

May 25, 2023

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
May 25, 2023

LET IT BE REMEMBERED, that the Collier County Hearing Examiner, in and for the County of Collier, having conducted business herein, met on this date at 9:04 a.m., in REGULAR SESSION at 2800 North Horseshoe Drive, Room 609/610, Naples, Florida, with the following people present:

HEARING EXAMINER ANDREW DICKMAN

Michael Bosi, Planning and Zoning Director
Raymond V. Bellows, Zoning Manager
John Kelly, Senior Planner
Andrew Youngblood, Operations Analyst
Suzanne Perdichizzi, Operations Analyst
Sean Sammon, Principal Planner, Zoning Division
Ailyn Padron, Management Analyst

HEARING EXAMINER: All right. Good morning, everybody. How are you doing? We've got everything worked out, I think. It's May 25th, 2023. This is the hearing examiner meeting for Collier County. Let's all rise for a pledge of allegiance. Thank you.

(Pledge of Allegiance recited in unison.)

HEARING EXAMINER: All right. Great. My name is Andrew Dickman. I'm a Florida Bar attorney in good standing. I am the hearing examiner appointed by the Collier County Board of County Commissioners. I'm not a county employee. I'm a contracted attorney to fulfill the duties that are prescribed in the code of ordinances and the Land Development Code and the Land -- the Land Development Code.

To my right, county staff. Directly across from me is our court reporter. We have county staff over here running the IT. We have a hybrid meeting, which means that some of you here are in person, but the county has been kind enough to set up a system using virtual technology for people who can't attend in person to participate online, so we have that.

If any of you have phones that are on, please turn them off so they're silenced so that we can all concentrate on the business at hand. If you want to have a conversation with someone here, please go out in the hallway and do that, not in the room, so that we can efficiently go through this.

The way that I like to run these meetings is I'll have county staff, which our planner has assigned to the petition, to come up to this main -- this podium in the front and introduce the petition, give some overview to it, some of the analysis, conclusions, and also some -- if there are any conditions involved, to put that out.

Then we'll have the petitioner or the petitioner's representative use the larger podium over here on my left, and they will have -- put on their case in chief. Then we will have it -- open it up for public comment. I'll allow for time -- extra time for rebuttal, if there's necessary -- if it's necessary for the petitioner to answer any questions that may come up.

I just want to remind everybody that our court reporter will be transcribing everything verbatim, so in order to do that, she has to hear everything, so if -- if you talk too fast or talk too low or use hand signals, she's going to -- she's got full authority to stop everything and say "Please" -- you know, "Please repeat that" or something, because we want to make sure that there's an accurate record of this hearing.

If anyone is going to testify here today, essentially speak to me, because what I'm trying to do is get information relative to the petition and relative to the criteria that has to be used to evaluate this, you will have to be -- do so under oath, so in a minute I'll have everyone who's going to speak stand and take the oath.

I want you to relax. Take your time. If you are going -- if members of the public want to speak, please fill out a speaker card over here and hand it over to the good folks over here on the far side. And -- and, again, take your time. It's really important for me, because after today -- it's really important for me to get relevant information that you want to express about this particular petition. You can say whatever you want. That's okay with me, too. You'll have your time.

But it's going to be more important for me to hear specifically factual issues that you want to communicate, because after today it's a closed record, and I have 30 days to render -- render my decision. That's the essence of a quasi-judicial system is that, you know, after today the record's closed.

I have not -- just for disclosure sake, I have not had any conversation -- private conversations with any member of staff about any -- any of the petition -- the two petitions that are here. I don't meet with the applicants. I don't -- I'm not -- again, I'm not a county employee, so I don't meet with the applicants. I don't meet with the community. I don't meet with others. I'm here as a neutral decision-maker trained in land use and zoning to be able to -- to render a fair and impartial decision.

So with that I'm going to ask anyone who wants to speak here today, please stand, and the court reporter will administer the oath.

(Prospective witnesses were duly sworn.)

HEARING EXAMINER: I heard -- I heard someone say they won't; is that true? No, I'm just kidding. All right. Good. I like to hear everybody laugh, because I want to keep these things informal. I know -- if you're like me, petrified of speaking publicly, I don't want that to be true. I want you to be -- I want you to relax. And this is your meeting, and I want you to just take your time and get all the information out that you need to get out.

With that said, why don't we move right into the agenda. We have two items today, Item 3-A and 3-B. So we'll go with 3-A first, logically.

And it looks like, Sean, you're up. How are you doing?

MR. SAMMON: Good. How are you?

HEARING EXAMINER: Fine.

MR. SAMMON: Good morning, Mr. Dickman. For the record, Sean Sammon, principal planner in the zoning division. Before you is Agenda Item 3-A. This is a request for you to approve an insubstantial change to Ordinance No. 18-29, the Torres Family Trust CPUD, to allow an access point on U.S. 41 subject to closure and replacement with up to two access points on Creative Drive, to provide that no wall is required along the eastern and southern CPUD boundaries adjacent only to Tract P, Preserve, and to amend the master plan.

The subject property is located on the south side of U.S. 41, approximately one-half mile southeast of Manatee Road and opposite and southeast from Naples Reserve Boulevard, in Section 12, Township 51 South, Range 26 East, Collier County, Florida.

The petition was reviewed by staff based upon review criteria contained within LDC Section 10.02.13.E1 A through K, and staff believes this petition is consistent with the review criteria in the LDC as well as with the GMP.

The applicant conducted one neighborhood informational meeting on March 6th, 2023. Fourteen members of the public attended, and details from this meeting are included in the back of the package, Attachment D to the staff report.

With respect to the public notice requirements, they were complied with, as per LDC Section 10.03.06.H. The property owner notification letter and newspaper ad were taken care of by the -- by the county on Friday, May 5th, 2023, and the public hearing signs were placed by the applicant on Wednesday, May 10th, 2023.

I've received only one call from the public, which was a request for information about this petition, and there has been no public opposition pertaining to this petition. Staff recommends that you approve this petition as described in accordance with the attachments to the staff report. There is one condition in association with staff's recommendation to approve, which is specified in the staff report and summarized as such.

Access to the project site shall be provided by one access point on Tamiami Trail

East unless Creative Drive is realigned to meet FDOT standards. Then the access point to the project site shall be provided for by up to two access points on Creative Drive. That concludes staff's summary.

HEARING EXAMINER: So, Sean, to that point, I just want to be clear. So it's an either/or. So it seemed to me that the preference is on Creative Drive, but right now there's some -- some issues with Creative Drive, so for now it's going to be on Tamiami Trail, one access, which will be right in/right out.

MR. SAMMON: Right.

HEARING EXAMINER: Is that -- am I correct in that?

MR. SAMMON: Correct. If the -- but I believe the preference would be on Tamiami Trail.

HEARING EXAMINER: Oh, it would be on -- okay.

MR. SAMMON: Unless Creative Drive gets re -- realigned for FDOT standards.

HEARING EXAMINER: Okay. All right. Thank you very much. Nice job.

Thank you.

MR. SAMMON: Uh-huh.

HEARING EXAMINER: All right. Who's here for the petitioner? How are you?

MS. MEDINA: And I did have a PowerPoint, which I provided to staff.

HEARING EXAMINER: Okay. Are you Ms. Medina?

MS. MEDINA: I'm Josephine Medina. Sorry. Yeah, I'm Josephine Medina, and I'm the planner for this application.

HEARING EXAMINER: AICP LEED, great.

MS. MEDINA: Yeah.

HEARING EXAMINER: What -- go ahead. Why don't you put a -- I don't believe we've met, but -- have you been here before?

MS. MEDINA: I haven't, no.

HEARING EXAMINER: But for the sake of the record, why don't you just put a little bit of information on the -- on the record about your --

MS. MEDINA: Background?

HEARING EXAMINER: -- background. I mean, I know what those acronyms are, but for the record, I'd like for you to just like -- qualify you as an expert, in other words.

MS. MEDINA: Sure, yeah. Well, as you mentioned, I'm AICP LEED Green Associate. I have a bachelor's in agricultural operations management with a minor in landscape architecture. I did work for the county for four years, Collier County.

HEARING EXAMINER: We won't hold that against you.

MS. MEDINA: And then -- so I have about eight years of experience working in zoning.

HEARING EXAMINER: Okay.

MS. MEDINA: And so, yeah, that's -- that's my background.

HEARING EXAMINER: Okay. Okay. So for those of you who don't know, the AICP acronym is the American Planning Association's licensing, essentially, certificate for passing an examination. It qualifies you as an American Institute of Certified Planners.

So I recognize you as a -- as a planner. It looks like your company is RVi Planning Plus Landscape Architecture; is that correct?

MS. MEDINA: Correct, yes.

HEARING EXAMINER: All right. Congratulations. All right. Are you ready?

MS. MEDINA: Yeah.

HEARING EXAMINER: All right. Let's go.

MS. MEDINA: Yeah, if we could move to the next slide, please. So, as I mentioned, I'm Josephine Medina, and I'm with RVi Planning and Landscape Architecture. Also here is the applicant, Creative Commons ILF; our transportation engineer, Norm Trebilcock; and our project engineer, Matthew DeFrancesco. And they're here to help address any questions that may come up.

Next slide. So I think Sean already gave an overview, but, basically, the property is located south of U.S. 41 right across from Naples Reserve Boulevard. It consists of 5.86, plus or minus, acres, is currently vacant, has a zoning designation of Commercial Planned Unit Development, and has a future land use designation of East Tamiami Trail Commercial In-fill Subdistrict.

Next slide, please. So this was approved back in 2018. This is specifically the Torres Family Trust CPUD, which allowed for 60,000 square feet of commercial uses and required for .8 acres of on-site preserve. So we're not requesting any changes to the intensity, uses, or the amount of preserve that's being requested.

HEARING EXAMINER: So just so I'm clear, the preserve is going to remain in the back. That's not changing?

MS. MEDINA: Nothing's changing, no.

HEARING EXAMINER: Okay. And this reference to "no wall required," is that -- that's on the eastern side or -- wait. North is -- yeah, right.

MS. MEDINA: So that will be on the eastern and southern side.

HEARING EXAMINER: Got it. Right here, right?

MS. MEDINA: Uh-huh.

HEARING EXAMINER: If that's -- north is that way.

MS. MEDINA: Yeah, north is to your right -- or left, I mean.

HEARING EXAMINER: That way. Okay. Got you. Thanks.

MS. MEDINA: All right. Next slide. So the modification itself moves the access points from Creative Drive to U.S. 41. Now, this came about after a meeting with FDOT, or Florida Department of Transportation. Where the current alignment of Creative Drive isn't safe with the Naples Reserve Boulevard, it would have to be shifted further west where there currently is a lift station.

HEARING EXAMINER: So it would be down this way?

MS. MEDINA: Yeah.

HEARING EXAMINER: So it's not really aligned.

MS. MEDINA: Not -- yeah, not safely. So there's currently a lift station where it would have to be moved; and, furthermore, it's outside of the property, so it would be in -- within Fiddler's Creek PUD, which is to the west of this property.

HEARING EXAMINER: So that particular lift station's in the 60-foot right -- is it a 60-foot right-of-way? Is that what Creative Drive is?

MS. MEDINA: Yes. I -- I don't believe it is. I believe it's where -- where it would have to shift further to the west.

HEARING EXAMINER: Okay.

MS. MEDINA: So that's -- that's the issue.

HEARING EXAMINER: Okay.

MS. MEDINA: Uh-huh.

HEARING EXAMINER: All right. So that'll have to be dealt with before Creative Drive can be activated as an access point.

MS. MEDINA: Correct.

HEARING EXAMINER: Okay.

MS. MEDINA: So the other option was, as was mentioned, right in/right out only on U.S. 41, so it would provide direct access to U.S. 41 for this site. So that -- because of the feasibility of it, that is the option that is being requested here.

As we were reviewing the site itself, since we were going for a modification, we did find that the master -- the master plan itself wasn't very clear on where a wall was required, so we wanted to provide clarification on that, and staff agreed that that would be helpful, especially at site development review stage.

So next slide. And this just shows the existing approved PUD master plan. As you can see, there's two access points along Creative Drive right now and none being on the U.S. 41. And then if you see to the north, it -- it's not very clear where the wall is -- is required along the preserve tract.

So if we go to the next slide, this is the approved cross-access that was provided where you can see where the preserve areas are. There's no wall being shown; however, if you look at CC, there is a wall shown. So we -- we just wanted to make that clear on the -- in -- on the master plan.

HEARING EXAMINER: Okay. So let me be clear.

MS. MEDINA: Yeah.

HEARING EXAMINER: CC is here.

MS. MEDINA: Yeah. Sorry, yes.

HEARING EXAMINER: So that is what? What are you -- when you say CC, what are you saying?

MS. MEDINA: That's the cross-section.

HEARING EXAMINER: Okay. Got you. Okay. Cross-section.

MS. MEDINA: So if you go there, yeah, it does show a wall. And then once you go to the cross-section for BUE --

HEARING EXAMINER: Okay. Got you.

MS. MEDINA: Yeah, so we just wanted to make that clear on the NCP and -- so that was -- that's why we are add -- adding that as part of the request.

Next slide. So this just shows the proposed PUD master plan and the changes, which does add that access point on U.S. 41 subject to the conditions staff has provided. And we also clarify on the right -- top right where it doesn't show that a wall would be required there.

HEARING EXAMINER: Okay. Hold on one second.

MS. MEDINA: Uh-huh.

HEARING EXAMINER: So has the -- this is a 30-foot easement, right?

MS. MEDINA: Uh-huh.

HEARING EXAMINER: Has that already been dedicated to the county? Is that -- was that already part of the previous PUD or --

MS. MEDINA: That was part of the previous PUD, yeah.

HEARING EXAMINER: The PUD process. So you've already --

MS. MEDINA: Well, it wasn't part of the PUD process. It was -- it's -- it's a really old easement that -- that exists.

HEARING EXAMINER: So pre -- pre --

MS. MEDINA: Yeah. It's recorded, though.

HEARING EXAMINER: So it was when Creative Drive was set up.

MS. MEDINA: Uh-huh, yeah.

HEARING EXAMINER: Okay. So that's that. So that's why I was referring to the 60 feet. So there's a total of 60 feet in here.

MS. MEDINA: Correct.

HEARING EXAMINER: I guess that's the pump station.

MS. MEDINA: Yeah.

HEARING EXAMINER: All right.

MS. MEDINA: All right. Next slide, please. So we are in agreement with staff's analysis. The request is not substantial based on Criteria A through K of LDC Section 10.02.13.E1. There's no change to the PUD boundary or approved uses. We're not requesting any increase to the approved intensity increasing any traffic generation or stormwater retention or stormwater discharges. No reduction to the preserve is being requested, and the project is not really located within any -- a DRI, so nothing there is changing as well.

We're also in agreement with staff's analysis -- requests that it does -- that the request does not change the findings and that criteria from the original PUD application, and we are consistent with LDC Section 10.02.13.E2.

HEARING EXAMINER: So what's the current state of the topography there? Is it all just vegetation right now, or has it been cleared?

MS. MEDINA: I believe so. I don't know if it's been cleared.

HEARING EXAMINER: Okay.

MS. MEDINA: It has a --

HEARING EXAMINER: I guess just -- well, I guess the point being is at some point that preserve area -- someone's going to have to make sure that it's -- that all exotics are removed and --

MS. MEDINA: Correct. So, yeah, we will be meeting the LDC requirement, which --

HEARING EXAMINER: Okay.

MS. MEDINA: -- does require that. And if there isn't sufficient -- there's also buffer required, so if there isn't sufficient, then we would have to meet that as well, yeah.

HEARING EXAMINER: Is it a Type D buffer? What type of buffer was that? I think I saw it on there.

MS. MEDINA: Yeah, I'd have to --

MR. BELLOWS: D.

HEARING EXAMINER: Yeah, you have Type DLS buffer, 10-foot.

MS. MEDINA: Yeah, it would be a Type B.

HEARING EXAMINER: Yeah. Okay.

MS. MEDINA: Uh-huh. All right.

HEARING EXAMINER: Anything else?

MS. MEDINA: I think that -- well, that's -- next slide. We're in agreement with staff's condition. It has already been incorporated into our PUD language. And next slide.

HEARING EXAMINER: So on --

MS. MEDINA: Uh-huh.

HEARING EXAMINER: On the access point on 41, is there going to be a deceleration lane or is there -- how is that -- I don't know. I guess what you're going to be doing in there you haven't decided as far as, like, the site plan stuff, but getting right in/right out, is that --

MS. MEDINA: I believe our transportation engineer might be able to help address that.

HEARING EXAMINER: Okay. Come on up.

MS. MEDINA: Norm Trebilcock.

MR. TREBILCOCK: Good morning. For the record, my name is Norman Trebilcock. I'm a certified planner and also a professional engineer, professional traffic operations engineer.

HEARING EXAMINER: Okay.

MR. TREBILCOCK: And we've been working on the traffic studies for the project. We did submit a access permit to the FDOT. They're the ones that really had kind of talked to us and suggested this alternative.

HEARING EXAMINER: Okay.

MR. TREBILCOCK: So based on our analysis with them and the level of intensity of development right now, it would just -- there would be a right in/right out, as you said, and -- and a turn lane isn't warranted at this point --

HEARING EXAMINER: Okay.

MR. TREBILCOCK: -- based on the volume of traffic.

HEARING EXAMINER: Okay.

MR. TREBILCOCK: You know, so any future modifications of it where Creative Drive would -- would likely change that and require that.

HEARING EXAMINER: Okay. So right now the intensity anticipated on this project, or property, isn't as -- isn't to the level that it would require someone to move over to a decel lane and get --

MR. TREBILCOCK: Correct. It -- it's a -- it's a lower-intensity independent living facility, yep.

HEARING EXAMINER: Oh, okay. All right. And how many lanes -- how many lanes are at Tamiami Trail there? Is that two lanes or three?

MR. TREBILCOCK: This is -- this is a multi-lane section there right now, yep.

HEARING EXAMINER: Okay. All right. Okay. Great.

MR. TREBILCOCK: Okay. Anything else?

HEARING EXAMINER: Your name seems really familiar to me. I don't --

MR. BOSI: He does it all the time.

HEARING EXAMINER: You do it -- yeah, I know I've seen you.

MR. TREBILCOCK: Yes.

HEARING EXAMINER: I've never met you in person, I don't think. Have I?

MR. TREBILCOCK: No, we have. We have.

HEARING EXAMINER: Have we really?

MR. TREBILCOCK: Yeah, yeah.

HEARING EXAMINER: That's why.

MR. TREBILCOCK: That's okay.

HEARING EXAMINER: In this room or --

MR. TREBILCOCK: It's been -- yes. Yeah, it's okay. It's okay.

Worked -- worked on a project together many years ago.

HEARING EXAMINER: Oh, okay.

MR. TREBILCOCK: So -- it's okay. It's good. It's good.

HEARING EXAMINER: Maybe I'll change my glasses or something.

MR. TREBILCOCK: Yes.

HEARING EXAMINER: Thanks for coming up.

MR. TREBILCOCK: You got it. Thank you, uh-huh.

HEARING EXAMINER: All right. Anything else?

MS. MEDINA: Well, just that we're in agreement with the staff recommendation for approval and the modernization of the PUD transportation commitment, and this project -- or this request is consistent with the Land Development Code and the Growth Management Plan.

And next slide. Oh, with that, any questions? I'm happy to ---

HEARING EXAMINER: Always end with the "Any questions?" Good job. All right. All right. So I'll -- I'll reserve some time for you later, if we need to answer any questions.

Why don't we go directly to public comment. Who do we have?

MS. PADRON: Good morning, Mr. Dickman. We have Linda Gary -- I'm sorry -- Gray as our first speaker.

HEARING EXAMINER: Okay. Come on up. Good morning.

MS. GRAY: Good morning.

HEARING EXAMINER: Thanks for being here. Why don't you use this podium over here. It might make it a little easier, because she probably has some of her stuff over there.

MS. GRAY: Do I need to bring it down?

HEARING EXAMINER: You can do whatever you want with that. You can move it around. You can take it home with you.

MS. GRAY: I'm a nervous wreck.

HEARING EXAMINER: Don't -- hey, hey, just --

MS. GRAY: I've never done this before.

HEARING EXAMINER: All right. Calm down. Relax.

MS. GRAY: All right. Hi. My name is Linda Gray. I live at -- if -- could we use Ms. Medina's Slide 8?

HEARING EXAMINER: Yeah, yeah, 8, Slide 8.

MS. GRAY: I represent 546 homeowners as just another homeowner --

HEARING EXAMINER: Okay.

MS. GRAY: -- and a member of the board of directors of the abutting property on the east side.

HEARING EXAMINER: Okay. So you're part of the HOA board?

MS. GRAY: Imperial Wilderness --

HEARING EXAMINER: Okay.

MS. GRAY: -- at 14100 Tamiami.

HEARING EXAMINER: And you're on -- you're on that board?

MS. GRAY: Yes.

HEARING EXAMINER: And did they authorize you to come here and speak for them, or are you --

MS. GRAY: I have a fellow board member, the treasurer, with me.

HEARING EXAMINER: All right. Okay. We almost have a quorum for the record.

MS. GRAY: No, we knew we couldn't do that.

So our concerns, obviously, are safety, the egress point, our current deceleration lane, the accidents that have already occurred in our egress from the HOA, wildlife -- we've been infested as they were clearing land.

HEARING EXAMINER: Let me stop you for a second. Is there -- so just so I'm orienting --

MS. GRAY: We are --

HEARING EXAMINER: You're -- are you wrapping around all the way on both sides --

MS. GRAY: Yes --

HEARING EXAMINER: -- of the property?

MS. GRAY: -- on both sides. We're on the south side and the east side.

HEARING EXAMINER: Okay. And your access -- is there a -- is there a slide that shows the -- I think there was an earlier slide that's more of a location -- like, location slide.

MS. MEDINA: Slide 2?

HEARING EXAMINER: Slide 2? It's a -- it's a little higher elevation. Yeah, go back to that -- the other one. Maybe not. Okay. So -- all right. So your access point is also on Forty -- there we go. Whoa. There we go. Is that your access point?

MS. GRAY: Yes.

HEARING EXAMINER: The only one you have?

MS. GRAY: Yes.

HEARING EXAMINER: Okay. All right.

MS. GRAY: That deceleration lane, which doesn't show real well --

HEARING EXAMINER: I see it. Okay.

MS. GRAY: -- has traffic moving along at 60 miles an hour. At that point the speed limit has already gone from 50 to 60 after Manatee. We've had several accidents, bicycling, motorcycle, and automobile, in an effort to get out onto 41 to turn west, to turn left. If on Slide 8 the double arrow -- one of my questions -- I'm sorry. Am I using up all my five minutes?

HEARING EXAMINER: Keep going. You're fine.

MS. GRAY: The double arrow in the northeast corner, if that becomes one of the new points of ingress or egress, it would be coming out just at our deceleration lane as people are slowing down to turn into our community.

HEARING EXAMINER: You're talking about this one?

MS. GRAY: If that is the point on 41.

HEARING EXAMINER: So your concern is that there -- your -- your folks are --

MS. GRAY: Tooling along at 60 miles an hour hitting their brakes to start the deceleration process.

HEARING EXAMINER: Okay. Okay.

MS. GRAY: And we've already had many accidents.

HEARING EXAMINER: Okay.

MS. GRAY: The other is wildlife. We've had, as some of the clearing was going

on, wild boars, black bear, the snakes, which everybody is seeing. But the concern for the community is that we have just a six-foot wooden board fence, and the bear is actually able to climb it quite easily.

We would prefer that this plan, if it is approved, have a solid wall similar to the one that borders Route 41, something that's going to prevent wildlife from coming into our community.

HEARING EXAMINER: Okay. You're talking about back here?

MS. GRAY: The east and south side, yes.

HEARING EXAMINER: Okay.

MS. GRAY: Because as -- you can see how close the properties are to that 60,000 square feet, that 5.86 acres. It's right up to the back of people's properties. If that's going to be a clear cut and no vegetation is left --

HEARING EXAMINER: This is going to be a buffer area.

MS. GRAY: How wide is that buffer?

HEARING EXAMINER: Ten feet, I believe.

MS. GRAY: And that will remain forested?

HEARING EXAMINER: So what's happening right now is that the applicant's experts are taking notes. I'm taking notes. And as you go along, I'm going to have them address all of that when you --

MS. GRAY: Perfect.

HEARING EXAMINER: -- when you -- when you -- when we're done here.

MS. GRAY: So it was wildlife, the wall, the point of egress, the deceleration lane. That covers all of our concerns.

HEARING EXAMINER: Okay. And, again, the name of your community is ...

MS. GRAY: Imperial Wilderness --

HEARING EXAMINER: Imperial.

MS. GRAY: -- Condominium Association.

HEARING EXAMINER: We don't want those animals in the Wilderness.

MS. GRAY: No, we -- we like the wilderness, but our community, unfortunately, has been there for 36 years. And the Fiddler's Creek wall is also a solid wall, which is another buffer between our community, and, obviously, a four-story building is going to be overlooking the backyards of the residents that live in our community as well, so --

HEARING EXAMINER: Yeah.

MS. GRAY: I don't know where the building is going to be relative to the buffer zone.

HEARING EXAMINER: Okay.

MS. GRAY: I haven't seen the complete plans, just --

HEARING EXAMINER: All right.

MS. GRAY: -- the drawing.

HEARING EXAMINER: So we're going to get -- we're going to get a little bit more information on that --

MS. GRAY: Thank you.

HEARING EXAMINER: -- as things go by. But thanks. You did a great job.

MS. GRAY: Thank you.

HEARING EXAMINER: Okay. Who else do we have? I think we have the treasurer here, madam treasurer.

MS. PADRON: Mr. Dickman, our next speaker is Joseph LaRose. He's an online speaker.

HEARING EXAMINER: All right. Great.

MS. PADRON: Joseph, can you hear us?

MR. LAROSE: Yes, I can.

HEARING EXAMINER: Good morning.

MR. LAROSE: Hello?

HEARING EXAMINER: Go ahead. You have the mike.

MR. LAROSE: Okay. My name is Joseph LaRose. I'm a resident of Imperial Wilderness. And, actually, I can -- I can just see a big thing with my name on it right now, but if you went back to the -- one of those diagrams there, my house is one of the -- one of the homes there in Imperial Wilderness where the backyard faces the -- the -- the proposed property development.

I attended the May 9th meeting, and I had several questions at that time, which were answered. Again, I'll repeat pretty much what Linda said as -- as regards the situation with the turning lane. That -- that lane is -- that -- that proposed egress and -- and entrance and exit, I guess I'll say, is -- is where our people are slowing down that -- when they're driving to the -- to the south to go to our -- our entrance, our one entrance, which is a few yards up the -- up the way going south.

And I think there will be some conflicts with other cars coming out from that -- that egress -- the entrance/exit for the property -- for the -- for the four-story building.

I agree with what Linda was saying about the fact that there are -- that we've -- there should be a wall there, because we've had situations -- in fact, my -- my house is the one -- you can see the one that's sort of on an angle there. It's right -- let's see.

HEARING EXAMINER: Are you -- are you on the south -- the south or the east side?

MR. LAROSE: I'm on the -- the south side.

HEARING EXAMINER: Down here?

MR. LAROSE: There's a house that looks like it's on an angle there.

HEARING EXAMINER: That one.

MR. LAROSE: And then there's -- it's a big -- it's the biggest-looking house on the -- on the grouping right there, and that's my property right there.

HEARING EXAMINER: Okay.

MR. LAROSE: The problem is when -- when the -- there was a -- some major cutting of -- of forestry and so forth and so on on the proposed property here back in, I believe it was, 2000 -- it was a couple of years ago at any rate. I can't remember the exact year it was, but they did a lot of cutting.

I think they were doing surveying work, et cetera, et cetera. It wasn't a clear cut for sure, but a lot of stuff was cut. And we had -- we had an infestation of palm rats that came in. In my particular property, the rats were -- were un -- were unable to get into the dwelling itself, but they were get -- were able to get into the -- the crawl space where all the air conditioning and everything is underneath the house, and it became quite a mess in there.

I -- I con -- I had a contractor come in and had everything cleaned out, and then I -- I had -- I had wiring put up so that these palm rats couldn't get into the -- the underneath part of the house, the crawl space, if you want to call it that, where the air condition and the electricity and everything is and the plumbing. So I made that secure from rats.

I think I've spent between the cleanup and -- and making that secure about \$3,000, which -- which I -- the insurance didn't pay anything, so I just had to pay that. And I -- I can't speak for all the other neighbors, but I know the people adjacent to me on -- again, this was on the south side. The houses -- three or four of the houses adjacent to me also had damage and had the rat infestation, et cetera.

Just recently when I was -- I'm back in -- up North right now, but just recently the -- there's a house that goes -- starts to go around the corner towards -- towards 41, and the gentleman in that -- that house, his wife came over and said, "I need your help, Joe. We've got a" -- it turned out to be a 4 1/2-foot rattlesnake that was in -- on their -- on their -- right in front of their house that did come out from -- from the -- from the -- the wooded area there that we're talking about.

And there's been several rattlesnakes. And, as Linda mentioned, there was a black bear. They -- they can get over that little fence that we have pretty easily. And so we -- we disposed of the -- I'll just say disposed of the rattlesnake and -- and, you know, made sure there was a -- wasn't a safety issue with the other people in the area there, which, again, this was -- we're an over-55 community, and so there's a lot of elderly people.

There's a couple of people that use walkers that are on that street right there, so we -- at any rate, it's -- it's -- it's been a problem. I can go back several years when we had a -- maybe my five minutes are up -- several years ago when we had, actually, a Florida panther that came walking right through there, stopped, and kind of looked at us, and kept going.

So that's -- that's about what I -- all I have to say. So we -- I think we'd really be interested in having a wall, and I really question if there's going to be a lot more accidents as a result of this new entrance and exit for the property for this Torres Family Trust.

HEARING EXAMINER: Thank you. Thank you very much.

Next?

MS. PADRON: We do not have additional speakers.

HEARING EXAMINER: Okay. Great. So I'm going to close the public comment. Okay. So that was pretty -- I -- that was pretty succinct. I think you understand the -- the concerns. You probably heard some of these concerns at the neighborhood information meeting. So maybe you -- let's start off with the -- the interaction between their deceleration lane to their ingress/egress and the relationship with yours.

MR. TREBILCOCK: Right. Okay. That would be great. Again, Norm Trebilcock for the record. If we can pop back up, maybe, the presentation and look at the overview, I can kind of point some things out to help. Back to maybe a broader view. A couple of slides back.

HEARING EXAMINER: And I think there was a wider --

MR. TREBILCOCK: Right. That showed everything. Yeah, that would be a good one to --

HEARING EXAMINER: Yeah.

MR. TREBILCOCK: Per -- well, wait.

HEARING EXAMINER: I think there was another one.

MR. TREBILCOCK: Yes.

HEARING EXAMINER: Yeah, right there.

MR. TREBILCOCK: There we go. Great. Okay. Excellent. Thank you.

HEARING EXAMINER: So they're here, and you guys are going to be about right there.

MR. TREBILCOCK: Right, exactly. So that's a -- yeah, green and red, perfect traffic colors.

HEARING EXAMINER: Yeah.

MR. TREBILCOCK: Okay. So our access point is here, and their access point is right here. So this is under the jurisdiction of the FDOT access spacing criteria. The reason that this would be a temporary, because in the future, when Creative Drive gets modified, we wouldn't meet the spacing criteria between the two driveways; however, where we're located and where their existing driveway is, it does exceed the minimum criteria of spacing. It's 660 feet away we need to be, so --

HEARING EXAMINER: So what do you estimate that to be?

MR. BELLOWS: That's -- it -- it exceeds 660. I'd say -- I believe it's in the 700-plus feet of separation, so that would meet the spacing criteria. And that's something the FDOT does look at. In some cases, you know, they -- they want to have at least a right in/right out anyway, so they'll -- it'll be called non-conforming if it didn't meet spacing criteria.

Their main point the department has, as Josephine had mentioned, is this whole full median opening currently, the way the -- it's -- really the skew of the two side streets need to be changed in the future, and they'll likely have something done on Fiddler's.

So the department is the ones that really suggested con -- doing this right in/right out to get the traffic away so we can minimize and -- and improve safety there so we wouldn't have conflicts with folks trying to make a left out while these guys are making a left out on the opposite side, so --

HEARING EXAMINER: Okay. So let me --

MR. TREBILCOCK: Uh-huh.

HEARING EXAMINER: I think what they're saying is that there -- there's the -- I don't -- that there's the ability to do a left out here as well as a right out. Is that true? Like, they -- they're coming out here and taking a left as well?

MR. TREBILCOCK: Yeah, it's not showing up there.

HEARING EXAMINER: I think that's what they described.

MR. TREBILCOCK: Right. And that wouldn't have an impact on our folks.

HEARING EXAMINER: You're -- you're -- you're not doing a left out? You're just --

MR. TREBILCOCK: Correct. It would make a right out and -- oh, sorry.

HEARING EXAMINER: Yeah. So I just wanted to make sure. Okay. So it looks like their deceleration starts somewhere around here and -- okay.

MR. TREBILCOCK: So the spacing of the driveways is based on the actual driveway itself and not on the beginning of a taper or something like that, based on the DOT criteria. So they measure the spacing of the driveway from where the driveway is to where this driveway is, and we do meet that spacing criteria.

And the department is reviewing this as well, so they'll make sure that we meet criteria, or if there are some issues, then they can have some other conditions required, but that -- we would have a right in/right out simply, and then our folks that would leave, if they need to go the other direction, would then either get into that deceleration lane to make a U-turn either at that location or further downstream, but it would meet applicable criteria.

HEARING EXAMINER: What is going to keep folks from doing a left out? Is there a median there?

MR. TREBILCOCK: Correct, yes, sir. Yep.

HEARING EXAMINER: Okay. So everyone that's going to be pulling in here, they're going to be looking this way, because they're going to be wanting to go that way, so they're going to be looking at oncoming traffic to see if it's safe to pull out.

MR. TREBILCOCK: Exactly. They -- they deal with just that. It's the simplest. And that -- that was the whole purpose of shifting the driveway, so that we don't have our people trying to make a left out and having a conflict with the people across the street at the Reserve.

HEARING EXAMINER: And did the Florida Department of Transportation give you any idea of timeframe when this might be activated?

MR. TREBILCOCK: No, they didn't. It's really a function of when this development occurs here at Fiddler's Creek. It's not really anything either of us control, because it really falls in line with where their property is, because then it's really outside of that easement as was the -- you know, because there is this easement for the lift station. So any driveway connection would likely need to be on the other side and then kind of tie back into this roadway. So it could be a ways off.

HEARING EXAMINER: Is Fiddler's Creek in the pipeline yet, or have they applied for anything? Nothing?

MR. BELLOWS: For the record, Ray Bellows. No, there's nothing in the pipeline right now.

HEARING EXAMINER: There's nothing on the horizon. Okay. Okay. So in your professional opinion, you don't believe -- give me your professional opinion about the safety of that. And, I mean, FDOT, obviously, is the one that's recommending it, so they're pretty strict about their -- their criteria.

But in your professional opinion, do you see a traffic hazard here? I mean, you looked at the volume into Imperial neighborhood as well as you know what the intensity of development that's going to happen on this -- this subject site as far as trip generation, and if you could just give me your professional opinion as far as safety goes.

MR. TREBILCOCK: Yes, sir. So from -- from a safety standpoint, this -- this would be the recommended location for this as an interim condition, because it creates, really, the safest conditions for -- for all users. It's a right in/right out. It does meet the spacing criteria that the department has, so it's -- it's an excellent interim solution for all.

I think it minimizes conflicts at this location versus, if we keep it at Creative Drive, I believe we have more conflicts, potentially, with the traffic across the street, and that would also impact the folks at trying to get into Imperial Wilderness, because you have potential conflict points right here at this intersection.

So I think it's safer for all parties, to include Imperial Wilderness. Ultimately, when it does get improved at this intersection, that's a great thing, but until then this is a good solution and --

HEARING EXAMINER: Is there a pedestrian issue there, like, sidewalks? Are there sidewalks along that side of 41?

MR. TREBILCOCK: Yes, sir, there -- there is. And we would have, you know, appropriate stop bars and crosswalks and things like that meeting criteria there.

HEARING EXAMINER: Okay. So I -- I do know that that's one thing where, if

you have only a right out, frequently people are looking left and they don't see -- they don't tend -- they don't tend to see pedestrians coming on the sidewalks, because they're -- they're -- they're automatically trained to look left to see if there's oncoming traffic, so that's why I was asking for that.

MR. TREBILCOCK: Correct. It's really a driver expectation thing. You're right.

HEARING EXAMINER: Okay. All right. Thank you very much.

Josephina, you're up to talk about the other issues. Well, one second.

MS. GRAY: While we still have him, am I allowed to question one thing, or is that out of order?

HEARING EXAMINER: Why don't --

MS. GRAY: Just something I didn't understand.

HEARING EXAMINER: There was something you didn't understand?

MS. GRAY: About the existing --

HEARING EXAMINER: All right. Norm, why don't you come on up. I'm going to go ahead and do this. This is sort of -- I'm going to keep this a little bit informal because I want to satisfy this. But, yes, come up, please. And if you could be very succinct about what your question is. And name -- name, please.

MS. GRAY: Linda Gray, Tamiami Trail, Imperial Wilderness.

HEARING EXAMINER: Okay.

MS. GRAY: On that northeast corner where the proposed -- did you say that was a temporary second egress, that it was only going to be there for a short time?

MR. TREBILCOCK: Yes, ma'am. It would -- it would only be there up until the time that they improve Creative Drive, and once Creative Drive is improved, then that driveway would go away.

MS. GRAY: In the meantime, are you creating an acceleration lane so that people coming out of the Torres development -- if they're right turn only, they can't immediately get into 60-mile-an-hour traffic from that development. Won't there have to be an acceleration lane that's going to almost hit our de -- I'm seeing a cross-traffic issue with people trying to get up to speed to 60 miles an hour quickly from the new development and us with people trying to pull into our deceleration. Does that make sense? Is that succinct enough?

HEARING EXAMINER: Yeah, I think I understand your question. Thank you very much.

MS. GRAY: Thank you.

MR. TREBILCOCK: Sure. So there are -- there are no -- there are no proposed acceleration lanes. It's not -- not typical to have the acceleration lane, so there wouldn't be that conflict between the acceleration lane and the deceleration lane. There would be -- a larger radius is what the department will normally require.

HEARING EXAMINER: So the speed limit here, if it's 60 miles an hour, they're going to have to just be patient and get out into traffic in -- in -- in a safe manner, correct?

MR. TREBILCOCK: Exactly, the same thing that the folks at the Wilderness need to do as well.

HEARING EXAMINER: Yeah.

MR. TREBILCOCK: I mean, any -- anybody trying to enter the traffic stream, you have to find what we call the gap. You've got to make sure that there's a sufficient gap to be able to get into the stream of traffic and not create a conflict with the cars coming on you, yes, sir.

HEARING EXAMINER: Yeah. And to answer the question, the point that -- so there's -- they're calling this temporary because once this development comes in for -- for development, you know, proposal, that's going to activate this roadway, and then this will be abandoned. The 41 Tamiami Trail site will be abandoned, and then you'll go with your ingress/egress on Creative Drive, correct?

MR. TREBILCOCK: Yes, sir. Yes, sir, exactly. That will be the long-term solution. And to your point, it -- it would be there, you know, for -- a number of years is really -- we call it temporary, but it's there in terms of it -- it would appear to be permanent, but the whole idea is when you get the -- the fix at Creative, then our driveway would go away, because, again, our -- our driveway would be a little too close to the Creative Drive location, so that's why that needs to go away, because we don't meet the 660 at that point.

HEARING EXAMINER: Okay. All right. And what -- what ensures that that actually happens? I mean, will that be an internal -- Ray or Mike, is that an internal situation where, you know, if someone comes in, they're going to activate Creative Drive? Do I need to make that a condition that that actually gets -- once Creative Drive is fully functional that the 41 ingress/egress gets terminated?

MR. BELLOWS: For the record, Ray Bellows. I believe that's written into the current condition --

HEARING EXAMINER: Okay.

MR. BELLOWS: -- from staff. What is it? Six months?

MR. SAMMON: Yeah, it's -- it's written as a current condition, terminated within six months after Creative Drive receives a certification.

HEARING EXAMINER: Got it. Okay. Thank you.

MR. TREBILCOCK: Thank you.

HEARING EXAMINER: And so let's talk about the east and the south that abuts this neighborhood. Obviously, compatibility and -- is a big factor in these forums. You know, you've got an existing neighborhood, residential neighborhood. You know, you're -- you're obviously entitled to the development on this property, but we have to, like, figure out ways to make sure that -- that there's compatibility and that there's no adverse impacts here.

So some of the things that I heard -- well -- well, first of all, it looks as though that there's going to be a 25-foot -- on the south and east side 25-foot they're calling a buffer berm -- buffer berm. So maybe you could do a little bit more with the description here so that folks that are here can also hear. What is that? I mean, can you sort of unpack that a little bit?

MS. MEDINA: Okay.

HEARING EXAMINER: The buffer berm.

MS. MEDINA: Sure. Okay. So -- and just for clarification, the -- there will be a six-foot wall where there isn't a preserve.

HEARING EXAMINER: Okay.

MS. MEDINA: Or at least that's what we're requesting.

HEARING EXAMINER: On the property line?

MS. MEDINA: On -- on the -- yes, as part of the -- as part of, I think -- if we can go to Slide 7, please.

HEARING EXAMINER: Okay. Is this good?

MS. MEDINA: One up, I think.

HEARING EXAMINER: You wanted the one with the cross-sections on it?

MS. MEDINA: Yeah, yeah, sorry, the one with the cross-sections, yeah.

HEARING EXAMINER: Keep on going. If you want to go to the slide, sort of the --

MS. MEDINA: There you go.

HEARING EXAMINER: That's it.

MS. MEDINA: Yeah. So it's better shown here on that slide as far as --

HEARING EXAMINER: So this is -- this is a cross-section, right?

MS. MEDINA: Uh-huh, correct.

HEARING EXAMINER: So this is the berm, the buffer berm.

MS. MEDINA: Right.

HEARING EXAMINER: So how high is that -- that berm? That's part of the 25 feet, right?

MS. MEDINA: Right.

HEARING EXAMINER: That'll be 25 feet, which is right here, along here. And this is the -- you're saying a wall -- a six-foot wall, or is the wall on top of the --

MS. MEDINA: So where it's currently shown is -- is down in Section CC.

HEARING EXAMINER: Uh-huh.

MS. MEDINA: You'll -- you'll see there's a wall, a six-foot wall, shown right there.

HEARING EXAMINER: Right here.

MS. MEDINA: Right -- yep, sorry. I don't have a laser pointer, but --

HEARING EXAMINER: Norm, you took the laser pointer.

MR. TREBILCOCK: I'll give you the green one for "good to go."

HEARING EXAMINER: I've got the red one here.

MS. MEDINA: So, yeah, it's -- right here is what we're looking at. And I'm not sure if it's been designed yet. Maybe your engineer might be able to help here or --

HEARING EXAMINER: So that's going to travel along the -- the full length of the property line here?

MS. MEDINA: Correct. So that will -- that berm will go throughout the eastern and southern property line, and it will have to be approved by the South Water Management District.

HEARING EXAMINER: Here and along here.

MS. MEDINA: Yes.

HEARING EXAMINER: So you will have a section along the property line?

MS. MEDINA: Correct.

HEARING EXAMINER: Plus there's going to be 25 feet of --

MS. MEDINA: A tail.

HEARING EXAMINER: Yeah, so where there will be no building --

MS. MEDINA: Correct.

HEARING EXAMINER: -- no development on that area.

MS. MEDINA: No development, no.

HEARING EXAMINER: So your 25 feet is a pretty good distance. It's about half the -- you know, half -- I guess this room looks about 50 feet along, I'm guessing, so within that space it's going to be buffer landscaped or --

MS. MEDINA: The preserve actually would serve as the buffered land. Well, not in that space. So there'll be a 25-foot space where the berm will exist, and then as part of

the LDC it does allow for your -- your preserve area to meet that buffer requirement. If it doesn't -- if there's not enough vegetation to meet that, then you do have to supplement it.

HEARING EXAMINER: Okay. And that's going to be a solid wall? Do we know?

MS. MEDINA: Yes, it would be a solid six-foot wall.

HEARING EXAMINER: Okay. All right. Okay. Any -- so I guess if the -- I'm just thinking out loud here.

MS. MEDINA: Sure.

HEARING EXAMINER: So, like, back here -- so we've got homes back here. If you've got the preserve and the buffer here, the preserve is going to have trees, things like that. So I'm thinking about lighting. Lighting will obviously be blocked, I would think, by that preserve into this area. And I -- if it's a solid wall, it seems like that would prevent any -- you know, I guess they're having issues with wildlife coming from this -- your site, which is -- you know, I guess that's where they go, because it's the only place right now in that area for them to --

MS. MEDINA: Correct.

HEARING EXAMINER: -- to find habitat or food or whatever.

MS. MEDINA: Right. And -- and -- and when -- when it is getting developed, a silt fence is required to be placed around the property to address the rodents and snakes. I mean, it doesn't add -- like, that's not the purpose of it, but, like, it would help address that.

HEARING EXAMINER: Uh-huh. Okay. All right. I -- it looks like that were -- those were the only two issues -- the main issues that -- that I heard from the community. Was there anything else from the county? Nope. Nope. All good?

Okay. Anything else you want to add before we close this?

MS. MEDINA: No, not -- not really, just, yeah, we were looking at the cross-sections and how it was approved for the -- for the wall, and that's -- for that wall clarification, and that's pretty much what we were looking at when we asked for that modification -- or clarification. Sorry.

HEARING EXAMINER: Okay. All right.

MS. MEDINA: Yeah, that's all I have.

HEARING EXAMINER: Okay. Thank you very much. I have 30 -- up to 30 days to render a decision. I would do that. And I want to thank the members of the -- the neighbors that came out to speak today. Thank you for being here. That was very helpful. And nice work.

MS. MEDINA: Thank you.

HEARING EXAMINER: And you could keep that pointer, too, by the way.

All right. Why don't we move on to No. 3-B. John Kelly, the infamous, the one and only.

MR. KELLY: My name precedes me.

HEARING EXAMINER: It does.

MR. KELLY: So good morning, Mr. Dickman.

HEARING EXAMINER: Good morning.

MR. KELLY: For the record, John Kelly, Planner III with the county. Before you is Agenda Item 3-B. It's PDI-PL20220008309. It's a request for the hearing examiner to approve an insubstantial change to the Creekside Commerce Park Commercial Planned Unit Development to modify a deviation allowing Tracts 2 and 3 to qualify for the alternative

architectural compliance process contained within Section 5.05.08.G of the Land Development Code.

The subject properties comprise 8.67 plus or minus acres located south of Immokalee Road and east of Arthrex Way at 1255 and 1265 Creekside Parkway and 1284 Innovation Drive in Section 27, Township 48 South, Range 25 East, Collier County, Florida.

The subject properties are within the business land use component of the Creekside Commerce Park CPUD, Ordinance No. 2006-50 as amended as per the PUD master plan.

Public notice requirements are contained within LDC Section 10.03.06.H. The applicant conducted a duly advertised neighborhood information meeting on April 4, 2023, at the Arthrex Building at 1 Arthrex Way. A remote virtual participation option was offered. No members of the public participated in person or via Zoom.

Property -- the property owner notification letter and ad for this meeting were satisfied by the county on May 5, 2023, and public hearing signs were posted by the applicant on or about April 27, 2023, as per a notarized affidavit.

This petition was determined to be eligible for the PDI process using the review criteria in LDC Section 10.02.13.E2. Said determination required evaluating LDC Sections 10.02.13.E1 and E3 to determine that the requested change is neither substantial nor a minor change. The proposed insubstantial change does not change the analysis of the findings and criteria used for the most current PUD document.

No public comment has been received in response to the advertising for this petition, and staff recommends that you approve this petition to allow for the requested modification to a deviation to allow Tracts 2 and 3 to qualify for the alternative architectural compliance process contained within LDC Section 5.05.08.G of the Land Development Code as provided within Attachments A and B. That concludes staff's presentation.

HEARING EXAMINER: Thanks, John.

Good morning.

MR. ARNOLD: Good morning, Mr. Hearing Examiner. I'm Wayne Arnold. I'm a certified planner with Grady Minor & Associates representing Arthrex. And with me today is Trent Lewis, who is an employee of Arthrex and handles their facilities. I have a presentation just --

HEARING EXAMINER: Great.

MR. ARNOLD: -- to highlight a few minor things. You've -- you heard a similar request a year or so ago from Arthrex to -- for another building that they acquired. So this change is necessitated because Arthrex has acquired another building and would like to utilize the alternative process and work with the county architect to develop a building that becomes similar in architectural enhancement style, color so that it's part of the Arthrex campus.

I don't know if you've had an opportunity to -- to visit since they constructed their primary office building and corporate headquarters, but they've also built a hotel. They have a training facility. They have a graphics component that's part of the facility.

MR. YOUNGBLOOD: Do you have a thumb drive?

MR. ARNOLD: I do have a thumb drive. So much for providing that in advance. Thank you.

HEARING EXAMINER: Well, nice -- nice preparation.

MR. ARNOLD: I have a hard copy, if necessary, but there's a location map that I think just explains it. Arthrex has been acquiring different parcels, and this allows them to

sort of have -- create their corporate campus. And the road, as you may recall, was realigned in order for them to facilitate the construction of their -- their primary office building and corporate headquarters. So I'll give Andrew just a minute to load that.

HEARING EXAMINER: Yeah, just give him a few minutes. I am familiar with this area. I don't live in it. I live in North Naples, but I'm -- I've been watching this campus grow over the years as it was -- I think the re-alignment of the road and then -- so it's been fascinating to watch. I -- I do get my gasoline sometimes in that area, and it's -- I see the Arthrex bicycles --

MR. ARNOLD: Yep.

HEARING EXAMINER: -- going around and people -- Arthrex folks going out at lunchtime playing pickleball. So it's a very interesting, innovative -- you know, it's nice. It's interesting to see that develop. And I know to the north is also some similar activity, so it's -- it's really a nice little node, it seems like, of -- of mixed types of uses.

MR. ARNOLD: They did a really nice job. You've been around long enough to know that the -- the canal -- that they basically put in concrete structures underground, and now it's all been landscaped, and it's part of an athletic field for the employees and greenspace for the project that replaced a canal that was functional but not useable for open space, so now they have a larger open-space component.

HEARING EXAMINER: I believe -- if I'm not mistaken, I think NCH took over the old -- was it the News Press?

MR. ARNOLD: They did. It's in the --

HEARING EXAMINER: Naples Daily News.

MR. ARNOLD: It's in the PUD immediately west of Creekside, but, yes, the Naples Community Hospital acquired the old Naples Daily News headquarters.

HEARING EXAMINER: Right. So the only thing left is to get rid of the old post office.

MR. ARNOLD: The post office is the last to --

HEARING EXAMINER: But then that would ruin my whole stationery problem. I'd have to redo all that.

MR. ARNOLD: Any luck?

MR. YOUNGBLOOD: Unfortunately, we can't load it.

HEARING EXAMINER: It doesn't work? You think you can handle it, like, without -- without the -- do you want to put all that in the record?

MR. ARNOLD: I'd be happy to -- I'm not sure what happened to the -- the exhibits that we e-mailed to you-all a couple of days ago, but they were provided to staff in advance. I've got a hard copy of the PowerPoint. If I can enter that into the record, I'll be happy to provide that to you.

HEARING EXAMINER: Yeah, absolutely. Absolutely. Do you have an extra copy or -- why don't you -- why don't you just -- I'm personally familiar with this area. I don't live there, so I don't have any -- I don't have any conflicts there. I don't have any clients or any property, but I live in the North Naples area, so I drive through there quite a bit. And I like the fact that the -- you know, the roads weren't closed down. But I'm familiar with it.

So, in summary, I think what we're focusing on here is that there are buildings that are being acquired, and they want to maintain a similar architectural style -- as similar as possible, right?

MR. ARNOLD: Yeah, because I --

HEARING EXAMINER: Because it -- because it sticks with the Arthrex -- you know, they seem to be very attentive to their -- their branding and --

MR. ARNOLD: Correct.

HEARING EXAMINER: -- also, their -- their look.

MR. ARNOLD: They are. And the -- the simple process -- we've added -- we've added these architectural notations previously twice, and this will be the -- the third time that we've added the architectural language to the master plan and reflecting the deviation in the document itself.

So what happened -- the -- the property just north of the new hotel that they constructed on Goodlette-Frank Road is acquired by Arthrex, the Polaris building on the corner that you're probably familiar with, and then the bank building immediately west of that on Immokalee Road has been acquired by Arthrex. That building is intended to be demolished, that building being the bank building, and will be replaced with another Arthrex-related structure. So the master plan is being amended to reflect those two other areas to be part of this architectural deviation.

HEARING EXAMINER: Okay.

MR. ARNOLD: And I have exhibits that I will provide you, and I -- I don't have but one hard copy with me, but I can certainly --

HEARING EXAMINER: Let -- let me just -- why don't I --

MR. ARNOLD: Sure.

HEARING EXAMINER: Why don't I thumb through it real quick, because I could probably get an idea of what's going on, and then we'll go from there.

MR. ARNOLD: Sure. And what I can do -- I can either have hard copies delivered or try to provide staff with a format that maybe -- oh, they have it on the screen now, so here we go.

HEARING EXAMINER: I knew that we could do it if we --

MR. KELLY: Sorry. That's the best we can do.

MR. ARNOLD: Okay. So on the screen is a portion of the PUD master plan, and it's -- so Tract 3 and Tract 2. So this is the Polaris Building tract. This is the bank building tract that we discussed. And the architectural language that appeared on Tract 5, where their corporate headquarters were and also down here where their old corporate headquarters were, will be added to those two tracts.

HEARING EXAMINER: Okay. So let me just add all this up. So this is their -- show -- this is -- where is the hotel?

MR. ARNOLD: Hotel is the IC Tract 6 right here.

HEARING EXAMINER: All right. Right here. And so I know this -- this building -- so this is going to be part of it, and that'll be part of it, right?

MR. ARNOLD: That's correct.

HEARING EXAMINER: So these are the two different -- the two buildings that you want to have the architecture standard.

MR. ARNOLD: Right.

HEARING EXAMINER: Okay.

MR. ARNOLD: And they're -- those --

HEARING EXAMINER: And then this is where the gas station is, right?

MR. ARNOLD: That's correct. Dr. Agarwal's surgery center and the gas station

are on Tract 1.

HEARING EXAMINER: Okay. Are you guys buying up the gas station, too? It's my favorite carwash. It might go away.

All right. Okay. So tell me a little bit about this. So anything else you want to --

MR. ARNOLD: I think it's self-explanatory. I think that this process allows the Arthrex folks and their architects to work directly with the county architect. I don't know if you're familiar with the process, but it establishes a committee, in essence, to review any design changes that aren't in complete compliance with the Land Development Code, but because of some of the uniqueness of Arthrex, some of the glazing and some of the just ins and outs of the buildings don't functionally work for them, so they work in alternatively to provide things that may be in lieu of those.

And I think it's been high quality. I think, as you can see if you drive through there, that the buildings are stunning. They're -- they're very beautiful. They're more of a modern architectural style but all in keeping with what's happening on that campus.

HEARING EXAMINER: Yeah. The connectivity is very nice. There's lots of pedestrian activity. I guess that's the employees. You know, they seem to have -- okay. So here's some of the conceptual renderings here.

MR. ARNOLD: It appears that staff was able to pull up other parts of it, but we've highlighted on here outlined in blue the subject properties that are being added to the deviation process.

HEARING EXAMINER: Got you. Okay. So these are retrofitting, basically, older buildings and --

MR. ARNOLD: It will be. The Polaris Building probably will go through some design changes, but currently the bank building's to be razed and replaced with another facility, and it -- I believe it's going to be a day-care facility that's consistent with the current uses but provide employee day-care services.

HEARING EXAMINER: Nice. Okay. Why don't we see if -- is there any members of the public that are signed up to speak?

MS. PADRON: We have no registered speakers at this time.

HEARING EXAMINER: No? All right. Okay.

MR. ARNOLD: And just to reaffirm, as Mr. Kelly indicated, we held our neighborhood meeting, and there were no public attendees.

HEARING EXAMINER: Well, I personally -- again, you know, I've -- I've -- I've watched this. I know I've had a couple of items that have come here, not just Arthrex, but some other items have been in front of me related to this area.

I think we had a -- a dog -- an animal clinic, I think, in the area that's in this PUD that -- so there's a lot of interesting activity happening in this. It's right across from the hospital. As I said, NCH has -- has located their business offices there.

It just seems like an ideal kind of -- it's filling in as a nice campus related to health and medical and wellness, and -- and, you know, it just seems -- every time I go in there I'm really -- I think, like, that, you know -- they're -- they seem to be providing their employ -- they seem to be putting a high priority on their employees and their -- and their, kind of, work environment. And, you know, you see them on their bicycles.

MR. ARNOLD: Yep.

HEARING EXAMINER: And, you know, giving them the opportunity to take time to go exercise. I guess, you know, maybe they -- they have different hours and shifts. And

so I -- I -- I think I fully understand what they want to do here. Obviously, they want to have connectivity with, you know, the look of all the buildings, at least some -- some semblance of -- of -- of connection between each building so that when someone is there they're, like, okay, this is an Arthrex -- this must be related to the Arthrex operations and standards.

So I -- I -- I think this is pretty self-explanatory to me. I don't have any other questions, unless there's anything else the county wants to add here. John, you're so talkative.

MR. KELLY: No, sir.

HEARING EXAMINER: Go ahead. This is your moment to say some other things.

MR. KELLY: No, that's it.

HEARING EXAMINER: Yeah. Anybody that has been here as long as you have, you -- you have carte blanche to say whatever you want, but maybe not.

MR. BOSI: I would add one thing. One of the -- the other attributes that they added recently within a couple of -- I think a year and a half ago added the residential component of it as well.

HEARING EXAMINER: Yeah.

MR. BOSI: I thought it was a --

HEARING EXAMINER: Yes, that's --

MR. ARNOLD: So on the east side of Goodlette-Frank Road.

HEARING EXAMINER: Yeah. Do you mind describing that?

MR. ARNOLD: Sure.

HEARING EXAMINER: I just want to -- I just find this so fascinating.

MR. ARNOLD: Sure. So on the east side of Goodlette-Frank Road -- so this is not an activity center. This was not a business park, but if you were to define a business park, I think we have a business park, because Creekside functionally has corporate headquarters; it has a post office; it has now a residential component. This -- this was the Landmark hospital. It's been taken over by another entity, but that's a shorter-term-care hospital.

So this site was approved for a residential building 100 feet tall, and that is meant to be an apartment complex to service, potentially, hospital, Arthrex, and others. And that was -- that was an amendment we made for the Baron Collier Companies that owned that particular property and the only remaining vacant property in the PUD.

HEARING EXAMINER: And that's going to be a condo or apartment complex? Just --

MR. ARNOLD: Likely rental apartments. And we created a parking garage on this tract with a land bridge connecting the -- the residential tower with the parking deck.

HEARING EXAMINER: And that's going to be available to not only Arthrex employees but hospital employees and --

MR. ARNOLD: It will be open to the public is their intent. I mean, it doesn't mean that Arthrex may not buy it or the hospital might buy it.

HEARING EXAMINER: Right.

MR. ARNOLD: But the intent when we did that amendment a couple of years ago was to provide for housing in this high-activity center area because of everything that's going on.

HEARING EXAMINER: Yeah, the reason I'm -- I'm really -- I really love this

node, if you will, is because, you know -- and one of the challenges, I'm sure, the county has with -- is so many gated communities. So it -- it's all -- like, the arterials are all so east-west or north-south, and there's no ability for traffic to disperse.

And one of the great things I find about this kind of activity center, even though Immokalee is a heavily used roadway, but Goodlette-Frank is a real nice connection to Vanderbilt Beach Boulevard, and then even there you can come -- if you wanted to travel through -- through, I guess, the -- the campus and -- you can -- you know, so there's multiple ways to get to different places.

Like, if you wanted to get gas or go to the post office or -- or even get to 41, or Tamiami Trail, you come out at that little shopping -- that shopping center, and it -- and it just -- you know, it's kind of like what you want in, I think, planning and -- and especially not just the uses and putting in housing and employment centers.

And there's restaurants in that little shopping center, you know, things like that. There's -- so people are not getting in their cars all the time to come and go. And -- and then, also, there's ways to -- sort of an outlet for traffic on -- on -- on Immokalee. And then if you're on Vanderbilt, you don't all -- have to go all the way down to Tamiami Trail to go north. You can kind of hang a right on Goodlette and go that way.

So it -- it's -- it's like a really -- it's like one of the -- it's a really nice example, I guess, if you want to talk about, like, just planning in general and having -- and it's in the in -- interior area. It's not, you know, so put out in the -- into an unaccessible area. It's very accessible to a lot of different things that are in the area.

So I -- I commend the folks that are working on this. I know a lot of people -- I've seen a lot of different faces come and go on this -- these projects, and you've been involved in it. So I personally -- I was really skeptical when they talked about closing off that access road between Goodlette and Tamiami Trail, because I was like, oh, gosh, I use that a lot, and, you know, I like being able to have options if traffic's backed up.

MR. ARNOLD: Sure.

HEARING EXAMINER: But it's -- it's turned out really nice. The traffic circles look good.

MR. ARNOLD: Uh-huh.

HEARING EXAMINER: I mean, just everything about it's high quality, I think.

MR. ARNOLD: Well, I think between the two primary developers, Baron Collier Companies and Arthrex, you can't go wrong. It's -- it's --

HEARING EXAMINER: It's just really nice quality work.

MR. ARNOLD: Yeah.

HEARING EXAMINER: And it's in the, kind of, urban areas, you know, where people kind of want to shop, play, do whatever, and also work and -- you know, so, anyway, that was a --

MR. ARNOLD: It's come a long way.

HEARING EXAMINER: That was a little bit of a sidebar, but I just wanted to highlight that, that I think that that's a really -- a nice example of -- of some of the things that are beneficial here.

MR. ARNOLD: It's come a long way since it was a you-pick field when I first moved to town.

HEARING EXAMINER: Come on. You're not that old, are you?

MR. ARNOLD: I've been here for over 30 years now, so...

HEARING EXAMINER: All right. Well, things change.

MR. ARNOLD: Yep, they do.

HEARING EXAMINER: I don't have any other questions, and we don't have any public speakers, so I will get a decision out as quickly as possible. Do you mind if I hang onto this --

MR. ARNOLD: I do. Please keep it.

HEARING EXAMINER: -- PowerPoint? Okay. Thank you.

MR. ARNOLD: Thank you.

HEARING EXAMINER: Thank you, everybody, for doing that. Nice job.

John, everybody, anything else before we close the meeting you want to talk about?

MR. BOSI: Nothing from staff's perspective.

HEARING EXAMINER: Okay. All right. Great. Well, I'm going to close this meeting, and I want to thank everybody for their hard work setting it up and thank the public for coming out and speaking and participating. Have a -- have a good day, everybody.

(Whereupon, the meeting concluded at 10:19 a.m.)

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 10:19 a.m.

COLLIER COUNTY HEARING EXAMINER



ANDREW DICKMAN, HEARING EXAMINER

6/22/23



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

TRANSCRIPT PREPARED ON BEHALF OF FORT MYERS COURT REPORTING BY
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