

January 17, 2013

For the Collier County Planning Commission hearing regarding rezoning of King Richards

I am David Pezzullo, a resident of Walden Oaks and have been asked to speak on behalf of the community by the HOA Board. Walden Oaks is directly adjacent to what is now King Richards. As you have seen from the maps, we share a border on King Richards' northern and eastern sides. This fact alone - that a proposed car dealership abuts a residential community on two sides - is exceptional. Naples View just north of us will be breaking ground soon building high-end residential, then GL Homes is in the process of purchasing and developing over 100 acres of Temple Citrus to our south and east. So this inconsistency - a car dealership in a sea of mostly residential and some light commercial - will over time only become more noteworthy.

Last Spring several of we residents of Walden Oaks were in this very room to strongly support the rezoning application for 6900 Airport Road, which we also border on two sides, from agricultural to residential use after working closely with the prospective developers. This time, however, after carefully considering the proposal by Top Hat Auto we are here to ask that you NOT recommend the rezoning of King Richards and have presented commission members copies of a petition signed by Walden Oaks residents emphasizing this judgment. Many of us attended the public hearing in the fall and subsequently our Master Board voted unanimously to resist this application for rezoning.

We understand that when the Collier County Growth Management Plan came into effect in 1989, King Richards as an existing C-4 usage was allowed to continue operation even though it did not fit within the plan's logic for development. It was stipulated, however, that any new use for this property, whose zoning status was grandfathered in, would have to be of equal or less intensity than King Richards.

By that very clear standard – equal or less intensity – the application now being considered by the board does not qualify. Whether measured in lumens

(for outside lamps), decibel (machinery), hours of actual operation in a week, number of employee hours, amount of chemicals used - be it lubricants, paints, glues, solvents, fuels and other toxins – coverage of asphalt, amount of machinery utilized on an hourly and daily basis, the car dealership being proposed would generate far more activity than King Richards produces.

There are two principal reasons for this. One is that King Richard is not very active. While its official hours of operation seem extensive, hours of actual activity are limited usually to only a few hours a few days a week. Most of the time and most days of the week the outdoor rides are not being utilized. And when they are, most of the noise comes from kids screaming happily on the rides or the crack of bat on ball in the batting cage. Some may judge King Richards an unsightly mess but it is hardly a hive of semi-industrial activity. What noise and lighting it does produce is sporadic. We have not been privy to all the information that you have received from the advocates for this rezoning, but from our very close observation – and several of our residents have owned, operated or worked for dealerships - the most moribund car dealership in Naples would be more active than Kind Richards by almost any measure.

The second reason the proposed new use would represent far more intensive activity is that the business planning that motivated and justifies any such multimillion dollar investment has to assume a good deal of activity to be financially feasible. Any dealership on this 11 plus acre parcel surrounded by residential and light commercial would have to be an anthill of semi- industrial and heavy commercial enterprise to remain viable. Cars will be delivered, moved and washed daily. Air compressors for both the body shop and mechanical shop will be churning. Air chisels, grinders, and sanders in the body shop will be whining. Air wrenches in the tire shop will be shrieking. It will be noisy and the bay doors will often be open. The intensity of activity - and particularly regarding high powered machinery, from lifts to high pressure air tools - will be significantly greater than King Richards simply to cover the investment.

We have admired how the very well regarded lawyer and engineering firm hired by Top Hap have created an idealized version of what this proposed car

dealership would be like. We know, however, that in the real world noise, lighting, contamination, and most importantly, activity will be greater than what now exists. Perhaps, comparing a child's scream to the shriek of an air wrench comes down to a subjective judgment. But if one enterprise is occasional and mostly light commercial, while the other is daily, semi-industrial and constant throughout most of the day, a comparison of intensity of activity is not difficult to make.

Some may say this new use would represent an improvement despite the more intensive activity (or due to the more intensive activity); it would be better organized and maintained, more secure and aesthetically more pleasing. That may or may not be the case. But based on the criteria for new use set by the Growth Management Plan - namely less or equal intensity of activity - we would have to hide all real world evidence and business logic to conclude that the car dealership being proposed here to replace King Richards would meet that standard.