

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY HEARING EXAMINER  
NAPLES, FLORIDA  
JANUARY 27, 2022

LET IT BE REMEMBERED, that the Collier County Hearing Examiner, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION at 2800 North Horseshoe Drive, Room 609/610, Naples, Florida, with the following people present:

HEARING EXAMINER ANDREW DICKMAN

ALSO PRESENT:

Andrew Youngblood, Operation Analyst Zoning Division  
John Kelly, Principal Planner  
Raymond V. Bellows, Zoning Manager  
Jaime Cook, Director of Development Review

PROCEEDINGS

THE HEARING EXAMINER: All right, good morning everyone. Happy Thursday. Today is the 27th of June, 2022. This is the Hearing Examiner -- HEX for short -- meeting. It is approximately 9:04 and we are going to open this meeting with the Pledge of Allegiance.

(Pledge of Allegiance was said by the participants.)

THE HEARING EXAMINER: All right, thank you very much. Let me give you a little background here about myself. I'm a Florida Bar licensed attorney in good standing for over 20 years. The concentration of my practice for all of those years has been in land use, zoning, comprehensive planning. I am not an employee of the County. I'm on contract. My job is to be here as an impartial neutral decision maker in this quasi-judicial hearing. And my role here today is to look at each petition or application that has been brought to the agenda here today and take the criteria as it's expressed in the code and collect as much competent, substantial evidence from what I hear today from the County, from the Applicant, from anyone who wants to speak publicly, and render a decision by taking that expert information and applying it to the appropriate code and rendering a decision. And I won't be rendering a decision today, I will be rendering a decision in writing within 30 days and that's per code.

The meeting itself, as I indicated, is quasi-judicial. What that means is that it's semi -- it's not your typical public hearing. It's a little bit like a court hearing in a way where, you know, you have two parties, one party is the Applicant, the other party is the County, and then you have the public.

Within the public there may or may not be who are considered interested parties, meaning people that may or may not have standing -- was that somebody, Mr. Youngblood? I heard -- I hope the court reporter -- please tell us if you can hear me.

THE COURT REPORTER: Yeah, I can hear you. Can you hear me? I can hear.

THE HEARING EXAMINER: Do I have a court reporter who can hear me?

THE COURT REPORTER: Yes.

THE HEARING EXAMINER: Sorry about that everybody.

THE COURT REPORTER: Yes, you do. I've got everything. I was just on mute by the host.

THE HEARING EXAMINER: Okay. Well, please speak up clearly if you can't hear somebody. So getting back to that, the two parties and then the general public, there may be interested parties, a term of art under the law. I personally do not make decisions on whether somebody is more affected than someone else in the public. I think that that would -- what that would require me to do is my own individual research prior to coming here, a type of ex parte stuff.

I don't have conversations with applicants prior to this meeting. I don't have conversations about substantive issues with the County. I rarely, rarely do my own field inspections and things like that because in my view under quasi-judicial rules I want to be here and I want the parties and the public here to have confidence that I'm here as a neutral and unbiased decision maker, so that's why whatever decision I make is going to be after this hearing. I will not collect any more arguments or any more information after that. After this hearing, this meeting is where the record is going to be made that I will base my decision upon.

That being said, the process that we're going to undergo is I'm going to ask the County who have processed the application petitions to give me a brief overview of their staff report and recommendations, also touch upon the notice procedures that were conducted under the code so that I can be ensured that the public had been notified properly under due process rules. And then I'll ask the applicant to come up or the

applicant's representative to come up and present their case-in-chief.

At that point, I'll switch to open it up for public comment. And, you know, anyone can speak; under state law you have a right to be at a public meeting and speak. I would ask that anybody who's going to speak here or online to try to keep your comments directly to -- and make it germane to the criteria that I have to use in reviewing these applications.

That doesn't mean that you can't talk to me about baseball or the weather, this is an open forum. The law allows people to speak, but it's really more important for me to hear about how -- how you -- how this is important enough for you to speak here today.

So having said that, this is also a hybrid meeting and what that means is that the County has set up technology for folks that feel uncomfortable or safe due to the pandemic that they want to attend electronically here or in person, so it's an accommodation that the County has made in order for folks that feel uncomfortable or need to be quarantined for whatever reason they will be participating online. Now, that -- the burden is on them to understand how to use their technology and if after a few minutes they find that they can't operate their technology, I'm just going to move on, so -- and we have Mr. Youngblood over here who's running the whole show. If you think that I'm in charge, you're wrong. He's the guy in charge. He's the Wizard of Oz over there.

So with that, if everyone could please silence their phones. Any noisemaking, if you have to have a conversation with somebody, just step out in the hallway. The room is so sensitive that I can actually hear what's going on and I want the speakers and everyone to be able to speak and not be disrupted.

This is a very casual, informal process as opposed to maybe being in the chambers at the County Commission. So I'm here, I want to take time, I hope nobody's going to be nervous. If you're nervous, take your time and get your information out, so that's how we're going to conduct it.

Do we have anything else, Ray, anybody? Did I miss anything?

MR. BELLOW: I think that covers it.

THE HEARING EXAMINER: All right. Thank you. So let's go ahead and go to the first item, I think that's 3A. Who's going to cover this one? Good morning.

MS. CASTRO: Good morning. Gabriella Castro, principal planner. So today we have a variance request from LDC 4.02.01 to reduce the rear yard setback from 75 feet to 20 feet for a guesthouse in the Estates Zoning District located at 6761 Sable Ridge Lane. The project was compliant with -- or is compliant with the GMP and LDC and therefore Staff recommends approval.

The Applicant has complied with all hearing notices and provided letters of no objection from the adjoining property owners. Advertisements and mailers went out around January 7th, and we did an increased mile notice for the new -- per the new LDC regulations. The property signage was constructed by the applicant and signed affidavit is located in Attachment D of the backup materials.

THE HEARING EXAMINER: Maybe I'll leave this up to the Applicant, I did read through the letters of support and those are really important to me to have and to see. Some of them are addresses that are in different locations, they're probably using the addresses where they live, so maybe the Applicant can point out to me where some of these addresses are on the letters of no objection so that I can see that.

I can see that at least the neighboring properties are -- have no objection. I'll go through that with the Applicant, but I appreciate that. I think it's good that the County increase the radius notice to a mile, which is a long way, but due process is very important to this -- in quasi-judicial hearings.

MR. BELLOW: For the record, I just wanted to note that the mile notice is for estate zoned properties.

THE HEARING EXAMINER: Yeah, that would be kind of -- urban areas can be a little different and expensive as well. Well, thank you very much. Stick around, don't run off. I may have some questions for you. Thank you.

All right. Can we hear from the Applicant or the Applicant's representative?  
Good morning. How are you?

MS. KLUTZ: (Inaudible.)

THE COURT REPORTER: I'm sorry, I missed the first part of that, her name.

MS. KLUTZ: My name is Jessica Klutz and I'm a planner with Davidson Engineering.

THE COURT REPORTER: Thank you.

THE HEARING EXAMINER: Can you give us a quick -- I mean, have you put your resume into the record, or if not, can you just give me a real quick background on your expertise in this area?

MS. KLUTZ: Yeah, sure. It's on the record already, but I've interned for two years with Broward County and a year with Lauderdale by the Sea in their planning departments, as well as worked for about months now as a planner for Davidson Engineering and I have my master's degree in planning from Florida Atlantic University.

THE HEARING EXAMINER: You're qualified.

MS. KLUTZ: Thank you. So I will be presenting the Sable Ridge Lane variance. Next slide, please?

So the location of the property is it's in the Estates District surrounded by single-family residential and the address is 6761 Sable Ridge Lane. There's one vacant parcel above it. And just because I have this map up, I'll say that the letters of non-opposition are from all the adjacent properties and a ring around it and it just tells the letters went out to their full-time residences because they don't live here full time.

THE HEARING EXAMINER: Yeah, that's why I was -- so you're talking about behind them as well adjacent, all the abutting properties?

MS. KLUTZ: All the abutting, anything touching the property line.

THE HEARING EXAMINER: Great. Thank you. MS. KLUTZ: Next slide, please? So our requested variance is relief from that 75-foot rear yard to allow for a 20-foot setback for a 1,010 square foot guesthouse. And the purpose for this guesthouse is to house the property owner's mother-in-law so she can be near the family for health and safety reasons while still maintaining her independence. And there will also be a pathway for a small golf cart constructed from the front driveway to that guesthouse. Next slide? So the site conditions are that there was determined to be no wetlands on the site; that letter of nonopposition was collected from all neighboring properties.

The front yard, most of it is used for a septic system and drain field, so the house cannot be constructed there and the property was purchased on July 18th, 2018.

The current home on the property is about 4,500 square feet and this also has a 4,000 square foot brick deck, swimming pool, spa, and then that baseball diamond you can see in the aerial.

THE HEARING EXAMINER: I have a question about the baseball diamond. So is that big grass area right field or left field or is that the backstop? I'm just wondering if somebody's got a strong hitter.

MS. KLUTZ: I do know they use the whole field, so that's why they're trying to keep it. Next slide?

Let's talk a little more about that baseball field. It was constructed as early as 2017, which was before it was purchased by the current owner and then in 2020 they expanded it to have a full field so they could have proper games. And the yard is utilized for, like, educational uses for their kids, as well as recreational with the family

and friends, so they'd like to preserve that while still enabling them to build that guesthouse. Next slide?

So a sufficiently-sized accessory dwelling can't be constructed on the property while preserving that sports facility with a LDC compliance 75-foot rear setback and the use of that guesthouse is allowable per the LDC and this is consistent with the growth management plan and here in this picture you can just see the difference between 75 foot versus 20 foot on that rear setback. Next slide?

And then for the fire review, a request to deviate from the fire codes was accepted by Sean Lintz who is the battalion chief of life safety and fire marshal for North Collier Fire and this is on the condition that the guesthouse will be equipped with a sprinkler system and the deviation is from the 150-foot access from the front property line to the building, so we got a letter of approval from Mr. Lintz on that. Next slide? If you have any questions, I am happy to field them.

THE HEARING EXAMINER: I don't really have any questions. I do appreciate getting the -- you know, the notices from the property -- adjacent property owners. It's really more of a comment, and I know this is not an -- it's consistent with the comprehensive plan, but I'm guessing, you know, most local jurisdictions are really trying to get integrated and diverse housing pools so that, you know, it's not segregated and that when mom and dad have to get older and they need special accommodations, they're not shipped off to independent living. You know, as a planner I have a master's degree in planning just like yourself, you know, obviously it's -- it's-- you know, these mother-in-law houses and other things give opportunities for not -- for keeping the family together and having a diverse housing pool, so I don't know if that's an objective of the County in their comprehensive plan, but I think personally as a planner I think it's a good thing. You don't have to comment on that.

So I don't see any objections to the setback issue. The County doesn't have any objections to the setback. Does the County have anything to add to the comments? I saw the fire -- I read the fire correspondence went back and forth, is there anything else you want to add?

MS. CASTRO: Nothing to add.

THE HEARING EXAMINER: Nothing at this time, okay. Let me open it up to -- are you finished?

MS. KLUTZ: Yes.

THE HEARING EXAMINER: Okay, for now. Don't go away because there may be somebody speaking. Are there any speakers registered for this?

MR. YOUNGBLOOD: Mr. Dickman, for the record, Andy Youngblood. I do not have any speakers for this item.

THE HEARING EXAMINER: All right. I don't require any more information, I have all the information. I've read everything in the packet that's been submitted. I have plenty of information that I need to make a decision on this, so thank you. Very nice presentation and I'm glad you're over on the West Coast, not the East Coast anymore, but Florida Atlantic is a great college, great university.

MS. KLUTZ: Thank you.

THE HEARING EXAMINER: All right. Take care of yourself. Okay, moving on. Now we're going to the dock phase of our agenda. We have 3B. Look who's here.

MR. KELLY: Good morning, Mr. Dickman. How are you? Okay, this is going to be your item 3B. It's BDE-PL20210001645. This is a request for you to approve a 23-foot boat dock extension over the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width to allow the addition of a boat lift to an existing boat docking facility that will protrude a total of 43 feet into a waterway that is 135 plus or minus feet wide pursuant to Section 5.03.06 of the Collier County Land Development

Code.

The existing docking facility was constructed by means of building permit PRBD-20180212105. However, our records indicate a certificate of completion was never issued.

The location of this is 1660 Vinland Way, further described as Lot 14 Landings at Bear's Paw, in Section 35, Township 49 South, Range 25 East and is located within the Landings at Bear's Paw residential planned unit development.

Public notice requirements were as per Section 10.03.06(i) of the LDC. The property owner notification letter, newspaper ad and public hearing signs were all taken care of on January 7, 2022.

There is an error in the staff report with respect to secondary criteria number three, it states criteria not met, however it was satisfied.

THE HEARING EXAMINER: Primary or secondary?

MR. KELLY: That would be secondary.

THE COURT REPORTER: I'm sorry, Mr. Hearing Examiner, I did not hear you.

MR. KELLY: That -- the error is secondary criteria number three and within that it's stated correctly, however it says the criteria was not met; it was met.

THE HEARING EXAMINER: Did you get that, Court Reporter?

THE COURT REPORTER: You asked Mr. Kelly a question and I just didn't hear it. I got everything he said.

THE HEARING EXAMINER: I asked him which criteria and he just answered the question.

THE COURT REPORTER: Yeah, I got the answer. Thank you.

THE HEARING EXAMINER: Thank you very much.

THE COURT REPORTER: Yep.

MR. KELLY: Okay. This petition was reviewed by Staff based on the reviewed criteria found in LDC Section 5.03.06(h). Of the primary criteria, it's satisfied five of five. Of the secondary criteria it satisfied five of six, with the sixth criteria being not applicable, the Manatee Protection Plan.

It's found to be consistent with the Growth Management Plan and the Land Development Code. I received no public comment in response to the project. Staff recommends that you approve this petition as described in accordance with the proposed dock plans that are contained within Attachment A with the following condition: One, that the Applicant must obtain a certificate of completion for the building permit for the dock prior to adding the proposed boat lift or, two, must re-permit the entire dock facility with the new boat lift and obtain a certificate of completion. And that concludes my staff report.

THE HEARING EXAMINER: Okay. Okay, a quick question about this, and I know what the -- I know what the express law says in the code about the criteria regarding the manatee protection, so frequently that -- almost all the time that's not applicable for the docks that we're dealing with; has the County discussed this because it's almost like you have to say, well, it's not met, but it's not applicable, and then the code says, you know, you have to count up how many things are met or not. I mean, there's really not a, hey, you can exclude this and you know -- has there been any internal discussion about that?

MR. KELLY: Not to my knowledge. I've addressed it to the best of my ability.

THE HEARING EXAMINER: No, I understand that. I'm not criticizing anybody, but I'm just saying for the purposes of my decision, you know, if somebody has to meet all -- you know, get a certain number of all of those, but yet one's not applicable. I mean, I can come -- as an attorney I can definitely make my own arguments but I

wouldn't want anybody to be banned --

MR. KELLY: I believe it comes down to how many criteria they do satisfy as opposed to how many criteria there are. In other words, they need to satisfy four of the six secondary criteria.

THE HEARING EXAMINER: But whether it's met or not met and then we've got this not applicable situation, but I'll deal with that. I know how to deal with it. I was just curious if there was internal conversation.

MR. BELLOWS: For the record, Ray Bellows. We have looked at our criteria over the years and this particular one was discussed because for the most instance on single-family homes it's not applicable, but on a multi-family it will would be with ten or more slips.

THE HEARING EXAMINER: Okay. And this is in a -- I guess an association because I think I saw an association approval letter?

MR. KELLY: Well, the planned unit development document, it limits the number and location of both docks and slips, so, yes, they do satisfy that criteria. It is within the association's regulation.

THE HEARING EXAMINER: They reviewed it and said, you know, there's no objection on that one, Okay. Thank you. Don't go anywhere, I'll have to come get you.

The Applicant representative, the infamous Jeff.

MR. ROGERS: Yep, good morning.

THE HEARING EXAMINER: Good morning.

MR. ROGERS: For the record, Jeff Rogers with Turrell, Hall & Associates.

As John just outlined our petition, I've got a little, you know, Power Point with some exhibits basically on here that we can have some visualizations of what we're proposing.

John -- as John stated, I'm representing the Applicant, Scott and Bonnie Phillips whose property is located at 1660 Vinland Way, which is the Landings at Bear's Paw development.

In regards to your question about the development, and the reason that supportive letter came out just to answer that real quickly is the shoreline is technically owned by the development and in order to cross over that, I think the County attorney's office wanted to show no objections from the HOA to allow those docks to go up.

THE HEARING EXAMINER: To that point, you know, we're looking at a visual, I was wondering about that. Is that a -- when you see along the waterway, is that a walkway or a path or is that --

MR. ROGERS: It's riprap. It's rock. It's clean rock that's white that you're seeing.

THE HEARING EXAMINER: It's a common area? MR. ROGERS: It's a common area because there's a drainage easement in the back of each of these properties, so, again, we're crossing over that and it is a allowed accessory structure for the development itself.

THE HEARING EXAMINER: And is this the waterway that goes into Gordon River and ultimately out into Naples Bay?

MR. ROGERS: This is at the top of the manmade section of the Gordon River basically, yes, sir. They call it a drainage ditch basically. Next slide?

So there is an existing dock as Staff has mentioned that is within the allowed 20 feet and does meet the required side yard setbacks of 16 feet.

The proposed project here is to install a boat lift on the outside of this existing floating dock that you see labeled. It's a very unique dock design in this one. There's

an upper -- there's a deck level that's level with the uplands and then a stairway down and a gangway down then to the floating dock, so it's a very complicated dock being system, but the floating dock there will be a lift installed on the outside of that to accommodate a 30-foot vessel. The side yard setbacks will not change the location. If you go to the next slide, it will show you the propose the lift and vessel on it will not encroach in the side yard setbacks.

Just to touch on the side yard setbacks within this development, they approved I guess it's the PUD document allows for these homes to have seven and a half foot setbacks where the code typically would require these properties to have a 15-foot setback, so either way, this property meets that code.

Protrusion out into the waterway is, you know, 23 feet from the property line, so we are requesting a 23-foot boat dock extension. However, we're only 33 feet from the mean high waterline out into the waterway that is I believe 126 feet here plus or minus, so we're within the 25 percent width of the waterway just within this design which is consistent with all the other docks along this shoreline.

Just to run through the criteria real quick, We're adding -- we have one slip, we're allowed two, so we meet that criteria. Water depths here are not sufficient within 20 feet to have a dock let alone to have this boat lift proposed on the outside, so the only option here is to protrude further out into the waterway.

Number three, navigation, this is a canal. If you want to go forward on the slides, keep going, it'll show you the canal width. Here's a good example of -- the thread of navigation is the blue dashed line, basically the center line of the waterway. The properties across the waterway have docks on their south sides not shown on this aerial, so there will never be dock other than what's seen immediately over there by the 32-foot measurement; that's the first dock that would be across from this development basically.

Number four, protrusion, we're within 25 percent width. We're right at 24.67 percent, so we're inside of the 25. Impact to neighbors' views, this is a boating community, everyone pretty much has a dock along here, so it's within the repairing lines, it's within their setbacks, so therefore, you know, it's not impacting anybody's view outside of anything normal for this shoreline and everybody else.

Secondary criteria property line location and elevation is what's basically what's driving the extension request being the most restrictive point. Again, we're asking for a 23-foot extension into the waterway.

There is adequate and safe access provided by the existing dock, so no other docking structure is being proposed with this. The boat lift will just be added on to the existing dock and will provide, you know, adequate and safe routine maintenance for them as well as maintain recreational access to the waterway, fishing, kayaking, whatever they please in that regard.

Fifty percent of the shoreline width, we're just under that. The shoreline width is 67 feet overall. We're proposing a 30-foot vessel, so we're under the 50 percent criteria on that one, so we meet that as well.

Again, no impacts to waterfront view changes. Seagrasses, I've swam this place basically 200 feet out like it's required and across the waterway. No seagrasses were located; too much fresh water input really, you know, different times of year to allow seagrasses to grow here.

And as we discussed, the MPP is not applicable to single families. And just to touch on that real quick, that was, from my experience doing this for 16 years, it's really most multi-family is where that gets triggered. The MPP really dictates what's allowed for manatee protection -- or for docks in that regard. Commercial usually gets done internally anyways, so -- Turrell's happy work with County staff amend some of the criteria if they ever go down that road. So with that being said, I'll close off this

presentation. If you have any questions, I'd be happy to answer them.

THE HEARING EXAMINER: Yeah, I do have a couple questions. So one is the floating dock gangway, how old is that?

MR. ROGERS: To my knowledge, I believe I wrote down it was built in 2015. I didn't do research on the building permit, but the PL number was reference to a 2015.

THE HEARING EXAMINER: So the certificate of completion --

MR. ROGERS: Was never done.

THE HEARING EXAMINER: Right.

MR. ROGERS: Correct.

THE HEARING EXAMINER: So you know that that's a condition, right?

MR. ROGERS: Correct. Yes, sir. Sorry, I didn't mean to interrupt you. I don't know who the contractor was, I'll have to do some legwork with the owners on that because it was my understanding they bought the property with a dock there, so they might have to do the building permit for the boat lift to include the dock as was an option outlined I believe by John as well.

THE HEARING EXAMINER: Okay. So with the current design as it was originally done, I guess it would be my understanding that they would have to go simply without the lift for their boat --

MR. ROGERS: Correct.

THE HEARING EXAMINER: -- against the floating dock because there's not an existing pilings there for a lift; am I correct about that?

MR. ROGERS: Yes, sir.

THE HEARING EXAMINER: Okay. There's no other option without having to take away the floating dock and the gangway and reconfigure it so that it's -- right, am I --

MR. ROGERS: Yeah. And to be consistent with the setback and the other docks already previously along the shoreline they're all parallel mooring, the vessels are; perpendicular just wouldn't work. You're going too far out into the waterway.

THE HEARING EXAMINER: The tidal differences, I mean, is that due to the weirs? I mean, isn't there an upstream weir where the Water Management District that from time to time has to release that?

MR. ROGERS: Yes. During obviously our wet season, come June, July, August, September, October actually, my sister lives in this development, so I'm very familiar with it and the water, it's probably average to a foot, foot and a half higher during six months out of the year, four months out of the year, because of the amount of water that coming over the weir that obviously drains the Golden Gate Estates and floods into the Gordon River.

THE HEARING EXAMINER: Thus the floating dock?

MR. ROGERS: Correct. Yeah. So this is a unique dock here. Honestly, most of them are fixed structures, but this one and the next petition that's coming in front of you are also both floating docks. They're design matches, so I'm assuming they're both the same contractors that built these and they are the only two floating docks within this development.

THE HEARING EXAMINER: Okay, last question, in terms of navigability, is this slow speed, was this regulated or --

MR. ROGERS: Yes, sir. It's a no-wake. Yeah, I believe it's an idle speed zone, not a no-wake zone, which means pretty much everyone adheres to a no-wake small -- small craft -- you know, it's all small craft, 30-foot to maybe 35-foot vessels back here and idle speed, you know, small wakes. Conservancy's over the place around here as well giving tours.

THE HEARING EXAMINER: Well, they have the zoo and Conservancy property

downstream, right?

MR. ROGERS: Correct. And the Conservancy does I think tours of the waterway twice a day on average. I know when we were developing this property, Turrell did the environmental work, and they were going by constantly and objected to it quite a bit.

THE HEARING EXAMINER: Yeah. And well -- and frankly part of that tour is to see manatees.

MR. ROGERS: Yes, sir. Understood.

THE HEARING EXAMINER: Right. So when you swam out there, did you see any manatees?

MR. ROGERS: No, but I definitely have seen plenty of manatees, especially during the more summer months obviously when there's a little bit more grasses coming over the weir that they actually do feed on, so --

THE HEARING EXAMINER: You don't harass them? MR. ROGERS: Of course not, for the record.

THE HEARING EXAMINER: Okay. Thank you for that. Do you have anybody else you want to speak?

MR. ROGERS: No, that's it.

THE HEARING EXAMINER: Okay. John, I have a quick question for you. So on the PUD zoning, Jeff indicated that the side setbacks were different because of the PUD zoning rather than the standard ones; is that correct?

MR. KELLY: That's correct. They're reduced to 7.5 feet, that would be -- give me a second here. Exhibit E of the Landings at Bear's Paw RPUD document. It states deviation number four, seeks relief from the LDC Section 5.03.06(e)(5) dock facilities which require -- let's see, which requires dock facilities to have the side setback of 15 feet for dock facilities on lots greater than 60 feet of water frontage to allow a 7.5-foot side setback for the private single-family dock facilities along that section of Golden Gate canal within the residential tract provided that such slips are parallel to rather than perpendicular to the shoreline.

THE HEARING EXAMINER: Okay. Okay, I appreciate that. Yeah, I just wanted to get that on the record.

MR. KELLY: Then you asked a question about the existing dock, how you could moor a boat there. I don't believe you could without exceeding the protrusion limitation.

THE HEARING EXAMINER: I don't know what boat they have there honestly, but I do want to ask of the County, because by the contractor not coming in to get the certificate of completion, now we're saddled with that issue and the homeowner is saddled with that issue, so whoever the contractors are, I guess Jeff you'll find out, or somebody, can we just politely ask them to follow up on their job so we don't have to deal with it in this situation? I mean, it's not a big deal. Hopefully these docks are designed and built to specifications and not, you know --

MR. KELLY: I believe the County building department sends out notices if someone's permit goes too long without, so I can't explain why they didn't obtain one.

THE HEARING EXAMINER: I don't expect you to. I think the contractor, you know, has -- you know, whoever the contractor is, I'm not -- I'm just -- this is more of a commentary. I think it would be nice if we weren't here having to deal with a condition of getting that certificate.

MR. KELLY: Unfortunately some people when they buy properties, if they don't do their due diligence, end up with code enforcement issues and this is one of them.

THE HEARING EXAMINER: They're primarily -- they do have a code enforcement issue here?

MR. KELLY: To my knowledge it's not a code case,

but it very well could be.

THE HEARING EXAMINER: Okay. And whatever contract -- Jeff, you're in touch with a lot of contractors, maybe explain to them when you have meetings with contractors, that the end result of these could end up being a problem for subsequent home buyers or even the person that built the dock and when you start going down that code enforcement process, if anyone's ever done it, you don't want to do it because if you ultimately have liens on your property, they can escalate to a figure that you don't even want to imagine and that will blow back on the contractor. If I were their lawyer for the homeowner, I would go after the contractor for that, so it's easy enough to get the certificate of completion.

MR. ROGERS: In our defense, I really didn't know --

THE HEARING EXAMINER: No, you're not the contractor.

MR. ROGERS: No, I know, but I will find out and it's a requirement typically to provide an adequate survey to close out the building permit, you know, so --

THE HEARING EXAMINER: The County is busy all of the time and they can't go around, you know, policing the County all the time, so the contractors have to cooperate with the County and, you know, they have the right to be doing business under a license in the County and they have an obligation in my mind to be professionals and come back in and get that done. It's a basic thing, but as you heard from John, and in my own experience as an attorney, I've dealt with code enforcement and once that notice goes out and it's not cured and, you know, you're in here getting -- it just turns into a big mess and it's unnecessary, so -- I'm not blaming the County at all. I actually put this on the contractor. They know how to do this.

Anything else? Do we have anybody registered to speak?

MR. YOUNGBLOOD: Mr. Dickman, I do not have any registered speakers.

THE HEARING EXAMINER: I think that's a good thing maybe. It's showing that the purpose of the HEX meetings are, you know, to sort of get through these things, but I'm always happy to hear from the public.

John, anything else before we close out public hearing? Anything else? Last comments, Jeff? Nothing?

MR. ROGERS: No, thank you.

THE HEARING EXAMINER: John, anybody? You guys did a great job. Thank you. Appreciate all the information. All right, so I will get a decision out as quickly as I can. Thank you.

We'll move on to the next item, which is 3C. John's standing there, so I'm assuming he's going to be the dock guy today.

MR. KELLY: Yes, sir. Good morning again. This is agenda item 3C, BDE-PL20210001646. This is a request for you to approve a 21-foot boat dock extension over the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width to allow the addition of a boat lift to an existing boat docking facility that will protrude a total of 41 feet in a waterway that is 135 approximate plus or minus feet wide pursuant to Section 5.03.06 of the Collier County Land Development Code.

The existing building permit BRBD-20201043415 for which a certificate of completion was issued on April 26th, 2021 ensuring compliance with the LDC.

The location of the subject property is 1664 Vinland Way further described as Lot 15, Landings at Bear's Paw, in Section 35, Township 49 South, Range 25 East, Collier County, Florida. It's located within the residential component of the Landings at Bear's Paw residential planned unit development.

Again, public notice requirements were contained in LDC Section 10.03.06(i). The property owner notification letter, newspaper ad and public hearing signs were all satisfied on January 7, 2022.

Again, there's an error in the Staff report; same one as last time with respect to secondary criteria number three. It states not satisfied whereas it has been met.

As far as the review, it was performed within the guidance of LDC Section 5.03.06(h). Of the primary criteria the petition satisfied five of five, Of the secondary criteria satisfied five of six with the sixth being not applicable, the Manatee Protection Plan. It's found to be consistent with the Growth Management Plan and the Land Development Code.

Staff's recommendation is that the Hearing Examiner approve this petition as described in accordance with the proposed dock plans provided in Attachment A.

THE HEARING EXAMINER: Stay there, please. Okay, can you come on up. All right, I'm going to swear you both in. I did not swear in witnesses, so I'm going to swear you both in. This is going to apply to the last item as well since you were on it and it's going to be for any -- if you're on the other items, so raise your right hand. Do you swear and affirm that the testimony you're giving here today is the truth?

MR. KELLY: Yes.

MR. ROGERS: Yes.

THE HEARING EXAMINER: Okay. So I also want to indicate that the young lady that was here on the first item was a professional planner, certified, and I am going to make the great leap of assumption, she's with a good engineering firm and I would be very surprised that any testimony she would give would not be accurate. There were no public speakers, so I'm comfortable with that, okay? Thank you. Jeff?

MR. ROGERS: Sure. For the record, Jeff Rogers with Turrell, Hall & Associates representing the Applicant, David Gilmore who resides at 1664 Vinland Way. And this is a little bit of a Groundhog's Day for you, but it's within the Landings of Bear's Paw development. It's actually right next door to the property we just discussed. A lot of criteria is the same and the existing dock in this case was built more recently, I believe John said 2001, and this one did get its CO, so it's in good standing. You don't have to chase the contractor down on this one.

So with all that being said, the request is for a 21-foot boat dock extension from the allowed 20 feet for an overall 41 feet out into the waterway. Go to the next slide.

This is -- again, this is just like the previous one which you can see just to the left, to the west of this dock is that property. Dock designs are consistent and pretty much the same. Setbacks are slightly different on this one. They did 15 feet on the east side and 17 on the west side and with the proposed boat lift installation, again on the outside of the floating dock, those setbacks will be maintained and the proposed vessel to be moored on this dock/boat lift will be a 30-foot vessel, so it fits within the setback criteria.

It's also -- the dock provides one slip which per the criteria and the LDC it's allowed two, so it meets that criteria. Water depths here again, same situation, the riprap elevation and the shoreline configuration just won't -- you know, it's not sufficient enough to put a boat/boat lift, you know, closer to the shoreline and without a significant project.

Navigation, again, like I said before, this whole waterway is open for navigation. There is no marked channel, so we are not impeding any navigation. Our overall protrusion out into the waterway is, you know, right at 25 percent, allowed 25 percent on this one, so we meet that criteria.

No impact to neighboring views will be -- you know, result from this project. Again, everyone in this neighborhood, I'd say it looks like most of the property minus two of them have docks and have been built out. A lot of which the BDEs I have done myself.

THE HEARING EXAMINER: Let me stop you for one second. Where was the

prior application?

MR. ROGERS: Right there, 31 foot.

THE HEARING EXAMINER: Right here?

MR. ROGER: No, next one down. That one, yeah. So literally they're neighbors in this case. Same contractor is lined up -- just so you know, full picture, same contractor is lined up to do both of these boat lifts upon approval if we are granted approval.

So, you know, basically the criteria no impacts. Secondary criteria, property line and elevation are the other two special conditions outside of the water depths in this case. I touched on that. Adequate decking is the same dock design as the previous and it's what is existing, so it works for what we're proposing to do.

Fifty percent of the shoreline, we're under that with the 50-foot vessel. We're at actually 45 percent, so we meet that criteria. And seagrasses and MPP, there are no seagrasses and the Manatee Protection Plan is not applicable to single families.

So a quick little overview, happy to answer any questions. It's literally a repeat of the previous other than the protrusion's a little bit different and due to the width of the waterway, you know, it changes some things the criteria and dimensions, but other than that it's pretty much consistent.

THE HEARING EXAMINER: Yeah, I'm going to note here that the association has also issued a letter of no objection on this one which is necessary. And I note from the prior application that the setbacks are controlled by the PUD here. I really don't have any additional information, but let's see if anybody is registered to speak.

MR. YOUNGBLOOD: Mr. Dickman, I do not have any registered speakers for this item.

THE HEARING EXAMINER: Okay.

MR. ROGERS: Thank you very much for your time.

THE HEARING EXAMINER: Yep.

MR. ROGERS: Appreciate it. Thanks, John.

THE HEARING EXAMINER: All right, last item is 3D.

MR. KELLY: Third time's a charm. THE HEARING EXAMINER: You're charming every day. Come on, man.

MR. KELLY: Okay, this is going to be your agenda item 3D, BDE-PL20210000708. They request you approve a 12-foot boat dock extension over a the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width to allow the addition of a boat lift to an existing boat docking facility that will protrude a total of 32 feet into a waterway that is 206 plus or minus feet wide pursuant to Section 5.03.06 of the Collier County Land Development Code for the benefit of property located at 180 Pago Pago Drive West, further described as Lot, 193 Isle of Capri Number 2, in Section 32, Township 51 South, Range 26 East, Collier County, Florida. Said location's within in a residential single-family 4 -- RSF4 zoning district public notice requirements are contained in 10.06.06(i) of the LDC. The property owner notification letter, newspaper ad and public hearing signs were all satisfied on January 7, 2022.

The review for this petition was under the guidance of LDC Section 5.03.06(h); of the primary criteria, satisfied four of five; of the secondary criteria satisfied four of six with the sixth being the Manatee Protection Plan which wasn't applicable and found to be consistent with both the Growth Management Plan and the Land Development Code.

No public comment was received in regards to this petition and Staff's recommendation is that you approve the petition as previously described in accordance with the proposed dock plans provided within Attachment A.

THE HEARING EXAMINER: Quick question. The ST overlay applies here,

right?

MR. KELLY: Yes, sir.

THE HEARING EXAMINER: Can you explain that, please, just for the record?

MR. KELLY: I cannot.

THE COURT: Okay, if you can't maybe someone -- all right, hi. Very good. Just wanted to get it on the record.

MS. COOK: Jaime Cook, your director of development review in Collier County. The --

THE HEARING EXAMINER: Good morning.

MS. COOK: Good morning. The ST overlay is the special treatment overlay and it applies to environmentally sensitive areas and this area is considered an aquatic preserve by the State, so it's considered environmentally sensitive and additional review is required for all projects that are in that overlay.

THE HEARING EXAMINER: So in other words, this one, once it gets through this, then it goes through the administrative process, it's not going anywhere without your --

THE WITNESS: Correct. The Applicant will have to apply for a special treatment permit and within that permit they will also have to give us the dock plans and their permit will be tied to those dock plans that if something happens in president future, they can come back and build within that footprint, but they can't expand beyond it without coming back for additional environmental review.

THE HEARING EXAMINER: I appreciate that. The boat dock lives and dies by the water quality because of boating, fishing, enjoying everything, and I'm sure everybody appreciates your efforts and your team's efforts to keep the waterbodies as clear and clean as possible here. I know it's not 100 percent in your control, but I'm glad the County has you there.

MS. COOK: Thank you.

THE HEARING EXAMINER: Thank you for putting that on the record.

MS. COOK: Any other questions?

THE HEARING EXAMINER: No, appreciate it.

THE COURT REPORTER: I have one quick question, could I get her name again, please? Thank you.

MS. COOK: Jaime Cook.

THE COURT REPORTER: Cook, thank you.

THE HEARING EXAMINER: Anything further, John?

MR. KELLY: That concludes the Staff report.

THE HEARING EXAMINER: Okay. Thank you. Who do we have for the Applicant?

MR. PEARSON: For the record, my name is Nick Pearson. I'm also a project manager with Turrell, Hall & Associates.

THE COURT: Okay.

MR. PERSON: This boat dock extension is for a gentleman named Mike Joveanone (ph), he resides at 180 Pago Pago Drive where the project is going to occur at. Next slide.

This is a list of my accolades, also my mug.

THE HEARING EXAMINER: You look younger.

MR. PEARSON: A couple years. Next slide. These are the existing conditions on the site. As you can see, the boathouse that's present has been there since 1970 or even prior; that was just the oldest photo I could find of it, so it is a grandfathered structure. The setback to the boathouse -- sorry, actually, no the boathouse is within the setbacks. The roof structure is, however, a grandfathered detail about it and we'll get

into that a little bit later.

The current docking facility allows mooring for two vessels. As you can see, it's only just a hair under 700 square feet. The protrusion is right at the typical limit of 20 feet. It went slightly over due to just basically a construction deviation.

THE HEARING EXAMINER: .8?

THE WITNESS: Yes. And that actually is measured from the property line which is slightly landward of the face of seawall. So if you measure actually from the mean high waterline, which I know is not the appropriate position in this case, but it is less than 20 feet. If we could go to the next slide?

Here is the proposal. We're basically proposing to extend the lower dock portion out an additional 11.2 feet for a total of 32 feet from the property line which the property line would be the most restrictive point in this case. There's also going to be a small catwalk on the right side that would allow access to cleaning, maintenance of the boat. And the third item would be the boat lift that is going to be replaced within the existing slip. And as you can see total over-water structure would go to about 886 square feet, so that's 190 additional. Next slide.

This --

THE HEARING EXAMINER: Can you go back to that slide? Do you mind reversing it to that last side? This is a lot of decking here, this is outdoor decking, right, whereas this is a catwalk for ease of safety getting on and off, but is there a reason for that 11.2 by 15 deck as far as like how much decking they want? I mean, how would they -- so what's the -- are they coming out this way and then having access to the deck?

MR. PEARSON: There's actually a staircase in the middle of that blue area, so the walkway getting out to that spot is kind of narrow, so that one area right there on the end would basically be a spot where they would be able to store things basically, you know --

THE HEARING EXAMINER: It looks like they just want to square it off.

MR. PEARSON: Yes, essentially.

THE HEARING EXAMINER: So you don't have to go --

MR. PEARSON: I understand that, I'm just making a point because that is part of the criteria. I understand --

THE HEARING EXAMINER: Whether it's accepted, I'm not trying to pick on you in anyway, but I would remind you that that is a protected area.

MR. PEARSON: I understand and I do have some photos that will address that better a little later on as well. Next slide, please?

So this is the waterway where the subject property is found. It is actually a manmade basin. It's one of the larger ones on Capri. If you go out that path on the left, it basically goes right out to the Gulf.

The most restrictive spot here, about 131 feet, would be to do the west of our property. With the improvements we're proposing, the total would be about 164 feet between it and the closest dock on the other side, so we're really not causing any type of navigational issues. And as I said, it is built over a manmade waterway.

THE HEARING EXAMINER: So real quickly, and I probably should look more closely, this helps right here. It doesn't appear to have a dock, right?

MR. PEARSON: There actually is.

THE HEARING EXAMINER: There is a dock there?

MR. PEARSON: That actually is owned by the Applicant as well, so there was another grandfathered boathouse on that lot. It's in the process of being replaced, but it just so happened that this area was taken after it was demo'd.

THE HEARING EXAMINER: Okay.

MR. PEARSON: I think if you go back to one of those first slides of that old photo you can probably see it on there, just barely in the corner. Yeah, it's just off the edge of the photo.

THE HEARING EXAMINER: Okay

MR. PEARSON: If you can go back to where we were? Yeah, and I -- actually I just want to point out some of the other structures on this waterway. As you can see, some of them are protruding past the normal 20-foot rule. Some of them are visibly pretty large, so I honestly don't think that this is really out of the ordinary for the area. If you could go to the next slide?

So this is a cross section basically detailing the dimensions of the proposed dock in relation to the boathouse. Next slide.

Again, essentially this is an existing versus proposed. You can kind of get a better idea of exactly where we're expanding. Next slide.

I just want to look at a couple of the neighboring docks here. I just wanted to point out, like I said before, that I don't think the decking we're proposing is that out of the ordinary. And bear in mind, too, these were only a couple of the docks that I looked at. There's several others that also have similar decking situations. Next slide.

Again, just a couple more. All of these facilities have an equal or -- you know, or greater amount of decking associated with them. So that one right there on the left, 42 protrusion, 42 feet of protrusion, obviously we're only protruding 32 feet. Next slide.

I just wanted to provide some photos here give you an idea of basically what the existing facility looks like and the existing waterway. You can see there's plenty of water out beyond where our project is going to be located. THE HEARING

EXAMINER: Okay, I want to stop right here for a minute. Number one, I really like seeing these photographs and whenever you guys come forward, I know you're here frequently, you know, the photographs are really helpful for me, so thank you for putting these in here. And I also do appreciate, you're showing me the context of other docks, but just understand that I have to take these on a case-by-case basis and it's not necessarily a, you know, precedent-setting situation, so by law I have to look at it one by one, but that being said, you know, context helps me look at other things, like navigability and other things and also neighboring properties in terms of, you know, visibility and that kind of thing and being able to get in and out, so I'm not saying don't do that, it helps quite a bit. I'm also saying the photographs really help me a lot.

So, Jeff, whenever you guys bring all this stuff forward -- and if you don't mind, Jeff, your photograph would be nice to, your headshot, get it in there. I like the photographs. I like to see ground level and existing conditions. Thank you. MR. PEARSON: And this is one photo of the roof structure there. Obviously that's the grandfathered structure. Typically a boathouse would have to have equal material and color as the principal structure. Because of how old it is though, that wasn't the case here.

The boathouse roof isn't being affected by this project, so it's really a separate thing entirely, but just wanted to point that out. Next.

So here I just wanted to run through the criteria. Obviously, the slip number is staying the same at two, so that should be met. Depths are ample for the size vessel they're trying to get in here. There's other bigger boats in that canal, so technically we would not meet the second primary. I already kind of went over the impact on navigation. I don't think it's there at all, so I believe we satisfy that one. There's plenty of water to navigate, so I believe we also satisfy the fourth criteria and basically the same with the fifth one. There's not really any neighboring docks nearby. The Applicant owns the property to the east, so I don't believe we're interfering with any neighboring docks as well.

THE HEARING EXAMINER:

However, if you were to sell that property and somebody were to put a dock on it, you know, that would be a different story, you know, somebody might be affected by it. I'm not saying this does, but, you know, it's nice that he owns the property next door, or whoever owns it, but I also want to point out that, you know, having -- you know, the docks are per the upland structure accessory to that, so --

THE COURT REPORTER: Oh, I've lost sound.

THE HEARING EXAMINER: I was just referring to the adjoining property that was under common ownership and I just wanted to make it clear that these lots are platted. I'm talking to Ray here. They're platted, right, as single-family homes, so they could not join together the properties and then have greater docking capability; is that a correct --

MR. BELLOWS: For the record, Ray Bellows. It is possible for a property owner to combine lots under what we call a unified development plan where it says the principal dwelling crosses over the lot line that creates one giant lot; that is possible, but in this case they're two separate dwellings, so they couldn't combine it otherwise.

THE HEARING EXAMINER: So if they combined it and they had two residential homes on it --

MR. BELLOWS: They had two, yeah. THE HEARING EXAMINER: That's my point.

MR. BELLOWS: Yeah. Yeah.

THE HEARING EXAMINER: Thank you.

MR. PEARSON: I wanted to point out, too, that the boathouse on the other lot is also grandfathered, so really they can't be altered without essential bringing them both into code.

THE HEARING EXAMINER: Thank you. Anything else? You got any more slides?

MR. PEARSON: Well, yes, but I did kind of want to run through the last secondary criteria. As I mentioned, the grandfathered status really kind of locks in those boathouses. Essentially the goal here was to not touch the boathouse on site which really limits how much construction can actually occur on the site because if you do touch it, then we basically would have to remove the whole thing which would incur substantial additional cost to any kind of project.

As I kind of went over already, we're only adding 190 square feet. In my mind, it is in line with the area. We do have more than half the 70 feet of shoreline in vessel length, so we meet that one. I don't believe we impact views. I swam the property as well, so there's no seagrasses. And then compliance with the MPP is the on other one.

I do want to point out, and John's going to probably ring my neck for pointing this out, is that the MPP does actually affect single-family houses in Port of the Islands; that's the only location, so?

THE HEARING EXAMINER: Do you want to ring his neck? I don't want any violence in this room.

MR. KELLY: No, that's actually in the Staff report. Okay. All right.

MR. PEARSON: That's all I have.

THE HEARING EXAMINER: Okay, I just want to make one comment here. I understand the desire to preserve the -- you know, the existing structure as grandfathered and I'm going to probably ask John to jump in on this. You know, that's a desire which is driving the need for the variance, so I'm going to take that into consideration, but it's not a historic structure, it's not designated as some kind of important structure. It's really just the Applicant's desire to keep that and then add on to it which is driving the need for you to be here and ask for variances, so I completely understand the logic of that and -- but I want to make sure you understand that that's part of my thought process as

well going forward, but I totally understand that and I'm going to ask John a couple questions if you're finished.

MR. PEARSON: I believe that was the last slide.

THE HEARING EXAMINER: All right. Good job. I appreciate that. John, tell me a little bit about the grandfathering. I want to make sure that this is correct, that, you know, by -- if they were to alter in any way or is it a 50 percent rule or is it just any alteration of the existing dock would trigger the need to come into compliance?

MR. KELLY: You need to defer to Ray; that's actually contained within our nonconformity section of the Land Development Code and I don't have that in front of me to give you an exact answer.

I will just add that I had initially the same concerns. However, basically the purple area that you saw in the graphic, that was done by a building permit recently that was PRBD-20190103811 so they're actually not expanding on to the boathouse at all. They're not touching it they're doing just as they did with that building permit. They're expanding on the periphery of that boathouse in an attempt not to touch it to maintain it in its present condition, but -- right.

MR. BELLOWS: For the record, Ray Bellows, Section 9.03.03 contains the non-conforming provisions of our code and there's special provisions dealing with docks and where docks were constructed prior to, I think it's a 1990 date, they are deemed grandfathered in. There's a certain amount of restoration work that can be done on docks and if you're grandfathered in, you're allowed to make those improvements.

THE HEARING EXAMINER: That would be a repairs --

MR. BELLOWS: Yes.

THE HEARING EXAMINER: In the existing footprint, repairs, maintenance, that kind of thing --

MR. BELLOWS: Yes.

THE HEARING EXAMINER: -- but not expansions of the dock. So the fact that they're adding on to the site, I assume there's not a gap there where they have to jump over, but they're actually tying on to the existing dock, so that's the purpose for being here, they're not just maintaining the nonconformity?

MR. BELLOWS: Correct.

THE HEARING EXAMINER: So it's a flat out if we touch it besides maintenance, regular maintenance, then we lose the nonconformity?

MR. BELLOWS: Correct. If they were altering the boathouse, then we could make them bring it up to current code.

MR. KELLY: John Kelly for the record, just one last issue. I believe Nick case said that the boathouse exceeded the 20-foot protrusion. The LDC contains allowance for a roof overhang of up to three feet into a waterway.

THE HEARING EXAMINER: I appreciate that clarification. Appreciate it.

Ms. Cook, you're here, I want to talk to you for a minute.

MS. COOK: Okay.

THE HEARING EXAMINER: I'm happy you're here. So the amount of decking, I mean, you heard my question about the decking; is that -- is that a -- an element of this dock that you would be reviewing in terms of how much decking they have which would obviously block sunlight onto seagrass and thing like that, is that something that you would be looking at?

MS. COOK: Jaime Cook, director of development review. No, that is not part of our environmental review.

THE HEARING EXAMINER: Okay. Thank you.

MS. COOK: You're welcome.

THE HEARING EXAMINER: Let's see about all the people signed up for

discussion on this one.

MR. YOUNGBLOOD: Mr. Dickman, I do not have any registered speakers for this item.

THE HEARING EXAMINER: You know what, that just tells me that the public notices are working. They're working in the effect that, you know, people are satisfied with it; that's good.

I have nothing else. I have all the information I need. Excellent presentation by the way and make sure when you guys set staff meetings internally that all of the Turrell folks put their headshots on there so I can recognize them when they come in, okay? I'm not going to make the County do that though. Thanks a lot. Thanks for being here. I'll get a decision out as quickly as possible. Appreciate it.

MS. COOK: (Inaudible.)

THE HEARING EXAMINER: Yeah, right. Be careful over there, Ms. Cook, I may have you put a photo shot on there. But thanks for being here, that was very helpful, I appreciate that. I don't if you're just hanging around because of what, but maybe probably asked to be here.

MS. COOK: Yes.

THE HEARING EXAMINER: All right, do we have any other items? I don't think so. That was the last one. Okay. Great. I appreciate it. Do we have any other business that we want to talk about?

MR. BELLOWS: I don't have any.

THE HEARING EXAMINER: Yeah. The only thing I'm going to say is, you know, I think the court reporter is doing a great job, but for my purposes it would be really helpful if we could, unless there's extraordinary situations for health reasons that they can't make it, I would really ask that the company that the County contracts with can have someone here live because, you know, we had to stop a couple times here and part of the reason why you have a hearing examiner is to try to get through these things as expeditiously as possible. These are items that are deemed not required to go to the planning commission, which is a lot of money and a lot of time and so having the court reporter here would help in terms of making sure the record's complete, but also not having to stop. Okay? Just a comment to the County. Anything else? That was good. Great. We're done I guess. We're 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 10:19 a.m.

COLLIER COUNTY HEARING EXAMINER



ANDREW DICKMAN, HEARING EXAMINER

These minutes approved by the Hearing Examiner on 3/29/22, as presented  or as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF U.S. LEGAL SUPPORT, INC., BY SHARON DUTTON, REGISTERED PROFESSIONAL REPORTER AND NOTARY PUBLIC, STATE OF FLORIDA AT LARGE