its own motion, one or more of the following:

- That the rates demanded, charged, or collected by any public utility for public utility service, or that the rules, regulations, or practices of any public utility affecting such rates, are unjust, unreasonable, unjustly discriminatory, or in violation of law;
- That such rates are insufficient to yield reasonable compensation for the services rendered;
- That such rates yield excessive compensation for services rendered; or
- That such service is inadequate or cannot be obtained.

During such a hearing, the PSC must determine just and reasonable rates to be thereafter charged for such service, and promulgate rules and regulations affecting equipment, facilities, and service to be thereafter installed, furnished, and used.¹⁸

The PSC establishes separate rates and charges for various components of a public utility's cost of providing service to its customers. These are established through various proceedings and processes which include:

- Base rate proceedings (also known as rate cases);
- Cost recovery clauses;
- Interim charges;
- Infrastructure surcharges;

¹⁷ Section 366.06(1), F.S.

¹⁸ *Id.*

- Tariffs.¹⁹

Tariffs

A public utility's tariffs are a series of documents, approved by the PSC, that provide the utility's rates, terms, and conditions for service. These tariffs also include standardized forms for the utility's service offerings and its standard contracts and agreements. Tariffs are generally revised, as necessary, after a PSC-approved change in a utility's rates or charges and are generally part of any proceeding revising rates or charges. Utilities may also request a tariff change if circumstances warrant doing so. However, the PSC does not establish a return on equity (ROE) or overall rates of return in reviewing stand-alone requests to approve a new, modified, or canceled tariff.²⁰

Rate Cases

Rate cases are generally held less frequently than the PSC's other rate and charge proceedings for public utilities. For a public utility, these wide-ranging proceedings seek to address:

- A reasonable rate of return on investment;
- Operating and maintenance expenses; and
- Cost of administering the public utility.²¹

According to the PSC, in setting a reasonable rate of return, it is guided by the principles established in *Bluefield Water Works & Improvement Co. v. Pub. Serv. Comm'n of W. Va.*, 262 U.S. 679 (1923) and *Fed. Power Comm'n v. Hope Natural Gas Co.*, 320 U.S. 591 (1944).²² In *Bluefield*, the United States Supreme Court found that:

Rates which are not sufficient to yield a reasonable return on the value of the property used at the time it is being used to render the service are unjust, unreasonable and confiscatory, and their enforcement deprives the public utility company of its property in violation of the Fourteenth Amendment....A public utility is entitled to such rates as will permit it to earn a return on the value of the property which it employs for the convenience of the public equal to that generally being made at the same time and in the same general part of the country on investments in other business undertakings which are attended by corresponding risks and uncertainties.²³

Further, the court in *Bluefield* found that such return should be "reasonably sufficient to assure confidence in the financial soundness of the utility and should be adequate, under efficient and economical management, to maintain and support its credit and enable it to raise the money necessary for the proper discharge of its public duties." Further, this "rate of return may be reasonable at one time and become too high or too low by changes affecting opportunities for

¹⁹ Florida Public Service Commission, *2026 Agency Legislative Bill Analysis for SB 126*, (Nov. 7, 2025) (on file with the Senate Committee on Regulated Industries).

²⁰ *Id.*.

²¹ *Id.*

²² *Id.*

²³ *Bluefield Waterworks & Imp. Co. v. Pub. Serv. Comm'n of W. Va.*, 262 U.S. 679, 690-92 (1923).

investment, the money market and business conditions generally.”²⁴ Thus, for a rate of return to be non-confiscatory, it must be adjusted as broader-market circumstances change.

The Supreme Court in *Hope* found that:

The fixing of ‘just and reasonable’ rates, involves a balancing of the investor and the consumer interests.... From the investor or company point of view it is important that there be enough revenue not only for operating expenses but also for the capital costs of the business.... By that standard the return to the equity owner should be commensurate with returns on investments in other enterprises having corresponding risks. That return, moreover, should be sufficient to assure confidence in the financial integrity of the enterprise, so as to maintain its credit and to attract capital.²⁵

In *Hope*, the Supreme Court also reiterates its previous decision in *Fed. Power Comm’n v. Nat. Gas Pipeline Co. of Am.*, 315 U.S. 575, 586 (1942) that the “[United States] Constitution does not bind rate-making bodies to the service of any single formula or combination of formulas.” Rather, it is “not theory but the impact of the rate order which counts.”²⁶ The court cites with approval that the Federal Power Commission, in its rate-making function, uses “pragmatic adjustments” in fixing rates.²⁷

In a base rate proceeding, the PSC establishes a public utility’s rate of return or cost of capital. It sets this based on:

- Return on equity (ROE);
- Long-term and short-term debt;
- Customer deposits; and
- Deferred taxes.²⁸

The PSC, in a rate proceeding, develops a substantial evidentiary record, which includes analysis of ROE using models generally used in the utility industry. The PSC also takes into account various risks to the public utility when setting ROE. When the PSC approves an ROE for a public utility, it does so within a 100-basis point rate of return (i.e. plus or minus 1 percent).²⁹

The rate of return actually earned by the utility is dependent on both the utility’s ability to manage costs and react to other factors that may impact its operations. These factors may include:

- Changes in revenues due to the impact of weather on sales;
- New, modified, or cancelled tariffed rates or charges;
- Costs of materials, supplies, and labor; and
- Interest rates affecting the cost of debt.³⁰

²⁴ *Id.* at 692.

²⁵ *Fed. Power Comm’n v. Hope Nat. Gas Co.*, 320 U.S. 591, 603 (1944).

²⁶ *Id.* at 602.

²⁷ *Id.*

²⁸ Florida Public Service Commission, 2026 Agency Legislative Bill Analysis for SB 126, *supra* note 19.

²⁹ *Id.*

³⁰ *Id.*

Salaries and benefits paid to employees of the public utility, including its executives, are part of the PSC's review in a rate case proceeding and the PSC examines these figures in the aggregate. In determining whether such expenses are reasonable and prudent, the PSC will consider industry norms and the need to attract and retain qualified executive and non-executive utility personnel.³¹

Establishment of other Bases of Public Utility Customer Charges

Outside of rate cases, the PSC also has other processes for revising, or creating, utility rates and charges. These proceedings include cost recovery clause proceedings and interim charges.

Cost recovery clause proceedings allow public utilities to recover variable, volatile, or legislatively mandated costs.³² For public electric utilities, the PSC holds annual hearings to allow the utilities to recover expenditures on:

- Fuel and purchased power costs;
- Capacity costs;
- Environmental compliance costs pursuant to s. 366.8255, F.S.;
- Storm protection plan costs pursuant to s. 366.96, F.S.; and
- Energy conservation program costs pursuant to s. 366.80 through 366.83, F.S.

Section 366.93, F.S., also authorizes similar cost recovery for nuclear costs. However, the PSC has not conducted a nuclear cost recovery proceeding since 2018 as no public utility has petitioned for recovery under this clause since that year.³³

For public natural gas utilities, the PSC holds annual hearings to allow the utilities to recover expenditures on:

- Purchased natural gas costs;
- Energy conservation costs pursuant to s. 366.80 through 366.83, F.S.; and
- Natural gas infrastructure relocation costs pursuant to s. 366.99, F.S.³⁴

Outside of cost recovery clause proceedings, the PSC also provides a process for establishing interim charges to quickly recover estimated storm-recovery related expenses. These interim charges are time-limited and are subject to a final true-up proceeding once final costs can be determined for a particular storm or series of storms.³⁵

The PSC does not establish ROEs or overall rates of returns in recovery clause and interim charge proceedings, as these focused rate proceedings are limited in scope. Rather, ROE and overall rates of return are set during rate cases, as those proceedings are substantially broader in scope.³⁶

³¹ *Id.*

³² *Id.*

³³ Florida Public Service Commission, *2025 Agency Legislative Bill Analysis for SB 354*, (Feb. 28, 2025) (on file with the Senate Committee on Regulated Industries).

³⁴ Florida Public Service Commission, *2026 Agency Legislative Bill Analysis for SB 126*, *supra* note 19.

³⁵ *Id.*

³⁶ Florida Public Service Commission, *2026 Agency Legislative Bill Analysis for SB 126*, *supra* note 19.

Data Centers

At its most basic, a data center is a physical facility that contains information technology (IT) infrastructure for storing, processing, and distributing data and the running of shared and distributed applications and services. Data centers can be anything from a dedicated space within a building, a dedicated building, or, for the largest-scale data centers, multi-building campuses.³⁷

Generally, the major components of a data center are:

- IT equipment: This would be the core processing, storage, and transmission hardware for a data center—this would include servers, data storage systems, and network gear (such as routers and switches).
- Power infrastructure: This would be all the equipment to supply and maintain power to the facility, including power supplies (including redundant and uninterruptable power supplies to ensure continuous operation), and power distribution units.
- Cooling systems: This would include cooling infrastructure to maintain the data center at ideal temperatures and prevent IT equipment from overheating.
- Physical security: This would include systems that restrict access to the data center and fire suppression systems.³⁸

Technically, data centers came about during earliest days of electronic digital computing when machines like the US military's Electrical Numerical Integrator and Computer (ENIAC), completed in 1945, required dedicated computer room space to house its massive machines. For many years, mainframe computers dominated computer rooms. However, in the 1990's when microcomputers came about and replaced mainframes in computer rooms, these microcomputers became known as servers and the computer rooms became known as what would eventually become the modern data center.³⁹

The emergence of cloud computing in the early 2000s changed the data center landscape significantly in regard to the purpose and scale of data centers. Data centers went from serving solely one organization's needs (or even one organization's needs at a single location), to shared resources that can be sold and provided as needed to multiple individuals and organizations with the ability to scale up or down as needed—these shared spaces are generally known as colocation data centers.⁴⁰

Tiers/Types of Data Centers

While there are no hard-set size classification scale or guidelines for data centers, they generally fall into one of the below categories:⁴¹

³⁷ Cisco, *What is a Data Center*, <https://www.cisco.com/site/us/en/learn/topics/computing/what-is-a-data-center.html> (last visited Feb. 2, 2026); and IBM, *What is a Data Center*, <https://www.ibm.com/think/topics/data-centers> (last visited Feb. 2, 2026).

³⁸ McKinsey & Company, *What is a Data Center*, <https://www.mckinsey.com/featured-insights/mckinsey-explainers/what-is-a-data-center> (last visited Feb. 2, 2026).

³⁹ IBM *supra* note 37.

⁴⁰ *Id.*

⁴¹ IBM, *What is a hyperscale data center*, <https://www.ibm.com/think/topics/hyperscale-data-center> (last visited Feb. 2, 2026); City Science, *Data Centres and Local Planning: Balancing Growth with Environmental Commitments*, Nov. 7, 2025

- Micro data center: These are the smallest type of data center—generally used by single companies or for remote offices of larger operations. Generally, these centers will have up to 10 server racks (or fewer than 140 servers).
 - Power capacity: Less than 150 kilowatts (kW).
 - Size: Less than 5,000 square feet.
- Small-sized data centers: These types of data centers are typical for onsite or regional enterprise facilities. Generally, these types of centers will range from 500-2,000 servers.
 - Power capacity: 1 to 5 megawatts (MW).
 - Size: 5,000 to 20,000 square feet.
- Medium-sized data centers: Also used for onsite or regional enterprise facilities. At the upper end of this scale, one may also see colocation data centers. Generally, these data centers will range from 2,000 to 5,000 servers.
 - Power capacity: 5 to 20 MW.
 - Size: 20,000 to 100,000 square feet.
- Large-scale data center: These are large-scale facilities. However, they are not quite up to what would generally, currently, be considered hyperscale. These facilities can be used for colocation, cloud services, big data analytics, and artificial intelligence. Generally, these data centers will fall somewhere between a medium-sized data center and a hyperscale data center in regard to servers, power capacity, and size.
- Hyperscale data center: These are massive-scale facilities, often involving a large campus of buildings. The International Data Corporation defines “hyperscale” as having at least 5,000 servers and at least 10,000 square feet of data center floor space. In practice, these facilities are multitudes larger than that.⁴² Hyperscale data centers are used for cloud services, big data analytics, artificial intelligence and machine learning, streaming services, and large social networks and are run by large cloud providers and big tech firms.⁴³ While the minimum scale to qualify as a hyperscale can differ according to various sources—generally these facilities start at 40 to 100 MW in power capacity and reach up to a gigawatt or more.⁴⁴

The size of data center facilities is anticipated to continue to grow and the share of the overall market for hyperscale facilities is also anticipated to grow. As of 2025, 41 percent of all data center capacity worldwide is within facilities with a power capacity of 100 MW or more. This figure is expected to grow to 60 percent by 2029.⁴⁵

(available at: <https://cityscience.com/news/data-centres-and-local-planning-balancing-growth-with-environmental-commitments/>);

⁴² IBM, *What is hyperscale?*, <https://www.ibm.com/think/topics/hyperscale> (last visited Feb. 2, 2026).

⁴³ BenchMark, *Hyperscale Data Centers and How to Power Them*, Jan. 15, 2025 (available at: <https://info.burnsmcd.com/benchmark/article/hyperscale-data-centers-and-how-to-power-them>).

⁴⁴ Ryan Abramson, Scout Cities, *Titans of Tech: Exploring America's Largest Hyperscale Data Centers*, Jul. 23, 2024 (available at: <https://scoutcities.com/blog/the-titans-of-tech-exploring-the-worlds-largest-hyperscale-data-centers>); Tawen Dawn-Hiscox, *What is a hyperscale data center*, DATA CENTER DYNAMICS, Sep. 13, 2022 (available at: <https://www.datacenterdynamics.com/en/analysis/what-is-a-hyperscale-data-center/#:~:text=How%20big%20is%20a%20hyperscale,capacity%20above%20the%20100MW%20mark.>); and Orrick, *Powering Data Centers*, Nov. 20, 2025 (available at <https://www.orrick.com/en/Insights/2025/11/Powering-Data-Centers>).

⁴⁵ Orrick *supra* note 44.

Data Center Growth

An analysis published by McKenzie and Company in 2025 found that the global demand for data center capacity will triple by 2030 and it anticipates a 20 to 25 percent annual growth of data center capacity within the United States during that time. That same analysis found that this growth will likely place substantial strains on United States energy and water supplies.⁴⁶

Data Center Impact on Water Resources

Every piece of electronic IT equipment generates heat as it operates, and high-performance computing tasks, such as machine learning, cloud computing, and large-scale data processing, intensify this heat production because of their near-continuous heavy workloads. This heat must be offloaded in some manner, otherwise high temperatures can lead to hardware malfunctions, efficiency reductions, and permanent hardware damage.⁴⁷ Data centers, thus, require extensive cooling systems to help dissipate large amounts of heat.⁴⁸

This cooling can be accomplished through a number of strategies and technologies:

- Centralized cooling systems: These systems either moved chilled air through centralized duct work (essentially large-scale central air conditioning) or by moving chilled water through a cooling loop that exchanges heat with the environment.
- De-centralized/room scale cooling systems: A common type of these cooling systems is called computer room air conditioners (or CRACs) and are popular with smaller data centers.

Methods that directly consume water are the most effective for cooling and this water can come from many sources including local water utilities, on-site wells, and on-site reservoirs or other co-located water resources. The International Energy Agency estimates that a 100 MW data center in the United States consumes approximately the same amount of water as 2,600 households in direct consumption and cooling.⁴⁹ This does not account for, however, the water needed to produce the electricity need to power such facilities—which can be substantial.

Data Center Impact on Electricity Resources

In larger economies like the United States, China, and the European Union, data centers, as of 2024, account for two to four percent of total electricity consumption.⁵⁰ Studies have estimated, for the United States, data centers' percentage of total consumption could rise to anywhere

⁴⁶ McKinsey & Company, *The data center balance: How US states can navigate the opportunities and challenges*, Aug. 8, 2025 (available at: <https://www.mckinsey.com/industries/public-sector/our-insights/the-data-center-balance-how-us-states-can-navigate-the-opportunities-and-challenges>).

⁴⁷ Terry Nguyen and Ben Green, *What Happens When Data Centers Come to Town*, UNIVERSITY OF MICHIGAN FORD SCHOOL OF SCIENCE, TECHNOLOGY, AND PUBLIC POLICY, Jul. 2025 (available at: <https://stpp.fordschool.umich.edu/sites/stpp/files/2025-07/stpp-data-centers-2025.pdf>).

⁴⁸ Martin C. Offutt and Ling Zhu, Cong. Rsch. Serv., R48646, *Data Centers and Their Energy Consumption: Frequently Asked Questions* (Introduction) (Aug. 26, 2025), (available at: <https://www.congress.gov/crs-product/R48646#:~:text=In%20its%20simplest%20form%2C%20a,transmit%20large%20amounts%20of%20data>).

⁴⁹ *Id.*

⁵⁰ International Energy Agency, *What the data centre and AI boom could mean for the energy sector*, Oct. 18, 2024 (available at <https://www.iea.org/commentaries/what-the-data-centre-and-ai-boom-could-mean-for-the-energy-sector>).

between 6.7 percent and 12 percent by 2030 (the United States, as of 2025, stands at approximately four percent).⁵¹

The total consumption of data centers, however, does not show the entire context of their electricity demand. Data centers, thus far in the United States, have tended to be spatially concentrated, with the data center sector surpassing 10 percent of electricity consumption in five states as of 2024.⁵² A single large or hyperscale data center consuming 20 to 100 MW of electricity continuously can have the electricity demand equivalent of 15,000 to 75,000 United States homes or more (the equivalent of a single small city). A large 650 MW facility would be the equivalent of 500,000 homes.⁵³ For comparison, the U.S. Census Reporter estimates that Orange County, Florida, currently has 556,557 total households and Florida has a total of 8.967 million households.⁵⁴

Thus the growth of data centers in an area can lead to considerable strain on local electric grids—especially with the considerable mismatch between the speed with which data centers can be constructed and the ability to get approval for and build new generation capacity and interconnect that generation into the electric transmission grid.⁵⁵ Data center-driven increases in demand may have also lead to an increase in electricity prices for consumers, at least in the short term (while the medium and long term impact on overall electric rates is still debated).⁵⁶

In markets with the most data centers (such as the Pacific Northwest, Northern California, Phoenix, Dallas, Chicago, and Northern Virginia), surging demand is creating electric capacity challenges. Due to this, hyperscale operators are looking to secondary markets (with lower but fast-growing electricity demand—such as Kansas, Iowa, Indiana, Oklahoma, Nebraska, and much of the Southeastern United States) and emerging markets (where electricity is still, comparatively, abundant—such as Florida, Ohio, Pennsylvania, New York, and New Jersey).⁵⁷

⁵¹ Gartner, *Gartner Says Electricity Demand for Data Centers to Grow 16% in 2025 and Double by 2030*, Nov. 17, 2025 (available at: <https://www.gartner.com/en/newsroom/press-releases/2025-11-17-gartner-says-electricity-demand-for-data-centers-to-grow-16-percent-in-2025-and-double-by-2030>), United States Department of Energy, Clean Energy Resources to Meet Data Center Electricity Demand, <https://www.energy.gov/gdo/clean-energy-resources-meet-data-center-electricity-demand> (last visited Feb. 2, 2026); and World Resources Institute, *Powering the US Data Center Boom: Why Forecasting Can Be So Tricky*, Sep. 17, 2025 (available at: <https://www.wri.org/insights/us-data-centers-electricity-demand>).

⁵² International Energy Agency *supra* note 50.

⁵³ IAEI Magazine, *How Much Electricity Does a Data Center Use? Complete 2025 Analysis*, Jan. 1, 2026 (available at: <https://iaeimagazine.org/electrical-fundamentals/how-much-electricity-does-a-data-center-use-complete-2025-analysis/#:~:text=Frequently%20Asked%20Questions,homes%20for%20an%20entire%20year>).

⁵⁴ Census Reporter, Orange County, FL <https://censusreporter.org/profiles/05000US12095-orange-county-fl/> https://censusreporter.org/profiles/05000US12095-orange-county-fl/-:~:text=Here's%20some%20census%20data%20for%20Orange%20County%2C,households%20*%2015.5%25%20moved%20since%20previous%20year (last visited Feb. 2, 2026).

⁵⁵ McKinsey & Company, *The data center balance: How US states can navigate the opportunities and challenges*, Aug. 8, 2025 (available at: <https://www.mckinsey.com/industries/public-sector/our-insights/the-data-center-balance-how-us-states-can-navigate-the-opportunities-and-challenges>).

⁵⁶ See Ryan Wiser et al., *Factors influencing recent trends in retail electricity prices in the United States*, 38 ELECTRICITY J. 107516 (2025), <https://doi.org/10.1016/j.tej.2025.107516>; but see Eliza Martin and Ari Peskoe, *Extracting Profits from the Public: How Utility Ratepayers Are Paying for Big Tech's Power*, ENVIRONMENTAL & ENERGY LAW PROGRAM: HARVARD LAW SCHOOL, Mar. 2025 (available at: <https://eelp.law.harvard.edu/wp-content/uploads/2025/03/Harvard-ELI-Extracting-Profits-from-the-Public.pdf>).

⁵⁷ *Id.*

Consumptive Use Permits

Consumptive use is any use of water which reduces the supply from which it is withdrawn or diverted.⁵⁸ A consumptive use permit (CUP), also known as a water use permit (WUP), establishes the duration and type of water use as well as the maximum quantity of water that may be withdrawn.⁵⁹ The Florida Department of Environmental Protection (DEP) and Florida's five Water Management Districts (WMDs) are authorized to issue CUPs and impose reasonable conditions as necessary to assure such use is consistent with the DEP or the WMD's goals and is not harmful to the water resources of the area.⁶⁰ This authority is primarily delegated to the WMDs, which implement extensive CUP programs within their respective jurisdictions.⁶¹ To obtain a CUP, an applicant must establish that the proposed use of water:

- Is a reasonable-beneficial use;⁶²
- Will not interfere with any presently existing legal use of water; and
- Is consistent with the public interest.⁶³

The DEP has also adopted additional rules implementing s. 373.219(3), F.S., which provides that the agency, for Outstanding Florida Springs, adopt CUP rules “which prevent groundwater withdrawals that are harmful to the water resources and adopt by rule a uniform definition of the term ‘harmful to the water resources’ to provide water management districts with minimum standards necessary to be consistent with the overall water policy of the state.” Florida Admin. Code R. 62-41.401 defines “harmful to the water resources” as:

A consumptive use that adversely impacts an Outstanding Florida Spring or its spring run in one or more of the following ways: (a) Causing harmful water quality impacts to the Outstanding Florida Spring or its spring run resulting from the withdrawal or diversion; (b) Causing harmful water quality impacts from dewatering discharge to the Outstanding Florida Spring or its spring run; (c) Causing harmful saline water intrusion or harmful upconing to the Outstanding Florida Spring or its spring run; (d) Causing harmful hydrologic alterations to natural systems associated with an Outstanding Florida Spring or its spring run, including wetlands or other surface waters; and (e) Otherwise causing harmful hydrologic alterations to the water resources of the Outstanding Florida Spring or its spring run.

Each of the five WMDs publishes an applicant's handbook, incorporated by reference into their respective rules, identifying the procedures and information used by district staff for review of CUP applications.⁶⁴ Generally, there are two types of CUP permits: general permits that may be

⁵⁸ Fla. Admin. Code R. 62-40.210(4).

⁵⁹ Chapter 373, part II, F.S.

⁶⁰ Section 373.219, F.S. No permit is required for domestic consumption of water by individual users.

⁶¹ Section 373.216, F.S.; Fla Admin. Code Chapters 40A-2, 40B-2, 40C-2, 40D-2, and 40E-2.

⁶² Section 373.019(16), F.S. “Reasonable-beneficial use” is defined as “the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest”; Fla. Admin. Code R. 62-40.410. DEP rules contain a list of factors that must be considered when determining whether a water use is a reasonable-beneficial use.

⁶³ Section 373.223, F.S.; see s. 373.229, F.S. Permit applications must contain certain specified information.

⁶⁴ South Florida WMD, *Applicant's Handbook for Water Use Permit Applications* (2022)[hereinafter *SFWMD WUP Handbook*], available at https://www.sfwmd.gov/sites/default/files/documents/wu_applicants_handbook.pdf; Southwest Florida WMD, *Water Use Permit Applicant's Handbook Part B* (2022)[hereinafter *SWFWMD WUP Handbook*], available at

granted by rule based on regulatory thresholds for factors such as withdrawal volume or pipe diameter, and individual permits requiring applications when regulatory thresholds are exceeded.⁶⁵ The WMDs have different schedules for application processing fees, which can vary based on total requested withdrawal amounts or type of application.⁶⁶ The DEP and the WMDs are authorized to grant permits for a period of up to 20 years, if there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit.⁶⁷

The WMDs are required to include appropriate monitoring efforts as part of their CUP programs.⁶⁸ CUPs must be monitored when they authorize groundwater withdrawals of 100,000 gallons or more per day from a well with an inside diameter of eight inches or more.⁶⁹ Such monitoring must be at intervals and must use methods determined by the applicable WMD.⁷⁰ The results of such monitoring must be reported to the applicable WMD at least annually.⁷¹ The WMD's respective CUP applicant handbooks contain various monitoring standards, which may include thresholds for required monitoring, reporting requirements, and specific standards for metering.⁷² Generally, pursuant to the handbooks, the permittee is responsible for required monitoring of withdrawal quantities.

Minimum Flows and Minimum Water Levels

Minimum Flows and Minimum Water Levels (MFLs) are adopted standards that identify the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area.⁷³ The DEP and the WMDs are required to establish MFLs based on priority lists for surface water courses, aquifers, and surface waters.⁷⁴ By establishing the limit at which further withdrawals would be significantly harmful, the MFLs provide a benchmark to help establish excess quantities of water that are available from priority water bodies. A key goal of

https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/WUP%20Applicant%27s%20Handbook%20Part%20B%20-%20January%202022_0.pdf; St. John's River WMD, *Applicant's Handbook: Consumptive Uses of Water* (2025)[hereinafter *SJRWMD CUP Handbook*], available at <https://aws.sjrwmd.com/SJRWMD/permitting/CUP-Applicant-Handbook.pdf>; Northwest Florida WMD, *Water Use Permit Applicant's Handbook* (2015)[hereinafter *NFWFMD WUP Handbook*], available at https://www.nfwfwater.com/content/download/8605/71075/Applicant_Handbook_201504.pdf; Suwannee River WMD, *Water Use Permit Applicant's Handbook* (2019)[hereinafter *SRWMD WUP Handbook*], available at https://www.flrules.org/gateway/readRefFile.asp?refId=11315&filename=REFERENCE%20MATERIAL_WUP%20Applicant%27s%20Handbook%20FINAL%2010-31-2019.pdf.

⁶⁵ See Michael T. Olexa et al., University of Florida, Institute of Food and Agricultural Sciences, *Handbook of Florida Water Regulation: Consumptive Use*, 2 (2021), available at <https://edis.ifas.ufl.edu/pdf/FE/FE60400.pdf>.

⁶⁶ See s. 373.109, F.S.

⁶⁷ Section 373.236, F.S.

⁶⁸ Section 373.216, F.S.

⁶⁹ Section 373.223(6), F.S. The water management districts are authorized to adopt or enforce certain rules in lieu of these requirements, in accordance with the statute.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *SFWMD WUP Handbook*, at 100-105; *SFWFMD WUP Handbook*, at 75-77, 85-89; *SJRWMD CUP Handbook*, at 4-1-4-3; *NFWFMD WUP Handbook*, at 63-64; *SRWMD WUP Handbook*, at 43-44, 50.

⁷³ Section 373.042, F.S.

⁷⁴ Sections 373.042 and 373.0421, F.S.; Fla. Admin. Code R. 62-40.473.

establishing an MFL is to identify and establish the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area.⁷⁵

III. Effect of Proposed Changes:

Section 1 of the bill creates s. 112.231, F.S., which provides that state, county, district, authority, or municipal officer, public employee, department, division, board, bureau, or commission, or other units of Florida government (defined collectively as an “agency”) may not enter into nondisclosure agreements or other contract restricting the agency from disclosing information about a potential data center development to members of the public. Data center is defined as a “facility that primarily contains electronic equipment used to process, store, and transmit digital information which may be a free-standing structure or a facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.” The section states that any such agreements, entered into on or after July 1, 2026, are void and unenforceable. The section also provides for a civil fine penalty of \$1,000 for agencies that violate this provision. It applies to agreements entered on or after July 1, 2026.

Section 2 of the bill creates s. 163.326, F.S., provides that it is the finding of the Legislature that facilities with substantial electric or other utility demands (such as data centers and other large load electricity customers), present unique planning, infrastructure, and compatibility considerations. The section further provides that it is the intent of the Legislature that such considerations shall be addressed through local comprehensive planning and land development regulations adopted pursuant to ch. 163, F.S., including provisions related to infrastructure capacity, land use compatibility, environmental impacts, and the efficient provision of public facilities and services. Local governments, under the section, are to maintain the authority to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load electric customers.

The section also specifies that a large load customer may not be considered an electric substation for the purposes of s. 163.3208, F.S.⁷⁶

Section 3 of the bill creates s. 366.043, F.S., which modifies Florida’s public utility code to create a requirement that the Public Service Commission (PSC) develop minimum large load service and tariff requirements for public electric utilities. The tariff requirements must reasonably ensure that large load customers (such as large data centers) pay for their own cost of service and the PSC must establish a financial protection framework applicable to large load tariff customers by requiring that nonpayment risk be addressed up front, prior to service being provided by the public utility. Specifically, the section requires the PSC to establish requirements designed to minimize the risk of nonpayment to the maximum extent practicable through commercially reasonable performance and financial security arrangements. In addition, the PSC

⁷⁵ see DEP, *Minimum Flows and Minimum Water Levels and Reservations*, <https://floridadep.gov/water-policy/water-policy/content/minimum-flows-and-minimum-water-levels-and-reservations> (last visited Feb. 2, 2026).

⁷⁶ Section 163.3208, F.S., provides the local government regulation restrictions and required approval process for electric substations. Section 163.3208(2), F.S., defines “electric substation” as “an electric substation, including accessory administration or maintenance buildings and related accessory uses and structures, which takes electricity from the transmission grid and converts it to another voltage or lower voltage so it can be distributed to customers through one or more lines.”

must require that such arrangements include financial guarantees sufficient to protect both the public utility and its ratepayers.

The tariff requirements must also include provisions reasonably designed to prevent a public utility from providing electric service to a customer that otherwise qualifies as both a large load customer and a foreign entity. The bill defines a “large load customer” as one that a customer with an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval at a single location. In addition, the section:

- Specifies that large load customers cannot split up loads to avoid being subject to the large load tariff requirements established by the provisions of the bill. The peak load threshold does not include a load aggregated across multiple locations owned by the same customer. However, it does include all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the peak load threshold.
- Does not specify rate mechanisms or specific service policies, rather, it specifies the end goal and directs the PSC, by rule, to develop baseline requirements for serving large load customers using utility industry-accepted ratemaking and other financial tools, such as, but not limited to:
 - Contributions in aid of construction or other required customer infrastructure investments;
 - Demand charges;
 - Incremental generation charges;
 - Financial guarantees;
 - Minimum load factors;
 - Take-or-pay provisions or similar provisions requiring payment for contracted capacity; and
 - Minimum period of service contract requirements.
- Prohibits a public utility from knowingly providing a large load customer with a tariff, contractual provision, service requirement, or other policy that would prevent or otherwise hinder the curtailment or interruption of electric service to a large load customer where such curtailment or interruption is intended to ensure grid stability, reduce the likelihood or breadth of wider service outages, or ensure public safety during an emergency or other exceptional circumstance.
- Prohibits public utilities from providing electrical service to facilities that would otherwise qualify for a large load tariff if such facility is owned or controlled by a foreign country of concern. It defines control to include a person or entity that controls 25 percent of the voting interest of a company or is entitled to 25 percent or more of the profits of the company. Foreign country of concern has the same meaning as in s. 692.201, F.S., which defines the term as the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern.
- Provides that the PSC is to adopt rules to implement this section, that it must propose a rule for adoption by March 1, 2027, and that public utilities must file for approval of a tariff complying with the final rule within 60 days after its adoption.

The section also provides a legislative finding that the provision of safe and reliable electric services, provided at fair, just, and reasonable rates, is essential to the welfare of Florida

ratepayers. Further, it finds that when one class of electric service customer requires uniquely large electrical loads at a single location, it imposes a disproportionate risk on other Florida ratepayers and makes it necessary for the PSC to develop policies to mitigate this risk and avoid the shifting of costs to provide service to such customers to the general body of ratepayers.

Section 4 amends s. 373.203, F.S., to create a definition for data centers and large-scale data centers for ch. 373, F.S., which regulates Florida's water resources. Specifically, the section defines:

- “Data center” as a facility that primarily contains electronic equipment used to process, store, and transmit digital information—which may be a free-standing structure or a facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.
- “Large-scale data center” as a single location, with a data center on site, that has an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval. This does not include a load aggregated across multiple locations owned by the same customer. However, it does include all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load threshold.

Section 5 amends s. 373.262, F.S., to create distinct large-scale data center consumptive use permit (CUP) permit requirements. Specifically, the section:

- Provides that, consistent with the other provisions of Florida's CUP law, a water management district (WMD) or the Department of Environmental Protection (DEP) may not grant a CUP to a large-scale data center for an allocation of water if the proposed use of the water is harmful to the water resources of the area or is prohibited by the applicable local government zoning regulations and comprehensive plan. A CUP may only be issued if the proposed use of water:
 - Is a reasonable-beneficial use as defined in s. 373.019, F.S.;
 - Will not interfere with any presently existing legal use of water; and
 - Is consistent with the public interest.
- Provides that the WMD or DEP may require the large-scale data center to use some portion of reclaimed water, in lieu of surface or groundwater, if:
 - A suitable reclaimed water supply source is available and permitted;
 - Reclaimed water distribution or supply lines are available at the property boundary in sufficient capacity and quality to serve the applicant's needs;
 - The applicant can access the reclaimed water source through distribution or supply lines;
 - Use of reclaimed water is environmentally, economically, and technically feasible; and
 - Use of reclaimed water would not conflict with the requirements contained in the applicant's surface water discharge permit, if applicable.
- In addition to the minimum CUP filing requirements under s. 373.229, F.S., all CUP applications requesting an allocation of at least an average daily flow of 100,000 gallons of water per day by a large-scale data center must contain:
 - All sources and amounts of water and losses of water used for cooling, industrial and treatment processes, personal or sanitary needs of employees, and landscape irrigation; and
 - A water conservation plan that, at a minimum, incorporates recycling cooling water before discharge or disposal, implementation of a leak detection and repair program, use

- of water efficient fixtures, and implementation of an employee awareness and education program concerning water conservation.
- Prohibits large-scale data center CUP application approvals without a hearing.

Section 6 amends s. 373.239, F.S., to provide that if a CUP modification application is filed by a large-scale data center, it must be treated in the same manner as an initial CUP permit application.

Section 7 provides an effective date of the bill of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will most likely have an impact on the electricity rates, fees, and other costs paid by large load electric customers of public electric utilities. However, the degree of this impact is indeterminate given the multitude of factors present in determining an electric utility rate, particular customer circumstances, and that the impact is likely to be partly determined upon the particular rule provisions adopted by the Public Service Commission. In addition, large-scale data centers seeking consumptive use permits may see an increase in costs relating to the application process and additional permitting requirements authorized by the bill.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 373.203 and 373.239.

This bill creates the following sections of the Florida Statutes: 112.231, 163.326, 366.043, and 373.262.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on February 17, 2026:

The committee substitute:

- Clarified that a large load customer may not be considered an electric substation for the purposes of s.163.3208, F.S.
- Established a financial protection framework applicable to large load tariff customers by requiring that nonpayment risk be addressed up front, prior to service being provided by the public utility.
- Directed the PSC to establish requirements designed to minimize the risk of nonpayment to the maximum extent practicable through commercially reasonable performance and financial security arrangements. It also requires such arrangements include financial guarantees sufficient to protect both the public utility and its ratepayers.
- Removed a requirement that public utilities would be solely responsible for losses if PSC-approved financial protections to serve large load tariff customers prove insufficient.

CS by Community Affairs on February 3, 2026:

The committee substitute provides that the tariffs the PSC create under the bill must include provisions to prevent a public utility from providing electric service to a foreign entity large load customer, and adds that public utility providers may not *knowingly* provide to a foreign entity. It also revises the timeline, giving the PSC until March 2027 to adopt a final rule, and public utilities 60 days from rule adoption to file conforming updated tariffs.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
