

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY HEARING EXAMINER  
Naples, Florida  
June 28, 2018

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 9:00 a.m., in REGULAR SESSION at 2800 North Horseshoe Drive, Room 609/610, Naples, Florida, with the following people present:

HEARING EXAMINER MARK STRAIN

ALSO PRESENT: Raymond V. Bellows, Zoning Manager  
Timothy Finn, Principal Planner  
Scott Stone, Assistant County Attorney

PROCEEDINGS

HEARING EXAMINER STRAIN: Good morning, everybody. Welcome to the Thursday, June 28, meeting of the Collier Hearing Examiner's Office.

Please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: Thank you --

Some housekeeping matters. Speakers will be limited to five minutes unless otherwise waived. All decisions are final unless appealed to the Board of County Commissioners. A decision will be rendered within 30 days.

In review of the agenda, we have two items up today, 3.A and 3.B. Well, there are no changes to the agenda so we'll move right into those.

First one up is 3.A. Petition No. BD- PL20170002726, Daniel Scandiff, for a boat dock extension in the Vanderbilt Beach Estates Unit subdivision.

All those who wish to testify on behalf of this item, please rise to be sworn in by the court reporter.

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

HEARING EXAMINER STRAIN: Are there any members of the public here for this boat dock extension?

Jeff, I have read everything. I don't need a presentation. I might have a couple of questions. Let me pull them up and see what I've got.

I believe the reason that you are asking for the extension is the water depth is too shallow to either moor the boat or for safe accessibility, I believe, compared to the way it's built today, thirty-one percent of the width of the waterway, but that's only for about half of the property, because the piece of the waterway is in, like, a cul de sac lagoon, if I'm not mistaken. So you really are in access once you get past that piece of the property, and the navigable area that your boat would be utilizing to come in and out of the dock is mostly on that west side of the property.

MR. ROGERS: For the record, Jeff Rogers.

HEARING EXAMINER STRAIN: Thank you.

MR. ROGERS: For Turrell, Hall & Associates.

HEARING EXAMINER STRAIN: I suggested to staff to remove the -- one of the references to their opinion on the viewshed concerning the piling. I saw that wasn't in your write-up either. It wasn't necessary. They have agreed it wasn't as well.

And I think that's all, Jeff. There is nothing else there. It's pretty straightforward.

MR. ROGERS: Yes, sir.

HEARING EXAMINER STRAIN: Do you have anything you want to add for the record?

MR. ROGERS: No, sir.

HEARING EXAMINER STRAIN: Thank you.

Is there a staff report?

MR. FINN: For the record, I'm Tim Finn, Principal Planner.

The project is compliant with the GMP and LDC, therefore staff recommends approval.

HEARING EXAMINER STRAIN: Thank you, Tim.

Do you have any problems with the change to that one findings in regards to dropping that sentence?

MR. FINN: No.

HEARING EXAMINER STRAIN: Okay. With that, we'll close the public hearing and a decision will be rendered within 30 days.

Thank you, Jeff.

Next item up is Item 3.B. It's Petition No. PDI-PL20170003446. The Tree Farm, LLC, and the Tree Farm 2, LLC. It's for an amendment or a change to a Planned Unit Development at the intersection of Immokalee Road and Collier Boulevard.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.  
(The speakers were duly sworn and indicated in the affirmative.)

HEARING EXAMINER STRAIN: Thank you.

Before we go further, disclosures on that -- by the way, on the first one, I failed to mention I had -- my only disclosures were discussions with staff prior to the meeting.

On this particular one I have talked with the applicant on the phone. I think I -- yeah. I spoke with him this morning before the meeting started. This was one of the topics we briefly touched on about the graphical portrayal of it.

I had a meeting with staff yesterday, went over issues with them, read all of the notes and -- supplied in the staff report.

We did find, this morning, some missing pieces of the text, the textual changes that were supposed to be included in the staff report, so they are going to be put on record today and walked through one at a time.

We also asked the applicant to bring a schematic, which I believe he has, and we'll go ahead and use that as a diagram to show the area in question.

And with that, Wayne, it's all yours. You will need to provide a presentation. Most of these people here are for this.

MR. ARNOLD: My name is Wayne Arnold and I'm with Q. Grady Minor & Associates, a professional planner. With me today is Charlie Thomas, who is with The Ownership Group. We have Dan Waters from the Barron Collier Companies, Peninsula Engineering is the engineer of record, and Rich Yovanovich, who is our land use counsel for the project.

This is an insubstantial change to the Tree Farm PUD. The Tree Farm PUD is an existing Mixed Use Planned Development located at Immokalee Road and Collier Boulevard Extension, and it's, as you can see, currently undeveloped, but it's going through an amendment process because the Addie's Corner project is under construction immediately to the west and there is an interconnection required between the Addie's Corner and the Tree Farm PUDs, and there is also an opportunity for one of the initial residential buildings to be constructed in the Tree Farm PUD, that would be sort of a joint effort with the project that's being built, known as Addison Place, next door.

Graphically, I cut portions of the Tree Farm -- it's a very long --

HEARING EXAMINER STRAIN: You know, to help with the members of the audience, I think most of them are from Esplanade.

Am I right on that? Just nodding your heads for the most part.

Could you put that first one back on and orientate everybody to the surrounding communities, that --

MR. ARNOLD: So immediately to the west is the vacant portion. To the southwest --

HEARING EXAMINER STRAIN: "To the west" meaning on the left side of this plan?

MR. ARNOLD: Yes. And southwest on the left side of the Tree Farm is the Addie's Corner PUD. It's under construction with the Addison Place multi-family apartment complex.

HEARING EXAMINER STRAIN: Could you show -- could you point to that on the aerial. I want everybody to get orientated properly, Wayne, and this is not giving it to us, so kind of help us along, if you could.

MR. ARNOLD: Further west is the Esplanade project, also known as Marisol, back in the day, but you can see it's developed with a golf course and several residential homes.

To the east of the Collier Extension, in that area, is all part of the Heritage Bay PUD and DRI, and it's in various stages of development. There is extensive commercial being built along the frontage along Immokalee Road.

HEARING EXAMINER STRAIN: So you're utilizing Addie's Corner, where the construction is going on right now for the residential, that's going to be in line on the northern end with the Addie's Corner PUD. You're not going any higher with the structure than your current PUD goes north?

MR. ARNOLD: That is correct. So the area that's depicted on this plan, in this area, would be the area where a residential building could be jointly constructed.

HEARING EXAMINER STRAIN: And where are the adjoining neighbors now? Where is Esplanade in the north and the west, and where is Heritage Bay. I know where they are, but again, for the people in the audience, let's make it real clear so everybody knows what's going on.

MR. ARNOLD: The Esplanade is immediately west and north of Addie's Corner.

HEARING EXAMINER STRAIN: Okay. Now, west being to the left of that picture.

MR. ARNOLD: Correct.

HEARING EXAMINER STRAIN: And north being up where it says Addie's Corner PUD, to the top. That's really where Esplanade is; is that correct?

MR. ARNOLD: That's correct.

HEARING EXAMINER STRAIN: Okay. And then over on the right side would be Collier -- the extension of Collier Boulevard and even -- and Heritage Bay and the activity center there?

MR. ARNOLD: That's correct.

HEARING EXAMINER STRAIN: Okay. And so between Esplanade and the new building you have the existing Addie's Corner project that is under construction right now?

MR. ARNOLD: Yes. And the portion where the residential building could be constructed jointly is in the activity center of the -- that surrounds the intersection of Collier Boulevard and Immokalee Road.

There is also language in the current Addie's Corner PUD that allows the commercial area, which is south of the frontage road, all of those commercial areas, to have -- if there is a unified Planned Unit Development, to have no setback or buffer requirement along that common property line, where they are jointly developed. There is going to be single ownership of the commercial tracts, and one opportunity to put a site development plan over those. Likewise, we have an opportunity to amend the site plan for Addison Place to add another building, but it would be in the Tree Farm PUD.

HEARING EXAMINER STRAIN: Your request is, like the commercial on the south, between the new building and the property you are going to utilize and the Tree Farm PUD and the Addie's Corner property, you don't want to put a buffer through the middle of a parking lot or other functions like that?

MR. ARNOLD: Correct.

Mr. Strain, I'll read into the record the essence of the amendment that we're requesting, and the language that is proposed to be added is a footnote to the Tree Farm PUD, under the development table for the commercial district, and it says, "In the event the property is developed as a unified development with the Addie's Corner PUD, a zero foot setback shall be allowed along the common property PUD boundary and no landscape buffer shall be required."

That appears on both development table footnotes for the Tree Farm PUD.

HEARING EXAMINER STRAIN: Now, just so the record is clear, you are reading from a document that was not included in the staff report. Staff is going to put it on record today, and we're going to walk through each page of it.

MR. ARNOLD: I have those pages as well.

HEARING EXAMINER STRAIN: I think that is something staff, staff is going to do, so we'll get through those pieces. I want staff to explain the changes as we go through them, since it didn't get on -- it didn't get included in the staff report.

MR. ARNOLD: The other change we're making is proposing to reduce the square foot unit size for the multi-family component for Tree Farm from 1,000 square feet to 750 square feet. That 750 square feet number is consistent with the Addie's Corner PUD. It's also a consistent figure that you've seen for many other rental apartment complexes that are coming through the County's review process today.

We've also made a couple of clarifications in the document to the property ownership, because there has been a property ownership change since the last PUD amendment was prepared for the Tree Farm PUD.

We've added the development note and changed the square footage, and we've added two -- three commitments that are standard County Attorney commitments these days. One has to do with one entity filing for the PUD monitoring that has to occur annually. The other are two miscellaneous provisions that are applied to all projects today that deal with -- even though the County may approve our zoning, it doesn't give us

the right to go to construction until we've obtained all of our construction permits, whether they are state or federal issued. So those are really the essence of the changes that we're proposing.

HEARING EXAMINER STRAIN: So to summarize, the substantive changes that really involve the property's function, there is only, really, two. You're reducing the buffer -- or you are eliminating the buffer on the common property line that is to going to be created by a unified plan of development by adding a building over on the Tree Farm side of it?

MR. ARNOLD: Correct.

HEARING EXAMINER STRAIN: And you are going to reduce the square footage of the units from a thousand square feet, minimum, to the same standard that Addie's Corner is already built to, which is 750 square feet, that's already approved for that project?

MR. ARNOLD: That's correct. We're making no other changes to the development standards for the project.

HEARING EXAMINER STRAIN: Okay. Do you have anything more you want to put on record, Wayne?

MR. ARNOLD: I'm happy to answer questions. Dan Waters is here, if you have questions of him. He is the engineer of record that's been working on Addison Place.

HEARING EXAMINER STRAIN: And if he's here, could he stand up? Is that -- okay. I've heard your name. I don't think -- I may have met you, but I didn't -- I'm getting old and I can't remember everybody I meet, so the fact you have got a beard, I should have remembered that, so -- even though it's a short one, so. Okay.

One of the things that this has been based upon is a unified development plan, so, as a stipulation, I didn't see that in the staff recommendations, but, as a stipulation, do you have any concerns over that being a stipulation?

MR. ARNOLD: No, sir.

HEARING EXAMINER STRAIN: On Page 4, the staff report, this is just a note. I'm going to go through my questions. Some may pertain to staff, some may pertain to the applicant.

And I -- I meant to tell -- I meant to say this to you yesterday, Tim. The site -- the subject site, is not the full PUD that is shown in the yellow outline, just to make a note. It's a much larger one. In the future, when we do a combination like this, staff, we need to have better graphics showing how the combination works between the two plans, because nowhere in this document is a document that shows the public how the two fit together, and that may have been helpful to a lot of people who are here today. And now, especially, with the very specifics that are being requested, there are only two issues at play here. And, for example the height.

Mr. Arnold, the height for the existing PUD is not changed. You are not attempting to change that in your building. You are building within the heights already approved in that Tree Farm PUD?

MR. ARNOLD: That's correct.

HEARING EXAMINER STRAIN: Are they similar to the heights you are utilizing at Addie's Corner?

MR. ARNOLD: Yes. The building that would be proposed that we're discussing would be similar to the Addison Place project. It's proposed to be built jointly.

HEARING EXAMINER STRAIN: Addison Place is the name you-all have given to the Addie's Corner PUD; is that right?

MR. ARNOLD: Could I have Dan Waters address that? He's correcting me on my --

HEARING EXAMINER STRAIN: Sure.

Were you sworn in, Dan?

MR. WATERS: Yes.

HEARING EXAMINER STRAIN: Go ahead. And please identify yourself for the record.

MR. WATERS: Dan Waters with Peninsula Engineering.

So the building that would be a proposed expansion to Addison Place, it would be within the Tree Farm PUD that is proposed as part of this application. It is actually three stories. That's -- the development

standard within the Tree Farm's PUD is three stories, not to exceed. And so I can get the exact number, but I think it's just shy of 40 feet in terms of actual height. So it's probably roughly 10 feet lower than the buildings that were in Addison Place.

HEARING EXAMINER STRAIN: That PUD is allowed to go to 50 and 62. So you are saying you are about 10 feet lower than that?

MR. WATERS: That's correct. The approved actual height is 62. I think we're just shy of 40, in terms of what our actual height is proposed to this, and I have the plans back here. I can get the actual number.

HEARING EXAMINER STRAIN: How does that compare -- as long as you are not exceeding the height that is already approved for that project, that's what my concern was. And you are not asking to increase the height, and I wanted to verify that the members of the public who are here, who might be concerned about height, at least in earlier testimony on that.

MR. WATERS: That's correct.

HEARING EXAMINER STRAIN: What are the buildings -- how does that building, the one proposed for Tree Farm, compare to the heights of the buildings in Addie's Corner.

MR. WATERS: It's -- again, the limitation in Tree Farm's PUD is three stories, not to exceed. So we're a three-story building. The buildings in Addison Place, which is Addie's Corner, are four stories.

HEARING EXAMINER STRAIN: What you are saying is that the building that you are proposing here is actually shorter than the building in Addie's Corner; is that correct?

MR. WATERS: That's correct. It's one story lower.

HEARING EXAMINER STRAIN: That's what I was trying to get at, so --

MR. ARNOLD: Mr. Strain?

HEARING EXAMINER STRAIN: Yes.

MR. ARNOLD: For the record, it's Wayne Arnold.

We have a composite drawing showing the approximate location of that apartment building that Dan just described, and the relationship to the proposed commercial that could also be built with the uniformed plan, but it's not picking up on your visualizer. I have it on my screen.

HEARING EXAMINER STRAIN: The visualizer -- I understand how it's fitting together. Our microphones aren't working very well, but that doesn't surprise me.

So I think the way you've showed this, the piece that you're -- Dan, would you mind with a pencil, just sketching onto that overhead example about the box where you are going to be fitting this building in that you are adding?

Okay. That's what I need. So that's the area that matches up with the north property line of Addie's Corner and doesn't go past that?

MR. WATERS: That's correct, Mr. Strain. So it will connect into the parking lot of Addie's Corner, so if you are somebody in that, the Addie's Corner complex, you would just travel through the parking lot and not realize that it's a separate project or PUD, is the intent. And it's -- in terms of -- I know your concern is Esplanade. That's going to be a concern for people here in the audience. It is east of the preserve that is on the Addie's Corner property, and that will serve to buffer the views from Esplanade.

HEARING EXAMINER STRAIN: Thank you.

I'm going to run through any questions I may have before we go to the staff report.

The amount of dwelling units allowed in Tree Farm is -- was reduced back a few years ago from 425 to 281. Now, your numbers, whatever volume of density, you put on your building, comes off that 281. You are not asking for an increase in that. Your -- is that -- that's my understanding. Is that yours?

MR. WATERS: That's correct. Yes.

HEARING EXAMINER STRAIN: Also, your commercial area in Addie's Corner had the ability -- these mics aren't picking up, so, for our recording it may be kind of difficult for someone to follow, but the commercial area did allow residential as one of their principal uses allowed by right. I did check that, because otherwise you would need to do a rezoning.

Thank you, John.

MR. ARNOLD: Mr. Strain, you are correct. That's a mixed use parcel where that building would be located.

And the other opportunity, of course, as I discussed, is on the commercial piece south of the frontage road.

HEARING EXAMINER STRAIN: In the document, the PUD that exists for residential components in that principal use, it says -- it showed here, "To the development standards set forth in Table 4."

So normally the commercial parcel has its own set of standards, but in the case of the residential, the standards would fall back on the Table 4 in the PUD.

What is your -- going to be your west property boundary setback?

MR. WATERS: We are set back from the west property boundary, which would be the joint property line between Addie's Corner and Tree Farm. We're set back 25 feet.

HEARING EXAMINER STRAIN: Thank you.

The text changes that we should see when staff puts them on record over there, should include the changes to the development standards table so that multi-family reflects the 750 feet that currently isn't -- isn't on there, but that's, hopefully, one of the changes we'll see here in a minute.

I did look at those this morning and everything seemed in order, it's just that they weren't in the packet.

Okay. That's all of the questions I have. And we're going to go to staff report, then any public speakers, and you'll, obviously, have time to rebut, if there are any issues.

MR. ARNOLD: Thank you.

HEARING EXAMINER STRAIN: Okay.

Tim, do you have a staff report? I would like to walk through the changes on the plan, pages, the text changes, one at a time.

MR. FINN: I'll do that.

For the record, I'm Tim Finn, Principal Planner.

The first change is just the changes in the names of the ownership.

The second change on Table 3 is the addition of the fifth footnote. "In the event the property is developed as a unified development with the Addie's Corner PUD, a zero foot setback shall be allowed along the common property PUD property and the landscape buffer shall be required."

HEARING EXAMINER STRAIN: The applicant had indicated that this language was already in the existing reside -- the commercial component, the Addie's -- the Tree Farm commercial component, right?

Or Addie's. Okay. Thank you.

MR. FINN: Within Table 4 under the Multi-Family column, the minimum floor area, it's -- it will be changed from 1,000 to 750 square feet. And, in addition to that table, the footnote, Footnote No. 5, which will be the new addition, "In the event the property is developed as a unified development with the Addie's Corner PUD, a zero foot setback shall be allowed along the common property PUD boundary and no landscape buffer shall be required."

HEARING EXAMINER STRAIN: Tim, before you leave the microphone, in your understanding of how this applies to the PUD, because we don't have a graphic delineating the limitations of the pieces of Tree Farm that they want to add as a unified plan development to Addie's Corner, how did you see this as a limitation? Do you -- for example, say they wanted to expand to other properties within Tree Farm. Would they have to come in and amend this again, or would that language, without having a limitation in it, apply to anything that would change in that property?

MR. FINN: This language would not. It would apply just for the Addie's Corner PUD.

HEARING EXAMINER STRAIN: Okay. What would have helped is a graphic that clearly shows the land in question --

MR. FINN: Right.

HEARING EXAMINER STRAIN: -- so that, when this is added --

MR. FINN: Right.

HEARING EXAMINER STRAIN: And understood against that portion of the project, we know

what piece of the project that we're talking about.

So at some point, before anything is finalized on this, we are going to need a graphical detail showing the outline on the land that is being considered for this unified plan development so it's limited to that unified plan development.

MR. FINN: Okay.

HEARING EXAMINER STRAIN: Thank you.

MR. FINN: And the last page to the PUD changes is the -- and we had talked about this, the PUD monitor, and Section 6.8, Miscellaneous.

HEARING EXAMINER STRAIN: Both of those are by the County Attorney's office for legal sufficiency?

MR. FINN: That's correct. Yes.

MR. STONE: Just a clarification. Scott Stone.

The PUD management is actually a growth management requirement, but it is standard. That's included in all PUDs.

HEARING EXAMINER STRAIN: Okay. Okay, Tim. I think that's -- that's the last of the text changes, correct?

MR. FINN: Yes, it is.

HEARING EXAMINER STRAIN: Okay. Now, did you have something you wanted to add to your staff report?

MR. FINN: No, other than these changes presented here.

The petition is compliant with the GMP and the LDC and we do recommend approval.

HEARING EXAMINER STRAIN: Thank you. I don't have any other questions of staff.

And, with that, I'll turn to the members of the public.

Is anybody here wishing to speak on this item?

Sir, if you want to come up to the microphone. You'll have to identify yourself and then be sworn in by the court reporter.

MR. STALEY: Good morning. My name is Ed Staley, S-T-A-L-E-Y, 8854 Vocaroo Court in Esplanade.

THE COURT REPORTER: Sir, were you sworn in?

MR. STALEY: Excuse me?

HEARING EXAMINER STRAIN: No. He's got to be sworn in.

(The speaker was sworn.)

MR. STALEY: With respect to the variation --

HEARING EXAMINER STRAIN: You'll have to -- I'm sorry. The mics don't pick up well, so you have to talk fairly close to them.

MR. STALEY: With respect to the contingency, the "if" and the "when" that both parties develop the properties with a unified development plan, procedurally, when does that happen? When is the unified development plan actually presented as opposed to what's been presented today?

HEARING EXAMINER STRAIN: In this case it's a multi-family, so I'm assuming they would have to come in probably -- if they are going to subdivide the parcel for sale, and maybe even do a development plat and/or just strictly SDP.

Ray, what do you think?

MR. BELLOWS: For the record, Ray Bellows, Zoning Manager.

The process for a multi-family development is site development plan. That's an administrative process, however, if the applicant has plans to create a plat within the larger portion of the PUD, then that would go through a public hearing process, but there is no site development plan associated with that.

HEARING EXAMINER STRAIN: So basically they have another step to go forward?

MR. STALEY: Right.

HEARING EXAMINER STRAIN: And then they have to get a building permit after that.



MR. STALEY: Okay. So there are more steps?

HEARING EXAMINER STRAIN: Oh, yes. This is just the ability for them to get a site development plan approved and then submit for a building permit.

MR. STALEY: Correct.

HEARING EXAMINER STRAIN: And they are in process right now for the site development plan.

MR. STALEY: Okay.

HEARING EXAMINER STRAIN: It just won't get approved until this meeting is over with.

MR. STALEY: Okay. Thank you.

HEARING EXAMINER STRAIN: You're --

MR. STALEY: Just one other -- it's outside of the purview of this meeting today, but I wonder if the Tree Farm representatives would be willing to give us a -- either a status report of where they are in the development of the roughly two-thirds of Tree Farm that extends north of Addie's Corner and abuts Esplanade. Can we get -- is that inappropriate?

HEARING EXAMINER STRAIN: Well, when you finish, I can ask them, but it's voluntarily -- if they want to volunteer that information, they are more than welcome to, and that will be up to them, but I'll ask them when you finish.

MR. STALEY: As I say, it doesn't have to be specific, just informational only would be helpful.

HEARING EXAMINER STRAIN: Okay.

MR. STALEY: Thank you.

HEARING EXAMINER STRAIN: Thank you, sir.

Before we go to the applicant for final comments and response to that question, is there any other members of the public who would like to ask a question?

Ma'am, if you'll come up and identify yourself for the record and then you'll be sworn in. Thank you.

MS. RESSLER TATRO: Hi. My name is Jody Ressler Tatro, and I live at 8981 Quarry Drive in Naples.

So mine is just a question --

HEARING EXAMINER STRAIN: You got to stay close to the mic. Sorry.

MS. RESSLER TATRO: Mine is just a question also for the developers.

HEARING EXAMINER STRAIN: Oh, I'm sorry. Yeah. We forgot that little bit.

(The speaker was sworn.)

MS. RESSLER TATRO: I have a question for the developers. Actually, two questions.

It would be helpful if they are willing to provide --

HEARING EXAMINER STRAIN: Ma'am, I'll have to ask the questions then.

MS. RESSLER TATRO: Okay.

HEARING EXAMINER STRAIN: -- when they come up, so --

MS. RESSLER TATRO: Perfect.

So I would just like to know how many buildings they intend -- that are three stories high that they intend to put on the Tree Farm PUD.

And then I'm also trying to understand, what's the downside between having them be 1,000 square feet versus 750.

HEARING EXAMINER STRAIN: I can tell you, the standard that -- and I'm also the chairman of the Planning Commission, and it's in that position that I hear a lot of the rezoning actions in Collier County. I have been doing that for 18 years.

We've established, a decade ago or more, a minimum size of 750, and so they are asking for something that's been issued by many, many other developers throughout the county.

Their PUD is older, so at that time the 750 may not have been ventured into yet, but we broke that ground quite a long time ago.

MS. RESSLER TATRO: Okay.

HEARING EXAMINER STRAIN: So that's -- it's scattered throughout the County. Almost every

new PUD has that as a minimum now, so --

Okay?

MS. RESSLER TATRO: Thank you.

HEARING EXAMINER STRAIN: Thank you.

Okay. Anybody else from the public wish to speak or address any issue?

(No response.)

HEARING EXAMINER STRAIN: Okay. Wayne, we have got a couple questions for you to answer, to the extent you would like to, and we'll go from there.

MR. ARNOLD: Okay. Thank you, Mr. Strain.

With regard to the gentleman's question about the status of the residential parcels that are located north of the mixed use tract we're discussing today, those two residential tracts are under contract by home builders, and they are going through their due diligence effort. That's my understanding.

HEARING EXAMINER STRAIN: What style residence -- do you know what style dwelling unit they are proposing?

MR. ARNOLD: I do not.

HEARING EXAMINER STRAIN: Okay. And the -- that takes care of that.

What about additional buildings that -- do you have any -- do you have any at this time plans to expand what you are already doing on that property?

MR. ARNOLD: I know that Peninsula Engineering, Dan Waters' company, is working on a site development plan application for the singular building he discussed. There is also interest in doing a commercial site plan over the entirety of the Addie's Corner and the Tree Farm commercial sections, and part of the mixed use section, for the Tree Farm, that could have a unified plan, because that was part of the interest. If we're going to have a common site plan for the property, it didn't make sense for us to have setbacks and buffers between what would otherwise be an arbitrary property line, so we could have a parking lot or building straddle that line. That was the intent.

HEARING EXAMINER STRAIN: I think you had said earlier that in the Addie's Corner PUD, the ability there is already provided to acknowledge that unified plan of development and remove the buffer?

MR. ARNOLD: Well, it did not have a buffer language, but it's implied because it allows a zero setback where there is a common development scheme.

HEARING EXAMINER STRAIN: As far as the two, combining those lots in the south for the commercial portions, is anything you are doing there inconsistent with the approvals already provided in the two PUDs that you are dealing with?

MR. ARNOLD: Other than we're attempting to get the zero setback on the Tree Farm side so that we can mirror the language that is in the Addie's Corner to allow a common site plan.

HEARING EXAMINER STRAIN: Okay. And then did you have anything else you want to add to your presentation or comments as a result of discussions with the community?

MR. ARNOLD: Dan Waters did mention to me that he misspoke about the height of the three-story building, that it's slightly above 40 feet but still well within the height limit that's in the Tree Farm PUD.

And I would only just like clarification. You talked about having an exhibit that shows the area of which this is meant to be applicable, and it's meant to be applicable for the full length of the Tree Farm PUD interface with Addie's Corner PUD.

HEARING EXAMINER STRAIN: Right. But the interface that is on the plan -- that's why I asked staff, because the language that was written there could have expanded to an unlimited area, or I needed to know the limitation in the area, which is why the whole request for the graphic came into play in the first place. And I think that's the piece of this whole thing we need to get clarity on.

So you are -- do you have something -- there you go.

You know, the other plan, that black and white, might be better to use.

So right now you are looking at reducing or removing the buffers on the common property line under a unified planned development for that blue triangle.

Now, if you decide to add more -- well, the one to the south is commercial, so that's a different application.

But the rest of the residential is a CMU that can go up that can be utilized residential. You could theoretically, then, expand that and still have the ability not to have a buffer there.

MR. ARNOLD: As long as we have a unified plan of development between the two properties.

HEARING EXAMINER STRAIN: Okay. And I'll have to ask staff to jump back in and comment on that, because I want to make sure they understood that during their review process.

And, Richard, you've very rarely stood there not saying something, so --

MR. YOVANOVICH: I know.

HEARING EXAMINER STRAIN: Just real quick --

MR. YOVANOVICH: For the record, Rich Yovanovich.

I think Tim said the first time he referenced the footnote about the buffer, he read that a buffer will be required. I think he meant to say that a buffer will not be required. So I just want to make sure the record was clarified, when he referenced the footnote the first time.

And, Mr. Strain, if I can, if I understand what you are trying to say, roughly, the Addie's Corner ends right around here.

HEARING EXAMINER STRAIN: Yes.

MR. YOVANOVICH: So you want a graphic to show the extent to where this could possibly occur to zero.

HEARING EXAMINER STRAIN: Right now the focus has been on one building on the north side. Obviously, if you put more buildings south of that, they are going to have less and less impact because they are going to be behind other buildings already existing, and that property already has the right to go residential, so -- and the heights are already established. You're not violating those.

I just want to make sure that the understanding is clear, if you move to the south, the staff has -- has staff already included that consideration in that language interpretation, or is it going to be limited to the graphic that we don't have, that I'm asking to have, so it's all written properly? So --

MR. ARNOLD: Again, Wayne Arnold, for the record.

The graphic that is on the left of your screen, the black and white, the entire interface where Addie's Corner PUD to the west of Tree Farm, where it aligns with the Tree Farm PUD, is the area in which this footnote change would be applicable. So it applies to both the mixed use parcel and the commercial parcel for the Tree Farm, and the mixed use parcels for Addie's Corner.

HEARING EXAMINER STRAIN: Okay. Well, then I have to ask staff if that footnote was added under both development standards sections of the PUD for Tree Farm, so I'll ask -- get that clarification in a minute, after I find out if they have reviewed it under that premise.

MR. ARNOLD: It is added in both locations, Mr. Strain.

HEARING EXAMINER STRAIN: Is it? Okay.

And then the graphic that needs to be produced needs to somehow reflect this so that staff has it right and it can be used as an exhibit.

MR. ARNOLD: Certainly. We can produce that quickly.

HEARING EXAMINER STRAIN: Anything else you wanted to add?

MR. ARNOLD: I don't think so. Happy to answer any other questions that you may have.

HEARING EXAMINER STRAIN: I know one gentleman wants to ask a question.

We normally don't go out of order, but, sir, if you want to come up and identify yourself. You have to come up and be sworn in and identify yourself, and I'll try to understand what you've got to stay.

THE WITNESS: My name is Fred Faust and I live in Esplanade.

HEARING EXAMINER STRAIN: Faust is F-A-U-S-T?

MR. FAUST: F-A-U-S-T.

HEARING EXAMINER STRAIN: Thank you. And you'll need to be sworn in by the court reporter.

(The speaker was sworn.)

MR. FAUST: I just have a quick question.

Can you show on the right side where that building is going to be put, in the picture to the right? Where would that building fit in there?

HEARING EXAMINER STRAIN: I was just going to say right -- that's exactly correct.

MR. ARNOLD: About in that location.

HEARING EXAMINER STRAIN: And that's if you are familiar with the Addie's Corner, which is the one next to your development --

MR. FAUST: Yes. Yes.

HEARING EXAMINER STRAIN: -- it's limited no higher than that site already exists to the north, so it's going to match up about where that north property line is and go south.

MR. FAUST: Would you take down all of those trees that's there now?

HEARING EXAMINER STRAIN: You'll have to use the microphone, sir.

MR. FAUST: Take down all of those trees that's there now?

HEARING EXAMINER STRAIN: Sir, you'll have to direct the question to me, and I can tell you, where they are having to build the building and the parking lot, those trees will have to come down, with the exception of those that are part of the preserve area that exists in that area.

MR. FAUST: Will there be more trees put up between to sort of block that?

HEARING EXAMINER STRAIN: They have required minimum landscaping, plus the preserve that already exists in the northwest corner of Addie's Corner will block that building from Esplanade to the west of that. That's an existing preserve. That's the piece that remains from the other PUD, Planned Unit Development.

MR. FAUST: Thank you.

HEARING EXAMINER STRAIN: You bet.

With that, I would like to turn to staff.

Tim, how did you, in your review, or did you hear anything that changes your review as a result of the discussion with Mr. Arnold concerning the extension of that buffer elimination, if they do unified plan development further down the site.

MR. FINN: No. This doesn't change the review, however, I would like to add that, when staff reviewed both footnotes, it was understood that it would just be that, that main interface between Addie's Corner and Tree Farm that would be affected.

HEARING EXAMINER STRAIN: Okay. So your staff is fine, with that understanding?

MR. FINN: Yes.

HEARING EXAMINER STRAIN: And then, Wayne, for the -- my understanding of the limitations, you are looking at this buffer elimination wouldn't extend north of the Addie's Corner northern boundary?

MR. ARNOLD: That's correct. It could not extend north of the Addie's Corner boundary because there wouldn't be an interface with the Addie's Corner PUD at that point.

HEARING EXAMINER STRAIN: So a stipulation to that effect has no -- is not a problem for you?

MR. ARNOLD: It would have no impact, correct.

HEARING EXAMINER STRAIN: Okay. Well, I think something like that further protects the neighborhood in assuring you are not going outside of the boundaries of what we just talked about.

Okay. I don't have any other questions. Staff has acknowledged there has nothing been said that changes their staff report. We've heard the public speakers. And, with that, I'll -- this hearing is closed, and a decision will be rendered within 30 days.

MR. ARNOLD: Thank you.

HEARING EXAMINER STRAIN: Thank you for your time today.

That takes us to the very end of our agenda, which is Other Business. There is none.

Any public comments? Anybody from the public have any comments at the end of this meeting?

(No response.)

June 28, 2018 HEX Meeting

HEARING EXAMINER STRAIN: Hearing none, this meeting is adjourned.  
Thank you all for attending.

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There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:40 a.m.

COLLIER COUNTY HEARING EXAMINER

  
MARK STRAIN, HEARING EXAMINER

ATTEST  
CRYSTAL K. KINZEL, INTERIM CLERK

These minutes approved by the Hearing Examiner on 7-19-18, as presented  \_\_\_\_\_  
or as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF  
U.S. LEGAL SUPPORT, INC., BY  
ELIZABETH BROOKS, COURT REPORTER AND NOTARY PUBLIC.