

December 11, 2025

TRANSCRIPT OF THE MEETING OF THE COLLIER
COUNTY HEARING EXAMINER

Naples, Florida, December 11, 2025

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 1:02 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
Timothy Finn, Planner III, (via Zoom)
Maria Estrada, Planner II
Ailyn Padron, Management Analyst I

December 11, 2025

HEARING EXAMINER DICKMAN: Good afternoon, everyone. My name's Andrew Dickman. I'm the Hearing Examiner for Collier County. Today is December 11th, 2025. It's 1 p.m. or, actually, slightly thereafter, 1:02. I apologize for the delay.

We'll call this meeting to order, and if everyone will please stand me and join me for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER DICKMAN: And I'm going to apologize ahead of time. I have a little residual cough from whatever I caught. So I apologize ahead of time if I cough. It's just hanging on there. It will be gone soon. I'm not sick or contagious, I promise.

So again, my name's Andrew Dickman. I'm a Florida Bar attorney. I've been retained by the Board of County Commissioners here in Collier County to fulfill the duties of the Hearing Examiner as expressed in the Code of Ordinances for the types of petitions that are directed to the Hearing Examiner.

My job is to be here as a neutral decision-maker. I'm not a county employee, as I stated. I'm here to weigh the facts, the evidence, competent substantial evidence, to hear from the public, to hear from the County, to hear from the applicant or the applicant's representative, and to render a decision within 30 days.

I do not render decisions here today. I take all the information at the end of the hearings, close the hearing, and then that's the last bit of information I will have, and I will prepare a written decision and send that out.

As I said, I am a neutral decision-maker. I do not meet with applicants ahead of time. I do not meet with the public ahead of time. I do not even meet with the County ahead of time.

I have reviewed all the information that's available online to the public. All the information, the backup documents, I've reviewed all that. So this is really the last stop, where, if there's anything new that

I need to hear about, you know, I can hear about it from the County or the public or the applicant and get any -- any questions answered that I may have and also just to finalize the record.

We do have a court reporter here who's going to transcribe everything verbatim, so it's important that we all try to speak clearly. When you come up to the podium, please announce your name and who you are and your address so that we get that on the record. Let's all try to avoid talking over one another, because then it makes it difficult for her to transcribe what we're saying.

The procedure that I like to follow is have the county planner, who's been assigned to the petition, introduce the item at this podium and go over it, tell me a little bit about it, tell the public a little bit about it. I already know about it, but I want to get it on the record, and any recommendations or conditions that they may be offering up.

At that point, then we'll switch to the applicant or the applicant's representative over at the other podium, and they will go through their case in chief. Typically they have a PowerPoint. And then we'll go to -- we'll go to public comment. I will give the applicant or the applicant's representative time for rebuttal if it's necessary.

This is a hybrid meeting. The County has set up this wonderful room with some very good state-of-the-art technology. And when I say "hybrid," it means that there may be -- and, in fact, there are. I know for a fact there's at least one planner that's going to be appearing via Zoom. So it's a nice -- it's a nice thing that the County's offering to individuals who may not -- the public or anyone who may not be able to attend here today.

But if you're here in person and you want to speak, please fill out a speaker card over here on this table and provide it to this young lady over here who's kind of in our command center over here so we can get that into the record as well.

This is an informal hearing, while it's still an official

quasi-judicial hearing, and I will be running the hearing. I want you all to relax. If you're nervous speaking in public, please don't be. I want to hear everything that you have to say. I would ask that you try to direct it towards the issues and the criteria that I have to look at in terms of approval or disapproval for whatever item it is.

But really, this is not -- we're not in the Commission chambers. We're here in a room. So just relax. It's more important for me that you convey whatever information it is you have come here today to convey and get that out on the record and -- so that it -- that we can have that -- I can have that information as I deliberate after this hearing. So please relax and enjoy yourself while you're here. There's no criticisms.

So if you see me looking away or looking down, please don't be offended, because I frequently will be looking at some documents that I have. It's no offense. I tend to -- I usually like to look at everybody while they're talking, but sometimes I want to look at some documents at the same time. So I want to put that out there right away.

So if you have any -- if you need to have a conversation with anybody you're sitting with or you have a phone call you have to make, please do it out in the hallway. The acoustics in here are remarkably good, so it's really hard for me to concentrate if I hear somebody talking in the audience, so please just step outside; that would be very much appreciated.

So with that, one final thing is that if anyone is going to testify here today, they need to do so under oath. So for all the items, if you're here to testify, speaking to me, please stand, raise your right hand, and I will ask our court reporter to 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: All right. Thanks very much, everyone.

So we have -- let's see, 1, 2, 3, 4, 5. Are there any changes to this agenda, or are we going to just follow it straight through 3A through 3E?

MR. BOSI: Mike Bosi, Planning and Zoning director. No changes.

HEARING EXAMINER DICKMAN: Okay, great. So let's just start off with 3A. We'll get started on that one.

MR. FINN: For the record, I'm Timothy Finn, Planner III.

This is for Petition No. CUPL20250000338. This is for a request for approval of a conditional use for Sarabi Investments, LLC, to allow for coin-operated amusement devices, SIC 7993, to be known as 777 Arcade, consisting of video vending machines pursuant to Subsection 2.03.03.C.1.C.5 of the Collier County Land Development Code located at 4075 Pine Ridge Road Unit 6 and 7 in Section 17, Township 49 South, Range 26 East, Collier County, Florida.

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

The applicant has complied with all hearing notices by our operations staff. The advertisements and mailers went out on November the 21st. The hearing advertisements and property signage were constructed at the property by the applicant per the affidavit -- affidavit of posting included in Attachment D of the backup materials.

And that concludes my presentation.

HEARING EXAMINER DICKMAN: Okay. Thank you, Tim. I appreciate that.

Hi. How are you? You're already here.

MS. HANSEN: I am here. We do have a presentation. I'm not sure if --

HEARING EXAMINER DICKMAN: Yes. So the way that works is you just have to say "next slide," and she'll advance it for you.

MS. HANSEN: Sure. Understood. Thank you.

HEARING EXAMINER DICKMAN: Who are you?

MS. HANSEN: For the record, my name is Rachel Hansen. I'm a certified planner with the Neighborhood Company here on behalf of the petitioner --

HEARING EXAMINER DICKMAN: Rachel.

MS. HANSEN: -- which is Sarabi Investments, LLC. HEARING

EXAMINER DICKMAN: Can you please, just so I can qualify you as an expert, give me a little bit of a background who you are --

MS. HANSEN: Sure.

HEARING EXAMINER DICKMAN: -- and your education, experience, things like that.

MS. HANSEN: Yeah, absolutely. I have a master's degree in community and economic development from Western Illinois University. I worked for four years as a planner, actually, for Collier County in Comprehensive Planning. I have held my AICP for two years and have worked for two years with the Neighborhood Company.

HEARING EXAMINER DICKMAN: Fantastic. You are an expert. Go ahead.

MS. HANSEN: Thank you.

Next slide, please.

So like I said, I am the land-use planner for this project. The applicant is Sarabi Investments, LLC. We are here today to request a conditional use to permit SIC 7993, coin-operated amusement

devices. The proposed project will consist of video vending machines in compliance with all state regulations.

Next slide.

So just a little bit about the subject property. What we're talking about is Units 6 and 7 within the existing shops at 951 shopping center, which is located at Pine Ridge Road and Collier Boulevard.

The Future Land Use Element designation is Estates Mixed Use District, and it is within an existing neighborhood center subdistrict. The existing zoning is C-3. The shopping center is just shy of 25,000 square feet, and the surrounding uses are a mix of commercial and residential. Of note, the property immediately to the north is zoned for a Dunkin Donuts that has yet to be developed.

Next slide.

So this is an aerial of the subject property. The full shopping center is outlined in yellow, and you can see it's located in the northwest quadrant of the intersection.

Next slide.

This is from the most recent approved SDP, Site Development Plan, for the shopping center. So in yellow are Units 6 and 7 where the Arcade 777 will be located. The existing -- there's an existing Type B buffer to the north, Type A buffer to the east, and a standard 20-foot Type D buffer against the right-of-way. We're proposing no changes to any of the external buffers, none of the development standards, and this use will obviously be internal to the existing shopping center.

Next slide.

So some compatibility considerations. We're requesting no amplified sound/ amplified music. Entrance is restricted to customers 21 and over. The total capacity is limited to 50 people. Like I said before, the project is located entirely within the existing shopping center. And so with that, we really anticipate no impact on the site's

overall compatibility with the surrounding area.

And something else I wanted to mention, too, is that this type of use is fairly prevalent throughout Collier County. These exist primarily in shopping centers like this one. And to the best of our knowledge, also staff's knowledge, these have not been a code enforcement problem or a nuisance.

HEARING EXAMINER DICKMAN: Yeah. And I was going to say, I know you go by the SIC codes, which label, what they are --

MS. HANSEN: Sure.

HEARING EXAMINER DICKMAN: -- but, you know, in today's day and age, I'm not even sure they're coin operated.

MS. HANSEN: Yeah.

HEARING EXAMINER DICKMAN: They may have other ways.

MS. HANSEN: Referred more to as a video vending machine. That's the prop -- the more accurate term, yeah.

HEARING EXAMINER DICKMAN: Okay, gotcha. MS. HANSEN: Yeah.

HEARING EXAMINER DICKMAN: It's not the pinball machines that I used to play with.

MS. HANSEN: Right. It's not a Chuck E. Cheese, sure. HEARING EXAMINER DICKMAN: I'm dated.

MS. HANSEN: Next slide, please.

We have been found consistent, like Tim said, with the Land

Development Code criteria for conditional uses. We are also consistent with the urban sub-element of the Golden Gate Area Master Plan. We are located within an existing neighborhood center, which is where the Golden Gate Area Master Plan directs new commercial activity.

Next slide.

And with that, we respectfully request approval from the

Hearing Examiner consistent with staff's recommendation of approval.

HEARING EXAMINER DICKMAN: Yeah. That was a very good presentation. You obviously got some great training here at the County.

MS. HANSEN: Thank you.

HEARING EXAMINER DICKMAN: Congratulations from graduating from the Collier County School of Planning.

MS. HANSEN: Thank you.

HEARING EXAMINER DICKMAN: Why don't we see if there's any public comment and go from there.

MS. HANSEN: Sure. Absolutely. Thank you. HEARING EXAMINER DICKMAN: Anybody sign up to speak on this item?

MS. PADRON: Yes. We have two in-person speakers. HEARING

EXAMINER DICKMAN: Oh, great. Come on up. MS. PADRON: Our first speaker is Mary Tatigian. HEARING EXAMINER DICKMAN: Good afternoon.

MS. TATIGIAN: Good afternoon and thank you. Again, my name is Mary Tatigian.

HEARING EXAMINER DICKMAN: Tatigian.

MS. TATIGIAN: I'm sorry?

HEARING EXAMINER DICKMAN: Can you spell that for me?

MS. TATIGIAN: Yeah. T-a-t-i-g-i-a-n. I'm a resident of Naples for 40 years.

HEARING EXAMINER DICKMAN: Okay.

MS. TATIGIAN: And I've lived on 7th Avenue Southwest, which is directly behind where the adult arcade is going to be established, and I've lived there for 25 years.

I'm here today to strongly oppose the operation of the adult

arcade currently under review.

HEARING EXAMINER DICKMAN: Why are you referring to it as an adult arcade?

MS. TATIGIAN: Well, adults are 21 and older.

HEARING EXAMINER DICKMAN: Okay.

MS. TATIGIAN: So it's not for children.

HEARING EXAMINER DICKMAN: Okay.

MS. TATIGIAN: Yeah.

HEARING EXAMINER DICKMAN: All right.

MS. TATIGIAN: So there is a difference. It's not a Chuck E.

Cheese, so...

The facility poses a direct threat to safety, integrity, and character of our community.

Public safety concerns: Since January, there have been 13 documented calls to the Collier County Sheriff's Office all occurring between midnight and 5 a.m. This pattern of late-night disturbances demonstrates the facility's connection to crime, drugs, and public safety hazards. Introducing -- or permitting such operation in residential areas is unacceptable.

There's also an impact on families and children. The neighborhoods surrounding this facility are home to families, who -- and children who deserve safe, peaceful environments. Instead, they are being subjected to late-night criminal activity, traffic, and unsafe conditions. The presence of an adult arcade undermines the sense of security parents are expecting when raising children in Collier County.

Zoning violations and property value risk: Our zoning laws were designed to protect neighborhoods from incompatible uses. Allowing gambling activities disguised as arcades erodes zoning integrity, undermines property rights, and diminishes home values.

Once zoning protections are compromised, the character of our

neighborhoods is permanently altered. There's a high risk of illegal activity. Florida law draws a narrow line between legal amusement games and illegal gambling. The Florida Gaming Commission has already issued warnings to arcades in Collier County, underscoring the likelihood this facility will operate outside the law. The existing -- excuse me. The existing 777 Arcade is a clear example of this risk.

In conclusion, this is not a matter of entertainment. It is a matter of public safety, lawful zoning, and community trust. The evidence shows that adult arcades bring crime, erode property values, and operate in violation of state and local law. Most importantly, they endanger neighborhoods with families and children who should never be exposed to the risk these establishments create.

For these reasons, I urge Growth Management Plan to deny the request and protect the health, safety, and welfare of Collier County residents.

Thank you.

HEARING EXAMINER DICKMAN: Yes. And I'm not questioning --

MS. TATIGIAN: Sure.

HEARING EXAMINER DICKMAN: -- you, but you referred to evidence, and you just spoke to it. But can you give me some of that evidence that I could take with me? The records, the police records that you --

MS. TATIGIAN: Yeah. I don't have them, but I can get them for you.

HEARING EXAMINER DICKMAN: No. I needed them today.

MS. TATIGIAN: Okay. Well, I didn't realize that. I apologize.

HEARING EXAMINER DICKMAN: Yeah, I can't take anything after today.

MS. TATIGIAN: Okay.

HEARING EXAMINER DICKMAN: So you're just -- MS. TATIGIAN:
There may be another speaker that may be
able to --

HEARING EXAMINER DICKMAN: Okay.

MS. TATIGIAN: -- give that to you.

HEARING EXAMINER DICKMAN: All right. Because I just
have no way of analyzing it if I don't have it.

MS. TATIGIAN: Sure, sure. I understand what you're saying. I didn't
realize that I needed to bring it.

HEARING EXAMINER DICKMAN: Yeah.

MS. TATIGIAN: I thought it was public record; you'd be able to get it if you
needed it.

HEARING EXAMINER DICKMAN: No. So as I indicated earlier,
after today, this is the end of the record.

MS. TATIGIAN: Okay.

HEARING EXAMINER DICKMAN: I have to take this, what I have, and
make a decision based on what I have here today.

MS. TATIGIAN: Okay.

HEARING EXAMINER DICKMAN: So thank you. Thank
you for being here.

MS. TATIGIAN: Yep, thank you.

HEARING EXAMINER DICKMAN: Have a good day.
(Applause.)

HEARING EXAMINER DICKMAN: Was that clapping for
me, or -- I never had that before. Wonderful.

MS. PADRON: All right. Our next speaker is Paul. HEARING
EXAMINER DICKMAN: Yeah. Why don't you use the center podium. It's
a little easier for me. And hit the green light and make it green; green to go.
MR. SCHWINGHAMMER: Okay. Good afternoon. My name

is Paul Schwinghammer, 4050 7th Avenue Southwest. I live directly on the street north of this facility.

HEARING EXAMINER DICKMAN: Can you spell your last name for me.

MR. SCHWINGHAMMER: S-c-h-w-i-n-g-h-a-m-m-e-r. HEARING EXAMINER DICKMAN: Okay.

MR. SCHWINGHAMMER: We've lived in that house almost five years.

HEARING EXAMINER DICKMAN: Okay.

MR. SCHWINGHAMMER: First of all, I'm a little baffled by the use of this "arcade" terminology. This is a casino. Please make no mistake about it.

I don't know if the gal representing the petitioner has actually been in this facility, but I have been doing my due diligence to find out what this is really about.

First of all, when you walk up to it, it's completely blocked off from view from the street. You cannot see inside this building whatsoever, which is a violation of the county sign ordinance. You have to ring a bell to be allowed entrance into this facility.

Upon entering the facility, you're asked to give them your driver's license, of which they keep and then hand you what is in effect a debit card. You are then asked if you want to play the machines. Video slot machines 100 percent, no question about it, about 100 of them in this facility, of which you then insert a debit card into a machine and insert cash which then gets applied onto that card. Then you're allowed to play the machines using that card.

Now, I spoke to a gentleman there. I actually met him out on the street prior to entering the facility and asked him if he'd been there, and he said, "Yeah, sure. Been there many times." And he explained to me in great detail, of which I recorded the conversation, but regardless.

HEARING EXAMINER DICKMAN: You're talking about at this location?

MR. SCHWINGHAMMER: At this location.

HEARING EXAMINER DICKMAN: The very location you're addressing?

MR. SCHWINGHAMMER: This very location two nights ago. HEARING EXAMINER DICKMAN: Okay.

MR. SCHWINGHAMMER: He explained to me that this is a great place to gamble, and it's a lot closer than going to Immokalee.

And I asked him point blank, "Are these effectively slot machines?"

He said, "Yes, they are."

And he -- I said, "Well, I said, I'm just here to check it out. Can you explain to me how it works?"

He said, "Well, you put your money on the card, you play the machines." If you get paid out in what he refers to handbills, meaning if you win more than \$400 cash, they will hand you the cash on the spot.

He said he had -- he pointed to the machine. This machine, six or seven times in the past six months for \$1,200 each. He pointed to another machine and said, "I know a guy that won \$26,000 on that machine."

Now, I can get into all the details on that, but I know I'm limited on my time.

HEARING EXAMINER DICKMAN: No, no. Take your time. MR.

SCHWINGHAMMER: But Florida code and statute, as you are aware, you're an attorney, is very specific about slot machines in this state. And it is any machine that pays out cash or allows a redemption of points or coupons for cash is illegal, and this is under Florida Statute. Prizes are restricted to merchandise and gift cards, not cash or alcohol. Skill-based games must be only in lawful

arcades based on skill, not chance. This means a player's skill, not just luck, must determine the outcome. There's not much skill in a slot machine.

The legal exceptions to the slot machines: Tribal lands, gambling, including the operation of slots machines, is legal on land owned by Native American tribes and in specific counties only. Broward and Miami-Dade Counties have specific allowances for gaming establishments, but this does not extend to all counties in Florida.

You can ask Google or AI, "Are slot machines legal in Florida?" In Florida slot machines are heavily regulated by the FGCC and are legal only in eight parimutuel facilities in Miami-Dade and Broward Counties and at certain Indian tribal facilities.

It is against the law to offer slot machines gaming at any unlicensed facility, including but not limited to bars, restaurants, gas stations, and adult arcades.

Florida Statute 551.104 -- this is a 2025 Florida Statute -- slot machine license may be issued only to a licensed parimutuel permit holder, and slot machine gaming must be conducted at only eligible facilities at which the permit holder is authorized under its valid parimutuel wagering permit to conduct parimutuel wagering activities.

Parimutuel betting, for those of you that don't know, is a system where all bets of a particular type are placed together in a pool and the winners divide the total amount wagered minus a percentage for the management, i.e., a horserace track.

Now, I don't think the intent of the Collier County Land Development Code is to allow this kind of facility in what is known as a limited commerce center such as this one. The intent of a limited commerce center in a rural destination, or at least what was rural of Golden Gate Estates, was intended to be used for space such as goods and services thereby saving residents having to go further into town

for those services. I don't think gambling constitutes a necessity type service that we can't drive to Immokalee for or somewhere else, or Bonita for the poker room.

So my point is, an adult arcade -- I don't know. She didn't explain what a coin-operated vending machine is, but if it pays out cash, it's a slot machine, and it's illegal. There's nothing but slot machines in this facility right now, and I would challenge anyone to dispute that fact.

That's all I have unless you have any questions.

HEARING EXAMINER DICKMAN: First of all, I'm going to want to have copies of those exhibits, if you could provide them to the County.

MR. SCHWINGHAMMER: You can have all this. HEARING EXAMINER DICKMAN: They'll make copies for me.

MR. SCHWINGHAMMER: Yes, I have copies.

HEARING EXAMINER DICKMAN: Okay. Thank you. The other one is do you notice -- do you notice anyone congregating outside? Smoking? Drinking?

MR. SCHWINGHAMMER: I was there at 6:30 in the evening, so no, there was none of that going on. I walked up. I was trying to figure out how to even get into the place. Then I saw the bell, and that's when that other gentleman walked up. And before we even rang -- because I was outside talking to him for a couple of minutes just trying to get my head around what I was going to walk into, because I can't see in there. He was explaining to me she, the gal operating it, who does not speak a bit of English, opened the door and recognized him right away as a patron of the place, that apparently he had been there many times before.

So -- but no, I did not -- I did not observe any of that. I do know there are times at night that, you know, there's a lot of cars in that lot

that normally would not be, because most of those businesses, you know, veterinarian clinic, we have an insurance office, we have a title office, we have a flower shop, we have a Mexican restaurant, we have a bakery and deli. So we've got a nice mix of commercial use that I think everyone can benefit from and I think was the intended use of this facility.

A couple of just other things that I'll mention, Google reviews, one gentleman said -- and he's got multiple reviews on Google for other places says, "This place is absolutely awful. From the moment I walked in, they took my ID and held onto it the entire time, which made me feel very uneasy. None of the employees could speak English, so trying to ask a question or get help is nearly impossible. Customer service is terrible, rude, unprofessional, completely unhelpful. The place entirely gave off a bad vibe, and I felt extremely uncomfortable the whole time I was there. On top of that, the machines don't pay out at all. It felt like a complete scam just designed to take your money. I regret ever walking in." That's one of --

HEARING EXAMINER DICKMAN: Thank you.

MR. SCHWINGHAMMER: -- few reviews Google has on this place.

HEARING EXAMINER DICKMAN: Okay. Thank you. If you could just let me have all those exhibits.

MR. SCHWINGHAMMER: You could -- you're welcome to them. Any other questions?

HEARING EXAMINER DICKMAN: No, thank you. Thank you for being here. I appreciate that.

(Applause.)

HEARING EXAMINER DICKMAN: All right. Ladies and gentlemen, I'm going to ask that we don't applaud or speak out in the audience and things like that. I know these things are passionate

issues, but I need to put that out there. Please refrain from any of that. I would appreciate it.

All right. So we have some issues to go through. Any other public speakers?

MS. PADRON: Yes. We have a total of three more speakers. HEARING EXAMINER DICKMAN: Oh, okay.

MS. PADRON: One in person, and two virtual.

HEARING EXAMINER DICKMAN: All right.

MS. PADRON: Our next in-person speaker is Jackie. HEARING EXAMINER DICKMAN: Hi, Jackie.

MS. SEOANES: Hi. I'm a newbie, so I don't quite know --HEARING EXAMINER DICKMAN: Don't worry about it. MS. SEOANES: -- so much of the rules --

HEARING EXAMINER DICKMAN: Can you just spell your last name for me?

MS. SEOANES: Sure. It's a tricky one. S-e-o-a-n-e-s. HEARING

EXAMINER DICKMAN: Okay. Pronounce it. MS. SEOANES: Seoanes.

HEARING EXAMINER DICKMAN: Okay, great. Relax. Just say what you need to say.

MS. SEOANES: So I'm a resident also --

HEARING EXAMINER DICKMAN: Okay.

MS. SEOANES: -- on 7th Ave. So everything Ms. Tatigian said I can support. There's a lot of families on that street. It's actually been very nice last five, six years. We've had a lot more families move in with kids. So at any given moment, you can see them riding their bikes down the street and, you know, it's nice nowadays to have the ability to do that and get them out of the house and off their phones and feel safe.

So naturally, you know, this sort of leads to a little more insecurity in doing that.

Am I allowed to ask a question in this, or is it just comments?

HEARING EXAMINER DICKMAN: It's just comments, yes. But go ahead and make your comment and --

MS. SEOANES: I'll form my question in the shape of a comment.

HEARING EXAMINER DICKMAN: There you go. I'm taking notes.

MS. SEOANES: Yes. I'm a little confused -- and, again, I may have missed something. I'm not sure about this process, but I'm a little confused as to how an establishment of this nature is able to open even before a hearing like this actually happens.

HEARING EXAMINER DICKMAN: I already took down that question, so I have that, and I'll be asking that question.

MS. SEOANES: Okay. And as a resident, I'm also curious if the County has done any kind of a study to know if there's any precedent in the county of an establishment like this being so close to other residential properties.

HEARING EXAMINER DICKMAN: Okay. Very good. Nice job.

MS. SEOANES: Thank you.

HEARING EXAMINER DICKMAN: All right. Who's next? Is there someone online or someone here?

MS. PADRON: My apologies.

Lisa, can you hear us? Our next speaker is Lisa Reisman. HEARING

EXAMINER DICKMAN: Hi, Lisa. We can't hear

you. Can you unmute? There you go. Yeah, we can hear that, I think. Go ahead and say something. No.

MS. PADRON: She's showing unmuted. She's unmuted. Okay. Let me unmute her again.

HEARING EXAMINER DICKMAN: Just bear with us everyone. Cannot hear you.

MS. PADRON: Lisa, can you hear us?

(Indicating thumbs up.)

HEARING EXAMINER DICKMAN: This is going to be hard to do it this way. Are there any other speakers besides Lisa signed up?

MS. PADRON: Yes. I can proceed with the next speaker.

HEARING EXAMINER DICKMAN: Oh, here we go. All right.

Let's go to the next speaker, and then maybe she can figure out what's going on.

MS. PADRON: Claire, can you hear us?

MS. LICCIARDI: Yes. Can you hear me?

HEARING EXAMINER DICKMAN: Yes. Go, Claire.

MS. LICCIARDI: Basically, everything that everyone else said,

I agree with all of that. I just wanted to add, as a concerned resident of 7th Avenue Southwest -- I live in the second house down from Collier Boulevard, just the thought of the increase in crime and traffic and that -- I just don't see how this can be allowed in a residential area where there's lots of kids in neighborhoods, that once it's established and grows bigger, that it's going to affect our property values. And again, my main concern is about crime, because we read about these establishments up in Fort Myers quite often and about all the crime that happens there, and that is this really legal to be having this right in our neighborhood?

HEARING EXAMINER DICKMAN: Okay. Thank you, Claire.

MS. LICCIARDI: You're welcome.

HEARING EXAMINER DICKMAN: All right. Do we want to go back to Lisa and try her again?

MS. PADRON: Yes.

HEARING EXAMINER DICKMAN: Hi, Lisa. You're muted.

MS. PADRON: Yeah, she's still muted.

HEARING EXAMINER DICKMAN: Okay. Is there anyone else signed up to speak?

MS. PADRON: That would be it. She's wanting for someone to read her testimony.

HEARING EXAMINER DICKMAN: Does someone have her testimony?

MS. PADRON: She just sent an email with police data, which I just sent to him and we can provide to you later on.

HEARING EXAMINER DICKMAN: Okay. So I'll admit that into the record, if she can submit that. And then, you know, when people attend via Zoom, they do so at their own risk. But if she's got information -- I assume you have information with you, Lisa, that you're going to email to the County so that we have it.

Okay, thank you. Thumbs up from Lisa. So I will get her data, and I'll admit that into the record.

MS. PADRON: Okay. Excuse me, Mr. Dickman. She wrote that Mary Tatigian, she spoke earlier --

HEARING EXAMINER DICKMAN: Yes.

MS. PADRON: -- that she has her testimony.

HEARING EXAMINER DICKMAN: Mary, do you have her testimony?

MS. TATIGIAN: That's what I'm looking for.

HEARING EXAMINER DICKMAN: Okay. All right.

MS. PADRON: She can send the pictures.

MS. TATIGIAN: Yeah, I think she was sending in -- HEARING

EXAMINER DICKMAN: So you have something you're going to read on behalf of Lisa?

MS. TATIGIAN: Yes. Hi, everyone. Lisa Reisman here, 4160. This is, indeed, a casino that is likely in violation of state law. I have prepared some materials for everyone to review so that you can

see what we are up against. Basically, this is arcade, a euphemism for casino is going to be requested at the hearing.

As a neighborhood, we should all vehemently oppose for a number of reasons, the obvious one being that it will harm property values. The company wants to add coin-operated slot machines. As you may or may not be aware, they operate at 4070 Pine Ridge already and have been a constant nuisance to the other nice businesses in the strip mall.

Basically, the arguments against are as follows: The most persuasive argument you can make to oppose the request should focus on the established links between illegal gambling operations often disguised as arcades and negative community impacts in Florida. Number one, public safety and crime increase. Argue that illegal gambling houses which operate across Florida's sun coast are explicitly linked to crime, drugs, and public-safety issues. Introducing such a facility into a residential area poses a direct and unacceptable threat to neighborhood safety.

Number two, violation of local zoning and property value erosion. Permitting this use may regard -- disregard local zoning laws that prohibit gambling uses and can alter the legal landscape or the property ownership. This erosion of zoning integrity results -- directly results in the destruction of neighborhood character and property value.

High risk of illegal activity documented and often violated line between legal amusement games and illegal gambling in Florida. The fact that the Gaming Commission has warned arcades in Collier County suggests there is a significant risk that this proposed facility will operate outside the law.

This crime is not to be taken lightly. Please find an attached spreadsheet. Okay. I'm there.

And I think -- Lisa? Okay.

HEARING EXAMINER DICKMAN: She's putting it all in your hands. All right. You read her testimony. I have it. She's going to email to the County the documents that she has. I'll accept those into the record.

Thank you, Lisa. Sorry you couldn't pull it off, but you did the best you could.

Any other speakers?

MS. PADRON: No one.

HEARING EXAMINER DICKMAN: Okay. We're going to close the public -- the public hearing. And obviously, if the applicant -- if the applicant's representative can please come back up. And I'm going to have to maybe direct questions at both of you, but I'm going to start with the County. And I don't know, do you-all want Tim to answer these questions, or how do you want to do this? Because I have a question. My first question is, is this an after-the-fact request?

MR. BOSI: Yes.

HEARING EXAMINER DICKMAN: And, secondly, are you aware that this is allegedly a slot machine operation?

MR. BOSI: This was a result from a code enforcement issue. HEARING EXAMINER DICKMAN: That's what I thought. MR. BOSI: The -- in terms of -- we have to presume that they

are operating within the boundaries of the state limitations upon how these adult arcades are provided for. What was presented was that they would be operating these machines within compliance of the state regulations. We can only assume that that is what they're -- that -- how they're going to carry on their business.

HEARING EXAMINER DICKMAN: But if they have a code enforcement case, are you familiar with what that case is about, or do I need to ask the applicant's representative that? Are you familiar with the code enforcement action?

MS. HANSEN: I believe it was related to the use. The client came to GMD to seek a zoning permit for the use for that location, was incorrectly given a zoning permit. That was then, to our knowledge, rescinded. Because the person at the front desk realized that it required a conditional use; that it was not a permitted use in the C-3 zoning district.

And so I -- and I don't want to speak for staff, but I -- our -- to our knowledge, the client was told that the operation could continue while the conditional use was being sought and that the code enforcement case would be resolved with the issuance of a conditional-use approval.

HEARING EXAMINER DICKMAN: Okay. Now I understand. That explains what's going on.

I guess in -- for the future, Tim and folks at the County, it would be helpful if that's in the staff report that -- typically, it's in there and it says after-the-fact or something. I would like to have that knowledge so that I'm not confused when I see pictures of something that's already operating and I'm being asked to approve it. So it's clearly an after-the-fact approval. And now I need to have that information. So I would like to have that information ahead of time.

So let's talk about the slot machines.

MS. HANSEN: Sure.

HEARING EXAMINER DICKMAN: Explain to me what's going on here, because it's clearly -- you know, the windows are blacked out. You've heard testimony allegedly where you have to, like, give your license over. I guess it's the 21 and older, which start -- it's starting to look a lot like a gambling operation, so you need to address that.

MS. HANSEN: Sure. So as was presented, the facility and the use, to our knowledge, has all proper permits and is compliant with state statutes. Unfortunately, our client could not be here today to

explain better the logistics of how the arcade machines operate, but, you know, we are here to talk about the use.

HEARING EXAMINER DICKMAN: Okay.

MS. HANSEN: And the conditional use --

HEARING EXAMINER DICKMAN: Have you been in -- have you been in this operation?

MS. HANSEN: No. I have not been in this building, no. HEARING

EXAMINER DICKMAN: All right. So if I were

to -- so one thing I can do, I'm allowed to do my own legal research --

MS. HANSEN: Sure.

HEARING EXAMINER DICKMAN: -- which I frequently do after these. That's different than collecting more evidence and things like that.

MS. HANSEN: Sure.

HEARING EXAMINER DICKMAN: If I look up the state laws that deal with slot machines, and I put a condition in here that expressly states that there shall be no gambling, no slot machines, no violation of state laws, things like that, is that going to cause this business to not be able to operate?

MS. HANSEN: No. Our understanding is that -- and I think we even referenced the state statute in the responses to the conditional-use criteria. It's Florida Statutes regarding amusement games and machines, Chapter 849-161. So that is our understanding that this use operates fully within those -- the allowances of that state statute.

HEARING EXAMINER DICKMAN: Okay. Okay.

MS. HANSEN: And I did -- can I address a couple of the -- HEARING

EXAMINER DICKMAN: Absolutely, yes, please. MS. HANSEN: So just a couple things to note, the hours of

operation are 10 a.m. to 11 p.m., so anything related to --

HEARING EXAMINER DICKMAN: Late night.

MS. HANSEN: -- late-night activity, police activity after 11 p.m. should not be associated with this use.

HEARING EXAMINER DICKMAN: And typically -- putting this on the record. Typically, in order for you to file for a petition for a conditional use, you have to get the owner of the property's --

MS. HANSEN: Correct.

HEARING EXAMINER DICKMAN: -- authorization.

MS. HANSEN: Yes.

HEARING EXAMINER DICKMAN: And you have that? MS. HANSEN:

Yes, yeah. The owner is a separate LLC, which

we do have all of the proper affidavits authorizing our client to apply for the conditional use.

HEARING EXAMINER DICKMAN: Okay.

MS. HANSEN: And then I did also want to note that things like public safety would all be subject to code enforcement violations which, other than the preexisting code enforcement violation, related to the use and the zoning verification being issued. There have been no -- to our knowledge, no code enforcement violations associated with public-safety issues.

HEARING EXAMINER DICKMAN: Okay. And so why 21 and over if it's an arcade, if it's just fun and games?

MS. HANSEN: Sure. That I -- I can't speak to the logistics of how the client chooses to --

HEARING EXAMINER DICKMAN: Folks, please. One second. Let me -- I mentioned this at the beginning. I really -- everyone gets an opportunity to speak, and I would ask that you not -- I can hear -- this room has been reconfigured so I can hear practically everything. So if you could please give her the respect of answering my questions.

MR. VANASSE: If I may, Patrick Vanasse, certified planner with the Neighborhood Company.

HEARING EXAMINER DICKMAN: Okay.

MR. VANASSE: I have been before you --

HEARING EXAMINER DICKMAN: Yes --

MR. VANASSE: -- and found to be an expert.

HEARING EXAMINER DICKMAN: Okay.

MR. VANASSE: My understanding in having discussions with our client is -- and one of the comments from the public was a lot of times it's identified as video redemption, that people can win prizes through -- through the machines.

And, again, it's an environment for adults. And again, money is spent for cards and for gifts. It is consistent with state statutes. The use is prevalent throughout Southwest Florida. And we abide -- or the client abides by those state statutes.

So again, 21 is not uncommon for these facilities, and as you heard, it's very well controlled.

HEARING EXAMINER DICKMAN: No alcohol being served. MR.

VANASSE: No.

HEARING EXAMINER DICKMAN: Any -- okay. All right.

What else?

MS. HANSEN: That was all.

HEARING EXAMINER DICKMAN: I heard comments about illegal activity, I heard comments about impact on the adjacent residents, so I'd just like for you to address that.

MS. HANSEN: Sure. And I guess I would just like to emphasize again that this use is entirely internal to a preexisting shopping center. I know there was a comment about this type of use should not be located within a neighborhood center which is designed for goods and services, but this is an allowable conditional use within the C-3 zoning district. The underlying zoning of this property is C-3, and that's why we're here today to request that conditional-use approval.

HEARING EXAMINER DICKMAN: Okay. I mean, as long as it's a video vending machine and not, you know, something in violation of state law, you understand that, right?

MS. HANSEN: Yes.

HEARING EXAMINER DICKMAN: Okay. You have to understand, first of all, just seeing the pictures and the descriptions, it does resemble -- but maybe there's a loophole that this business has found in order to have these adult games that doesn't somehow contradict state law.

MR. VANASSE: Just to address the crime issue and some of the testimony that was provided.

HEARING EXAMINER DICKMAN: Please. Thank you. MR.

VANASSE: I believe the lady that brought up the crime issues and the calls to the local sheriff identified that those occurred at 12 o'clock.

HEARING EXAMINER DICKMAN: Okay.

MR. VANASSE: And again, no evidence has been provided that any of that was related to this establishment or this direct use.

HEARING EXAMINER DICKMAN: And how long has this establishment been operating?

MR. VANASSE: The -- our client contacted us probably about 12 months ago, 10 to 12 months ago after having gone to the County, being told he could operate this, and then being told, "No, no. You have to go back for a conditional use."

So my understanding the buildout wasn't completely done at the time when he came to see us, so slightly after that.

HEARING EXAMINER DICKMAN: So maybe, like, 10 months, something like that?

MR. VANASSE: Ten-month period, yeah.

HEARING EXAMINER DICKMAN: So it's been operating. And it's been operating under these hours of operation, 10 to 11?

These are the current hours of operation --

MR. VANASSE: Yeah.

HEARING EXAMINER DICKMAN: -- 10 to 11? And they have always been operating according to that? Okay.

MR. VANASSE: Yeah. And as for property values, I'm not a professional appraiser; however, this is a shopping center use. Through the conditional use, this use would be allowed to be located within the shopping center. There has been no evidence provided whatsoever that this shopping center use decreases property values. And again, we submit that this is an appropriate location, C-3 zoning within an activity center in the Estates.

HEARING EXAMINER DICKMAN: Okay. And do you have the code enforcement documentation, any of that? I mean, do you have it in your files?

MS. HANSEN: We -- it was not submitted with the application, but I would be able to -- I would have to look up the project number for Code -- but it's in the County's file.

HEARING EXAMINER DICKMAN: The County can get it for me?

MS. HANSEN: It's in CityView.

HEARING EXAMINER DICKMAN: Yeah. You guys can give that to me, right? You don't have to do it right now. I just want to be able to make that part of the record so I can see exactly what the code enforcement action's for, okay?

So I'm going to ask the County send me that documentation so I have it while I'm looking at the whole thing.

Okay. I think you've pretty much addressed -- you've heard all the comments. You know, there's clearly residents that are opposed to this. That's not the deciding factor, obviously. I have criteria to look at. But, you know, any last rebuttal that you want to put in?

MS. HANSEN: No. I don't have anything unless Patrick has

something to add.

HEARING EXAMINER DICKMAN: Okay, great. Thank you. All right. So just to recap, I've got the -- okay. I've got the documents from -- I would like to make sure that the applicant has copies of these as well so that they have -- have you looked at these? Do you want to look at these before you step away, any of these?

Why don't you come and take a look at these before, if you want to address any of this stuff.

MR. VANASSE: All right. Appreciate the opportunity to look at this.

HEARING EXAMINER DICKMAN: Yes.

MR. VANASSE: I would like to add for the record that we held a neighborhood information meeting; sent out all the proper notices. No one showed up.

HEARING EXAMINER DICKMAN: Okay.

MR. VANASSE: So this is the first we're hearing of any objection.

HEARING EXAMINER DICKMAN: You seemed a little caught off guard a little bit.

MR. VANASSE: So we had not heard from any of the neighbors until today.

HEARING EXAMINER DICKMAN: Okay.

MR. VANASSE: So we'll take a look at that.

HEARING EXAMINER DICKMAN: Okay. So why don't you take a look at that and see if there's anything else you want to say.

And then just to recap, like, I am going to get Lisa's documentation that she was going to email to the County. I'm going to have that in. And then the County is going to also provide to me whatever Code Enforcement documentation is there so I can understand better how this transpired and just so that that can fill in some of the blanks for me, and we'll go from there.

So is there anything else from the County that they would like to say, or are you closed? Have you closed your statement? I don't know if I should be speaking to Tim or not.

MR. BOSI: From a County standpoint, as the applicant has indicated, these facilities are a conditional use in the C-3 zoning district. This is a C-3 zoning district.

HEARING EXAMINER DICKMAN: Okay.

MR. BOSI: The allegations made of impropriety was in terms of crossing the State laws regarding these facilities, if that is the case, the County is not aware of those, were not presented with those facts, and if it is, that is a law enforcement issue.

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

HANSEN: We did just want to add, based on looking briefly through the materials, so the Florida Statutes that were provided on Chapter 551.104 related to -- so Chapter 551 is related to slot machines.

HEARING EXAMINER DICKMAN: Yes.

MS. HANSEN: So this facility is operating under Florida Statutes regarding amusement games and machines, which is Chapter 849. So we're not proposing to be operating under this state statute regardless slot machines.

HEARING EXAMINER DICKMAN: Okay. All right. I think what their allegation is is that these are slot machines --

MS. HANSEN: Understood.

HEARING EXAMINER DICKMAN: -- as opposed to what you're describing them as. Anyway, I'll get to the bottom of it. I've got 30 days to do it.

MS. HANSEN: Okay.

HEARING EXAMINER DICKMAN: So I really appreciate the neighbors coming out. You know, thank you for being here. You know, sometimes these neighborhood information meetings work and

people are able to work out issues at that point, but sometimes they don't. But this is what these hearings are for. I appreciate everyone's time and patience and presentations. Everyone did a great job. Thank you very much. I have a lot to consider, and I will get a decision out within 30 days. So thank you. Have a lovely day.

All right. We're going to move on. Thank you, Tim. Or I think you're also up on the next one, aren't you?

MR. FINN: Yeah, Andrew. I have the next one.

HEARING EXAMINER DICKMAN: Yes, so we're going to go to 3B. Let's let the folks get out of the room first.

All right. We're going to 3B. Go ahead, Tim.

MR. FINN: For the record, I'm Timothy Finn, Planner III. This is for Petition No. PDI-PL20250001275, Shoppes at

Orange Blossom, LLC, request an insubstantial change to Ordinance No. 04-74, as amended, the Orange Blossom Ranch MPUD for the first deviation, a deviation from LDC Section 5.03.02.H to provide enhanced plantings instead of a four-foot wall along Workman Way. The second deviation, a deviation from LDC 5.05.05.D.2.b to allow a 4-foot wall with enhanced plantings instead of an 8-foot wall where facilities with fuel pumps are within 250 feet of residential property.

The subject property consists of 7.55 acres out of a 616-acre PUD located at the northwest quadrant of Oil Well Road, CR858, and Hawthorn Road in Section 13, Township 48 South, Range 27 East, Collier County, Florida.

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

The applicant has complied with all hearing notices by our operations staff. The advertisements and mailers went out on November 21st. The hearing advertisement's property signage were constructed at the property by the applicant per the affidavit of posting included in Attachment E of the backup materials, and

that -- and that concludes my presentation.

HEARING EXAMINER DICKMAN: Thank you, Tim. Appreciate that.

All right, hi.

MS. KULAK: Good afternoon. Patty Kulak, for the record. I have not presented before you, so I will give you my background.

HEARING EXAMINER DICKMAN: Okay. Sure. MS. KULAK: I, too, started my career in planning under

Mr. Bosi and Mr. Bellows here in this room.

HEARING EXAMINER DICKMAN: Congratulations.

MS. KULAK: I did two years under Planning and Zoning here, and then I left, and I went over to the City of Naples for eight years, so I have 10 years of planning experience in the public sector, and then I went to the private sector, and I've been out there for two years. So 12 years of planning experience. I've been certified as an expert in front of the Lee County Hearing Examiner, City of Bonita Springs Planning Board, City of Bonita Springs City Council, City of Naples Planning Advisory Board, and City of Naples City Council.

HEARING EXAMINER DICKMAN: And do you have a postgraduate degree in planning or something similar to that?

MS. KULAK: I have a bachelor's degree in business administration.

HEARING EXAMINER DICKMAN: Okay.

MS. KULAK: And I do have a copy of my résumé to submit in.

HEARING EXAMINER DICKMAN: AICP or anything like that?

MS. KULAK: In the process.

HEARING EXAMINER DICKMAN: In the process.

MS. KULAK: In the process.

HEARING EXAMINER DICKMAN: Okay, good. I want to make sure you go get that.

All right. But I would like to have a résumé for the file, if you would, please. Thank you.

MS. KULAK: Absolutely. I will give that to you.

HEARING EXAMINER DICKMAN: I'll see you -- I recognize you -- if you graduated from the Mike Bosi School of Planning, then you're probably a pretty good planner.

MS. KULAK: He introduced me to planning, and 12 years later I'm still in it, so he did a pretty good job. I'll give him credit there.

HEARING EXAMINER DICKMAN: He seems to have the same problem I do, keeping good people.

MS. KULAK: No. He trains them really well and then they leave.

So this afternoon we are speaking about the Orange Blossom Ranch. We are going through the insubstantial change process, which is the PDI process.

Next slide, please.

This request for my team that I do have -- our applicant is Darenda Marvin with WMG Development. She is not present for this hearing; however, with me in the room, I do have Rachel Tracy with our Atwel team. She is part of our engineering firm. Greg Diserio, who is our registered architect; and myself, Patty Kulak.

Next slide, please.

I do have two slides that show an aerial just because the subject property has changed substantially in the last two years. So this first slide does show what the original aerial request was put in with this application.

Next slide, please.

The next slide shows a more updated depiction of what this site looks like where we do have two subject parcels. Both of them are -- go back, please.

HEARING EXAMINER DICKMAN: Let's go back to that

slide, would you?

MS. KULAK: Yes.

HEARING EXAMINER DICKMAN: So where are we talking about the -- we're talking about the buffers and the walls. Like, we're talking -- let me see. Help me out here.

MS. KULAK: Absolutely.

HEARING EXAMINER DICKMAN: Is this -- this is going to be residential eventually?

MS. KULAK: That is going to be apartment --

HEARING EXAMINER DICKMAN: So we're talking about probably in here, right?

MS. KULAK: Correct, that whole northern line before Workman Way.

HEARING EXAMINER DICKMAN: Okay.

MS. KULAK: So we'll be talking about the buffers along there, and then Workman Way is the 45-foot right-of-way, and then that large northern parcel, I do have aeriels of what that looks like currently.

HEARING EXAMINER DICKMAN: Okay.

MS. KULAK: There's a few different aeriels to bring everybody up to speed because of how quick this is moving.

HEARING EXAMINER DICKMAN: Thank you.

MS. KULAK: Next slide, please.

So to provide the context before we get into the new aeriels, the two properties that we are talking about, we are north of Oil Well Road, south of Workman Way, which we showed, west of Hawthorn Road, east of Big Corkscrew Road -- or Big Corkscrew Drive, and in between our two parcels, we have Champs Avenues, which is a newly developed road that has not been shown on the Property Appraiser yet to date.

Our zoning for this site is an MPUD, Mixed Use Planned

Development. We are not proposing to change that. Our future land-use designation is Urban with an urban mixed use within a neighborhood village center. Not planning to change that.

And I'll go over to the next slide while I go through the surrounding uses. Next slide, please.

So on the left side you'll see the brand-new Publix that was just put in. That does not -- that is not our subject property; however, when you look to the right of that Publix parking lot, that small parcel that has not been developed yet is the site that we'll be talking about, and to the rear of that is that new apartment complex. So on the right side of your screen, again, different version of the aerial. The site is everchanging with the development. Correct, right where your cursor is is showing the two sites. We have that Champs Avenue in the middle and then the Publix site on the left.

So looking at this right side of your screen, north of Workman Way, we do have the Orange Blossom {}Residence apartment complex, which is being developed right now; east we have the Orange Blossom residential community; south {}Adult at Orange Blossom residential; and then to the west is the commercial outparcel, which is that Publix parcel that we're speaking about.

HEARING EXAMINER DICKMAN: All right. So essentially what we're talking about, we have residents on two sides, and you're looking to -- that's the --

MS. KULAK: Correct, yes. We are surrounded by four rights-of-way and then residential on three sides. Commercial on the left side.

HEARING EXAMINER DICKMAN: Gotcha. Okay.

MS. KULAK: Next slide, please.

The request that is before you this afternoon is to modify the buffer standards along the northern property line of the commercial tracts abutting Workman Way within the larger PUD.

Next slide, please.

An overview of the request, as our planner spoke to it, we are seeking approval for two deviations related to the wall requirement along Workman Way. The first deviation is a relief from a 4-foot wall requirement, and we'll be -- in place of that 4-foot wall, we will be proposing additional landscaping -- enhanced landscaping to make up for that.

The second deviation has changed a few different times, and I want to speak to that based off of Tim's staff report. When he opened up the presentation, he did speak to a 4-foot wall being requested in place of the 8-foot wall. The staff report that was published in the last version that was submitted in for the request statement was actually to remove the 8-foot wall, and in place of that we will do even larger enhanced landscaping. I'll work through each one of those individually later in the slides.

HEARING EXAMINER DICKMAN: Yeah. So essentially, you don't want walls. You want enhanced landscaping?

MS. KULAK: Correct. We're trying to maintain neighborhood compatibility, and with a wall being in place, it kind of blocks off the commercial development to allow all the residents to walk, utilize the sidewalks that are in place to access the site and use the new commercial that is being brought out there.

So with this request, we are not requesting any changes to the approved uses, to the density, or any of the site access points given that we are surrounded by four rights-of-way. We are maintaining compatibility with the residential given that this is their commercial outparcels that they have been asking for. They did do the residential component part of this development prior to the commercial. So the residents are in place or will be in place here shortly, and they are needing commercial out there.

And we are proposing -- the landscaping that we are proposing

does meet the intent of the LDC, and I'll talk through each one of those.

Next slide, please.

This is an overview of the existing master concept plan that is part of the master plan for Orange Blossom. You'll see the new deviation triangles have been delineated on the plan. I also added the red highlights to call them out given the size of this parcel. So there are three triangles, though there are only two deviations, just to make sure that the deviation carries forward to both parcels.

Next slide, please.

Deviation No. 1 is the request to remove the 4-foot wall, which is on the eastern parcel of the two parcels. What we are proposing to do is remove the 4-foot wall entirely and in place of that we would be utilizing a double staggered hedgerow of 10-gallon cocoplums. We would be planting those at 4 feet and maintaining them at 4 feet, and we would be installing additional Clusias in front of the trash enclosure to keep that consistent screening, and all this landscaping is to, again, support that pedestrian connectivity while integrating the mixed-use character of the neighborhood, giving people the opportunity to, again, utilize the sidewalks, access the site from all areas without needing to walk around the perimeter in order to get into the site.

Next slide, please.

This is an exhibit. It is a very large exhibit. I understand this has been submitted with the SDP, which is why it is at the engineer level. But along the top of your screen, you'll see that that northern buffer is called out. And again, that is where we would be proposing this enhanced landscaping, so that while you were driving up either Champs Avenue, Workman Way, or down Hawthorn, you are seeing a nice vegetative buffer versus a solid concrete wall.

Next slide, please.

Deviation No. 2 is the request to remove the requirement for an 8-foot wall. I will pause and say that the 8-foot wall is required because this site is proposed to be a gas station, and a gas station does require a higher wall to separate the gas station use from neighboring residential community.

So in place of that 8-foot wall, we are going to request a double staggered hedgerow planted at three feet and maintained at five feet; four canopy trees every 100 linear feet. Those will be planted at 14 feet; two understory trees planted at every 100 linear feet planted at eight feet and a 3-foot berm.

I'll pause there to give you a comparison of what the code would require to explain how these enhancements are truly enhancements.

So the Type D buffer normally requires a 2-foot plant -- the hedgerow would be planted at two feet and maintained at three. We are planting at three and maintaining at five.

The four canopy trees normally would be planted at 10 feet. We are planting them at 14 feet. There's not a requirement for understory trees at all. We are proposing two per every [sic] linear feet planted at eight feet and that 3-foot berm. So with the 3-foot berm and five feet of maintained hedgerow, that does give you the eight feet of separation -- a visual separation that the wall would have done if the wall was being proposed.

Next slide, please.

This is the landscape exhibit to show where that landscaping will be. As you'll see, the building in the middle is that convenience store. To the north of that will be where the landscape buffer is. And again, we're going for the consistency while you're driving up Big Corkscrew Drive, Workman Way. The consistent landscape buffer, a hedgerow that provides a nice -- nice ambiance to the neighborhood while also still allowing people to access the commercial site without needing to walk all the way around either through any of the

rights-of-way.

Next slide, please.

During this process, we did have to do our criteria. We have been found consistent with all the criteria to go through the insubstantial change, that PDI process that we utilized. We are not making any changes, as I've already said, to the density, to the building heights. We're not changing anything with traffic circulation. If anything, we are allowing for a more pedestrian-friendly access to the site without having the wall along Workman Way.

Next slide, please.

And we also are consistent with the original PUD and the intent of that PUD to make sure that we -- again, we're not requesting deviations to the buffers themselves, only removing the wall and enhancing it with landscaping instead of concrete.

We are preserving that pedestrian connectivity and integrating this commercial parcel with the existing residential that does surround it to really hone in on that neighborhood experience for the residents at Orange Blossom Ranch. And we are fully consistent with the Growth Management Plan, and staff has offered their support.

We also did host a neighborhood information meeting that was attended by Ray Bellows. We did have the public there. There were various questions that were asked mainly to understand the delineation of the different sites. They were a little bit confused if we were talking about the Publix site or what site, so I went through a very similar slide show to this to explain where the landscaping will be and that we are trying to get rid of the wall and instead enhance it with beautification.

HEARING EXAMINER DICKMAN: So let me ask that question about the neighborhood information meeting.

MS. KULAK: Absolutely.

HEARING EXAMINER DICKMAN: Because obviously I'm seeing a difference between what's on the agenda and what's in the staff report. What was presented at the neighborhood information meeting?

MS. KULAK: The original neighborhood information meeting, we were proposing the 4-foot wall instead of the 8-foot wall. Since that meeting when the request changed, all of the eight -- I believe it was eight residents that were -- attended were informed of the change. And they -- just like this has been published in the staff report, it is consistent. Our -- the message has been consistent to get to this stage.

HEARING EXAMINER DICKMAN: Okay.

MS. KULAK: And you will have a copy of the PowerPoint. I will say the PowerPoint presented at the NIM had a lot more color coding and arrows to make sure the public was aware so that they weren't looking at the detail level as a Hearing Examiner would be, but arrows and pretty colors make for a pretty presentation.

HEARING EXAMINER DICKMAN: Well, I just worry about due process and making sure that everything's advertised correctly --

MS. KULAK: I do understand.

HEARING EXAMINER DICKMAN: -- because I do know that things change. You know, those meetings are intended to gauge public sentiment and hopefully react to some of that, and so...

MS. KULAK: There were questions. There were answers. Everybody left feeling good about the project. We actually had compliments that they would prefer the landscaping versus the wall so that they could access the site easier.

HEARING EXAMINER DICKMAN: Okay. All right. Great. MS. KULAK: And next slide is just if there's any questions, if there's anybody from the public.

HEARING EXAMINER DICKMAN: Okay. Well, let's go to public comment --

MS. KULAK: Thank you.

HEARING EXAMINER DICKMAN: -- and then stick around. Any public comment?

MS. PADRON: Yes. We have one speaker, Michael Stein. HEARING EXAMINER DICKMAN: Okay. Michael Stein.

Welcome, sir.

MR. STEIN: Thank you. Michael Stein, 2406 Orchard Street, Naples, Florida. I am the vice president of the Estates at Orange Blossom. I represent 746 of the 1200 homes that are in the development behind these apartment buildings that are currently being built.

I am one of the people who were at her meeting at the college, and we were a little confused in the beginning of where the walls were, because if you look at a drawing, and before roads are even built, we had -- I had no clue as to where the walls were going up.

HEARING EXAMINER DICKMAN: Okay.

MR. STEIN: We do not consider this an insubstantial change. HEARING EXAMINER DICKMAN: Okay.

MR. STEIN: This is a very substantial change to the development. We have houses that overlook not only the apartment buildings, the gas station, and the Publix. The wall is a safety feature. It is a gas station. God forbid there is some sort of accident, fire explosion, trees are not going to stop anything. This is a safety issue. Plus, it is -- the site, the walls are fine. We want the wall --

HEARING EXAMINER DICKMAN: Okay.

MR. STEIN: -- in this development because we have -- I had uploaded some pictures to show from the corner of the development how close our villas are to the --

HEARING EXAMINER DICKMAN: Okay.

MR. STEIN: -- to the development. These people actually can look right into the -- right into it from the -- from the corner.

HEARING EXAMINER DICKMAN: Okay.

MR. STEIN: Also, the apartment buildings, this was a deal, you know, when our built -- when our -- Ronto built our community, this was supposed to be a fully commercial property. We understood this. We have a buffer between us and the apartment building. Lennar and Ronto gave themselves easements into our easements, you know, so they can get into that, which was never discussed. And we only found out about it about three months ago, and it was something Ronto decided to do in 2014.

So just alone, to have, you know, these people who lived on -- it's Alameda Way overlooking between the apartment buildings and the commercial, these buffers are not enough to protect these homes.

So, you know, for these -- to add these plantings, we definitely disagree. This is a gas station plus a Quik Mart, there's a Circle K. You have a Publix three -- 300 feet to the left. If someone's going to buy something, they're going to be going to the Publix. The only people that are going to be buying something at the Circle K are the people who are going to get gas.

HEARING EXAMINER DICKMAN: Okay.

MR. STEIN: So this argument of access from the apartment buildings or our development through Workmans [sic] Way, you know, that sidewalk is not going to be used as much as they plan on to have people cutting through a gas station to walk to Publix or to walk to the --

HEARING EXAMINER DICKMAN: Okay.

MR. STEIN: -- Circle K.

HEARING EXAMINER DICKMAN: I just want to be clear, so you're representing -- you're the vice president of the homeowners'

association at --

MR. STEIN: At the ranch.

HEARING EXAMINER DICKMAN: -- the property that's to the north.

MR. STEIN: Correct, I am the property to the north. HEARING

EXAMINER DICKMAN: And that's Alameda Drive.

MR. STEIN: Alameda Drive.

HEARING EXAMINER DICKMAN: And that's the one -- MR. STEIN:

And Hawthorn is our main entrance, which was a

private road until we found out that the Workmans Way was given to --
given to them as an easement.

HEARING EXAMINER DICKMAN: Okay. Thank you for being
here. So you're opposed to these deviations?

MR. STEIN: The whole community is opposed to these deviations.

HEARING EXAMINER DICKMAN: Okay. All right.

MR. STEIN: And we want -- we want the wall. We understand the
apartments are there, and, you know, they want the access to get in and
out from the apartments. But the homeowners association does not. We
want the safety of God forbid something happen at this --

HEARING EXAMINER DICKMAN: Okay.

MR. STEIN: -- at this. Plus, you know, as she said, taking
away the wall around the trash, you know, the dumpsters. You know, you
need -- we need the -- you know, you need the bins. You need a --

HEARING EXAMINER DICKMAN: I understand.

MR. STEIN: -- solid container port for garbage cans. You can't have stuff
just laying there, because you know, you're going to have people just
dumping stuff through the tray [sic] and stuff like that.

HEARING EXAMINER DICKMAN: And you have been authorized by your board to be here and represent that the HOA --

MR. STEIN: That's correct.

HEARING EXAMINER DICKMAN: -- board is against this as well as other residents individually?

MR. STEIN: Absolute -- my residents actually demanded that I -- that somebody show up. And I have been -- I have been at these hearings and the Commissioners meetings since when they decided to build the apartments.

HEARING EXAMINER DICKMAN: Gotcha.

MR. STEIN: And that was even before I was as the vice president.

HEARING EXAMINER DICKMAN: Okay. Thank you for being here.

MR. STEIN: Okay.

HEARING EXAMINER DICKMAN: Anybody else?

MS. PADRON: We have no additional speakers.

HEARING EXAMINER DICKMAN: No additional speakers, okay.

MS. KULAK: Coming back.

HEARING EXAMINER DICKMAN: How do you say it -- how do you -- how do you -- were you aware of this, first of all, that they had concerns?

MS. KULAK: I'm aware. Am I able to pull back up one of the slides? Can I have Slide No. 5 up, which is the aerials? I just want to give a depiction of the neighborhood that is where we're talking about. So the neighborhood that is being represented here today, the apartment complex is not built yet, so this is the neighborhood that is directly behind that.

So in between the opposing party, you have an apartment complex that will be four stories high. We have a 45-foot

right-of-way, and then our landscape buffer and then our site. So there is a big separation between the neighborhood that is opposing this and -- it would be Slide No. 6, my apologies.

And with that, the part of removing the wall, the whole goal is to provide a separation, a clear -- oh, we can actually go -- okay. We'll stay right here. So taking the -- when you're looking at the right side of the screen --

HEARING EXAMINER DICKMAN: Yes.

MS. KULAK: -- the existing -- the existing residential with that lake, correct. So this is the neighborhood that is opposing it. When you drop your -- correct. That whole empty area right there is where that apartment complex will be. They will be four stories high. They have their own regulations for landscaping for separation. They are completely a separate entity from the request.

HEARING EXAMINER DICKMAN: So you're talking about the wall will be right around in here?

MS. KULAK: Correct, correct.

HEARING EXAMINER DICKMAN: Or the no wall.

MS. KULAK: The no wall. The landscape buffer. HEARING EXAMINER DICKMAN: The deviations you're requesting are right in here?

MS. KULAK: Correct. So in between the neighborhood that is opposing this, again, will be a whole development that has their own regulations and their own landscape buffer requirements, and then the 45-foot right-of-way, which would be Workman Way, and then our site. So there is a large level of separation between the two. And part of this is that that apartment complex is not built nor occupied yet, so the residents of -- the residents that would be directly impacted by the lack of wall replaced by the landscape buffer aren't aware of this change being requested because they don't live there yet. There are no residents that are directly impacted in that

apartment complex.

So when they -- when the apartment complex residents do come into place, they would still have that 8-foot separation. That is the intent of the code. Whether that 8-foot-high is a wall or a landscape, with the removal of the wall, they're also getting the additional two understory trees per every [sic] linear feet planted at eight feet. So there's additional landscaping when we're talking about height and view corridors. When you're on that third and fourth level, you're getting the trees that are planted four feet above the code-required minimum plus the two understories.

HEARING EXAMINER DICKMAN: Let me ask you a question, though.

MS. KULAK: Absolutely.

HEARING EXAMINER DICKMAN: Like, so the extent of the entire PUD, is it this whole area --

MS. KULAK: No --

HEARING EXAMINER DICKMAN: -- or is it just this area? MS.

KULAK: -- it is larger than that. The PUD -- if we go to the --

HEARING EXAMINER DICKMAN: Much larger than that? MS.

KULAK: Much larger than that. If we go to the next slide -- I'm trying to catch up here. Three slides away. Next slide. Next slide.

HEARING EXAMINER DICKMAN: Because there was a -- MS. KULAK: Next slide.

HEARING EXAMINER DICKMAN: There was a comment that this is substantial, not insubstantial.

MS. KULAK: Right here. Correct. So this is -- this is the PUD. Where our three red triangles are, those are the -- those are the three sites that we're talking about. In between that is a new road that is not shown on this MCP. That is Workman Way plus the

apartment. So where it says MU, that mixed use, that's where the commerc -- that's where the new apartment is.

HEARING EXAMINER DICKMAN: All right. Show me where the

--

MS. KULAK: Residents that are opposing? And if you drop your cursor down and a little bit over to the left --

HEARING EXAMINER DICKMAN: Down. Okay.

MS. KULAK: -- that's where the opposing party is. HEARING

EXAMINER DICKMAN: Okay. All right. So this

is the entire --

MS. KULAK: Orange Blossom Way PUD. HEARING EXAMINER DICKMAN: -- PUD, and then -- okay.

MS. KULAK: We are the two commercial outparcels. HEARING

EXAMINER DICKMAN: And so what are you -- I

need you to just explain to me why you think this is insubstantial versus substantial.

Sir, this is not going to be a debate. You're done. Thank you. MR. STEIN: Well, I'll show you the picture that she's talking about that is part of the record.

HEARING EXAMINER DICKMAN: If it's in the record -- hold on. We've closed the public hearing, so thank you very much for --

MR. STEIN: I know you mentioned rebuttal, so --

HEARING EXAMINER DICKMAN: No, no, she gets rebuttal, not you.

MR. STEIN: Okay.

HEARING EXAMINER DICKMAN: You're not a party. The parties to this are the County and the applicant. And you are a member of the public. And I gave you plenty of time to speak, and you did a very good job, and I understand your arguments.

So I just wanted to understand your position why this is an insubstantial versus substantial, which would go a different direction. Not to me.

MS. KULAK: Absolutely. Absolutely. So Deviation No. 1 is the 4-foot -- the removal of a 4-foot wall. I don't believe that is the one that is being opposed as much as 8-foot wall that is being discussed for the gas station parcel.

The intent of the code is to provide an 8-foot visual buffer between the neighboring residents and this subject gas station site. That eight feet could be either a concrete wall with a double hedgerow planted at three feet, minimum understory trees planted at 10 feet, no understory trees, and no berm.

In place of that 8-foot visual buffer, we're going to replace it with an equivalent 8-foot visual buffer that is enhanced from what is -- the code is requiring from a landscape side.

So they will still have an -- eight feet of visual buffer. It will be with a double staggered hedgerow planted at three feet, maintained at five, which is two additional feet than what would be required by code, so they're already having addition there. The addition of larger trees at planting. They would be planted at 14 feet instead of 10 feet. Addition of understory trees, which would not be required by code at all. We would be planting those at eight feet instead of zero. And then a 3-foot berm.

HEARING EXAMINER DICKMAN: I need to stop you for a minute. Is she talking too fast, or are you okay?

THE COURT REPORTER: She is fast.

HEARING EXAMINER DICKMAN: You're a faster talker. Slow down a little bit. Take a deep breath.

MS. KULAK: I'll try.

So the difference is it is just what material is creating that visual buffer. Is it a concrete wall with minimal landscaping in front of it,

or is it a robust landscape buffer that still provides that visual separation just at a more appealing level.

HEARING EXAMINER DICKMAN: Okay. Okay. Safety was brought up in terms of the reason for the wall is -- there's a gas station and garbage bins and things like that, so do you want to address that?

MS. KULAK: I can address that. I do have an exhibit that I'd be happy to put into the record which does provide the separation distances between our site and the nearest residential community which, again, is not the one that's opposing this. It would be the apartment complex.

So from our gas station site and the dumpster location, which would have that wall in front of it, we are at 196 feet away from the nearest residential on that side of the property, and it's 520 from the actual gas station building, so from the convenience store.

HEARING EXAMINER DICKMAN: And you did those calculations there, and they're on the --

MS. KULAK: They were included in the SDP --

HEARING EXAMINER DICKMAN: Okay, gotcha.

MS. KULAK: -- and I will put this into the record, absolutely. So when we're talking about safety, there is still the separation between it, which is the visual buffer, but there's also just the distance separation that was already accounted for when this was being developed even at the MCP stage of the original approval.

It was known that these would be commercial outparcels. When you're looking at sites, you know a residential community does need commercial to support that. They go hand in hand.

So with that, we could put the requirements by code, and we wouldn't be before you today, but we also wanted to make sure the community enjoys this. When you walk in or you drive into a community, you don't want it to just be a concrete wall. You want to

be able to look in to see what's happening but still have that separation and that visual buffer.

We all know, quite frankly, the zoning board requires a lot of landscaping around town, and that's why people move here. So by increasing the landscaping and enhancing it further than what the code requires, we weren't just asking to remove the wall and accepting code minimum. We understood that a buffer needed to be put in place, and that's where we went the enhanced route, fit it into the location to still provide the height that is the intent of the code to create that visual buffer.

HEARING EXAMINER DICKMAN: Okay. Thank you. MS. KULAK: Absolutely.

HEARING EXAMINER DICKMAN: Tim, I have a question for you. I have a question for you.

MR. BOSI: Tim, you're on mute.

MR. FINN: Sorry, yes.

HEARING EXAMINER DICKMAN: Yeah. So you presented this as an insubstantial change. There's been public comment/argument that it is a substantial change. Are you still of the opinion this is an insubstantial change?

MR. FINN: Yes. This is an -- this is an insubstantial change, that's correct.

HEARING EXAMINER DICKMAN: Okay. Thank you.

MS. KULAK: Part of this is we did include in the presentation but also in your packet in front of you is the criteria and a response to each criteria individually on why this qualifies for an insubstantial change per the code.

HEARING EXAMINER DICKMAN: Okay. All right. I believe that's it. Everything?

MS. KULAK: Thank you.

HEARING EXAMINER DICKMAN: Okay. Thank you. I

will -- thank you for being here, sir, and on behalf of your community. You did a fine job.

I will get a decision out within 30 days. Thank you.

MS. KULAK: Thank you.

HEARING EXAMINER DICKMAN: All right. You saved the complicated ones --

MR. BOSI: Break?

HEARING EXAMINER DICKMAN: All right. Yeah, let's take a break. Let's take a five-minute break. Come back at -- that clock's not right. We'll come back at 2:35, how about that, according to AT&T time. We're in recess.

(A recess was had from 2:26 p.m. to 2:35 p.m.)

HEARING EXAMINER DICKMAN: Okay. We're going to bring this meeting back to order. This is the Collier County Hearing Examiner meeting. It is now 2:36. We're back, and we're going to Item 3C.

Hi, Maria.

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

Before you is Agenda Item 3C, Petition No. PL20250006723, Wentworth Estates. This request is for an insubstantial change to Ordinance No. 03-51, as amended, of the Wentworth Estates Mixed Planned Unit Development, commonly known as Treviso Bay.

They're requesting a deviation from the LDC Section 4.06.02.C, Table 2.4, buffer requirements, to decrease the required width of the northern Type B landscape buffer from 15 feet to 7.5 feet within the commercial area of Tract FD-1.

The subject property consists of approximately nine acres specifically located at 10003 Marc Anthony Way in Section 30, Township 50 South, Range 26 East of Collier County. I received two calls from the public for information. No

comments regarding opposition. The applicant has complied with all the hearing notices which were handled by our operations staff. The advertisement and mailers were sent out on November 21st. The property signage for the hearing advertisements were conducted [sic] at the property by the applicant and is -- and it's included in Attachment C of the backup materials.

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

HEARING EXAMINER DICKMAN: Maria, this seems to be triggered by the FP&L -- or FPL easement; is that --

MS. ESTRADA: Yes. There's an easement on that northern side.

HEARING EXAMINER DICKMAN: Okay. All right. I will hear more from the applicant. Okay. Thank you.

Hi.

MS. HARRELSON: Hello.

HEARING EXAMINER DICKMAN: Jessica.

MS. HARRELSON: Yes.

HEARING EXAMINER DICKMAN: Have you been in front of me before?

MS. HARRELSON: I have.

HEARING EXAMINER DICKMAN: Have not?

MS. HARRELSON: I have.

HEARING EXAMINER DICKMAN: Oh, you have, sorry. MS.

HARRELSON: Yes, you have --

HEARING EXAMINER DICKMAN: My memory is so bad.

Sorry. Apologies.

MS. HARRELSON: Well, it's okay. Good afternoon. I'm Jessica Harrelson, certified planner with Peninsula Engineering, and you have previously accepted me as an expert witness in the past.

HEARING EXAMINER DICKMAN: Okay. And you are

AICP certified, so that's not easy to get, so...

MS. HARRELSON: Yes, sir.

HEARING EXAMINER DICKMAN: Go ahead.

MS. HARRELSON: Let me get my pen here. You can go to the next slide, please.

Here with me today it also Jenna Woodward. She is a professional engineer that's working on the project.

Next slide. So the subject property is within the Wentworth Estates PUD. The PUD is -- the PUD boundary is outlined in yellow, and the subject property is designated as a commercial area. It's about nine acres adjacent to U.S. 41.

Next slide, please.

So this is a zoomed-in aerial of the subject property. HEARING EXAMINER DICKMAN: Yeah.

MS. HARRELSON: Like you mentioned, there is an FPL easement that encumbers the property along the northern property line. If you could see, like, that dirt road, that's where FPL accesses their substation, which is just west of the subject site.

HEARING EXAMINER DICKMAN: Okay.

MS. HARRELSON: We are here requesting two -- well, one deviation and one update to the development standards in the PUD because this easement creates some design constraints with building placement and configuration. Next slide, please.

The first request is the addition of a deviation seeking to reduce the width of the northern landscape buffer, the northern 15-foot Type B landscape buffer, excuse me, to seven and a half feet for a distance of 320 feet, more or less. So the landscape buffer is that light green area that you see here, and that 320 feet is, like, basically within the middle.

A seven-and-a-half-foot-wide buffer can accommodate all

required buffer plantings, so there is no request to relocate or eliminate any of the required plant material within that buffer.

The buffer width that is misplaced [sic] will be provided in this northwest corner in that darker green area in a compensating area, so there's no loss of net green space or open space.

The second request is to -- I'm sorry -- update the 15-foot side-yard setback to seven and a half feet where adjacent to the FPL easement.

Next slide, please.

I'll go through these criteria. Just pursuant to LDC Section 10.02.13.E.1, the requests are insubstantial because they do not change the PUD boundary; do not increase intensity, density, or building heights; do not decrease preservation, conservation, or open space; do not increase areas of nonresidential land uses; do not increase traffic generation; do not result in a requirement for increased stormwater needs.

The requests are not incompatible with adjacent land uses. The requests are consistent with the County's GMP, and the site is not within a Development of Regional Impact. Just to get that on the record.

HEARING EXAMINER DICKMAN: Yeah, so this is great. This is kind of the question I was asking before is, essentially, if it's not substantial, it's insubstantial. So that's why the definitions are so expressed out for substantial.

MS. HARRELSON: Correct.

HEARING EXAMINER DICKMAN: If you don't meet this, then you're insubstantial.

MS. HARRELSON: Unless you're minor, and that's a different set of requirements.

HEARING EXAMINER DICKMAN: That's even different. That's even more different.

I do have a question for you, though, on your strike-through, underline.

MS. HARRELSON: Yes.

HEARING EXAMINER DICKMAN: I see J. That looks like a scrivener's error to me, right?

MS. HARRELSON: Yeah. It was duplicated text, and I do have a slide that covers that.

HEARING EXAMINER DICKMAN: Yeah. That's -- okay. Yeah. We could change that, but I don't really think that's substantive at all, right?

MS. HARRELSON: No, it's not.

HEARING EXAMINER DICKMAN: All right.

MS. HARRELSON: Okay. Next slide, please.

This slide depicts the text amendments that are proposed to

Section 4.4 of the PUD. Item A.2 has been modified to update the setback to seven and a half feet where adjacent to the FPL easement. Item A7 references the new deviation being added about the landscape buffer and, like you just mentioned, Item J is just cleaning up text, duplicated text.

HEARING EXAMINER DICKMAN: That looks just like a scrivener's error to me.

MS. HARRELSON: Okay. Next slide, please.

And this is the amended Exhibit C, list of deviations with that deviation added, and the associated exhibit.

Next slide, please.

The request about negatively impacts surrounding land uses -- land uses or views. There is a canal just north of the site, a filtered marsh that is part of the Isle of Collier's required preserve and stormwater management.

The Collier -- the Isle of Collier also contains a perimeter berm and a 10-foot wall per their approved SDP plan. So the changes that

we're requesting, again, do not have any negative impacts. And then that's -- that's it. That's the end of my presentation. Very easy and straightforward.

HEARING EXAMINER DICKMAN: Okay. Great.

MS. HARRELSON: Oh, actually, I have one thing that I need to clarify. On Page 3 of the staff report, I think it's Line Item 3, the sentence reads, "The developer is seeking to reduce the width of the landscape buffer along the" northern -- "along the property line where it abuts an FPL easement and will provide enhanced landscaping between the commercial area and the adjacent residential community."

We are not providing enhanced landscaping. That was not presented in the materials nor to the public at the neighborhood information meeting. So I just wanted to put that on the record.

HEARING EXAMINER DICKMAN: Okay. So it should be just "required landscaping"?

MS. HARRELSON: Right, code-required landscaping. And again, all of the plant material can fit within the seven and a half feet where the buffer is being reduced.

HEARING EXAMINER DICKMAN: Okay. Thank you. All right. Anybody here from the public to speak?

MS. PADRON: No speakers.

HEARING EXAMINER DICKMAN: No speakers. All right. This one is pretty straightforward. Thank you for presenting it and thank you for going through the substantial/insubstantial part. I appreciate that.

MS. HARRELSON: It's important to put on the record, I think. HEARING EXAMINER DICKMAN: I think you're right. Okay. Great. I have all the information I need on this item, so

I'll make a decision as soon as possible.

MS. HARRELSON: Thank you so much.

HEARING EXAMINER DICKMAN: Have a great day. Good to see you.

MS. HARRELSON: Have a Merry Christmas.

HEARING EXAMINER DICKMAN: I promise I'll remember you next time.

All right. 3D.

MS. ESTRADA: This one's actually two petitions with the same --

HEARING EXAMINER DICKMAN: Okay. Let's deal with that. So this is -- these are companion items.

MS. ESTRADA: Yes, they're companion items.

HEARING EXAMINER DICKMAN: Can we do one presentation for both or --

MS. ESTRADA: Yes. I have it set up for that.

HEARING EXAMINER DICKMAN: Okay. Can you cover the whole -- both of them at the same time? I will be rendering two separate decisions, but I'm okay with doing the presentation of both items at the same time.

MS. ESTRADA: Yes. That's fine.

HEARING EXAMINER DICKMAN: Okay.

MS. ESTRADA: And the applicant is web -- by -- presenting online.

HEARING EXAMINER DICKMAN: Okay. All right. MS. ESTRADA: So --

HEARING EXAMINER DICKMAN: Culver's. I was wondering what it was.

MS. ESTRADA: For the record, Maria Estrada, Planner II. Before you is Agenda Item 3D and 3E, Petition No. PL20250004410 and PL20250004411. Both are sign variances for Culver's restaurant. The request pertains to sign variances from Section 5.06.4.F.5 of

the LDC. It seeks permission to have two menu signs instead of one specifically for the drive-through lane. This would allow for an additional menu board while still maintaining only one drive-through lane.

The first subject property, Agenda Item 3D, consists of a little bit over an acre, specifically located at 8940 Sage Avenue, Tract D, in Section 23, Township 48 South, Range 26 East, in Collier County.

The second property, Agenda Item 3E, consists of approximately, again, another one acre specifically located at 5102 Tamiami Trail East, Sabal Bay commercial plot, Phase 4, Tract M, Section 19, Township 50 South, Range 26.

I received no public opposition -- opposition. The applicant has complied with all the hearing notices. The property signage for the hearing advertisements was constructed at the property by the applicant and is included in Attachment D for both staff reports.

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

HEARING EXAMINER DICKMAN: Okay. So just to be clear for the record, it is the same applicant, different --

MS. ESTRADA: Locations.

HEARING EXAMINER DICKMAN: Different address but the same request?

MS. ESTRADA: Correct.

HEARING EXAMINER DICKMAN: Okay. Got it. Thank you. Is the applicant here? Oh, they're online, that's right.

MR. WATTS: Yes. I assume you can hear me.

HEARING EXAMINER DICKMAN: Yes, Mr. Watts. We can hear you.

MR. WATTS: Awesome.

Well, yeah, I am Trey Watts. I'm with Springfield Sign based

out of Springfield, Missouri. We are the national sign provider for Culver's restaurants but also represent the local franchise owners here in Naples, Florida, the Busalacchi family.

So, yeah, I appreciate you guys hearing our request today. Basically what we're trying to implement, in a post COVID world, is everyone is aware, drive-through business has become a lot more prevalent than sit -- sit-down restaurant business.

So with the status of these two sites -- if we could go to the next slide, sorry. The status of these two sites, we're kind of a little bit locked on our land. A lot of new Culver's restaurants, if they were built today, would be a traditional side-by-side double drive-through. This site is not able to do that because of the space and setback requirements.

So an option is what we like to call a tandem drive-through which allows for two order points in the same lane.

Currently, the picture up on the screen here is the menu board that is at location, and this is a standard menu board and is exactly the same board we're asking for the second menu board in the lane.

Roughly, it is six feet in overall height, and depending on how you calculate square feet, if you go by the outside of the frame, it's roughly 48.6 square feet, but if you come in to just copy area, it's about 38 square feet.

Next slide, please.

The current code of Collier County allows for a 6-foot-tall menu board, which we meet. We could actually have up to 64 square feet, but we're only allowed a single menu board per drive lane, which is our problem here, as we aren't able to add a second lane, so we're requesting another order point in the same lane. So that is the reason for the request, and it is the same request at both locations.

The reason for this -- importance of this or how it benefits the community -- of course, it benefits Culver's, but the guests coming

through, the whole reason to add a second order point is to increase efficiency, reduce the chance of, you know, a backup, of, you know, what they call car stacking. That is before the order is placed. With two order points, they can speed up orders and move them up to the payment window.

And I don't know if anyone in the room has frequented a Culver's, but they do operate a little bit different than your traditional QSR restaurant. So they are a cook-to-order operation, so their food processing or food cooking takes longer because it's not all premade.

So typically you place your order, you move up to the payment window, and then they put you in a stack. So post the pickup, and then you sit and wait, and they deliver the food to your car.

So the reason to add the second order point is to just increase that efficiency up to the pickup window and not get a stack back that's going into the parking lot that could cause issues with other patrons or others.

So based on these requirements, that is why we are asking for this request. And I am happy to answer any and all questions -- sorry, next slide -- that you may have.

We believe, based on the staff report and everything that has been provided to us, that we meet the requirements of obtaining this variance so we could add the second order point that I believe we would be allowed if we had the space to do a second drive-through lane.

Again, appreciate you hearing -- hearing me out today, and happy to answer any questions you may have.

HEARING EXAMINER DICKMAN: Yes. I just want to be clear, Mr. Watts. Just so that the record is absolutely clear, everything you described, the two -- the two signs, the single lane, how -- the operation, you did a really good job of describing that -- that's going to be exactly the same in both locations; is that

correct?

MR. WATTS: Yes, sir, yes. We are asking for the same application in both -- sorry -- the same implementation in both locations, yes, sir.

HEARING EXAMINER DICKMAN: Okay. I understand. All right, great. Let's see if there's anyone from the public here.

MS. PADRON: We have no one from the public.

HEARING EXAMINER DICKMAN: Okay. No public speakers.

Yep, this is pretty straightforward. You are absolutely right, you know, I've had a couple of -- or quite a bit of the drive-through changes over the years since COVID. Lots of people are changing these things to move the cars through faster.

So I've not seen a Culver's yet, but now I understand why you're doing this. I believe it was presented well enough for me to understand everything, and everything in the record I can review.

So I don't have any questions for you, if you have any other things you want to mention. I think I have enough information to make decisions.

Okay. He's saying no.

All right, great. So I will get decisions out as quickly as possible on both the items. Remember this is -- these are two separate items because there's two separate addresses, two locations, but the exact same request, so they made a combined presentation on both of them for efficiency's sake, okay.

MR. WATTS: I appreciate you guys hearing me today. Thank you.

HEARING EXAMINER DICKMAN: All right. Thank you for your time. Appreciate it.

Any -- that's the last -- that's the last of the petitions. Any new business, old business, or public comments?

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MR. BOSI: No new business. Old business, we have the holidays coming up. If you'd like to sing some Christmas carols, we can stick around for a while. If not, nothing else from the County.

HEARING EXAMINER DICKMAN: Nobody wants to hear my voice. I wouldn't mind hearing yours, though.

Well, I do wish everyone a very, very Happy Holidays. Enjoy it. This is a great time to be in Collier County. The weather's beautiful, always is this time of year, and I wish all of you all health and prosperity in the next year.

So we are adjourned.

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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 2:55 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.