

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
February 23, 2023

LET IT BE REMEMBERED, that the Collier County Hearing Examiner, in and for the County of Collier, having conducted business herein, met on this date at 9:00 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:

Michael Bosi, Planning and Zoning Director
Raymond V. Bellows, Zoning Manager
Nancy Gundlach, Principal Planner
Andrew Youngblood, Operations Analyst

PROCEEDINGS

MR. YOUNGBLOOD: Mr. Hearing Examiner, you have a live microphone.

HEARING EXAMINER DICKMAN: Thank you. Is the audio working fine for everyone?

MR. BOSI: Yes, it is.

HEARING EXAMINER DICKMAN: Okay. Excellent.

It's 9:00 o'clock, and why don't we go ahead and get started with the meeting. Good morning, everyone.

My name is Andrew Dickman. Today is February 23, 2023, and this is the hearing examiner meeting.

Just by way of introduction, I am a Florida Bar attorney in good standing. I have been retained by the board of county commissioners. I am not an employee of the county. I was hired specifically to execute the duties of the hearing examiner as they are outlined in the code of -- of the code, and administrative code and the county ordinances.

My job today is to conduct this quasi-judicial hearing for the petitions that are listed on the agenda. And I will be basically listening for testimony and evidence that applies to criteria for whether or not the petition can be approved.

The way that I conduct these meetings is that I usually -- I ask the County to step up and introduce the petition, give me their recommendations and any conditions that they may have.

Then I'll ask the petitioner or -- and/or the petitioner's representative to come forward, use the larger podium, and put on their case in chief.

Then I'll open it up for public comment.

This is a hybrid meeting. So there are folks that are there in person, and there are folks that are going to be joining via Zoom, perhaps.

And then I will close the public hearing and I'll allow for some time for rebuttal, if necessary, by the applicant or the applicant's representative.

If anyone in the audience -- I see we have a number of people in the audience. If you have -- if you want to have a conversation with someone that's in the audience, sitting next to you or so forth, or you need to make a phone call, just step outside into the hallway so you don't interrupt anybody while they're trying to speak or someone trying to listen to the hearing.

I will ask you to silence your phones, if you would. And then we'll get through this pretty quickly.

I am going to -- while the formal rules of evidence don't necessarily apply, I do make an effort to make sure that fundamental fairness is always applied and that due process is provided to everyone.

This is generally a fairly informal proceeding. If you've ever gone to some of the other proceedings at some of the boards, they are a little bit more formal, but I want everyone -- if anyone wants to come up and speak, in the audience or whatever, to relax.

My -- this is the opportunity that I have to hear from the applicant, the County, the public. And it's really important for me to be able to get the information that I need today, because after today, the record stops and I can't take any more information.

I do have all of the information that has been supplied to the County for -- I think on this agenda, there's only one petition. I have reviewed everything, and I have basically -- I have prepared myself to come here today to listen to whatever additional information needs to be presented.

And then after that, I will be making a decision within 30 days. I do not make a decision here today. So -- sorry, my phone is on. I apologize.

So that about covers it. If we don't have anything else, then the only other thing we would have to do is -- if anyone is going to speak here today, they need to be sworn in, under oath. I believe we have a court reporter there. So if anyone is going to testify today here,

please stand and be sworn in.

(Oath Administered.)

HEARING EXAMINER DICKMAN: Okay. Thank you very much.

Let's start the meeting off with the pledge of allegiance, and then we'll go right into the agenda.

(Pledge of Allegiance.)

HEARING EXAMINER DICKMAN: So a review of the agenda shows me that we have one public hearing today. And it looks like we have got Nancy here to introduce that. So why don't we get started with the one-and-only agenda item.

MS. GUNDLACH: Good morning, Mr. Hearing Examiner.

For the record, I am Nancy Gundlach, Planner III with the zoning division.

And this morning we are here to present the Pelican Lake PDI. It's an insubstantial change to Pelican Lake PUD, PDI PL20180002749. And the requested action is for an insubstantial change to Ordinance Number 97-70, the Pelican Lake Planned Unit Development ordinance.

And we are clarifying the development standards for an accessory screened-in porch and to allow the perimeter wall height moving from 6 feet to 8 feet. And that would apply to the perimeter wall around the PUD boundary only.

And the subject PUD is approximately 101 acres. It's located at the northeast corner of Collier Boulevard and Championship Drive, just north of Fiddler's Creek.

And the public notice requirements have been met. The property owner notification letter and newspaper ad ran on February 3rd, and public hearing signs were installed by the deadline of February the 8th, 2023.

Staff has reviewed this petition against the criteria contained in the Land Development Code and the Growth Management Plan, and we found it consistent with both the Land Development Code and the Growth Management Plan.

Regarding Pelican -- public comment, we have not received any letters of objection related to this specific request for the screened-in porch and wall heights.

And staff is recommending approval.

HEARING EXAMINER DICKMAN: Did this require a neighborhood information meeting, or are the minutes and the backup materials just for prior -- prior applications?

MS. GUNDLACH: There were two -- I think on --

HEARING EXAMINER DICKMAN: What?

MS. GUNDLACH: There were two neighborhood information meetings held, one back in 2018 and one back in September of 2022.

HEARING EXAMINER DICKMAN: All right. I see one for 2019.

MS. GUNDLACH: I'm off by a year.

HEARING EXAMINER DICKMAN: All right. I see that.

All right. Thank you very much, Nancy. I appreciate it.

Would the applicant or the applicant's representative please come up.

MR. BOYD: Good morning, Hearing Examiner Dickman.

My name is Attorney Don Boyd. I'm joined by Attorney Brittany Cowan.

And we also have the president of the Pelican Lake at -- Property Owners Association of Collier County, Mr. John Albert, in the front row there.

Attorney Cowan and I are attorneys from the Adamczyk Law Firm here in Naples, Florida. We are the applicant's agent on the PDI application.

The PDI, as Nancy mentioned, is seeking an insubstantial change to the Pelican Lakes Planned Unit Development ordinance or PUD. Specifically, Pelican Lake is requesting an insubstantial change to the PUD to clarify the development standards for screen rooms and a deviation increasing the maximum height of a perimeter wall on the boundaries of the resort from 6 feet to 8 feet.

Yeah, Andy, if you could start the PowerPoint, I appreciate it.

We prepared a short PowerPoint presentation to kind of illustrate some of the points in our outline and also kind of give you-all a lay of the land so you have an understanding of what the resort -- Pelican Lake RV Resort is.

Andy, would do you mind advancing the slide one?

Thank you.

Pelican Lake is a luxury motorcoach comprised of 289 individually platted lots located on the east side of Collier Boulevard and south of U.S. 41, as depicted on the slide there. It shows that -- the project site.

The Pelican Lake PUD was originally approved, Ordinance Number 97-70, to allow for the development of an RV resort, with associated facilities, which include a clubhouse, recreational facilities, and customary accessory uses.

In 2014, the PUD was -- provision regarding accessory structures was amended to allow an enclosed utility storage area and customary accessory -- or sorry -- an enclosed storage area of up to 308 square feet.

In 2016, the PUD was again amended to clarify the language that the utility/storage structure should not exceed 15 feet in actual height.

Andy, do you mind advancing the slide once for me, please?

Thank you.

Just to kind of give you an overview of what the actual lots in Pelican Lake look like, we have an aerial of -- a picture from that on the slide on the screen.

On each lot, there's enough space for an RV pad and enclosed utility/storage area or casita, and a screen room.

And, again, there's the aerial depicting the -- the RVs with, you know, various accessory structures on the lots within the Pelican Lake Resort.

When in use, residents park their Class A motorcoach on the RV pad, which is equipped with a pedestal charger, electrical connection, sewer connection, and a freshwater source.

Andy, do you mind advancing the slide one please?

Thank you.

With regard to the types of RVs that are allowed in Pelican Lake, only the Class A motorcoach, which is depicted on the very far left photo, is allowed in Pelican Lake. No destination or travel trailers or park models are allowed in the resort, as originally -- these were originally contemplated by the PUD when it was approved back in 1997.

Again, there's -- there's no permanent or semipermanent RVs in the Pelican Lake Resort, only Class A motorcoaches.

Andy, do you mind advancing the slide one for me, please?

Again, this is just depicting -- again, one more time, just showing that those two, the destination and park models, aren't allowed in the resort.

Would you advance it one more time for me, Andy?

Thank you.

The lots in Pelican Lake can be constructed with the following accessory structures: Either a stucco, solid roof casita/coach home, which is no larger than 308 square feet. It's nonlivable and not for overnight lodging. Typically these have a small kitchen and bathroom and/or laundry facilities.

And that's depicted on the far left in that photo where it says casita/coach home.

Alternatively, there's a 10-by-10 storage shed, no larger than 100 square feet. Again, not livable and not for overnight lodging. These can also have a small kitchen and bathroom and/or laundry facilities, like the casitas.

And that's depicted in the middle photograph on the screen.

And finally, in addition to the casita or 10-by-10 storage shed, a lot can also have a

solid roof screen room, but the current PUD language says the screen room must be attached to the vehicle. Therefore, no screen rooms have been constructed on any lots within Pelican Lake.

So currently the PUD allows owners to install a solid roof screen room that are, quote, architecturally compatible with its associated recreational vehicle, not to exceed an area equal to the area of the recreational vehicle to which it is attached, unquote.

This is problematic for two reasons:

First, owners cannot attach a solid roof screen room to the Class A motorcoach. This is not possible, since these vehicles are not permanent or semipermanent and do not remain on the lot while the owner is away.

The amendment clarifies that the screened-in porch does not have to be attached to the recreational vehicle. It instead can be attached to the casita or the 10-by-10 storage shed or the screened-in porch can be detached and stand alone.

And the third picture on the screen is a proposed rendering of a screen room that's attached to a casita in Pelican Lake. Again, just a rendering right for now, but just to give you an example of what, you know, the finished project may look like.

Second, Class A motorcoaches can measure up to 45 feet in length. The current PUD language permits construction of a screen room that's large in area as the RV is attached to, which can be up to 440 square feet. This means the screen rooms could be much larger than permitted in other provisions of the PUD limiting accessory structures to 308 square feet.

The amendment clarifies that the screened-in porch cannot exceed 308 square feet, or a total of 616 square feet, for the combined square footage of the accessory structures.

So based on the foregoing, Pelican Lakes is requesting an insubstantial change to its PUD, specifically Section 3.3.B.6.a, to remove the language requiring the screened-in porch to be attached to the recreational vehicle and to remove the requirements of the doorway specification and location for accessory structures.

We're also seeking amendment to Section 3.3.B.6.b, again to remove the language requiring the screened-in porch to be attached to the recreational vehicle; to remove the requirement that the screened-in porch must be, quote-unquote, architecturally compatible with the RV; to remove the language that the screened-in porch can be constructed up to the total area of the RV and replace the language that only allows the screened room to be constructed up to 308 square feet, in compliance with setbacks; to remove outdated language regarding vinyl windows on accessory structures and to add language that clarifies the screened-in porch does not have to be attached to the utility or storage structure.

There are a multitude of criteria set forth in the County's staff report, which I will only comment that the County has found the proposed insubstantial change to be in compliance with each of those criterion.

I would highlight that we are not adding to the footprint of the individual lots in Pelican Lake.

This deviation will not impact any of the neighboring communities and only ensures that Pelican Lake residents can actually construct the -- and use the screen rooms which are already permitted by the PUD.

The actual appearance of the screen rooms will be governed by the Pelican Lake Architectural Standards and the governing documents.

Andy, do you mind advancing the slide one, please?

Next Pelican Lake is seeking a deviation to Section 3.7 of the PUD to address the maximum height for perimeter walls along the boundary of the resort. Specifically, Pelican Lake's requesting a deviation to Section 5.03.02 of the LDC titled Fences and Walls to increase the perimeter wall height from 6 feet to 8 feet along the boundary of the resort.

The current language in the PUD's silent regarding the allowable height, but it should be noted that the exterior perimeter wall is already in place and was approved by the County to be constructed at a height of 8 feet back in 2018.

The County advised that when Pelican Lake submitted its PDI for screen rooms, it should add a request for a fence/wall to be allowed at 8 feet in height.

The amendment would allow a perimeter wall of up to 8 feet in height along the boundary of the resort only, not on the individually platted lots.

The height of the wall constructed in 2018 matches the height of the wall installed by the neighboring Fiddler's Creek community along Championship Drive.

So on the -- on the screen, we have a view from -- of the Pelican Lake Resort from 951 on the left, and then we have a photo looking down Championship Drive. We have Pelican Lake being on the left-hand side of that photo, and Fiddler's Creek depicted on the right-hand side.

Again, each of those walls is 8 feet in height along Championship Drive.

To the extent that the PowerPoint presentation in -- in our outline that we have submitted in advance of the presentation are not already in the record, I would request that the hearing examiner -- I -- I'd move those into evidence at this point in time.

With that, our presentation is concluded. And we would be pleased to address any -- any questions or concerns the hearing examiner may have.

HEARING EXAMINER DICKMAN: Okay. Thank you very much. That was very concise and helpful.

Was this just an oversight? It just seems like if this is a Class C-only facility, it seems very counterintuitive to have this attached screen provision. Was there some -- was that an oversight, or was that at some point in time thought that there would be other types of RVs there?

MS. COWAN: Good morning, Hearing Examiner Dickman. Brittany Cowan, as Donald Boyd mentioned, for the record.

And that's why we wanted to show in that -- the slide show the different types of motorcoaches.

HEARING EXAMINER DICKMAN: Uh-huh.

MS. COWAN: When the PUD was approved in '97, it actually contemplated all those different models. What's always been permitted until -- the only RV permitted is the Class A motorcoach. So, you know, when they put that into their CCRs and their restrictive covenants, that's all that's allowed, that's all that's permitted. And, obviously, those are movable. Those are not permanent or semipermanent. So the PUD actually is inconsistent, because you can't attach the screened room to those RVs.

HEARING EXAMINER DICKMAN: Well, you can, but it would probably do some damage.

MS. COWAN: Yeah, exactly.

HEARING EXAMINER DICKMAN: Yeah, I understand.

Okay. Why don't we go ahead and open it up to the public.

And if you -- if there's any need for rebuttal, I'll let you guys come back up. Thank you very much.

MR. BOYD: Thank you for your time.

MS. COWAN: Thank you.

HEARING EXAMINER DICKMAN: And, by the way, definitely put your presentation into the record. I know Andrew already has it, so he can supply that --

MR. BOYD: Yeah, we have --

HEARING EXAMINER DICKMAN: -- for the record.

MR. BOYD: We have hard copies as well, so we'll hand him one as well.

HEARING EXAMINER DICKMAN: Thank you, thank you.

MR. BOYD: Thank you.

MR. YOUNGBLOOD: Mr. Dickman, our first public speaker is going to be Ronald Bloomquist.

Mr. Bloomquist, would you like to speak, sir?

MR. BLOOMQUIST: Yeah. Do you want me to go up there?

MR. YOUNGBLOOD: This one right here.

MR. BLOOMQUIST: Just for the record, I'm Ronald Bloomquist, the former president of Copper Cove. I have been on that board for eight, nine years.

And we have had to live with our neighbors. And it's been a touch -- an up-and-down relationship, and I'm hoping that we can get this -- through this unscathed at this point.

When they talk about a perimeter wall, only clarification I have, is that -- is that just the one next to the -- next to the mobile or the trailer RVs? It's not --

HEARING EXAMINER DICKMAN: Well --

MR. BLOOMQUIST: So it's not on the boundary. It's just strictly on the -- in the inside of their -- of their -- by the buffer, yeah.

HEARING EXAMINER DICKMAN: It's my understanding that it's within the buffer, but we'll -- I'm sure counsel for the applicant is taking notes and will come up and clarify that.

MR. BLOOMQUIST: Okay. I do know that they have an easement agreement with the County, and -- and Brittany -- Attorney Brittany is going to send me a copy of the newest landscape, which has been approved by the County, so that's all -- we are all good.

I'm just more interested in the timeline of that than anything, because this has been going on for a while and we want to get through this and mend some bridges.

HEARING EXAMINER DICKMAN: Okay. So Copper Cove is to the north, south, east, west, of --

MR. BLOOMQUIST: We are directly east.

HEARING EXAMINER DICKMAN: East.

MR. BLOOMQUIST: Our rec parcel is directly east of --

HEARING EXAMINER DICKMAN: Okay.

MR. BLOOMQUIST: -- of Pelican Lake.

HEARING EXAMINER DICKMAN: Okay. Yeah. Well, hopefully -- unfortunately, like all relationships, there are ups and downs, but hopefully you'll have more ups than downs.

MR. BLOOMQUIST: Yeah, and that's it. Thank you.

HEARING EXAMINER DICKMAN: Thank you, sir.

MR. YOUNGBLOOD: That concludes our registered speakers.

HEARING EXAMINER DICKMAN: All right.

Would someone from the law firm like to get up and answer that question regarding the -- just since it was presented, I would like to get that into the record about where the perimeter wall is going to be.

My understanding it's in -- it is in the buffer and it's only the perimeter of the entire PUD, not within the -- not on the individual lots, or anything like that.

MS. COWAN: That is correct.

So the deviation is actually to an existing wall that was constructed and approved in 2018. It's actually along - as you saw on those pictures - 951, Collier Boulevard. And then it's --

HEARING EXAMINER DICKMAN: Uh-huh.

MS. COWAN: -- down Championship Drive, which -- which also turns into Treasure Cove Boulevard, going into Copper Cove.

So the deviation is just specifically to clarify that the perimeter walls in common areas around the boundary of the resort only, not internal, can be instructed up to 8 feet. There's no proposal to install any additional walls at this time.

HEARING EXAMINER DICKMAN: What's the size of that wall right now?

MS. COWAN: It's 8 feet.

HEARING EXAMINER DICKMAN: Okay. So it's not going to change.

MS. COWAN: Correct.

HEARING EXAMINER DICKMAN: It's --

MR. BOYD: Right.

HEARING EXAMINER DICKMAN: It's just -- it's just clarifying that it's permissible or permitted within the PUD.

MS. COWAN: That is correct.

HEARING EXAMINER DICKMAN: All right.

Anything else from the County?

MS. GUNDLACH: No.

HEARING EXAMINER DICKMAN: All right. Then, I have no further questions. Pretty straightforward.

Nice presentation. Thank you very much. It's good to see you.

Thanks, everyone, for coming out.

Do we have any other business?

MR. BOSI: Mike Bosi, zoning director. Not that I am aware of.

HEARING EXAMINER DICKMAN: Okay. Mike, I don't get to see your -- you-all's faces, I just see the microphones, so there you go.

MR. YOUNGBLOOD: I wasn't sure if you wanted to see his face or not.

HEARING EXAMINER DICKMAN: Oh, I want to see all you guys; it's important. Got to get a fisheye lens so I can see everybody.

Anyway, all right. Well, if there's no other business, I will get my decision out as quickly as possible.

And, everyone, have a wonderful day.

The meeting is adjourned.

MS. COWAN: Thank you.

MR. BOYD: Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:24 A.M.

COLLIER COUNTY HEARING EXAMINER



ANDREW DICKMAN, HEARING EXAMINER

These minutes approved by the Hearing Examiner on 3/30/23, as presented or as corrected

TRANSCRIPT PREPARED ON BEHALF OF FORT MYERS COURT REPORTING, BY MARIANNE E. SAYERS, COURT REPORTER AND NOTARY PUBLIC.