

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER

Naples, Florida
February 13, 2026

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 3:00 p.m., in REGULAR SESSION at 2800 North Horseshoe Drive, Room 609/610, Naples, Florida, with the following people present:

HEARING EXAMINER ANDREW DICKMAN ALSO
PRESENT:

Michael Bosi, Planning and Zoning Director
Raymond V. Bellows, Zoning Manager
Craig Brown, Environmental Services
Maria Estrada, Planner II
Laura DeJohn, Consultant
Kevin Summers, Manager - Technical Systems Operations

PROCEEDINGS

HEARING EXAMINER DICKMAN: All right. All right. All right, all right, all right. Everybody ready to get going? I got the thumbs up over there. All right, good.

Good afternoon, everyone. Good afternoon. It's 3 o'clock on Friday, February 13th, good luck day. And welcome all of you to the Collier County Hearing Examiner meeting.

My name is Andrew Dickman. I am your hearing examiner for today. And why don't -- following the agenda, we're going to start with Pledge of Allegiance. Please join me.

(The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER DICKMAN: Okay. I'm going to get into a little -- well, first of all, let me just do a quick announcement. As I said, my name's Andrew Dickman. I'm the Hearing Examiner. I was retained by the Board of County Commissioners. I'm not a County employee. I'm a Florida Bar attorney hired by the Board of County Commissioners to fulfill the duties in the Code with regard to the Hearing Examiner's position.

My job is to hold this hearing, quasi-judicial manner, to hear everyone out, hear the County out, the applicant, applicant's representative, the public, try to collect as much information as I possibly can from the testimony here today, and render a decision within 30 days. I will not make a decision here today. I have 30 days to render a written decision, which I can typically do before 30 days. So we'll see. Sometimes it takes a little while more than others.

But the -- the objective of this meeting is actually a long process for the applicants and everyone else. This is

where the record gets finalized. After today, I cannot take any more information. I cannot do any additional conversations with anybody. The record ends here today.

So I have not had any conversations with the County or anyone about any specific application here. I'm -- in fact, my job is to be here as a neutral decision-maker. I've read everything that's in the record, all the backup material. That's also available to the public on the agenda. All the documents that are there, the staff report, all of the different things that are there, I've read all that. I've prepared myself for the meetings, but I have not had any outside ex parte communications about any topic here, so I'm here, again, as a neutral decision-maker.

The process that we'll follow is that I'll ask the County to introduce the item that they're on. The county planner will come up and go over the application, any recommendations, any condition -- any conditions they may have on their recommendation. Then the applicant or the applicant's representative will use this podium over here, and we'll have that presentation. Then I'll open it up for public comment here at this podium, and then I'll also let the applicant or applicant's representative reserve some time for rebuttal.

I may ask some questions as we go along, or I may hold them till the end. If I look away and I'm not looking at you, it's because I'm probably making notes or I'm looking at something on my computer. So please don't take offense to that. I am listening. That's my job, primarily, is to be here and listen carefully for any kind of competent substantial evidence as it applies to the criteria for whatever particular application we're reviewing at the time.

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As you can see, we have a court reporter here. The County provides that. And she's taking verbatim transcripts of the matter. So let's all try to speak clearly, not too fast. Let's not talk over one another. That makes it difficult to do. She has full authority to stop the meeting if for some reason she's not able to understand.

Please announce your -- put your name into the record when you come up first thing so that later on if someone's reading the transcript of this, it's very clear how the process went. And then we'll go from there.

So this is a hybrid meeting. I see there's a lot of people here in the audience today. That's great. I like to see that. But there's also opportunity for people to attend via Zoom. That's another nice thing that the County provides to the public.

The acoustics in here are really good. I can hear almost everything in this room. So if you're going to have a little conversation with your neighbor who you're sitting next to, please just step outside in the hallway and do that, because I really -- again, this is a -- I respect the fact that this is a long process for the applicant, for the County, for the public to get to this point, and I want to make sure that this particular part of that process is done as professionally and respectfully as possible. So please respect that. Turn off your phones or anything that makes noise. No clapping or shouting out at the audience, I'd appreciate that.

And with that, I think the only other thing we have to do is that if anyone is going to testify here today, has to do so under oath. If you're going to be a public speaker, please give your speaker cards to this gentleman over here. And then anybody on any item that's going to speak here today,

please stand, and I'll have the court reporter administer the oath.

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

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

HEARING EXAMINER DICKMAN: I appreciate that. Thank you.

All right. Before we get into the substantive items of reviewing the agenda, is there any changes to the agenda? Are there any continuances? Anything been pulled?

MR. BOSI: No changes other than I think we do have a public speaker.

HEARING EXAMINER DICKMAN: Okay. So we did have a request for someone who wanted to talk about -- bring up a procedural question, so I'm going to take that up before we take up -- go into the actual petition. So whoever that was, please come on up, or is.

MR. SUMMERS: That was Robert Simmon. HEARING EXAMINER DICKMAN: Hello, Mr. Simmons [sic]. Just press down on that button, turn it green. There you go.

MR. SIMMON: Can you hear me?

HEARING EXAMINER DICKMAN: Sir.

MR. SIMMON: Okay. I have a procedural question.

I'm trying to understand what the standard operating procedure is for meeting notifications, because the meeting was scheduled for yesterday, and it got changed --

HEARING EXAMINER DICKMAN: Yes. MR. SIMMON: -- to today --

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HEARING EXAMINER DICKMAN: Yes.

MR. SIMMON: -- which means that a lot of individuals that had planned on coming to the meeting changed their plans. People work, all of those things -- were not notified. So how -- I'm trying to understand, procedurally, how can you change the meeting that people sign up for with very little notification, like 24, 48 hours, whatever it was?

HEARING EXAMINER DICKMAN: Okay. Thank you for that question.

So from time to time, I -- since this is not a board or a committee or anything like that, I'm the person that holds this meeting. Since -- I'm a working attorney, so from time to time I do have a conflict. I try to avoid that. So from time to time that happens. I contact the County.

They -- they find out whether or not notices can be effectuated. They have conversations with the County Attorney's Office about that, and that's what happens.

So that has, probably over the last five years, happened maybe a handful of times. But generally speaking, we keep them on a consistent timetable. But if there is a notice problem, we'll deal with it on each item.

MR. BOSI: And, Mr. Dickman, Mike Bosi, Planning and Zoning director. We were able -- you did contact the office early enough. The notifications for the meetings that were advertised on the Clerk's website was for this day and time. So the correct notification was provided for.

HEARING EXAMINER DICKMAN: All right. Thank you. I hope that answers the question. But if anybody, again, wants to discuss that on any particular item as it

comes up, they can do that.

Yeah. And so I'm looking at one of the signs that are on the property, and they've got the correct date on the property sign. So if that has inconvenienced anyone, I apologize. But again, I am not a County employee. And over the last five years, it's probably been a handful of times that I've had to rearrange my schedule. But I only do it when it's an emergency, so I apologize if anyone's been inconvenienced. I know it's a Friday afternoon and people probably want to get home.

All right. Let's -- without anything else, let's go right into the petitions, 3A.

MR. BROWN: ***Good afternoon, Mr. Dickman. For the record, Craig Brown, Environmental Services manager in the Development Review division.

Before you is Item 3A. It's a CCSL variance project. The number is PL2025007858 [sic].

This is a request for a variance from the Land Development Code Section 9.04.06 to allow construction of a new building approximately 30.87 feet seaward of the CCSL, construction of a new cabana approximately 53.67 feet seaward of the CCSL, replacement of a pool approximately 57.40 feet seaward of the CCSL, and construction of a fence 90 feet -- 90.20 feet seaward of the CCSL.

The subject property is Lots 31 and 32, Block A, Conner's Vanderbilt Beach Estates Re-plat part of Unit 1 subdivision, also known as 10021 and 10047 Gulf Shore Drive in Section 29, Township 48 South, Range 25, Collier County, Florida. This petition was reviewed by staff, and based on the

review criteria contained in Section 9.04.06, a through g, staff believes the petition is consistent with the review criteria and as well as the Growth Management Plan.

For public notice -- as was just referenced, for public notices, the public hearing signs were placed by the agent, Bowman, on Monday, December 22nd, 2025. The property owner notification letters were sent out on Thursday, December 18th, 2025, and the newspaper ads were also taken care of on Friday, January 23, 2026.

I received six calls and one email of general inquiry, and one of the six calls was in opposition of the request. Staff recommends approval of the petition with the conditions. HEARING EXAMINER DICKMAN: All right.

MR. BROWN: That concludes my summary. HEARING EXAMINER DICKMAN: Thank you very much. I appreciate that.

All right. The applicant or applicant's representative. How are you.

MS. SUMMERS: Hi. Good. How are you doing?

My name is Ellen Summers. I'm a certified land-use planner and a senior manager of Planning and Development with Bowman.

I'm here on behalf of the applicant. We also have quite a few other sub-consultants here with us and design professionals.

I do have a presentation that I prepared. I know you have quite a full schedule, so I'm happy to answer questions or, if you'd like, I'm happy to go through a couple of these slides with you.

HEARING EXAMINER DICKMAN: Okay. Let me

just -- why don't we go through the slides just briefly just to get that record started. And I just want to ask you, like, do you have any problem going forward and, you know, that I had to change this meeting, not at the last minute, but I did notify the County in time.

Do you have any -- I want to get that on the record. Do you want to go forward?

MS. SUMMERS: Yes, sir, that's quite all right. HEARING EXAMINER

DICKMAN: Okay. MS. SUMMERS: And just for the record, we did

update the public hearing signs the day after we received notification that this was going to be delayed.

HEARING EXAMINER DICKMAN: Okay. Thank you very much.

Great, now we know what CCSL is, right?

MS. SUMMERS: Yes. All right. Is it clicking or is it -- just do next slide. Next slide, please.

Like I mentioned, not to not introduce the other sub-consultants here, but we do have Rich Yovanovich, Bob Mulhere, we have Pat Trefz who did our landscaping, and representatives from DSDG who did the architectural plans for the building.

HEARING EXAMINER DICKMAN: Okay. Great. Thank you.

MS. SUMMERS: As Craig mentioned, we're -- the subject property is Lots 32 and 31 of Conner's Vanderbilt Beach Estates. It's approximately 1.3 acres, and it's directly adjacent and north of the La Playa Beach Club.

Next slide.

We are -- recently rezoned the properties, but it is currently within the RT, which is the residential tourist zoning district, and part of the Vanderbilt Beach Road Tourist Overlay.

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Next slide.

Again, as Craig mentioned, our request here is to allow for the construction of a private beach club with the following elements seaward of the 1974 Coastal Construction Setback Line.

We have the principal building, which is approximately 31 feet seaward, a cabana approximately 53.67 feet seaward, the pool, and the fence; pool being approximately 57 feet and the fence 90 feet.

Next slide.

Just to provide you a little bit of background, this property was subject to a rezone, and a conditional use. Both of those items were heard before the Collier County Planning Commission in August of 2025 and was approved by the Board of County Commissioners in October of 2025.

And again, those two applications were to permit the private beach club use. I also want to make note that both of those approvals, the rezone ordinance and the conditional-use resolution, also included a conceptual site plan, which we have remained consistent with a CCSL variance.

So both the Planning Commission and the Board have reviewed this concept plan, and we've also provided that CCSL line -- excuse me -- on both of those items.

HEARING EXAMINER DICKMAN: Ellen, I have a question for you. Out of curiosity, why wouldn't the -- this particular item have just been a companion item to that?

MS. SUMMERS: I'm not really sure how to answer that.

HEARING EXAMINER DICKMAN: Maybe County should answer that, okay.

MS. SUMMERS: It may have been a timing. The CCSL variance didn't get submitted till about two months after the rezone and conditional use.

HEARING EXAMINER DICKMAN: Gotcha. MS. SUMMERS:

I think that's fair to state. HEARING EXAMINER DICKMAN:

So that -- just

procedurally, the County doesn't like to handle it that way?

MR. BOSI: That's correct.

HEARING EXAMINER DICKMAN: Okay. Thank you.

MS. SUMMERS: And I will also note that we have been under review for a site development plan for the private beach club. That has recently been approved; however, of course, conditioned based on the approval of the CCSL variance.

HEARING EXAMINER DICKMAN: Okay.

MS. SUMMERS: Next slide, please.

So on our site plan, we have two lines. The one in blue is the Coastal Construction Control Line. That was established in 1974 by the DEP, and that now serves as the County's Coastal Construction Setback Line.

HEARING EXAMINER DICKMAN: So glad you said that. I just think the public, it's really important that they understand some of these concepts.

MS. SUMMERS: The difference, yep.

HEARING EXAMINER DICKMAN: This is a statewide line that's been put in place a long, long time ago, and then there's a setback from that.

MS. SUMMERS: Yes, that's correct. And then the 1989 Coastal Construction Control Line, that's circled there or -- that general area is circled in red to the right, and that's

actually the line that requires FDE [sic] permits for anything that's built seaward of that line.

Next slide.

I wanted to provide a little bit more of a zoomed-in view of our concept site plan. You'll see the coastal construction approved line, which is -- just kind of bifurcates the property from east/west -- or runs north/south of the property.

In blue I've highlighted the labels for what is existing. I did fail to mention that this site was -- or previously existed two residential single-family home.

The one on the northern lot has been demolished, and the one on the southern lot, I believe, has been demolished or will be soon.

So I do want to be able to show you here the existing building that's hatched in the diagonal lines and then the existing pool just west of that.

So the -- our proposed building, the proposed private beach club, is the shaded area. Our design team really worked hard to try to keep that same line with the existing building; however, we are dealing with a little bit larger of a structure, so we have gone past it just, really, to the least extent possible. I also want to note that when we did this design, we've also increased pretty significant side-yard setbacks for this use in comparison to the single-family residences.

So with the pool -- the proposed pool, I should say, and the existing pool, those are in line, and the cabana is also in line with the proposed and the existing pool.

The proposed fence, of course, is around the turf area or around the lawn area. That's really kind of a pool safety

and security measure there.

Next slide.

I do have a little bit of an architectural rendering of the proposed private beach club from the rear there. So you can see we really -- you know, the La Playa on the south certainly protrudes significantly further past the CCSL in comparison to our structure, but we really worked really hard to keep our building with the pool in line with those residences to the north and certainly not as far as the existing LaPlaya Beach club.

HEARING EXAMINER DICKMAN: Quick question. Are there any -- I know -- I think I know -- maybe I'm wrong. Have they done any, like, beach renourishment and put in place any erosion control lines in this area; are you aware?

MS. SUMMERS: I know they have done some beach renourishment, and then I will mention that as a condition of the conditional use and rezone, we have done a beach dune restoration plan. So on our restoration plan, which I actually have a few slides down, not only are we going through -- we're not only replenishing the existing historical beach dune area, but we are going a little bit further past that.

HEARING EXAMINER DICKMAN: Okay.

MS. SUMMERS: And I can actually -- I think it's -- HEARING

EXAMINER DICKMAN: Can we pause for a minute? I think maybe Mr. Yovanovich can answer that question. That's kind of a legal -- thank you.

MR. YO VANOVICH: For the record, Rich Yovanovich. Yes, there's an erosion control line on the property.

HEARING EXAMINER DICKMAN: Okay.

MR. YOVANOVICH: And we -- the conditional-use approval discussed where the erosion control line was and providing a public strip --

HEARING EXAMINER DICKMAN: Great.

MR. YOVANOVICH: -- available for people to walk up and down the beach --

HEARING EXAMINER DICKMAN: Perpendicular? MR.

YOVANOVICH: By the high -- yeah, by the high water. So it's -- it's landward of the high-water line so people can actually walk up and down the beach and not have to walk through the water.

HEARING EXAMINER DICKMAN: Nice. Okay. Thank you. Appreciate that.

MS. SUMMERS: All right. This slide just demonstrates -- I mean, most of the -- I should say all the new houses that are built along the Gulf do have to go through the CCSL process just based on where that existing line is located.

Next slide, please.

And then I wanted to provide a little bit of a better aerial that shows the subject property with the existing house, that CCSL line in red, and how that compares to the properties to the north and to the south. And I have a little bit of a larger aspect on the next slide that shows a little bit further to the north and south.

HEARING EXAMINER DICKMAN: Okay.

MS. SUMMERS: Next slide, please.

So there you have that blue line where you see quite a few properties located either --

HEARING EXAMINER DICKMAN: Yep.

MS. SUMMERS: Just past it.

Next slide.

Like I mentioned, there's quite a few rezone and conditional-use conditions of approval.

The next slide is probably a little bit more relevant to this matter at hand.

Next slide, please.

So as Rich mentioned, we do have a condition as part of the conditional use that beach chairs, umbrellas, cabanas, and similar devices shall be only used on the beach in front of the club. We also will retain a 15-foot sandy beach area landward of the mean high water line for public use. And again, as I mentioned, we do have a beach dune, vegetation restoration plan for the site, and that's been provided through the Site Development Plan process.

Next slide.

And then here is a graphic representation of that beach revegetation plan. I don't know if I can point here, but you can see at the top of the display where the -- on the western side you see the historic vegetation line and then the beach dune line.

So what we are proposing is pretty significantly above and beyond that historic vegetation line and the existing beach dune area.

HEARING EXAMINER DICKMAN: Is that -- so the dunes are going to be at a certain height, or do you know?

MS. SUMMERS: I know this is the vegetation plan. I have Pat here, who's our landscape -- but I'm not sure if it's going to be --

MR. YOVANOVICH: Come up, Pat.

HEARING EXAMINER DICKMAN: Yeah, come on

up. I just want to know, like, how much of a dune system is there? I know the vegetation, but height.

MR. TREFZ: Hi, there. Pat Trefz, a landscape architect with Outside Productions.

We have an existing dune elevation. We've had some discussions about raising that, but officially we haven't made any determination on that. But we were in a meeting actually earlier today about maybe raising that some.

HEARING EXAMINER DICKMAN: Okay. So it's approximately -- I mean, is it flat or is it --

MR. TREFZ: No, it is actually --

HEARING EXAMINER DICKMAN: -- a dune is a dune?

MR. TREFZ: We're actually -- from the pool area, we start mounding up, and the peak of it is about in the center of our planting.

HEARING EXAMINER DICKMAN: Gotcha. Okay. I understand. All right. Thank you.

MS. SUMMERS: Next slide, please.

All right. And again, we do appreciate and agree with staff's recommendation to approve the proposed CCSL variance. Again, this was -- this conceptual site plan was provided as part of our conditional use and rezone process that were both heard before the Planning Commission and the Board.

HEARING EXAMINER DICKMAN: Okay. Let me just be clear. So under the staff report, they're listing seven standard -- what they're calling standard conditions?

MS. SUMMERS: Yes, sir.

HEARING EXAMINER DICKMAN: And then there are two site-specific conditions. So a total of nine

conditions. Those are all your -- you're accepting of those -- MS.

SUMMERS: Absolutely. We have no -- HEARING EXAMINER

DICKMAN: -- all those? MS. SUMMERS: We're happy to provide those. HEARING EXAMINER DICKMAN: Okay. All

right. Great. Anybody else on your team want to speak, or is that -- you want to go to public comment?

MS. SUMMERS: I think that's it. HEARING EXAMINER DICKMAN:

Okay. MS. SUMMERS: Thank you. HEARING EXAMINER

DICKMAN: Great

presentation. Thank you.

MS. SUMMERS: Thank you.

HEARING EXAMINER DICKMAN: Let's go to public comment.

MR. SUMMERS: We have no registered speakers for this

item.

HEARING EXAMINER DICKMAN: No registered speakers? Nobody on line? Nobody in the audience?

(No response.)

HEARING EXAMINER DICKMAN: Okay. All right. The question -- yeah, so, honestly, we -- I think I've probably had maybe four of these in five years, like CCL setback line ones. And, you know, I think the conditions about removing the exotics, protecting the turtles -- I'm sure at the hearing you had with the County Commission, they probably went through about everything you can possibly go through, so that's good, you know.

So I don't really have any specific questions for you. I see everything -- I'm reading the staff report right now. I know they went through the full Comp Plan, all the policies

here with comments and so forth.

Is there anything else from the County that they would like to add at all? Otherwise, we'll just move on.

MR. BOSI: Nothing from the County.

HEARING EXAMINER DICKMAN: Okay. Is that -- do you rest your case?

MS. SUMMERS: I rest my case. Thank you very much. HEARING EXAMINER DICKMAN: Okay. All right. I'll get a decision out as quickly as I can. Thank you. Nice to see you.

MS. SUMMERS: Nice to see you as well. HEARING EXAMINER DICKMAN: Have a great day.

***All right. Let's move to the next item, which is 3B. All right. Hi, Maria.

MS. ESTRADA: Good afternoon, Mr. Dickman. For the record, Maria Estrada, Planner II, Zoning division.

I'd like to bring your attention to the following regarding Agenda Item 3B. There was an incorrect advertising attachment to the supporting documents. It was correct with the advertisement on the web and --

HEARING EXAMINER DICKMAN: Okay.

MS. ESTRADA: But I included the wrong one in the documents.

HEARING EXAMINER DICKMAN: So the supporting document is what?

MS. ESTRADA: Is the notice of the public hearing -- HEARING

EXAMINER DICKMAN: Okay.

MS. ESTRADA: -- that was going to be changed to the 13th.

HEARING EXAMINER DICKMAN: Okay. All right.

MS. ESTRADA: And additionally, I also inserted the wrong
PUD amended language, and I have that as well --

HEARING EXAMINER DICKMAN: Okay.

MS. ESTRADA: -- to provide.

HEARING EXAMINER DICKMAN: Yeah. If you
could just put that into the record, I'd appreciate it.

MS. ESTRADA: Okay. And it's just the operational restrictions,
No. 6. The PUD language should read,
"Gasoline storage and/or fuel tanks shall only be used for dealership
use."

HEARING EXAMINER DICKMAN: Okay. So you're reading
from the staff report?

MS. ESTRADA: I'm --

MR. BOSI: The conditions.

HEARING EXAMINER DICKMAN: Oh, down at the conditions.

MS. ESTRADA: From the conditions, yes. HEARING
EXAMINER DICKMAN: Okay. All right. And what -- it says
condition -- let's see.

MS. ESTRADA: This -- that would be attachment -- HEARING

EXAMINER DICKMAN: A, B, C, D. MS. ESTRADA: B, I believe.

HEARING EXAMINER DICKMAN: B, the PUD
language changes?

MS. ESTRADA: Yeah, that's what --

HEARING EXAMINER DICKMAN: Okay. And C, the sign and
notifications.

MS. ESTRADA: Correct.

HEARING EXAMINER DICKMAN: Okay. Great.

Got it.

MS. ESTRADA: Sorry about that.

HEARING EXAMINER DICKMAN: No problem. MS.

ESTRADA: Okay. So before you is Agenda

Item 3B, Petition No. PL20250008448, Germain Honda Commercial Planned Unit Development.

This request is for an insubstantial change to Ordinance No. 15-43 by revising Exhibit F to allow gasoline storage and fuel tanks for dealership use only. The parcel is approximately 10.44 acres, is located at 3295 Pine Ridge Road in Section 12, Township 49 South, Range 25 East, Collier County, Florida.

I received no calls from the public for information or opposition.

The applicant has complied with all the hearing notices which were handled and confirmed by our operations staff. The advertisement and mailers were sent out January 23rd. The property signage for the hearing advertisement was constructed at the property by the applicant and is included in Attachment C of the backup materials.

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

HEARING EXAMINER DICKMAN: Okay. And I am looking at the notification of the hearing, and it says -- thank you for the promotion to Chief Hearing Examiner. I appreciate that. I think I'm the only one here.

Hi. How are you?

MS. EMBLIDGE: Hi. Margaret Emblidge. HEARING

EXAMINER DICKMAN: Hi, Margaret.

Just press the go green.

MS. EMBLIDGE: Thank you. I see green now.

HEARING EXAMINER DICKMAN: Green is go. MS.

EMBLIDGE: Thank you, sorry.

Good afternoon. Margaret Emblidge, certified planner with LJA Engineering.

HEARING EXAMINER DICKMAN: Okay.

MS. EMBLIDGE: First of all, I just wanted to say that the applicant is aware of those changes that Maria was speaking to.

HEARING EXAMINER DICKMAN: Um-hmm. MS.

EMBLIDGE: And we have a presentation -- HEARING

EXAMINER DICKMAN: Okay. MS. EMBLIDGE: -- if you would like to see it;

however, we do agree with staff's recommendation, and we could be just available for questions if you prefer. But if not, we will gladly go through the PowerPoint.

HEARING EXAMINER DICKMAN: Okay. Let me just make sure. So you realize that, you know, the date -- I did have to change the date from yesterday to today, but it wasn't last-minute. We got the notices out. You feel comfortable going forward today?

MS. EMBLIDGE: Absolutely.

HEARING EXAMINER DICKMAN: Okay. And you're adopting the staff's staff report, their presentation, all the backup material, and their recommendations and --

MS. EMBLIDGE: That is correct.

HEARING EXAMINER DICKMAN: -- conditions? MS. EMBLIDGE: Yes, sir.

HEARING EXAMINER DICKMAN: All right.

Could you just at least maybe -- let's just go through -- for sake of getting the record going, maybe go through a few of your slides --

MS. EMBLIDGE: Absolutely, sure.

HEARING EXAMINER DICKMAN: -- and if I need any questions, I'll ask.

MS. EMBLIDGE: Okay. Well, first of all, as you can see, the location of the project is at the corner of Livingston and Pine Ridge. This is an insubstantial change to the plan development.

HEARING EXAMINER DICKMAN: Yeah, let me stop you there. I just want to get the County also. I just want to -- I always like to do this just for jurisdictional points. Can -- maybe Mr. Bosi or Mr. Bellows, like, you agree it's your position that this is an insubstantial change, not a substantial change? Because I'm not allowed to touch substantial changes.

MR. BOSI: Yes. We have reviewed the criteria for a substantial change and have made the determination this qualifies for an insubstantial change as highlighted within the staff report.

HEARING EXAMINER DICKMAN: Great. Thank you very much. All right. Go ahead.

MS. EMBLIDGE: And it's not going. So next slide, please.

HEARING EXAMINER DICKMAN: Yeah. That's the secret word, "Next slide."

MS. EMBLIDGE: Okay. Well, he also told me how to do it. MR.

SUMMERS: It might be out of range. Look at it; it went.

HEARING EXAMINER DICKMAN: Oh, there you go. MS.

EMBLIDGE: Great. So this is the planning team,

including the applicant and project manager, Dominic Amico, who is here today, and myself and Joe Sarracino, who's another planner in our office that assisted in the project.

HEARING EXAMINER DICKMAN: Okay.

MS. EMBLIDGE: Next slide.

HEARING EXAMINER DICKMAN: There you go. MR. SUMMERS: It is working with your remote.

You've just got to give it a second.

MS. EMBLIDGE: So I have to be patient. HEARING EXAMINER DICKMAN: Just be patient. Patience pays off here.

MR. SUMMERS: Let me back you up. There you go. MS.

EMBLIDGE: Okay. Again, the location and surrounding zoning on this slide. And then go to the next slide.

HEARING EXAMINER DICKMAN: So while it's a large area, the only change is really going to be for gasoline service for --

MS. EMBLIDGE: Correct.

HEARING EXAMINER DICKMAN: -- for the dealership alone, not for retail sales --

MS. EMBLIDGE: Yes, sir.

HEARING EXAMINER DICKMAN: -- at all, right? MS. EMBLIDGE: Yes.

HEARING EXAMINER DICKMAN: Okay.

MS. EMBLIDGE: And I have an exhibit coming up that shows specifically where the location is.

HEARING EXAMINER DICKMAN: Perfect. Excellent. Thank you.

MS. EMBLIDGE: And -- okay. And here's some

history of the project, which was the zoning was originally approved in 2015, and it was approved for 60,000 square feet of vehicle dealership. There was a final Site Development Plan approved in 2016.

And the applicant is requesting this insubstantial change to allow for the on-site fueling area for vehicles. And the justification for this is that it would eliminate any of the need for going off site for fueling, which does have a positive impact to not only traffic but staff's time.

HEARING EXAMINER DICKMAN: Yeah. Okay. MS. EMBLIDGE: And here's the language -- HEARING EXAMINER DICKMAN: There we go. MS. EMBLIDGE: -- that Maria read to you. This is the correct language that we have agreed to regarding the gasoline storage and fuel tanks shall only be used for the dealership, and this language was recommended through the County Attorney. There were some minor tweaks that they asked us to make and this --

HEARING EXAMINER DICKMAN: This particular --

MS. EMBLIDGE: Yes, this represents that. HEARING

EXAMINER DICKMAN: Okay. You mean the change?

MS. EMBLIDGE: Correct.

HEARING EXAMINER DICKMAN: Oh, okay, all right.

MS. EMBLIDGE: Yes.

HEARING EXAMINER DICKMAN: I was just curious, like, why that was originally in there in the first place.

MS. EMBLIDGE: I don't know, but -- unless the

County might have some history on it that I'm not aware of but --
HEARING EXAMINER DICKMAN: It may have just been
standard language that they used. You never know. So
getting to your point, I think -- you know, so one of the questions
regarding, like, substantial versus insubstantial is, like, impacting density
or intensity and traffic and things like that. And as you stated, now
getting your -- I guess the only -- it will just be a delivery of gasoline
from time to time.

MS. EMBLIDGE: Correct.

HEARING EXAMINER DICKMAN: Right?

MS. EMBLIDGE: Yes.

HEARING EXAMINER DICKMAN: Less -- rather
than cars having to go off site to fuel up, correct?

MS. EMBLIDGE: Correct.

HEARING EXAMINER DICKMAN: Okay.

MS. EMBLIDGE: So this is the exhibit that shows the
separation between -- the adjacent properties to the north is the
Community School and to the west is where there's a dance school and a
recreation area. So you can see that there's a substantial separation
between them and -- the property line and the proposed location for the
fueling area.

HEARING EXAMINER DICKMAN: Gotcha. MS. EMBLIDGE: I
think I've already gone through this.

HEARING EXAMINER DICKMAN: Yep.

MS. EMBLIDGE: And, again, the appropriateness we already
talked about, and specifically what I was just going through is the
separation that is -- that we have between the adjacent properties and
uses.

HEARING EXAMINER DICKMAN: All right.

MS. EMBLIDGE: It's working. There you go. And that's the end of the presentation, and I'm available for questions.

HEARING EXAMINER DICKMAN: Okay. Okay. No, that's -- all I really wanted to get at was the -- well, first of all, I was kind of curious about that. I'm guessing that that's probably standard language that happened for dealerships back when PUDs were happening, and something like this, as large as it is, the number of cars on site, it makes sense as long as it's not dangerous or hazardous for anybody, so...

MS. EMBLIDGE: And, of course, we will meet all of the requirements for federal and state permitting --

HEARING EXAMINER DICKMAN: That's good. MS. EMBLIDGE:

-- and county permitting for those reasons.

HEARING EXAMINER DICKMAN: Oh, that's awesome. It's even a cherry on top. Yeah, you have to.

Anybody here to speak?

MR. SUMMERS: No registered speakers on this item. HEARING

EXAMINER DICKMAN: No registered speakers? Nobody on line?

MR. SUMMERS: (Shakes head.)

HEARING EXAMINER DICKMAN: Nobody online. Okay. Well, great presentation. Thank you for that.

It's pretty straightforward. And unless you have something else or the County has anything else, I'll get a decision out as quickly as possible.

MS. EMBLIDGE: Okay. I don't have anything else. HEARING

EXAMINER DICKMAN: Okay. Thank

you for being here. Nice presentation.

All right. Moving right along. Let's see here. So I'm going paperless. This is a new day for me, I'm going paperless, so bear with me while I switch into another file. All right, 3C.

MS. ESTRADA: ***Good afternoon, Mr. Dickman. For the record, Maria Estrada, Planner II, in the Zoning division.

Before you is Agenda Item 3C. It's for a Petition No. PL20250001009. This is a request for a nonconforming use alteration pursuant to LDC Section 9.03.03.B to reduce the required 7.5-foot side setback on the north property line to 7.2 for the renovation of an existing patio and to add a storage shed that will meet current setbacks.

The property is approximately .16 acres and is located in the Newmarket subdivision, Block 43, Lot 13 and 14, also known as 119 Jefferson Avenue East, Naples, Florida, in Section 03, Township 47 South, Range 29 East, Collier County, Florida.

The petition was reviewed by staff based upon the review criteria contained within LDC Section 9.0.3.03.B.5, a through f, and staff believes this petition is consistent with the review criteria in the LDC as well as with the GMP.

With respect to the public notice requirements, they were compiled with as per LDC Section 10.03.06.B. The property owner notification letter and newspaper ad were taken care of by the County on January 23rd, 2026, and the public hearing signs were placed by staff on January 28th, 2026.

I received no public -- public comment pertaining to this petition; therefore, in accordance with the attachments

to the staff report, staff recommends approval. And this concludes staff's presentation.

HEARING EXAMINER DICKMAN: Okay. Thank you very much.

Is the applicant here?

MS. ESTRADA: Yes.

HEARING EXAMINER DICKMAN: Come on up. Hi.

MS. STACY GONZALEZ: Hi.

HEARING EXAMINER DICKMAN: There you go. MS.

LAURA GONZALEZ: Hey.

HEARING EXAMINER DICKMAN: Hello. And your name, please?

MS. LAURA GONZALEZ: My name is Laura Gonzalez. This is my daughter, Stacy Gonzalez.

HEARING EXAMINER DICKMAN: Okay.

MS. LAURA GONZALEZ: And we -- I'm the owner of 119 Jefferson Avenue.

HEARING EXAMINER DICKMAN: Okay, great. All right. I always love it when people come here by themselves, are not afraid.

Good. Go ahead.

MS. STACY GONZALEZ: The house was built in 1960. The porch was preexisting before my parents bought it for me and my son. Due to the condition of the porch, I did fix it to bring it up to code with County to make it safe for me and my son, but we did not know about the setbacks of the zone --

HEARING EXAMINER DICKMAN: Um-hmm. MS. STACY GONZALEZ: -- of the 7.5 to 7.3 or .2.

So we're asking that they approve of the setbacks we have

now compared to the ones that you're asking for.

HEARING EXAMINER DICKMAN: Okay. Anything else? That's it.

MS. STACY GONZALEZ: Oh, and the shed, the shed will meet setbacks. It's not on the property yet. We're asking to get a permit to move it onto the property so we can use it for storage.

HEARING EXAMINER DICKMAN: Okay. All right. So it's the front yard and then the shed?

MS. LAURA GONZALEZ: No, backyard. HEARING EXAMINER DICKMAN: Backyard and then the shed. Okay. Gotcha.

MS. LAURA GONZALEZ: Yes. The porch was already there built before we bought it, so it was from the previous owners.

HEARING EXAMINER DICKMAN: Gotcha. Okay. So that's the existing, but then you want to also do the shed as well?

MS. LAURA GONZALEZ: Yes.

MS. STACY GONZALEZ: Yes.

HEARING EXAMINER DICKMAN: All right. Great.

Let's go see if there's anyone from the public here. Anybody here signed up to speak?

MR. SUMMERS: No.

HEARING EXAMINER DICKMAN: Online at all? Okay. No public -- hold on. There is somebody here. Sorry.

If anyone's going to be a speaker and if you filled out a speaker's card, please hand it to this gentleman here ahead of time, please.

Hello.

MS. BOTELLO: Hello.

HEARING EXAMINER DICKMAN: Hello, ma'am.

Your name, please?

MS. BOTELLO: Rita Botello, and I live next door to where their property's at.

THE COURT REPORTER: Can you state your name again?

HEARING EXAMINER DICKMAN: Yeah, your name.

MS. BOTELLO: Yeah, Rita Botello. Rita Botello. HEARING EXAMINER DICKMAN: Can you spell that, please, the last name?

MS. BOTELLO: R-i-t-a. Botello is B-o-t-e-l-l-o. HEARING

EXAMINER DICKMAN: And your address?

MS. BOTELLO: 115 Jefferson Avenue -- HEARING EXAMINER DICKMAN: Okay.

MS. BOTELLO: -- East.

HEARING EXAMINER DICKMAN: And so you're their neighbors?

MS. BOTELLO: Yes.

HEARING EXAMINER DICKMAN: Okay, great. What would you like to say?

MS. BOTELLO: Well, I just don't have no problem for them keeping that --

HEARING EXAMINER DICKMAN: Okay.

MS. BOTELLO: -- as long as it doesn't have anything to do that they have to tell me, no, you've got to move your fence or anything, you know. So I'm not -- I'm good with it. HEARING

EXAMINER DICKMAN: So you're

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long, but --

HEARING EXAMINER DICKMAN: I always try to promote --

MS. LAURA GONZALEZ: -- you know, but it's going, and we got everything done, so...

HEARING EXAMINER DICKMAN: All right. Well, I love my brothers and sisters in the legal field, but I always think that this is a great thing that the regular public can just do this kind of thing without having to -- that's what the Hearing Examiner was set up for were these things, so great. I'm glad you had a good experience.

MS. LAURA GONZALEZ: Thank you.

HEARING EXAMINER DICKMAN: I will get a decision out as soon as I can, so thank you for being here.

MS. LAURA GONZALEZ: Thank you.

MS. STACY GONZALEZ: Thank you. HEARING EXAMINER DICKMAN: All right. Thank you.

***So we're going to 3D. Moving right along. MS. DeJOHN: Good afternoon, Mr. Dickman. THE COURT REPORTER: Were you sworn in? MS. DeJOHN: Yeah, I did not swear in.

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

MS. DeJOHN: I do.

And good afternoon. I am Laura DeJohn here -- certified planner working on behalf of Collier County in assisting with the staff review activities, so I will be standing as if Collier County staff person this afternoon talking to you about Item No. 3D, which is the 569

Portsmouth Court variance request.

This request is for -- actually, it's a bundle of three variances that were only discovered as we went through the primary request.

The primary request is to build a garage that encroaches in the front-yard setback by 9.6 feet. The front-yard setback requirement is 25 feet, and they seek to do a garage addition that would be 15.4 feet from the front property line.

In the course of review, we discovered the side of the building encroaches .2 feet into the side setback, so this bundled request includes allowing the new garage to also align in -- with a variance to allow 7.3 feet from the east property line instead of 7.5 in an after-the-fact variance recognizing and memorializing that the building was built and that the truth is that it's encroaching .2 feet into the -- the entire side yard of the east property line.

HEARING EXAMINER DICKMAN: Okay.

MS. DeJOHN: And it's been existing that way. It was unbeknownst to anyone until the latest, greatest survey technology revealed that.

So this is within a PUD, the Audubon Country Club Planned Unit Development. There have been no public inquiries that came to my attention on this item.

The hearing notice has been accomplished with the agent sending their required letter to property owners within 150 feet noticing of this request back on July 28th, 2025. The sign went up on the property by staff on January 28th, 2026. The notice was also in the newspaper about this Hearing Examiner hearing. And we've reviewed the variance request against the

applicable criteria in the Land Development Code, and the request can be found to satisfy criteria.

We are recommending approval in accordance with Attachment A to the staff report, which is the concept plan delineating the proposed new garage and the encroachments that I mentioned.

HEARING EXAMINER DICKMAN: Okay. That's it?

Thank you. Appreciate it.

Is the applicant here?

Hi, sir.

MR. BROGDON: Good afternoon. For the record, Mr. Dickman, my name is David Brogdon, B-r-o-g-d-o-n, with Green Mount Builders applying on behalf of the property owner, Mr. Gerhard Albrecht.

HEARING EXAMINER DICKMAN: Okay.

MR. BROGDON: We appreciate the august panel, the staff, and the illustrious planner who represents -- the presentation was on point, and we appreciate the recommendation.

We really have nothing to add to that. We don't need to see any -- any slides or PowerPoint presentations. It's a very simple thing. You know, the 30-year-old house, 30-plus-year-old house, that kind of threw us. But it's a very simple request. We appreciate -- we do have HOA approval from Audubon.

HEARING EXAMINER DICKMAN: Yeah, I wanted to mention that. So I see that as Attachment B is the Audubon Country Club Foundation, Inc. I guess they went through the HOA process to --

MR. BROGDON: Yes.

HEARING EXAMINER DICKMAN: -- to get

approval prior to -- okay.

MR. BROGDON: Exactly, yes. And, you know, obviously the PUD and the private roads and so forth and so on.

So we certainly experienced no hardship as it relates to the meeting rescheduling for the date and time, and we certainly want to move forward with that.

HEARING EXAMINER DICKMAN: Okay.

MR. BROGDON: The staff gave plenty of notice, and we were able to update those notices as well.

Any questions?

HEARING EXAMINER DICKMAN: I do -- I do notice that the lot is a bit irregular --

MR. BROGDON: Yes.

HEARING EXAMINER DICKMAN: -- so I can see how possibly the structure originally, you know, slipped a little into the side-yard setback. And as Ms. DeJohn mentioned, you know, surveying has progressively gotten better and better, more precise and precise. So the bottom -- in a nutshell, basically, they came to you to build an addition to the garage. You knew -- they knew that there was going to have to be a variance for the front, but --

MR. BROGDON: Yes, sir.

HEARING EXAMINER DICKMAN: -- but then upon, you know, looking at the requested documents that you have to file, the surveys, it revealed another one.

MR. BROGDON: Yes.

HEARING EXAMINER DICKMAN: So they're all together, all three together.

MR. BROGDON: Yes, bundled. Yes, sir. HEARING

EXAMINER DICKMAN: Okay, great.

MR. BROGDON: Yes, sir.

HEARING EXAMINER DICKMAN: Any speakers signed up for this?

MR. SUMMERS: None in person or online. HEARING

EXAMINER DICKMAN: Okay. All

right. Anything else from the County on this one?

MS. DeJOHN: No.

MR. BROGDON: Thank you very much. HEARING EXAMINER

DICKMAN: Anything else

from you?

MR. BROGDON: No, just we appreciate it. It's been a delightful process.

HEARING EXAMINER DICKMAN: All right, great.

Thanks for being here on a Friday afternoon, and the County does -- we always appreciate -- you know, I'm sure they like to hear feedback.

All right. We'll move to the next item. Let me open that file up real quick.

MS. DeJOHN: I'm going to close you out this afternoon, so this is --

HEARING EXAMINER DICKMAN: Oh, you've got the last three?

MS. DeJOHN: I do.

HEARING EXAMINER DICKMAN: Okay. Good for you.

MS. DeJOHN: ***This is Item -- again, Laura DeJohn on behalf of Collier County. Item 3E is the Santa Barbara Lot 1 access insubstantial change, or PDI.

This request is specific to the Shoppes at Santa Barbara Mixed-Use Planned Development. The request is to add a single access point on the PUD master plan along Santa

Barbara Boulevard by amending Section 5.3 of the PUD, adding transportation commitments for the outparcel identified as Lot 1 of the Altis Santa Barbara subdivision. And we're talking about property located at 4706 Santa Barbara Boulevard. It's a 2.4-acre outparcel in an 18.1-acre PUD at the northeast quadrant of Santa Barbara and Davis Boulevard.

I have had no public inquiries on this item. Hearing notice has been accomplished. There was originally a NIM held. A neighborhood information meeting was held by the applicant on December 1st, 2025, at the South Regional Library. One person attended that meeting and had just general interest in what the request was and had no objections or concerns.

A sign on the property has gone up prior to this Hearing Examiner hearing. The sign was up and then updated to reflect the February 13th meeting date.

Notices in the newspaper and letters to property owners within 500 feet were done by Collier County in advance of the hearing.

We have reviewed the application against the criteria for an insubstantial change to a PUD. The proposed driveway can be found to satisfy the criteria that apply here. We also, when we're doing a PDI, go back and verify the findings that were associated with the last PUD approval are still effective and not being compromised, and we did that review.

Transportation staff has been very involved in this request. There are some transportation-related conditions being added. You'll -- so we are recommending approval subject to

the revised master plan and the additional transportation commitments found in Attachment A to the staff report.

HEARING EXAMINER DICKMAN: Okay. All right. So -- okay. So just to put a pin in it, you-all at County has determined that this is an insubstantial, not a substantial change, correct?

MS. DeJOHN: (Nods head.)

HEARING EXAMINER DICKMAN: And it has to do with basically an ingress/egress issue?

MS. DeJOHN: Yes, the addition of the new driveway along Santa Barbara.

HEARING EXAMINER DICKMAN: Gotcha. For Lot 1 of the entire PUD.

MS. DeJOHN: Yeah. And as a condition of that new connection point, the condition language speaks to this inter -- more interconnectivity proposed within the PUD itself.

HEARING EXAMINER DICKMAN: Gotcha. All right. Thank you very much.

MS. DeJOHN: Thank you very much.

HEARING EXAMINER DICKMAN: And the applicant's here? Oh, Mr. Yovanovich.

MR. YOVANOVICH: Do you have the presentation? Oh, good. If you'll just go to the first slide.

Mr. Dickman, for the record, Rich Yovanovich. I'm going to just do a brief overview because Laura did an excellent job. I don't know if there's anybody from the -- sorry.

HEARING EXAMINER DICKMAN: Green.

MR. YOVANOVICH: I'm used to it automatically being on. Again, for the record, Rich Yovanovich on behalf

of the petitioner.

I'll just do brief overview, but if you want any detailed discussion, our civil engineer is here, Travis, and our representative, Dailyn, is here from the property owner.

As you can see on this first slide, the red area is the portion of the project in question. If we'll go to the last slide. Go to our presentation. Keep going all the way to the end. One more.

MR. SUMMERS: Hold on.

MR. YOVANOVICH: Sorry.

HEARING EXAMINER DICKMAN: I'll speed read. MR.

YOVANOVICH: Well, I mean, essentially what we're doing -- whoops -- as you can see, there's the -- highlighted in gray, that's the additional access point and the taper that we're requesting, and we moved the line.

HEARING EXAMINER DICKMAN: Right in here.

MR. YOVANOVICH: Right there, that's it. That's the additional access point and taper on Santa Barbara. And the original master plan had -- where you see the commercial parcel labeled C, there's actually an access point that goes directly to that parcel, but it's on that parcel, and the prior line was -- actually, showed that access point on Lot 1, which was incorrect. So we're correcting the master plan --

HEARING EXAMINER DICKMAN: Okay.

MR. YOVANOVICH: -- to accurately reflect where the commercial par- -- the existing 7-Eleven is, that parcel, and adding that other access point.

HEARING EXAMINER DICKMAN: So this is going to be basically a decel lane.

MR. YOVANOVICH: Correct, yep.

HEARING EXAMINER DICKMAN: Okay. And

right turn in.

MR. YOVANOVICH: Right, it's a right turn in. We worked with staff, came up with appropriate conditions for interconnection with the 7-Eleven and if there are ever any safety issues with that interconnection on how to address those. So that's what those traffic-related conditions are being added to the PUD.

HEARING EXAMINER DICKMAN: Okay.

MR. YOVANOVICH: And that's the overview. If you need any further testimony, we're happy to provide that. And we, too, are comfortable going forward today --

HEARING EXAMINER DICKMAN: Thank you. MR.

YOVANOVICH: -- with the presentation. HEARING

EXAMINER DICKMAN: Okay, great.

Thank you very much.

Anybody signed up to speak on this item?

MR. SUMMERS: Not here or online.

HEARING EXAMINER DICKMAN: Hmm. Okay.

Anything else from the County?

MR. BOSI: Nothing more from the County. HEARING

EXAMINER DICKMAN: Okay. Thanks very much. Good to see you.

MR. YOVANOVICH: Happy Friday the 13th. HEARING EXAMINER

DICKMAN: Yeah. I'm not superstitious.

MR. YOVANOVICH: I am.

HEARING EXAMINER DICKMAN: Have a nice day.

MR. YOVANOVICH: Thanks.

HEARING EXAMINER DICKMAN: All right. We're moving on to the last item, I believe, right?

MS. DeJOHN: Yes.

HEARING EXAMINER DICKMAN: Last but not least.

MS. DeJOHN: ***Okay. Good afternoon, Laura

DeJohn on behalf of Collier County, assisting with the staff review.

This is Item 3F, Excelsior emergency access insubstantial change or PDI to the Briarwood Planned Unit Development.

This is a request for insubstantial change to Briarwood Planned Unit Development to revise the PUD master plan by adding an emergency-only access point along Radio Road for property designated on the PUD master plan as Tract A, multifamily tract, also identified as Tract B-2 in the Briarwood Unit 1 subdivision. And additional commitment language is being added specific to this Radio Road access point to clarify it is for emergency access only.

The site we're talking about is along Radio Road. It's 3.34 acres. It sits just east of the Briarwood Boulevard main access road on Radio, and so it's really right between Briarwood Boulevard and the access into Maplewood community, which is Sherbrook Drive.

The -- I just want to make clear that the proposed use here of multifamily dwellings is already an established allowable use in the PUD, and the reason you're hearing an insubstantial change today is specific to the allowance of adding an access point along Radio Road.

I have gotten some inquiries. Maplewood residents and Briarwood residents have reached out to learn more about what the request is and to learn what the development could be on that site, which I mentioned is multifamily dwellings

on the site.

There was a gentleman who specifically left a message saying he could not be in attendance today, and his wishes for the property were that it could -- and he's a Briarwood resident. He wishes that the property could be a community-oriented use, and he shared that and that he could not be here today.

HEARING EXAMINER DICKMAN: Um-hmm.

MS. DeJOHN: Now, as far as notice, two neighborhood information meetings were held. The first was held despite figuring out that there was a flaw with the timing of the advertisement, so the advertisement was in the paper a couple days late. The meeting was still held. Two members of the public did make it to that meeting, so information was shared with the public at that meeting on October 29th, 2025, but a second and fully advertised neighborhood meeting was held again on November 5th, 2025. Two more members of the public attended that meeting and got information on the request. So November 5th, 2025, is the neighborhood meeting of record that was duly noticed and advertised.

The sign has been posted on the property to notify of this Hearing Examiner hearing with the update of the February 13th date 3 o'clock time.

And this meeting has also been noticed by the County in the newspaper, and letters have been mailed by the County to property owners within 500 feet of the site.

Staff has reviewed this PDI request against those criteria that apply for defining this as an insubstantial change to a PUD. It meets the criteria for insubstantial change.

The review of past -- community review criteria are included in your backup material to verify that this doesn't alter the past findings of the PUD review criteria.

And the proposed emergency access can be found to satisfy criteria that are applicable. Staff recommends approval subject to the revised PUD master plan and included exhibit that zeros in on this property to show the emergency access in detail and the added language in Section 4.6 of the PUD that recognizes this access drive is for ingress and egress of emergency vehicles only. Those materials are in your Attachment A to the staff report.

HEARING EXAMINER DICKMAN: Okay. So just to reiterate, the PUD is already zoned for the density that it's already zoned. That's not changing.

MS. DeJOHN: Correct.

HEARING EXAMINER DICKMAN: None of the -- not the -- none of the density is going to change. This is really just for the access point, correct?

MS. DeJOHN: Right. We saw an access point request right before this item. You're seeing an access point --

HEARING EXAMINER DICKMAN: Same thing. MS. DeJOHN: -- request again. On this case it's an emergency-only access point along Radio Road.

HEARING EXAMINER DICKMAN: Okay. All right. Just -- I just like to -- sometimes these sound a little redundant, but I just like to get them on the record because -- and you mentioned the fact that none of the original -- the hearing that set this PUD in place, none of the original analysis and all that is being upended or changed or anything like that. That's what puts it into my jurisdiction. So that's why I'm -- it's coming to me and not to the

Planning Commission.

MS. DeJOHN: Correct.

HEARING EXAMINER DICKMAN: Okay, great. All right, great. Thank you very much. Is the applicant here, or applicant's representative?

MR. WRIGHT: Good afternoon.

HEARING EXAMINER DICKMAN: Hi.

MR. WRIGHT: I'm Jeff Wright with the Henderson Franklin law firm here on behalf of the applicant for this item. And with me today, we have the owner, Bill Spinelli, and also your engineer, Gary Butler.

We're here to request an insubstantial change -- some of this is redundant from what Laura said --

HEARING EXAMINER DICKMAN: That's okay.

MR. WRIGHT: -- to the Briarwood PUD. The only change is to add an emergency access point. And in order to accomplish that -- and I would refer you to -- this is part of it, but Attachment 2 to the staff report contains all the changes. And I'll enumerate them for you.

The four changes that are necessary to get an emergency-only access point into a PUD are, No. 1, amend the master plan to show the access point; No. 2, as Laura indicated, amend Section 4.6 of the PUD to have text relating to the access point.

HEARING EXAMINER DICKMAN: Okay.

MR. WRIGHT: Third is to add an exhibit, the one that was just on the screen, the detail of the access point. That's going to be the new Exhibit A-4 to the PUD. And the fourth thing is kind of cosmetic, but since we're adding an exhibit, we have to update the exhibit list.

So there's one line to add that exhibit. So four pages of items that are being amended

to accomplish this emergency access point.

HEARING EXAMINER DICKMAN: Right. Some graphic, some textual, right?

MR. WRIGHT: Yes, exactly.

HEARING EXAMINER DICKMAN: Okay. Gotcha. Did your slide disappear or -- sorry. I just wanted to get that back up if possible. I mean, I have it. So the -- what is the purpose -- I mean, I know it's an emergency access, but what is triggering that? Is there --

MR. WRIGHT: That's a great question. As Laura indicated, the owner has a right to build multifamily here.

HEARING EXAMINER DICKMAN: Yes.

MR. WRIGHT: And the number that he has a right to build there is 70 units.

HEARING EXAMINER DICKMAN: Okay.

MR. WRIGHT: So he went to exercise that right and filed an application for an SDP. And during the SDP review, the fire department said, "You need an emergency-only access point here."

HEARING EXAMINER DICKMAN: Okay. So the site -- SDP, Site Development Plan --

MR. WRIGHT: Yes.

HEARING EXAMINER DICKMAN: -- is an administrative process, right?

MR. WRIGHT: Yes.

HEARING EXAMINER DICKMAN: And so during that administrative process, all the different departments in the County get to look at it and weigh in on it and say what their issues are, right?

MR. WRIGHT: Exactly.

HEARING EXAMINER DICKMAN: And so one of

the issues came from Fire Rescue?

MR. WRIGHT: Yes.

HEARING EXAMINER DICKMAN: And they said we need an emergency access there; is that a fair statement?

MR. WRIGHT: Exactly.

HEARING EXAMINER DICKMAN: Okay.

MR. WRIGHT: So that was from the Greater Naples Fire District.

HEARING EXAMINER DICKMAN: Okay.

MR. WRIGHT: And they said, you need -- and it sounds easy, but Zoning said in order to do that, you've got to get a PDI.

HEARING EXAMINER DICKMAN: All right. MR. WRIGHT: And that's why we're here today. We've reviewed the staff report. We agree with their

recommendation. Like I said, and Laura hinted at, it's a very simple request, relatively simple. No conditions of approval, no deviations. We've gotten some questions and comments from the neighbors but no known opposition to this request.

No traffic impacts, no increase in density, no boundary changes. It meets all the criteria that are applicable in the LDC.

HEARING EXAMINER DICKMAN: So this is a '95 -- 1995 PUD, right?

MR. WRIGHT: Yes.

HEARING EXAMINER DICKMAN: From --

MR. WRIGHT: And, actually, there's been a bunch of iterations. It goes back to '76.

HEARING EXAMINER DICKMAN: Okay.

MR. WRIGHT: But several repeals. The active PUD

ordinance is 95-33, as amended.

HEARING EXAMINER DICKMAN: Okay. MR. WRIGHT: 2017.

HEARING EXAMINER DICKMAN: For some reason at that point Fire Rescue, things changed, and now they're saying, you know, in order to exercise your right for the development of those residential units, you need to install this emergency exit.

MR. WRIGHT: Exactly. Things change. It was a regulation that's gotten a little more strict. The good news is that it should be safer.

HEARING EXAMINER DICKMAN: Okay. All right. Is that it?

MR. WRIGHT: That's it. We have our team here if you have any questions.

HEARING EXAMINER DICKMAN: Okay.

MR. WRIGHT: And we appreciate staff and your consideration.

HEARING EXAMINER DICKMAN: All right.

MR. WRIGHT: Thank you.

HEARING EXAMINER DICKMAN: Well, I'll let you have some time for rebuttal if necessary.

Anyone signed up to speak here?

MR. SUMMERS: No one has registered online or in person.

HEARING EXAMINER DICKMAN: Is anyone here to speak on this item?

(No response.)

HEARING EXAMINER DICKMAN: Okay. All right. Anything else from the County?

(No response.)

HEARING EXAMINER DICKMAN: Did I get that story right, that basically this is an administrative process and then boom, the fire department said --

MR. BOSI: Correct. The fire districts are not part of the County. Their own independent districts have made it a point that every site that they review from a commercial standpoint or a multifamily standpoint, they want to see two access points. So emergency access points have -- are being frequently requested within PDIs, so we accommodate, but it does take a little bit of time.

HEARING EXAMINER DICKMAN: Yeah. And so -- interestingly, so the County has mosquito districts, fire districts, and these are all different governmental entities, but they are also part of the review process that you have to go through. Just like schools are Collier County, per se, but they're Collier County School Board. They would, from time to time, weigh in on things, right?

MR. BOSI: On all of our -- all of our plats and SDPs, they weigh in. They weigh in on our enabling zoning actions as well.

HEARING EXAMINER DICKMAN: Okay. Mr. Wright, can I just get one more question to you, if I [sic] don't mind. There was a question earlier today of -- obviously, you know, we had to change the date. You know about that. From time to time that happens. You have no problem going forward with this?

MR. WRIGHT: No problem at all.

HEARING EXAMINER DICKMAN: Okay, great. I want to get that on the record.

MR. WRIGHT: Thank you.

HEARING EXAMINER DICKMAN: Okay. Once

again, anybody to speak on this?

(No response.)

HEARING EXAMINER DICKMAN: Okay. Going once, going twice. The public hearing is closed. This is pretty straightforward.

I appreciate you-all being here.

Anything else? New business? Old business?

MR. BOSI: Nothing from the County.

HEARING EXAMINER DICKMAN: Okay. I want to thank everyone for coming out today. I apologize for having to change it from Thursday. Typically they're Thursday afternoon.

And I'm sorry it's Friday afternoon. It's probably not the most exciting thing to do on a Friday afternoon, but I like to think it's kind of exciting. And I wish you-all a great Valentine's Day and enjoy the weekend. We are closed.

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 4:08 p.m.

COLLIER COUNTY HEARING EXAMINER



ANDREW DICKMAN, HEARING EXAMINER

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

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