

March 28, 2024

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY HEARING EXAMINER  
Naples, Florida  
March 28, 2024

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  
Sean Sammon, Planner III  
Ailyn Padron, Management Analyst I

PROCEEDINGS

MR. DICKMAN: All right. Good morning, everybody. It's March 28, 2024. This is the Collier County Hearing Examiner Meeting. Please rise for the pledge of allegiance.

(Pledge of allegiance recited in unison.)

MR. DICKMAN: Okay. Just a quick, brief preliminary. I'm going to turn my mic on.

MR. BOSI: You've got to tap it. I think you just turned it off. It's on.

MR. DICKMAN: I'm going to take yours next time. All right. My name's Andrew Dickman. I'm the hearing examiner for Collier County. I'm a Florida Bar attorney in good standing for over 20 years. My area of expertise is land-use, zoning, city, county, and local government.

I have been retained by the board of county commissioners to fulfill the duties of the hearing examiner prescribed in the code. And I am not a county employee. The county employees are to my right.

And I am here to conduct a quasi-judicial hearing on items that come before me. What I mean by quasi-judicial is that it is to be conducted in a fair manner taking in all of the information from the county, their -- their -- their recommendations and conditions, the applicant or the applicant's representative, and, of course, the public.

This is a live meet -- this is a in-person meeting, and it is also a hybrid meeting, which means that the county has allowed for individuals who want to attend via Zoom, they can do that.

We -- all the testimony that I take here today is under oath, so in a minute I'll ask everyone who's going to speak today to do -- to stand and take the oath by the court reporter.

Speaking of the court reporter, we do have a court reporter. The county transcribes all of its meetings, so I am always very careful to try to talk as clearly as I can and not speak over anyone. So let's all try to follow those rules, and I'm sure she'll be very happy about that.

In addition to that, I do not make any decisions here today. Under the code I have 30 days to -- to render a written decision, and I usually do that within a shorter period of time. Sometimes I have to take the whole 30 days, but I will render those and get them filed through my office.

Other than that, I think -- why don't we go ahead and do the -- swear in anyone who's going to testify here today and get that taken care of.

(Prospective witnesses were duly sworn by the court reporter.)

MR. DICKMAN: All right. That's the right answer. Okay. So we have two items on the agenda today. Do we have any continuance requests at all?

MR. BELLOWS: Yes. For the record, Ray Bellows. We do have a request for continuance for Item 3-B, which is the variance.

MR. DICKMAN: Okay. Why don't we take that up first and just go ahead and get that one out of the way, if we could.

MR. BELLOWS: Yes, that would be --

MR. DICKMAN: Do you mind if we do that?

MR. BELLOWS: That was what I was hoping.

MR. DICKMAN: All right. Let's do it. Who's the planner for that? Oh, you -- their request, okay.

How are you, sir?

MR. DAVIES: Good. Good morning.

MR. DICKMAN: Good to see you. Good morning. You're asking for a request?

MR. DAVIES: Yes. For the record, Noel Davies with the law firm of Davies Duke on behalf of the applicants, Carol and Jamie Lawrence, which is your second item today, Mr. Hearing Examiner.

MR. DICKMAN: Yes, sir.

MR. DAVIES: We'd like a little more time to work on some items with staff, so we're requesting a continuance, please, until your last meeting next month, so I think that's the 25th of April.

MR. DICKMAN: April 25th. Okay. So --

MR. DAVIES: And I believe that would not require any re-advertising.

MR. DICKMAN: If we do it to a date certain, it won't. But first let me find out if anybody has

registered to speak on this item. Has anybody registered to speak?

MS. PADRON: We do have someone registered for this item, Graham Ginsberg.

MR. DICKMAN: Okay. All right. So if he -- that individual is listening right now, my decision is going to be to continue this item to the last meeting in April, April 25th, so if you could please mark your calendar. Make sure that you re-register. I'm not going to take any public comment on the substantive matters of this item. They want more time to work out some issues, so I'm going to grant that continuance and let you go about your business today.

MR. DAVIES: Thank you, sir.

MR. DICKMAN: Thank you, sir.

MR. DAVIES: Appreciate it. Have a good day.

MR. DICKMAN: Thank you.

MR. DAVIES: You too.

MR. DICKMAN: All right. All right. So that leaves us with 3-A. Let me guess; it's Sean. He's not wearing his green jacket today. So your applicant's not here?

MR. SAMMON: She's not. She was remote. She was supposed to have her partner be here.

MR. DICKMAN: Uh-huh.

MR. BELLOWS: Who's her partner?

MR. DICKMAN: We're going to take a quick recess. We're going to take, like, a five-minute recess to try to get the applicant on the line.

(Recess held.)

MR. DICKMAN: Well, okay. Let's reconvene, if we can. Let me know when we're ready.

MS. PADRON: We're ready.

MR. DICKMAN: All right. Good. We're going to go ahead and take Item 3-A, a petition. Just for the record, the applicant's running late, but I'm told that this is a non-controversial item. We do have the county's planner here to do a full -- a full explanation -- the expert from the county, a full explanation of the staff report and the evaluation, which will be competent substantial evidence in the record.

So if you would, Sean, go ahead and take it away.

MR. SAMMON: All right. Thank you. Good morning, Mr. Dickman. For the record, Sean Sammon, Planner III in the zoning division.

Before you is Agenda Item 3-A. This is a request for a determination that the proposed use of an indoor-only automobile driving instruction facility is comparable in nature to other permitted uses in 3.2.A(18) relating to Tract B of the Wildwood Estates Planned Unit Development adopted by Ordinance No. 81-27. The subject use will be housed in Unit 205 at the Del Mar Retail Center, a commercial condominium at the subject property located at 7795 Davis Boulevard in Section 4, Township 50 South, Range 26 East, Collier County, Florida.

The petition was reviewed by staff based upon review criteria contained within LDC Section 10.02.06.K.2.A through E, and staff believes this petition is consistent with the review criteria in the LDC as well as with the GMP.

Per the LDC Section 10.03.06.O and Administrative Code 3.L, a neighborhood information meeting, sign posting on the subject property, and a mailing to the surrounding property owners are not required for this comparable-use determination petition.

With respect to the public notice requirements, they were complied with as per LDC Section 10.03.06.O. The newspaper ad was taken care of by the county and posted in the *Naples Daily News* on Friday March 8th, 2024. I've received no calls from the public, and there has been no public opposition pertaining to this petition.

Staff recommends that you determine that the proposed use of the Optimus Traffic and Driving School in Wildwood Estates PUD Tract B, Unit 205 is comparable and compatible with the list of permitted uses contained in Section 3.2.A(18) of the Wildwood Estates PUD with the following condition: The operating hours will be as follows: Monday through Friday from 9 a.m. to 6 p.m. and occasional Saturdays. That concludes staff's summary.

MR. DICKMAN: Sean, a couple of -- let me just get a couple of questions out real quick. So just

for the record, what we're doing here is that -- this particular development was done under a PUD development, which has a list of uses that are permitted and -- at that time.

And, you know, I have the ordinance in front of me, and one of the things that wasn't expressly listed was this requested item, which is an indoor-only automobile driving, correct?

MR. SAMMON: Uh-huh, correct.

MR. DICKMAN: So the process that we go through here is that you-all, as professional planners, evaluate the list that's in the PUD zoning and ask yourself in your professional opinion -- because sometimes those uses come along later in the future that weren't thought of --

MR. SAMMON: Right.

MR. DICKMAN: -- then. So that's the whole point of this process, correct?

MR. SAMMON: Correct.

MR. DICKMAN: So then you look at those uses and you look at what the applicant's use being proposed is, and you ask yourself, well -- you go through a list: Is it going to cause any noxious use? Is it going to increase the traffic? Is it going to increase parking? Is it going to cause any problems that, you know, might -- might cause you to say no, right?

MR. SAMMON: Right, correct.

MR. DICKMAN: Okay. So in your professional opinion, this indoor driving instruction facility within this particular PUD zoning -- in your professional opinion, you feel that you can recommend approval of this particular type of use; is that correct?

MR. SAMMON: Yes, correct.

MR. DICKMAN: Okay. And then the only condition you have are hours of operation; is that correct?

MR. SAMMON: Correct, yep.

MR. DICKMAN: Okay. And those hours are -- let me just make sure I've got them -- 9 a.m. to 6 p.m. and occasion -- that's Monday through Friday and occasionally on Saturdays, but not on Sundays, right?

MR. SAMMON: Correct.

MR. DICKMAN: Okay. All right. So is there anything I'm missing here? I think I've got everything on the record. I think you did an outstanding job with your presentation, with your staff report, with all the material. I've got all the material. I've read all the material. I have enough information, based on your professional expert testimony, to be able to make a decision within 30 days on this item, so thank you very much, Sean.

MR. SAMMON: Thank you, Mr. Dickman.

MR. DICKMAN: All right. So I'm going to close that one.

Do we have anything else exciting today?

MR. BOSI: Mike Bosi, planning and zoning director. That is it. Nothing else for the -- for the good of the group.

MR. DICKMAN: Okay.

MR. BOSI: A pretty non-eventful day.

MR. DICKMAN: All right. Call it a day then.

MR. BOSI: All right.

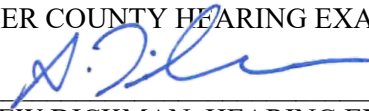
MR. DICKMAN: Everybody go home. Take the rest of the day off.

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March 28, 2024

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:15 a.m.

COLLIER COUNTY HEARING EXAMINER



ANDREW DICKMAN, HEARING EXAMINER

These minutes approved by the Hearing Examiner on \_\_\_\_\_, as resented \_\_\_\_\_ or as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF FORT MYERS COURT REPORTING BY  
KAREN WHITE, REGISTERED PROFESSIONAL REPORTER AND NOTARY PUBLIC.