

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY HEARING EXAMINER  
Naples, Florida  
January 14, 2021

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 W.J. DICKMAN

ALSO PRESENT: Raymond V. Bellows, Zoning Manager  
Tim Finn, Principal Planner  
John Kelly, Principal Planner  
Parker Klopf, Principal Planner  
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

HEARING EXAMINER DICKMAN: All right. Good morning. This is the January 14th, 2021 Hearing Examiner Meeting. Happy New Year to everyone. Why don't we get started, first of all, by everyone turning off all of your electronic devices that make sounds, in order to not interrupt anyone in the meeting. I would appreciate that. And then we will go ahead and get started with the Pledge of Allegiance. Thank you.

(The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER DICKMAN: All right. Thank you very much. A couple housekeeping items, we are still operating both live and in person, and also electronically via Zoom and telephone; is that correct, Jeremy, or just Zoom period?

MR. FRANTZ: Zoom, but it allows --

HEARING EXAMINER DICKMAN: Audio and visual. Okay. Great. So I appreciate everyone observing the CDC Safety Guidelines that the County has put in place. It's very important.

As far as introduction, my name is Andrew Dickman. I'm a practicing attorney. I've been appointed by the Board of County Commissioners as the Hearing Examiner. I've worked in the area of land use and zoning and growth management as an attorney for over 20 years. I report to the Board of County Commissioners. I'm not an employee of the County.

My job is to be here and conduct these hearings as a neutral, unbiased decisionmaker, and to hear information, testimony, from the County, from the applicant, and from the public and render a decision within 30 days.

Usually I can get that out as quickly as possible, and I don't think I've ever taken a full 30 days, but some of them have gone just about to that. So I'll be as respectful and expeditious as possible.

The way that we're going to handle this is I like for the applicant to take the podium here, the brown one that's on -- across from me on my left on your right, whatever, over here. County and public will take the one in the middle, the gray one.

I know you all are wearing masks. You're permitted to take those masks off while you're speaking. You can wear them, if you feel like you want to. Keep in mind that we do have a court reporter here taking down verbatim everything that's being said.

Ms. Court Reporter, raise your hand so everyone knows where you are. There you are. And so she needs to capture everything, so nodding your head in the affirmative, in the negative, hand gestures are nearly impossible for her to capture in the transcript.

So from time to time she's going to wave at me or at somebody if she doesn't understand something, or if you're talking too fast, and she will get that -- will make sure that everything is captured.

Because this is a quasi-judicial hearing, everyone is going to be testifying under oath. Anyone that's providing testimony needs to be sworn in, and at this time why don't we go ahead and do kind of a group swearing in, and anybody that's participating electronically, please, also do that, and then when you come up to the microphone, please, tell me if you have not been sworn in, or if you have been sworn in, and then we can swear you in.

So at this time, Madam Court Reporter, would you mind administering the oath to any witnesses providing testimony including the public and the County.

(All parties were duly sworn and answered in the affirmative.)

HEARING EXAMINER DICKMAN: One other piece I want you to know is that as I mentioned earlier, I am a neutral, unbiased decisionmaker. Although, the Administrative Code does allow me to do site visits and some sections allows me to have ex parte communications with others.

I generally have not done that. I prefer not to do that. In fact, any communications, usually I try to have come through the County to my office assistant, and go that route.

If I do have any ex parte communications that I'm not seeking, but that I happen to get, I will disclose those to you so that you're aware of those. I'll do that under each item as they come up, so that everyone is aware of any information that I have for the record.

So as we conclude the hearings for each item, you'll know that the record is what you would take up on appeal, if you choose to appeal any decisions.

Hopefully everything I've said is clear, and we can go ahead and get started. So the first thing I want to do is go ahead and review the agenda. It looks like we have one, two, three, four, five, six items.

I do under new business, that will be under Item No. 4, or other business, we're going to have a brief discussion on the Administrative Code with staff, and you're welcome to stick around and listen if you like, and then also I need to hear if there are any requests for continuances. Jeremy, do you want to handle that?

MR. FRANTZ: I'll actually let Tim speak to that. I think there is one request.

HEARING EXAMINER DICKMAN: All right.

MR. FINN: Yeah, it's for CitySwitch, Petition No. VA PL20190002701.

HEARING EXAMINER DICKMAN: Okay.

MR. FINN: There's been a continuation --

HEARING EXAMINER DICKMAN: Okay.

MR. FINN: -- for this petition for one month.

HEARING EXAMINER DICKMAN: Okay. So this is the second continuance that they're requesting?

MR. FINN: I believe so.

HEARING EXAMINER DICKMAN: Okay. Is anyone -- all right. We have someone here to address that. Come on up. And for all of you who don't know, I prefer to handle requests for continuances here at the meeting. I don't do that ex parte or just through request.

I think it's the fairest way for the public who may not know the things, that the public may show up. They don't know it's been continued. So I prefer to have to do that. So how are you, sir?

MR. WRIGHT: Good morning. For the record, I'm Jeff Wright with the Henderson, Franklin Law Firm.

HEARING EXAMINER DICKMAN: Mr. Wright.

MR. WRIGHT: We are requesting a continuance --

HEARING EXAMINER DICKMAN: Okay.

MR. WRIGHT: -- Here on behalf of the applicant. I understand the neighboring opposition attorney is here as well, and I've spoken with him, and I don't believe they're opposed to this request either.

HEARING EXAMINER DICKMAN: Perfect.

MR. WRIGHT: Last time we were here, we were hopeful we would get it done between December 10th and now, but the holidays -- and so we're working on it, and we have picked a date certain, February 11th, and we are re-advertising for that date.

HEARING EXAMINER DICKMAN: I hate referring to them as opposing counsel, but counsel representing the neighbors is here. Would you, please, come up and confirm Mr. Wright's, let's call it a stipulated continuance, hopefully that's true.

MR. LEWIS: Yeah, For the record, Doug Lewis, Thompson, Lewis; that's correct. Merry Christmas. We have had discussions with Jeff and we understand he is waiting on a couple of items. This is his first continuance.

The first item is a property map from AT&T which shows the cellular coverage areas, and the second item is a line of sight drawing for the proposed tower. We're in discussions, and we have no objection on that basis.

HEARING EXAMINER DICKMAN: Okay. Perfect, and that sounds like a good reason to continue. I always like to see folks try to work things out on their own. Just so you know, I'm not necessarily looking at any information you're submitting for the continuance, other than a request for the continuance. You know, any substantive documents and things like that, I'm not evaluating those. Even if I have them, I may look at them, but just the fact that you're requesting it, and I do appreciate this being re-advertised, so the public is aware of everything.

So unless County staff has any objection, I'm going to grant the continuance. No objection from staff? Okay. Great. Thank you.

MR. WRIGHT: Thank you.

HEARING EXAMINER DICKMAN: I appreciate you two working together.

MR. WRIGHT: Thank you.

HEARING EXAMINER DICKMAN: All right. Great. So that was Item A?

MR. FINN: Yes, that's correct.

HEARING EXAMINER DICKMAN: Okay. Any other continuances?

MR. FINN: No.

HEARING EXAMINER DICKMAN: No? Okay. Perfect. We're going to -- all right. Going to Item No. B, which is Petition No. BDE PL2020000537-164. This is a boathouse, and it's a boathouse extension and some other things. So is the applicant here with us today? Come on up, sir. When you get up here, tell me if you've taken the oath and been sworn in or not.

MR. PEARSON: Yes, sir, I have.

HEARING EXAMINER DICKMAN: Okay. Great. So just as a matter of form, I don't have any ex parte communications on this item whatsoever, other than looking at what was staff reports and things like that. All right. Go forth.

MR. PEARSON: Okay. For the record, my name is Nick Pearson with Turrell, Hall & Associates. I'm a project manager, and we can, I guess, get started. Do I have a way of controlling this or do I need to --

MR. FRANTZ: I'm waving my hand over here. I will be able to change the slides.

MR. PEARSON: Okay.

MR. FRANTZ: Just let me know when. Can I also ask you to make sure that you're speaking nice and directly into that microphone so the people on Zoom can hear you?

MR. PEARSON: Okay. How is that, better?

MR. FRANTZ: Better.

HEARING EXAMINER DICKMAN: If everyone doesn't know Jeremy over there, he is the super user controller of technology and that is beholden to him.

MR. PEARSON: Okay. As I said before, my name is Nick Pearson. I'm a project manager with Turrell, Hall & Associates, and the gentleman behind me is Josh Maxwell. He is the chief engineer in my office. And can you go to the next slide. This is just a couple resumes for both of us. I don't know that's especially important.

HEARING EXAMINER DICKMAN: I'll see you all as experts.

MR. PEARSON: Okay. Next, please. So this is, basically, a location map where the subject property is. As you can see basically right there at the end of San Salvador Street, sort of in the mouth of the canal. Next, please.

Again, this is a survey of existing property. The existing boathouse, it protrudes about 19 feet from the seawall. It's approximately 30 feet wide, so it goes setback to setback. Setbacks are about 15 feet.

Next, please. Another drawing of the existing structure; this one obviously showing the neighboring properties and surrounding boathouses. Next, this is an outline, basically, of the structure that's been proposed. As you can see it does protrude past the normal 20 feet, 20 percent width of waterway that the County allows for the LDC. On the sort of northwest side of the canal is a little bit narrower. As a result the proposed boathouse is somewhat narrower on that side.

Next, please. Essentially the same thing, on this one just more so showing the footprint of the roof. So there won't be any overhang into the setbacks. The roof will essentially be flush with the boundary of the walkways on the northwest and southeast sides. The roof will also be flush with the sort of outline of the gray area.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. PEARSON: Next, please. Just cross-sections of the structures we're proposing as well.

Next, please. So this really was more so to focus on some of the pinch points within the canal which are existing, not necessarily to show exactly the width of the waterway at the subject property.

But as you can see, there's about five pinch points within the canal where distance from structure on opposing sides is within the mid to high 50-foot range. So some of the comments that we received on some of our drawings were basically with regard to how the width of waterway was depicted. So this is -- we have a few drawings that kind of depict what the actual width is.

Typically, we would measure essentially from mean high waterline to mean high waterline, and those two -- those two measurements were actually taken with GIS, so, you know, I can probably expect, you know, I guess a low amount of error on that, but it would probably be within a couple feet.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. PEARSON: Next slide, please. So this drawing is a little different. The measurement taken at the north -- or I guess I should say, west riparian line shows 116.4 feet, and the south corner shows 187.5 feet. These measurements were both taken from a surveyor, so I expect those to be pretty much dead on.

We also show a marker pile that's sort of difficult to see, but it's located approximately 66 feet waterward from the furthest point of protrusion that we're proposing. Next slide. This slide, basically, depicts the limits of the LDC, which would be the 20 feet limit showing in yellow, and then the blue line shows the 25 percent width of waterway limit. The 25 percent limit is -- that's actually a State law.

The DEP and Army Corps of Engineers sort of enforce those during the permitting process. They will not allow you to go past the 25 percent waterway, in order to keep the waterway open for ingress and egress.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. PEARSON: Next, please. Okay. I think I'm going to let Josh describe these.

MR. MAXWELL: Good morning. For the record, Josh Maxwell, Chief Engineer for Turrell, Hall & Associates. I just want to briefly go over the summary of riparian rights. It's a very commonly misunderstood term. So up on the slide in front of you is the State statute regarding the riparian rights as well as some case law.

I'm not going to read it word for word, but I'll just, generally, briefly overview the State's -- the State's opinion on riparian rights, but riparian rights are those indigenous to the land bordering upon navigable waters. They are the rights -- they are the rights to the owner of the riparian land, but not owned by him or her. They are appurtenant to and are inseparable from the riparian land.

Essentially what the riparian rights are is the upland homeowner's right to access and view the water of their riparian area.

These case laws in front of you and on the next slide, essentially, riparian rights are finally dictated by a court of law, and they're challenged, and this is the case law when they have been challenged in the past going back to 1918, the 50's, and a few more recent ones in Fort Myers when some of the bridges were built.

Essentially, you have the right to view your riparian area, what's within your riparian line and that's your right of use in the area. The State does not look, looking down across the bay, if you're upset by what somebody is building across the waterway from you, they're utilizing their riparian area.

You have an unobstructed view to the channel. You have an unobstructed view for ingress and egress, and when you look up and down the canal, you are looking across other people's riparian rights, and their use area. So I just wanted to review this, in case there was any questions, but we are doing everything within Mr. Blocker's riparian rights.

HEARING EXAMINER DICKMAN: So real quickly on that item, in layman's terms is that the same thing as taking the side yard property lines and basically extending them out into the riparian area?

MR. MAXWELL: Similar. In a canal situation the riparian lines are essentially an extension of the property line. You go to the thread of what's called the line of navigability. So here it's pretty much an extension of the property lines, and then the side yard setbacks from the county and state come off those riparian lines, and that kind of dictates our building limits.

HEARING EXAMINER DICKMAN: Uh-huh. Okay. Okay. Anything else?

MR. MAXWELL: There's another slide we can go into more detail, if needed. This is just the additional -- this is the Caloosahatchee River example I referred to when a homeowner's view and use of the channel is blocked by a bridge; therefore, the state or the courts rule in favor of the property owner because their rights were obstructed by this bridge.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. PEARSON: This is actually our last slide. I just kind of wanted to provide this because it seemed these were the four things that really came up as comments and concerns. Josh basically just addressed the view.

Value, I'm not -- I don't think I'm going to go too much into that for now, but I think navigation and the precedent for larger docks are probably a bit more concerning, and for lack of better words, more relevant to the point.

So the navigation, I sort of briefly touched on. There's several choke points in the canal itself that are going to be tighter than what we are proposing --

HEARING EXAMINER DICKMAN: Uh-huh.

MR. PEARSON: -- by a fair amount actually, and it is actually kind of relatable to the precedent that we allegedly would be setting here. So the reason, going back to our design, for actually protruding perpendicular to the shoreline is the -- is the tight space between riparian line and the riparian setbacks on the subject property. We only have 30 feet here.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. PEARSON: If you were to try that on the opposite shoreline, I can't recall exactly what the two properties opposite of us are, I think they are something, like, 130 feet, though.

So, theoretically, there would be no reason to moor boats there in a perpendicular fashion, rather shore parallel would be much more feasible.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. PEARSON: By that logic there would be no reason to go beyond the normally-allowable 20 feet.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. PEARSON: So I don't think there is a precedent for putting longer boat docks in that location. And I think that about wraps it up for me.

HEARING EXAMINER DICKMAN: Question regarding the slips. There is two slips being proposed; right?

MR. PEARSON: Yes, sir.

HEARING EXAMINER DICKMAN: And the owner owns the boats or is preparing to own the boats?

MR. PEARSON: Yes, I believe he owns them now.

HEARING EXAMINER DICKMAN: He owns the boats, and owning the -- the 30 -- what is the size of the vessels?

MR. PEARSON: I believe --

HEARING EXAMINER DICKMAN: That really dictates the size of the slip; right?

MR. PEARSON: Correct. There is a 34, and I believe the other one is 25. It is depicted on one of the slides.

HEARING EXAMINER DICKMAN: Okay. Great. And so I did note that the only thing you're requesting, are the walkways going on either side of the boats; is that correct? In other words, no deck platforms in front of the seawall; is that correct?

MR. MAXWELL: There is a very small -- the state requires you to have a small connection. So there's a very small amount of decking and pilings adjacent. You can kind of see those pilings against the seawall.

HEARING EXAMINER DICKMAN: Yes.

MR. MAXWELL: You, in essence, have to have that, otherwise, you can't have two docks on

the same property unless there's 65 feet between them.

HEARING EXAMINER DICKMAN: Yeah.

MR. MAXWELL: That's the only deck out of the seawall we are proposing.

HEARING EXAMINER DICKMAN: I got that. Just out of curiosity what are -- is the County now measuring using the nav instead of USGS heights at a seawall?

MR. PEARSON: In a BD, yes, I believe so, they have adopted that.

HEARING EXAMINER DICKMAN: All right. So the owner has these two vessels and requesting the slips -- are both of these just slips, or are they boat lifts?

MR. PEARSON: They would be boat lifts.

HEARING EXAMINER DICKMAN: Boat lifts. Kind of crazy to leave the boats in the water anyway. Three days later you have barnacles.

MR. PEARSON: Yes, sir.

HEARING EXAMINER DICKMAN: Anything else? Just so I'm clear, the comments that you made, I notice you were sort of addressing some comments.

MR. PEARSON: Uh-huh.

HEARING EXAMINER DICKMAN: Were those some of the comments from the neighbors, comments from the County or both?

MR. PEARSON: Well, primarily was the neighbors. You know, I generally was of the opinion that we satisfied everything that the County had asked of us to get to this point.

HEARING EXAMINER DICKMAN: Okay.

MR. PEARSON: I'm sure that some of the things are a concern with the County as well.

HEARING EXAMINER DICKMAN: Gotcha. Okay. Why don't you reserve some time afterwards for rebuttal to address anything that comes up?

MR. PEARSON: Of course.

HEARING EXAMINER DICKMAN: Okay. Great. Come on up. So here is kind of what I want you to do when you -- I would like to -- I see that you are recommending approval, but I would like to also hear that notices were done correctly, and then any criteria that the County feels they have not met and then the recommendation.

MR. KELLY: Okay. John Kelly, Senior Planner for staff. This is, first off, before we start, there were two corrections to the staff report.

HEARING EXAMINER DICKMAN: Okay.

MR. KELLY: If Jeremy could please put up slide -- let's see here. Final staff report correction.

HEARING EXAMINER DICKMAN: Okay.

MR. KELLY: There is a correction on Page 3 of 8. This was previously provided to you and also to the applicant's agent.

HEARING EXAMINER DICKMAN: Okay. I have the staff report dated January 14th. I just want to make sure. Do I have -- I want to make sure.

MR. KELLY: The correction being made is highlighted. The highlight does not appear on the final. It is 16 and 36 feet. This is the visual exhibit.

HEARING EXAMINER DICKMAN: 16 and strike 64 okay, 36, okay. Anything else?

MR. KELLY: Also provided to both you and the applicant, is Attachment C, which is a compilation of all the correspondence that has been received in response to the boat dock petition.

HEARING EXAMINER DICKMAN: Okay. I have -- I think I have all of that. I have a some clipped stuff here. I'm sure we'll hear from the public, I suppose.

MR. KELLY: Okay. That information has been provided to the court reporter.

HEARING EXAMINER DICKMAN: Okay. Notices?

MR. KELLY: Pardon?

HEARING EXAMINER DICKMAN: Notices went out, radius?

MR. KELLY: I'll get to that if I can.

HEARING EXAMINER DICKMAN: I'll let you be.

MR. KELLY: In this case the applicant is requesting a boat dock extension of 16 feet beyond the allowable 20 feet for a total of 36 feet; that will include a boathouse, and the applicant has satisfied four of the five primary criteria for docks, four of the six secondary criteria, with the sixth being not applicable, and all of the boathouse criteria.

As far as notices are concerned, the notice requirements are contained in the LDC Section 10.03.06(h), boat dock facility extension, boathouse establishment or boat dock canopy deviations.

They require one Planning Commission or Hearing Examiner hearing and the following: One mailed notice prior to the advertised hearing, that's of the hearing itself, its newspaper advertisement of the hearing, and the posting of the sign prior to the advertised hearing, which was done by me on December 18, 2020.

HEARING EXAMINER DICKMAN: Okay.

MR. KELLY: To my knowledge, all the newspaper and the mailed notice, was conducted by our operations staff without swaying from the requirements.

HEARING EXAMINER DICKMAN: Okay.

MR. KELLY: So with that staff recommends that you approve Petition BDE PL20200000537 in accordance with the site plan that's contained within Attachment A, and further then apply to Sheet No. 03 proposed dock, 04 Cross-Section AA and 05 Cross-Section BB of 8. And that concludes my presentation.

HEARING EXAMINER DICKMAN: Okay. I have a couple of quick things. So there's a primary criteria and there's secondary criteria for this; and I see on No. 2 of the primary criteria, County has said the criteria not met. The County is saying the reason for the BDE is limited shoreline area within the required setbacks, not water depth. Can you explain that a little bit more?

MR. KELLY: Water depth was not the driving factor. I believe it was the length of the vessels.

HEARING EXAMINER DICKMAN: Okay. So why don't you all make note of that. I'm going to ask you to address that.

MR. PEARSON: Okay.

HEARING EXAMINER DICKMAN: And then it looked as though on the secondary criteria No. 3 you say that's not met. The subject property has 60 feet of waterfront, and the dock facility is to service a 34-foot vessel and 25-foot vessel, 59 feet combined. Can you explain that, why it's not met?

MR. KELLY: Because the requirement for single -- sorry. The requirement for single-family facilities is that they satisfy 50 percent, that, rather, the vessels not exceed 50 percent of the property's slip area water frontage.

HEARING EXAMINER DICKMAN: Make note of that. After I hear public comment we can address that. Okay. So then you're recommending approval and I see the attachments that you're asking, staff exhibits, applicant's backup.

I would also like to add in, I think the sketches that the gentleman had on riparian, I would like to add that. At least I would like to have it for my ability while I review this. So if somebody can circulate that to me, I would appreciate it. That was good information. I appreciate that.

MR. PEARSON: Sure.

MR. KELLY: They can provide it. It's been provided to me as part of the presentation. I'll get it to you.

HEARING EXAMINER DICKMAN: I appreciate that. I always love to read cases. Anything else, sir?

MR. KELLY: Not from me.

HEARING EXAMINER DICKMAN: I appreciate it. Stick around. Don't run off. Okay. Why don't we start with anybody from the public that's here in person, and then, Jeremy, go to electronic people. How about that?

MR. FRANTZ: Sounds great. I have two slips for people in the building. The first is John Wetzel.

HEARING EXAMINER DICKMAN: Okay. Is John Wetzel here? There he is.



MR. WETZEL: Right here?

HEARING EXAMINER DICKMAN: Yeah, in the middle. How are you? Good morning, sir.

MR. WETZEL: Good morning. How are you? My name is John Wetzel. My family is the property owners at 160 San Salvador, which is directly next door to the Blocker's house. We are opposing.

HEARING EXAMINER DICKMAN: On the left side or the right side? Which side are you on?

MR. WETZEL: If you're looking at the front of the house, we're to the right side.

HEARING EXAMINER DICKMAN: Okay.

MR. WETZEL: As I've provided the information, this home has been in our family for over 45 years, and we're opposing this dock, mainly basically because it's taking away our view that we've enjoyed for over 45 years.

When my grandfather built this house in the early 70's, he had a vision, and that vision was to look out over that bay. I understand their comments about just looking directly across, but I think my grandfather's vision at that time was that the reason he purchased that lot was for the view up towards the bay towards Marco Island.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. WETZEL: Mr. Blocker's dock protruding out another eight to, and at one point almost 12 feet with a roof on both sides of it will definitely impede our view, and what we feel will also devalue our piece of property at that time, if this dock does get approved.

I also, you know, I also -- we've been very good neighbors with Mr. Blocker, and Mr. Blocker has been a good neighbor, and I provided this in my opposition. We've allowed -- my father has allowed Mr. Blocker to park that large of a boat next to our dock when he would bring it up.

The reason we would allow him to do that is mainly because when he would park it at his house, we had no view and it stuck out right in our view. So we're very disappointed to hear that he was petitioning for this dock.

We never heard anything from Mr. Blocker about proposing this. You know, we were -- we're only here part-time out of the year, but Mr. Blocker knows how to get ahold of us. We've been very good neighbors to him.

I did provide a picture of two Sea-Doo docks that are adjacent to his current docks, and I notice in the public notice and the pictures they were not there. I'm not sure who took the pictures at that time.

We never have complained about those docks at all. Mainly because it never took our view away, but now currently with the extended boat dock, we're in two-fold wondering where the Sea-Doo docks are going to go. They are permanently attached to two posts right off the seawall, which it's my understanding under code he can't be 15 feet closer to us. Well, he's about four feet from our dock line -- from our property line, so, therefore, you know, we're just trying to understand where all that is going to go.

We don't see any visuals in there. We didn't see any visuals from the pictures that were provided when they proposed the dock.

Also our other concern is, is the entrance to the canal. We feel at low tide this is definitely going to impede the traffic flow coming in and out of the dock, and, you know, at low tide you can't swing over to the left side, and that's how we enter into our dock, because we are a sideways dock. We come in from the back.

So we -- we feel that the dock, you know, his dock is going to, you know, definitely cause a flow problem for anybody coming up and down the canal, and then, you know, if the lot ever sells across the street, there will be a home built there, and that gentleman will have the rights to build out, you know, whether it's a normal 20 foot dock, or, you know, even ask for an extension dock, which will definitely impede.

If Mr. Blocker is allowed to go through with this project, it will definitely impede not only our dock and the access to getting in and out of our area --

HEARING EXAMINER DICKMAN: Uh-huh.

MR. WETZEL: -- it will definitely block everybody else coming up and down the canal. It will tighten it up. It will not be a safe canal. When you look at the idle speed pole they talked about, I believe you said it was 60 feet across from where his proposed dock, or a little less than, that really narrows that canal down quite a bit, and the amount of traffic that we have coming up and down that, will definitely, you know, make it an unsafe area to be coming in and out at any time.

So we're just really struggling with the boat dock. The view is really what -- what's going to hinder us. We feel it's going to hinder the value of our home, and in the long-term, you know, deter the value of everything we have there, and the vision my grandfather had when he built the house in 1970 -- actually, my parents corrected me. It was built in 1972.

So we've been one of the original owners on the island, and we've seen a lot of good things happen on the island, and we're just really surprised that Mr. Blocker did not contact us, didn't call us. We've been good neighbors. He's been a good neighbor to have also, but we were just surprised that nobody had contacted us.

And the only reason we have found out about the dock going up was we happened to come down for vacation, my wife and I, and the only piece of mail that was in the mailbox was this variance for the, you know -- every other piece of mail was mailed, is transferred up to our house. This is the only piece of mail. So we never even got -- if we didn't come down three weeks ago, we never would have known this was going to a hearing.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. WETZEL: So we were disappointed about that. We receive every other piece of mail, and this is one piece of mail I just don't understand never got up to us.

Finally, I can't argue with their numbers, if that's truly what they are, but, you know, they have our measurements of our dock at a little over 22 feet. Our dock is exactly the same as Mr. Blocker's. It's 18 from seawall out. I'm not sure where they came up with some of the measurements. The dock one down from us, they have it as 24 feet, and it's really only 20 feet. So it just makes me question some of the numbers that have been provided, especially about the width of the canal as you come in.

I'm sure, you know, the engineering company have better numbers than what we could, but, you know, if you do go out 36 foot and neighboring dock across the way, it really does tighten that canal.

So I do ask, you know, to think about what my grandfather's vision was 44-some years ago, almost 50 years ago, that it will devalue our property and it's definitely going to hurt our view, and take away everything that he dreamed about when he built the house, and my father and our family has enjoyed for years.

HEARING EXAMINER DICKMAN: Okay. I understand that. I've written down your comments. I have a question for you. So the neighbor on your -- if you are on the street, on your right --

MR. WETZEL: Uh-huh.

HEARING EXAMINER DICKMAN: -- it looks as though they have a 28 foot dock.

MR. WETZEL: Yeah, it's not.

HEARING EXAMINER DICKMAN: That looks like the measurement. It looks pretty close. Well, the deck seems like it swings around, I'm looking at the aerial, swings around almost right to the property line. Were you aware of that, or did you guys have any opposition to that?

MR. WETZEL: Are you talking about the house directly to the right of us?

HEARING EXAMINER DICKMAN: Yes, the one that's more further down the canal, because you're directly neighboring --

MR. WETZEL: Correct, Mr. Blocker, around directly next to it, that dock I believe sits off 15 feet from our property line to his.

HEARING EXAMINER DICKMAN: Okay. Do you have any --

MR. WETZEL: His dock was measured out at 28 feet. It's not 28 feet.

HEARING EXAMINER DICKMAN: Do you have any competing measurements or diagrams?

MR. WETZEL: Well, when I talked to Mr. Kelly about that I, you know, we were going to take pictures of our tape measure to the dock, and he said that, really, that those measurements were not done professionally. It's just what the petitioner for the dock gave us.

HEARING EXAMINER DICKMAN: Okay. So you know the -- okay. The parties here are the County, the applicant and anyone that's an interested party. I believe as a neighbor, I would consider you an interested party, but the burden is on you --

MR. WETZEL: Correct.

HEARING EXAMINER DICKMAN: -- to prove some of these, not necessarily take advice from the County on how and what types of evidence --

MR. WETZEL: No, I agree. I should have shown that on --

HEARING EXAMINER DICKMAN: I wanted to let you know about that.

MR. WETZEL: Yeah.

HEARING EXAMINER DICKMAN: Okay. So I have notes here, and I'll have those addressed as we go along, and you did see the information on riparian. I'm not saying at this time whether that's right or wrong. They laid out the law on riparian rights, so we'll circle back to that. I really appreciate your testimony here.

MR. WETZEL: Thank you.

HEARING EXAMINER DICKMAN: Thank you, sir.

MR. FRANTZ: I did receive another slip. I do have two more slips. The next speaker is Dawn Kuhn.

HEARING EXAMINER DICKMAN: We're going to wipe everything down before you come up for your safety. And as you speak I do want to hear everything. Try not to be repetitive. You know, I'd really like to lay out exactly what your, you know, if you're a proponent or opponent, just lay it out, like, what your issues are, then I'll take those notes, and we'll deal with them. So thank you. You're good to go.

MS. KUHN: Thank you.

HEARING EXAMINER DICKMAN: If you haven't been sworn in, let me know.

MS. KUHN: I've been sworn in.

HEARING EXAMINER DICKMAN: Thank you.

MS. KUHN: Hi. My name is Dawn Kuhn. I own the property across the canal at 159 Tahiti Street. I'm opposed to a 36 foot dock extension. What they haven't mentioned is that most of the canals on the Isles of Capris are 80 feet wide, and if they were to approve the 36-foot extension that would set a precedent, and if across the canal they can build a 36-foot extension, that would leave four feet for the boats to come in and out, which it kind of crazy, and so, you know, when they bought the property, it's only 60 feet wide, they knew at the time that they could build a 30-foot dock. So I don't know if they bought the boat before or after, but I, again, oppose this, and I hope you don't approve it.

HEARING EXAMINER DICKMAN: Can I ask you a question?

MS. KUHN: Sure.

HEARING EXAMINER DICKMAN: I'm still trying to -- I want to know exactly where you are. I'm look at an aerial photograph.

MS. KUHN: I'm the tip.

HEARING EXAMINER DICKMAN: The pie shape?

MS. KUHN: Yeah, the pie shape dock. There is a boat dock on it. I have 134 feet on the water. I have a 90-foot dock on that property.

HEARING EXAMINER DICKMAN: These are lots like 175 or 176, do you have one dock or two docks?

MS. KUHN: One dock.

HEARING EXAMINER DICKMAN: Okay. I think I know where you are.

MS. KUHN: Right on the tip. It is all about the view. It's a gorgeous view out to the river and towards Marco Island, so I feel Mr. Wetzel's pain.

HEARING EXAMINER DICKMAN: Why don't you give me your address.

MS. KUHN: 159 Tahiti Street. I own it. I don't live there yet.

HEARING EXAMINER DICKMAN: Yet. All right. Great. And so your issue is navigability?

MS. KUHN: Yes, and you know what, there are 29 homes on that canal, and they would all be affected.

HEARING EXAMINER DICKMAN: All right. Thank you, ma'am.

MS. KUHN: Uh-huh. Thank you.

MR. FRANTZ: While we are wiping the mic off, our next speaker is David Stephens. And Mr. Dickman, I'm receiving a few comments that it's hard to pick you up on Zoom. If you can speak up.

HEARING EXAMINER DICKMAN: Sorry Zoom people. Everybody in the audience hear me? All right. How are you, sir?

MR. STEPHENS: I'm David Stephens, and I live at 135 Tahiti Street, and after looking at this, I definitely oppose it. Just like Ms. Kuhn said, if she builds a dock on the other side, or has a dock, or when he backs his boat out 34 foot, he's going to be over basically in her dock if she gets permission to go out 35 feet, too. There's not enough room there for that, and it will just tighten up the canal so much. I'm just opposed to it. I just wanted to let you know.

HEARING EXAMINER DICKMAN: Navigation? Can I sum it up as navigation?

MR. STEPHENS: Yes, sir. It will be a big deal, too, yes.

HEARING EXAMINER DICKMAN: All right. I gotcha. Thank you. 135 Tahiti Street?

MR. STEPHENS: Yes, sir.

HEARING EXAMINER DICKMAN: Thank you, sir. Is that loud enough, Jeremy?

MR. FRANTZ: I hope so. The last speaker is on Zoom. Michael Yates. Michael, I'm going to allow you to speak now, and you'll have to unmute on your end as well.

MR. YATES: I'm here for the next one, not for this one. Part of the applicant.

MR. FRANTZ: Okay. We have an error on our sheet.

MR. YATES: Yeah.

HEARING EXAMINER DICKMAN: Anyone else on this item?

MR. FRANTZ: That's our last registered speaker.

HEARING EXAMINER DICKMAN: All right. Great. So a couple things, I mean, you probably took notes as well, applicant?

MR. PEARSON: Yes.

HEARING EXAMINER DICKMAN: There is probably some things that you want to address directly into the record. I took down issues of view, devaluation of property. The gentleman Wetzel said he did not receive a notice, other than what was in the mailbox.

Navigation at low tide. He is questioning measurements, and then there is, of course, the two other folks addressing navigability. You may want to address those in the record.

MR. PEARSON: Sure. Well, I guess I should start off with navigation; that seems like that's the biggest concern.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. PEARSON: I would just like to note that the canal itself actually is 100 feet wide in this instance. In the mouth of the canal it is more than 100 feet wide. I think -- I think the bottleneck that several people had concern, was that the navigation pile across the waterway was sort of more of a restrictive point.

Mr. Kelly had actually indicated that if we needed to, we could even move this pile. I don't know if that's necessary, considering I think I was told that it's actually marking some shallow water in that spot. So, you know, I don't know if that is even a good idea, but across the waterways it kind of fluctuates from, I think it was around 110 feet to 120 or 130. I'd have to check the drawings again.

HEARING EXAMINER DICKMAN: Due to accretion? What are the words, accretion?

MR. PEARSON: Well, I don't want to speculate.

HEARING EXAMINER DICKMAN: Are you talking about tide?

MR. PEARSON: It's just a shallow spot on the opposite shoreline. I don't know that it's necessarily because of anything.

HEARING EXAMINER DICKMAN: Okay.

MR. PEARSON: The other thing I wanted to address was the measurement, and I kind of briefly mentioned it during my talk earlier. The measurements in our slides were all taken either by a surveyor or from a GIS service. The survey measurements obviously should be spot on. I don't expect any deviations on those.

We didn't have the surveyor measure every dock on the channel. It would cost a fortune to do that. So most of the docks and boathouses that we measured on our slides were taken with GIS. I expect that, you know, they could be off by a few feet --

HEARING EXAMINER DICKMAN: Uh-huh.

MR. PEARSON: -- but, you know, the deviation on that, I wouldn't expect to be more than two or three feet, I think, at the most.

HEARING EXAMINER DICKMAN: Okay. Okay. The -- did you -- I mean, as far as navigation, I know you were coming in perpendicular. Did you guys look at high tide, low tide issues, any of that? I know -- what is the range of high tide, low tide; do you know?

MR. PEARSON: In general throughout the Collier County you can expect a fluctuation of about two to three feet on average. In this instance shore perpendicular mooring due to tides or waters is the most advantageous. If you were to try to moor shore parallel, that means you're putting a boat right along the seawall, so in that instance water depth would be a factor. So it is for the sake of navigability for Mr. Blocker's dock, more advantageous to come straight in from perpendicular fashion.

MR. MAXWELL: I think I'd just like to also add if he was to do shore parallel, he would then have to back into his neighbor's riparian area to access. So any dock that they build in the future, to maximize their dockage, could block his ingress and egress. So doing it perpendicular ensures he can back into the channel and have no conflicts with his neighbors in the future.

HEARING EXAMINER DICKMAN: Okay. I'm glad you came up about the riparian issue. There was a question about view, and then there was a question about, I believe, this was -- seemed like the most across the canal would be 159 Tahiti Street. Can you address that, like, if they were to come in and build a similar type of dock?

MR. MAXWELL: So if they were to come in and build a similar type of dock, they're going to be held to the same restrictions. They wouldn't have to come forward for this style of hearing, if they stay within 20 feet. They can build anything they want within 20 feet essentially. To go beyond that they're limited to the 25 percent.

The State of Florida and US Army Corps of Engineers restricts you do not impede 50 percent of the navigable water depth as measured from mean high to mean high. So the 50 percent will essentially always be a channel available to the public, or the neighbors, to ingress and egress from.

As Nick pointed out earlier in his presentation, we're going to be restricting that to 66 feet to that shallow water marker where there are pinch points further in the canal less than that.

HEARING EXAMINER DICKMAN: And that reference to the State was in the slides that you gave to me; is that correct?

MR. MAXWELL: I'm not sure -- that's one of the State guidelines.

HEARING EXAMINER DICKMAN: The 50 percent is basically making sure it's navigable?

MR. MAXWELL: Correct. The County mirrors that with some of the LDC language as well. I would be happy to send you that as part of the Florida Administrative Code.

HEARING EXAMINER DICKMAN: Yeah, why don't you cite that for me in what you're going to provide to the County so I can take a look at that.

MR. MAXWELL: Will do.

MR. PEARSON: I had mentioned earlier as well, in terms of setting a precedent to build a dock on the opposite shoreline, that's sort of oriented the same way as Mr. Blocker's proposed, would be very

difficult, just because you have enough shoreline to shore parallel moor. So there's really not a precedent there to build a perpendicular orientation.

HEARING EXAMINER DICKMAN: Okay. Great. Anything else? Okay. Let's hear from the County one more time.

MR. KELLY: Again, John Kelly, Senior Planner for staff. With respect to the idle speed sign, I did speak to our Coastal Zone Management Department. They had indicated that when the sign was placed there was no reason really not to place it there. They can relook at the placement. It's not exactly what you would call a permanent location. It can be relocated, if necessary.

HEARING EXAMINER DICKMAN: On that, would that require FWC or anybody else to be involved?

MR. KELLY: That I do not know.

HEARING EXAMINER DICKMAN: And who would have to request that?

MR. KELLY: That could be requested -- they would look at it if anyone requests it.

HEARING EXAMINER DICKMAN: If anybody requests it. Okay. That is the idle slow speed sign?

MR. KELLY: Correct. And to answer one of the comments made, this is an idle speed sign. They shouldn't be racing up onto the idle speed sign.

HEARING EXAMINER DICKMAN: I agree with that.

MR. KELLY: With respect to some of the measurements, and Mr. Wetzel noting that perhaps there's minor differences, I would expect that the applicant took measurements that included the roof overhangs, because most of those docks did have boathouses, and the roofs may overhang three feet from the maximum point. So I would expect that some of those dock measurements included the three-foot roof overhang.

HEARING EXAMINER DICKMAN: So is it safe to say that applications that are before me are only when the County staff deems them to be complete applications, and you are satisfied with what's been submitted?

MR. KELLY: We depend primarily on information that's provided by industry professionals, and that should be factual.

HEARING EXAMINER DICKMAN: Right. Right. I'm not saying you go and measure everything to fact check everything, but you rely on professionals for submitting everything? I guess what I'm getting to, you deem this to be a complete application, and that's why it's before me?

MR. KELLY: Correct. We go through an entire review process. Part of that process is ensuring that they satisfy the review criteria.

HEARING EXAMINER DICKMAN: Right.

MR. KELLY: In this case primary criteria, secondary criteria and boathouse criteria.

HEARING EXAMINER DICKMAN: For the record I don't -- I have no -- I'm not looking at whether something is a complete application or not. I'm looking at the application after professional County staff has looked at it and brought it forward.

MR. KELLY: Indeed.

HEARING EXAMINER DICKMAN: One other question, Mr. Wetzel --

MR. KELLY: Mailing issue?

HEARING EXAMINER DICKMAN: Please.

MR. KELLY: Mailings, we our staff -- well, our GIS staff puts together the mailing list based on information received from the property appraiser's office. Whatever address they have on file with the property appraiser's office is the location the letter would go to.

HEARING EXAMINER DICKMAN: So wherever they receive their tax bill, is where the notice will go?

MR. KELLY: I believe that's accurate.

HEARING EXAMINER DICKMAN: And how far in advance do those go out?

MR. KELLY: I believe it's no less than 15 days.

HEARING EXAMINER DICKMAN: Are those regular mail or registered mail?

MR. KELLY: First Class U.S. Mail.

HEARING EXAMINER DICKMAN: All right. Great. Anything else? Applicant? County? Okay. I don't have any further questions. I appreciate all of the information that has been provided.

The only other information if you could circulate through the County to me, the information on riparian -- the cases that you cited of that nature. Otherwise I will -- the public hearing is closed. I believe I've heard everything.

Looks like the applicant has addressed everything that they feel that they need to address on the record, and so I will render a decision as expeditiously as possible.

MR. PEARSON: Thank you.

HEARING EXAMINER DICKMAN: Thank you, everyone. I appreciate the comments from the public, too.

MR. PEARSON: Thank you.

HEARING EXAMINER DICKMAN: All right. Thank you. All right. Item No. C, why don't we do this? Why don't we start off with the County and let the County introduce the item on this one?

We have Tim Finn here, is that right, Item C? Why don't we have staff from the County just introduce the item, and then the applicant can come up.

MR. FINN: Yes. Hello. For the record, I'm Tim Finn, Principal Planner. Item C is a sign variance titled 4901 Rattlesnake Hammock Road.

The applicant requested variance per Section 5.05.05.C.4.c.iii.e of the LDC which allows for electronic fuel pricing signs to be allowed on directory signs only through a variance PUD to deviation or SRA deviation.

HEARING EXAMINER DICKMAN: Got it.

MR. FINN: The variance petition will allow electronic fuel pricing in place of an approved scrolling gas pricing sign panel.

HEARING EXAMINER DICKMAN: All right. Great. Thank you. We'll get back to you. Applicant, come on up. Good morning.

MR. LEWIS: Good morning Hearing Examiner Dickman. My name is Doug Lewis. I'm an attorney with the law firm of Thompson & Lewis. I'm here representing the applicant, Wawa Florida, LLC, the owner of an existing fuel facility located on the southeast corner of U.S. 41 and Rattlesnake Hammock Road.

There is a slide to be put up to give you kind of the locational view of the site, and also in the staff packet. This is a fairly straightforward sign variance request.

As background to the request, you may be aware the County just recently updated their Land Development Code to safely allow for LED gas pricing signage. To modernize it and bring it to the 21st Century.

We're moving away from the scrolling technology to LED, and that's permitted as a matter of right for ground and pole signs, except that the code does create a variance process for the approval of LED pricing signage, where you have multi-occupancy directory signage, as in the case here.

My understanding is that this provision, this control to come in for a variance or deviation, was aimed at putting controls in place of directory signage to prevent, for example, single tenant in a multi-tenant environment from using all or most of the directory sign face for LED gas pricing.

As in this case, however, as depicted on Page 4 of your staff report, the existing directory sign along Rattlesnake Road at the Naples South Plaza, it has seven panels, and our request merely involves modifying a single lower panel to allow for LED gas pricing versus scroller technology.

A permit has already been issued by Collier County for gas pricing using a scroller technology for the lower directory sign panel, so that panel would get a scroller gas pricing, if our application were denied today.

The sign variance criteria applicable to this variance request is found in LCD 5.06.08 B1 A through F. Both staff and the applicant have addressed the applicable variance criteria in your packet of materials.

Staff is recommending approval and has found that this sign variance request is consistent with the applicable criteria. Today I have a representative from Wawa, Scott Gerard, who is here in person. I also have a Greg Davis with Thompson Sign Engineering.

They are here to answer any specific questions that you have, if any, and we also have Michael Yates, who is a traffic engineer with Palm Traffic online, if you have questions there.

Our request today merely involves modifying a single lower panel to allow LED gas pricing. We see this as being consistent both with the County's desire to kind of modernize and allow for LED pricing, and also the code, and we hope you can render a fairly quick decision in favor of our request.

In a nutshell that's our request, Mr. Dickman, and we request time for rebuttal, if needed, if anything comes up, any additional testimony is needed for the record. That's all I have for the moment.

HEARING EXAMINER DICKMAN: Just for my clarification, are you asking for two or one?

MR. LEWIS: One.

HEARING EXAMINER DICKMAN: Okay. So there is an existing one on Rattlesnake or is this the one --

MR. LEWIS: Correct. It's for an existing multi-tenant sign on Rattlesnake.

HEARING EXAMINER DICKMAN: Okay. Then there is an existing one already on Tamiami Trail?

MR. LEWIS: Correct, that's LED, not scroller technology, that's a ground sign, that's existing.

HEARING EXAMINER DICKMAN: Okay. Well, I'm imagining you want to reserve some time for rebuttal?

MR. LEWIS: Absolutely.

HEARING EXAMINER DICKMAN: Thank you. All right. Why don't you take me through the notices, the criteria, if you have any -- object to any issues on the criteria; things like that.

MR. FINN: Okay. For the record, I'm Tim Finn, Principal Planner. The applicant has complied with all hearing notices and mailing notices by our operations staff. The hearing advertising sign on the property, that was complied with by the applicant.

The petition is compliant with all criteria, and it's -- the petition is also compliant with the GMP and the Land Development Code, and, therefore, staff recommends approval.

HEARING EXAMINER DICKMAN: Okay. I notice that there is a -- I have some information here from -- well, first of all, are there members of the public here registered to speak?

MR. FRANTZ: The only registrations I have are all the names that were already mentioned for the applicant.

HEARING EXAMINER DICKMAN: Yeah, there was a gentleman. Okay. Why don't we go -- thank you very much. Why don't we --

MR. FINN: With that, there was an oppositional presentation by a Mark Esner (phonetic). It was also uploaded into your backup. He isn't here, so do we need to address this or...

HEARING EXAMINER DICKMAN: I mean, do you feel like you have to? I mean, I have all of those documents here.

MR. FINN: No.

HEARING EXAMINER DICKMAN: I think I understand what they're objecting to. I don't really need a full explanation. Sir, have you seen that?

MR. LEWIS: We have.

HEARING EXAMINER DICKMAN: You have. Okay. Great. Why don't we go ahead. So you're recommending approval?

MR. FINN: Yes.

HEARING EXAMINER DICKMAN: It's met all the criteria?

MR. FINN: Yes.



HEARING EXAMINER DICKMAN: Why don't we go to anyone from the public that wishes to speak. I'm trying to speak louder for the Zoom world. Jeremy, anybody?

MR. FRANTZ: We don't have any other registrations.

HEARING EXAMINER DICKMAN: I thought the other guy said that he was here for the next item?

MR. FRANTZ: That was Michael Yates, who was identified as here for the applicant.

HEARING EXAMINER DICKMAN: Okay. You just mentioned that. All right. Why don't we go into rebuttal? Do you have anything to rebut?

MR. LEWIS: I don't have anything to rebut. I will tell you, we did review that PowerPoint. Michael Yates is here. He is more qualified than I am to address it.

We don't see that there are any traffic concerns that were raised that were related to LED signage panel, versus the scroller, so we don't really see any relevancy to our application. Michael can certainly give you the detail.

HEARING EXAMINER DICKMAN: Okay. I mean, can you at least bring one of your experts up, just to, you know, somehow address any way that this would be dangerous or not, just so that I have that on the record. I know that the code has been changed but...

MR. LEWIS: Yeah, let me address the light condition issue first, and we'll have Michael come on up, and I can have Greg come up, but the code was recently modified to allow for LED, and as part of that, the County staff was very careful to ensure that the illumination was such that it didn't create any sort of external impacts.

HEARING EXAMINER DICKMAN: Okay.

MR. LEWIS: And Greg can be here, he can certainly testify. He has done sites for Wawa across the State of Florida. He is very familiar with codes in other jurisdictions, and he can put in the record that in Collier County we have some of the most stringent LED requirements that are there.

So, for example, the existing signage that's there on 41 that has LED technology for the pricing, that has to comply, and does comply with County code requirements. So Greg can give you that testimony if you would like that, but that's what he will be able to say.

Michael will be able to talk about the curb itself, and, Michael, if you are there, just address the safety analysis on the curb.

HEARING EXAMINER DICKMAN: Thank you.

MR. YATES: Yeah. This is Michael Yates, Palm Traffic, and I have been sworn in.

MR. FRANTZ: Michael, I'm going to ask you to hold up one moment. I'm going to try to turn the volume up in the room. You're coming through very, very faint. Just one moment. Okay, Michael, go ahead, see if that sounds better.

MR. YATES: Is that better?

HEARING EXAMINER DICKMAN: Not really, but speak as loud as you can.

MR. YATES: I will do. Again, Michael Yates with Palm Traffic, and I have been sworn. The PowerPoint presentation that you received is related to the curb that occurs west of the entry where the sign is going to be located.

The immediate opening that is there has a left in and right in and a right out currently, and so anyone that is coming from the east on rattlesnake would make a left at that median opening and avoid that curb. So the impacts to the curb with the Wawa traffic, we would expect very little to any traffic from Wawa to actually even be in that curb.

The other benefit for the sign is for the eastbound traffic on Rattlesnake coming out of the curb, which is not really subject to the PowerPoint presentation, but dealing with the curb. The sign would allow them to be able to see the Wawa, make the right in on Rattlesnake into the driveway.

There is an existing eastbound right turn lane, and so that would allow them to see the sign, would allow them to see the sign and get into the right turn lane to enter the driveway.

You can see it on the graph that is there now. You can see that westbound left-turn lane there on Rattlesnake coming into the driveway, so that's what would allow Wawa traffic to enter the site. The

sign is there on the driveway. You can see where the inbound arrow is on the left side; that's where the sign is.

It's the lower sign, so any -- it's not really going to obstruct anyone's view from the curb, and particularly would not impact anything going into that curb.

HEARING EXAMINER DICKMAN: Just -- sorry.

MR. YATES: Yeah, go ahead.

HEARING EXAMINER DICKMAN: No, I understand everything that you're saying. I just want to, based on that, your testimony, in your opinion will this new sign cause an increase in traffic risk at all?

MR. YATES: Not related to the curb at all, no.

HEARING EXAMINER DICKMAN: Okay. Thank you very much. Okay. Anything else, sir?

MR. LEWIS: I think that will do it, unless you have any other questions?

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

MR. FINN: No, nothing to address.

HEARING EXAMINER DICKMAN: Okay. Nothing else? With that I will close this item, and I will get a decision out as expeditiously as possible. Before you go, though, I do want to ask staff. I want to make sure we have the correct exhibits that you want me to have.

Let's see. I have -- one second. It's always easier to take care of this now. I have a site plan with signage location. It looks like a graphic depiction of the signs -- two graphics. One is another graphic depiction, which is more of a photograph depiction, and that's 3 of 3, so I have three pages; is that correct?

MR. FINN: Yeah, that would be Attachment A, yes.

HEARING EXAMINER DICKMAN: Perfect. All right. I think we're good to go.

MR. LEWIS: Thank you.

HEARING EXAMINER DICKMAN: I appreciate you being here. I appreciate the information from the public. County, thank you very much, and, again, I'll have my decision as quickly as I can.

MR. LEWIS: Thank you.

HEARING EXAMINER DICKMAN: Thank you. Have a good day. All right. Okay. We're going to Item No. D on the agenda. This looks like John Kelly from the County. You're the senior planner on this. Do you mind introducing this item? Just introduce it, don't do the whole presentation.

MR. FRANTZ: Mr. Dickman, before he gets started, I might just point out it is about 10:18 now, and if you want to think about a court reporter break at some point, I'm just bringing that up.

(A discussion was held off the record and the deposition continued as follows:)

HEARING EXAMINER DICKMAN: I appreciate that, Jeremy.

MR. KELLY: For staff, John Kelly. John Kelly, Senior Planner. This is a conditional use application to amend an existing conditional use approved by Resolution No. 10-70, that authorized a bus transfer station as an essential service government facility, pursuant to the Land Development Code within the Bill Gallman Oldsmobile Dealership Planned Unit Development Zoning District, by expanding the use to allow the facility to act as a transfer station and transfer hub for regional transportation services by removing Condition 5 that permitted transfer station use, and provided fixed route restrictions, and by removing Condition 6 that restricted bus trips.

HEARING EXAMINER DICKMAN: Thank you for that. I do have a question before we move on. I notice this is an amendment to an existing conditional use, and I was looking through the code, LDC and Administrative Code for the ability to amend an existing conditional use.

I know I have conditional uses in front of me, but can you explain, was this a -- is this -- was this previously a conditional use that was approved by the Hearing Examiner?

MR. KELLY: There is no process to really amend the conditional use. This was part of a prior conditional use that was approved, and that use isn't going away. So this is the most appropriate way to

address the situation at-hand.

HEARING EXAMINER DICKMAN: So you're going to dump it on me. Thanks. One second. All right. So it's not listed in --

MR. KELLY: Everything has been done as an original conditional use. You have everything --

HEARING EXAMINER DICKMAN: Okay. You're treating this as another conditional use, but you're pointing out it exists, so colloquially --

MR. KELLY: Nothing in the original is changing. It's just -- well, except for what we have specified.

HEARING EXAMINER DICKMAN: All right. I just want to make sure the original conditional use was under the jurisdiction of the Hearing Examiner, and I'm not jumping into somebody else's world?

MR. KELLY: Let me just make sure that -- the prior actually went to the Planning Commission.

HEARING EXAMINER DICKMAN: It did. I see No. 7 in the -- there's a minor conditional use rereview.

MR. KELLY: That would not be applicable.

HEARING EXAMINER DICKMAN: Okay. I'm having a little bit of trouble.

MR. KELLY: As I say, we collected all the information that would be required for a new conditional use.

HEARING EXAMINER DICKMAN: Okay. Do you believe that the Planning Commission would rather hear this? You're saying the Planning Commission originally approved this.

MR. KELLY: At the time the Planning Commission originally approved this, I don't believe we had a Hearing Examiner.

HEARING EXAMINER DICKMAN: At that time, yes, okay. I get that. Okay. So I'm going to take it as the County is -- has made a decision that they believe that the Hearing Examiner should hear this. So I just wanted to clarify that piece of information.

So, again, I'm relying on the County which includes -- the County does have a -- an attorney assigned to the growth management area; right?

MR. KELLY: Yes, sir.

HEARING EXAMINER DICKMAN: Okay. Well, you all have it in front of me, I assume you believe this is my jurisdiction?

MR. KELLY: Correct.

HEARING EXAMINER DICKMAN: All right. Great. Thank you. Let's go. Do you want to swallow that water first?

MR. GALLANDER: I'm good.

HEARING EXAMINER DICKMAN: You are the applicant?

MR. GALLANDER: Good morning. Thank you for that and the clarification. I think that was important, Mr. Dickman.

My name is Ted Gallander. I'm a certified planner with RWA Engineering. If you can go to the next slide, Jeremy, please. I got ahead of you a little bit.

HEARING EXAMINER DICKMAN: Can I stop you for one second?

MR. GALLANDER: Yes, sir.

HEARING EXAMINER DICKMAN: There's a statement I want to make here, is that my office, in fact, I personally send the agendas for the Hearing Examiner to the Board of County Commissioners, so they can see what is coming before me. They -- each district commissioner, I believe, under conditional uses, has the ability to pull these, if they believe it's of great public importance or whatever, and route them to another board for some reason. John, can you come up and address that as well? I just want to make sure this is in front of me for a reason.

I want everyone to understand that I did not choose to put this on here, that I don't -- you know, if the Board of County Commission has seen the agenda, I e-mail it to them, they have the right to pull a conditional use for public, and, you know, great public importance, something to this effect; correct?

MR. KELLY: I believe that they have the -- I'm not certain I understand your question, but I believe the Board of County Commissioners has the ability to overhear, or to approve what goes forward.

HEARING EXAMINER DICKMAN: Okay. I will -- I just want to be ultra safe here, I want to read this into the -- I want to show you where that is. Bear with me.

MR. KELLY: Perhaps more directly to your question, the County Attorney's Office did opine that it was okay to proceed as an amendment to the PUD -- or rather to the existing conditional use.

HEARING EXAMINER DICKMAN: All right. So under conditional uses, it says, however, the commissioner of the district in which the proposed minor conditional use is located may direct that the minor conditional use be heard by the Planning Commission in an advisory capacity, and then to the Board of Zoning for final action.

So I have not -- I'm not making discretionary decisions. I have sent the agenda. I always send the agenda. I e-mail it to the commissioners so they can see it. In fact, I've asked staff to start listing out which commission district these are in. You'll notice that on agenda.

So in an abundance of caution, it doesn't appear as though the Hearing Examiner is just using their own discretion to hear things or not. So I'm relying -- thank you for telling me that Counsel for the County has opined that this is properly before me. Thank you very much.

MR. KELLY: You're welcome.

HEARING EXAMINER DICKMAN: Sorry to interrupt you, sir.

MR. GALLANDER: That's quite all right. Thank you, Mr. Dickman. So to resume again, I appreciate the clarifications that we're doing the process here.

Again, Ted Gallander, certified planner, RWA, the agent on behalf of the applicant, which is the public transit neighborhood enhancement, specifically the Collier Area Transit.

We do have representatives here from our team, Michelle Arnold, who is the director, Omar Deleon, the transit manager, Zachary Cartow, is a senior planner, and Cameron Kirby, planner with CAT. Also, we have Mr. Uri Packow, with TR Transportation, our transportation expert.

Next slide, please. Just a little basic subject property overview. It's an over ten-acre developed property approximately 1,000 feet west of Radio Road and Davis Boulevard intersection, and one critical component of the property and existing conditional use, as we have been talking about, was approved March 23 of 2010 to allow for the government facility, this Collier Area Transit transfer station facility, and a component of the conditional use, were eight specific conditions.

Next slide, please. This is your token aerial photo identifying the subject property west of Radio Road or west of Davis Boulevard, just south of Radio Road. Next slide, please. So the slide may be a little bit difficult, but what we're outlining here are the existing conditions of approval for under the property.

I've pulled out, just to expand out, four of the specific conditions, and Condition No. 3 really outlines requirement and the need that we're able to apply for this petition and seeking approval when changes are proposed.

Condition No. 4, it limits the facility to a specific type of transfer facility, and, which this particular property is a secondary transfer facility, and it outlines specific criteria that are -- that need to be adhered to, associated with that type of facility.

Conditions 5 and 6, these address the limits of the transfer activities, and the transfer, and the transit bus trips, specifically during the p.m. peak hour time frame. Next slide, please.

The request, again, is specifically to eliminate Conditions 5 and 6. We have found CAT is a critical service to the Collier County community, and is always seeking to improve upon its level of service, and the plans for its succession and future.

So the need for flexibility to achieve that level of service is needed, especially for these transfer facilities that are a critical hub for Collier Area Transit, and Conditions 5 and 6 being in place limit that and restrict that flexibility and opportunity for CAT to serve the community in the future.

The other component of our request that was entered into the record is the allowance of the regional bus carriers to use this particular transfer facility. I want to emphasize or reiterate that there are

no buildings being constructed as part of this.

The site, there are no changes to the site. I just wanted to make that clear and in the record. Next slide, please.

HEARING EXAMINER DICKMAN: Let me just ask you, when you say the bus drivers to use the facility, what does that mean?

MR. GALLANDER: As in the regional carriers?

HEARING EXAMINER DICKMAN: Yeah.

MR. GALLANDER: That would mean they are able to pick up and drop off passengers at that facility, and move forward to their next stop.

HEARING EXAMINER DICKMAN: Got it. Thank you.

MR. GALLANDER: I'll be emphasizing a little bit of that later on as well.

HEARING EXAMINER DICKMAN: Sorry to interrupt.

MR. GALLANDER: That's quite all right. The conditional use criteria specifically under LDC Section at 10.08.00 Subsection D, our professional opinion real quickly is we are consistent with the Collier County Growth Management Plan, Land Development Code.

Mentioning before no changes to the site proposed, so the ingress and egress to the property is remaining the same. Specific to the effect on neighboring properties, is obviously a critical aspect of this. There are no negative effects that we've determined associated with specifically the noise, glare, odor or economic impact associated with this request.

This facility has been operating for over ten years now. It's been found compatible under its original conditional use in 2010. Again, no changes to the site, landscaping buffering, lighting, et cetera, those are all remaining the same.

To emphasize about some relative information to this request, specific to the flexibility for CAT and the regional bus services, this really encourages that effective and efficient system of a mode of transportation that the County is seeking to ensure is available to its residents and guests.

It's specific to emphasize that the reducing of personal vehicles is attributed to enhanced transit and bus services, thus, reducing the congestion on the road -- road network. Next slide, please.

To further emphasize, again, the conditions imposed really limited the transit's operations. The neighborhood's concerns, CAT has been a good neighbor for the last ten years. They have seen -- operated a topnotch, highly-effective, very secure facility serving the community.

Specific to the regional buses, I believe this is what we were speaking to before, is the regional characters -- carriers -- are actually in operation now. They are approximately a mile down the road to the east operating from a fast food establishment and gas station.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. GALLANDER: So impacting the commercial involvement is that the most logical use for those carriers, so why not work with having a consistent and efficient way for those two modes of transportation to be complementary to each other.

The passengers actually do walk from the regional carriers stops to the CAT transfer facility, so there is really no users or no new impacts from that sense. It also creates a safer environment for those passengers to be located and coming and going at a particular functioning establishment, rather than a gas station or a fast food establishment.

Next slide, please. We had our neighborhood information meeting back in October. Our opinion, very well attended, had a lot of good input, great to have the public engaged. We were -- I want to clarify on the slide, I think it's very critical to clarify no outside regional bus service. It's to service the buses was the intent of that statement on here and no storage or parking of the regional carriers would be onsite.

So, again, to reemphasis, Mr. Dickman, the regional carriers would come, drop off, pick up passengers and then move on to their next, but also to clarify during our NIM, we were committing to ensuring that those regional carriers would only utilize the I75 interchange.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. GALLANDER: Not going through the local streets, or whatnot; that's a logical aspect of it. They want to be on their way off to the next stop as soon as they can and not impact their timing.

So, last, we concur with the staff report analysis and recommendations and approval -- recommendation of approval to the HEX, and we concur with that.

The last slide is the -- our proposed strike-through of Conditions 5 and 6 and replacing No. 5 with a new condition. There will be no onsite vehicle service or storage facilities for the regional service providers.

Again, appreciate Mr. Kelly, Mr. Bellows, transportation staff on this effort to get us here. So looking forward to your questions and the public.

HEARING EXAMINER DICKMAN: All right. Why don't you stick around and reserve a little time for rebuttal?

MR. GALLANDER: Yes, sir.

HEARING EXAMINER DICKMAN: Mr. Kelly?

MR. KELLY: John Kelly for staff. Okay. I guess now presentation of the staff report. We have received four letters of objection, which were provided to you as part of the staff report. Two from the same person, and one letter of support.

As the applicant, as they stated, did hold their neighborhood information meeting on October 15, 2020, and the public hearing signs, I believe were posted on Radio Road and Davis by the applicant with -- in advance of the meeting at least 15 days.

Get to the right page here. Okay. So staff does find that the applicant satisfied all of the criteria for a conditional use, which in this case is to amend the existing conditional use, and hereby recommends that you approve Petition CU PL20200001301 to amend the conditional -- I'm sorry. Spit that out. To amend the conditions of approval contained within Resolution 10-70, as set forth in Attachment A of the staff report.

HEARING EXAMINER DICKMAN: Got it.

MR. KELLY: And that concludes the presentation. Ready for questions.

HEARING EXAMINER DICKMAN: Stick around, Mr. Kelly. Why don't we -- members of the public? Anybody for this hearing?

MR. FRANTZ: I have one registration slip here and I am going to apologize in advance for butchering your name, Robert --

MR. MORANDE: Morande.

MR. FRANTZ: Thank you.

HEARING EXAMINER DICKMAN: Come on up, sir. Thank you for being here.

MR. MORANDE: Thank you. Good morning. My name is Bob Morande. I own the Extra Space Storage Facility right next to the CAT facility, and, obviously, I'm supporting whatever the County wants to do, because we've been good neighbors with the CAT facility.

However, I just want to go on the record, in the past year or so we've got some extra, I don't want to say extra space, but extra land we offered to the County for additional parking, knowing that this CAT facility was going to grow, and I know I talked to Michelle Arnold a couple times over the past year or so.

So we offered the property, or a part of our property that originally was designated as a preserved area. At one point in time we were going to develop that preserved area but switching that with another part of the property within the county, but we decided against it.

As the CAT facility was growing and all of these changes are coming forward, we offered about three-quarters of an acre of land for additional employee parking, which is right next door to the CAT facility, and I know the County has been looking at other pieces of property surrounding the CAT facility, but I just want to, as I said, I want to go on record that we do have some property available that we can work out a deal with the County, and that's all I have to say.

HEARING EXAMINER DICKMAN: You know I can't make those deals, but you made a good pitch.

MR. MORANDE: Well, I can make the deal, so when, Michelle, when you're ready to sign an

agreement...

HEARING EXAMINER DICKMAN: You guys go out in the hall and take care of that. I'm not going to be part of that, if you don't mind. Okay. So anyone else, Jeremy, here to speak?

MR. FRANTZ: I have no additional registrations.

HEARING EXAMINER DICKMAN: Anybody online in Zoom world?

MR. FRANTZ: No online.

HEARING EXAMINER DICKMAN: Okay. All right. Any other? I really don't have any other questions. I fully understand what that is about. I'm happy that staff has assured me that I'm able to hear this.

So I will say for the record I have no idea whether or not this is of great public interest or concern, which is part of the conditional use; whether or not it can be pulled, and put to another body to be heard. So I rely on staff and sending the agenda to the County Commission for them to tell me what is of great public interest or concern.

I'm not a political figure. I do not get involved with political figures. I just hear the applications as they come forward to me. So putting that on the record.

MR. GALLANDER: Understood. Thank you.

HEARING EXAMINER DICKMAN: Thank you very much. Okay. Great.

MR. FRANTZ: I know you may be planning a break for the court reporter now, but I ask that we could definitely take a five-minute break. We may be having some video issues on Zoom that I'd like to take a moment to correct.

HEARING EXAMINER DICKMAN: No problem. Five minutes.

(A recess was had from 10:42 a.m. until 10:49 a.m., and the proceedings continued as follows:)

HEARING EXAMINER DICKMAN: All right. We're back in session of the Hearing Examiner. We are on Item E, I believe, Item E. So I would like -- looks like Craig Brown, you want to come on up and introduce the item? You're not Craig.

MS. COOK: I'm not Craig. Jaime Cook, Principal Environmental Specialist with the Development Review Division. The applicant is requesting an application for a coastal construction setback line variance, and in accordance with the Land Development Code Section 9.04.06 for a 92-foot variance from the coastal construction setback line to allow for a pool, a fence and a decked pathway.

HEARING EXAMINER DICKMAN: This is a setback from the CCSL; right?

MS. COOK: Yes, sir.

HEARING EXAMINER DICKMAN: Which is, what is the actual setback? What does it require?

MS. COOK: So the current requirements require all structures to be built landward of the CCSL line, and they're wanting to build seaward of that line.

HEARING EXAMINER DICKMAN: Gotcha. Thank you.

MS. COOK: You're welcome.

HEARING EXAMINER DICKMAN: I'm sorry. Tell me your name again. You're definitely not Craig.

MS. COOK: I'm not Craig.

HEARING EXAMINER DICKMAN: Give me your name again. I want to write that down.

MS. COOK: Jaime Cook.

HEARING EXAMINER DICKMAN: Jaime. Sorry. Thank you. And, hi, how are you, the applicant.

MR. PEARSON: Hello. I'm Nick Pearson again.

HEARING EXAMINER DICKMAN: I remember now.

MR. PEARSON: I was up a minute ago. I'm representing Mr. Bowein. I do have a PowerPoint as well, if we can go through that. Yeah. As I said before, my name is Nick Pearson. I'm a project manager with Turrell, Hall & Associates.

HEARING EXAMINER DICKMAN: Nice picture.

MR. PEARSON: Thank you. You can go to the next slide. So this is the project location. Pretty easily recognizable. It's La Playa just to the south of it. So the applicant directly neighbors to La Playa. Next slide, please.

So this is the survey of the property. Just, I know it's kind of hard to read, but, for general dimensions of everything. We can go to the next slide.

HEARING EXAMINER DICKMAN: Hold that one second.

MR. PEARSON: Okay.

HEARING EXAMINER DICKMAN: Oh, okay. Which one is the CCSL? Help me.

MR. PEARSON: The CCSL goes about -- it's directly on top of the house. So there is a light blue line. You can kind of see it. It's right in the middle there.

HEARING EXAMINER DICKMAN: That's the setback line?

MR. PEARSON: That is the CCSL, yes.

HEARING EXAMINER DICKMAN: All right.

MR. PEARSON: That is the line that we would be requesting a variance from.

HEARING EXAMINER DICKMAN: Okay. So you already have structures over it?

MR. PEARSON: There's been a house there for a very long time, that's Mr. Bowein's.

MR. BOWEIN: '57.

MR. PEARSON: 1957 is when it was constructed.

HEARING EXAMINER DICKMAN: Okay.

MR. PEARSON: I think some of our drawings are a little more helpful. You can probably see them a little better.

HEARING EXAMINER DICKMAN: Gotcha. That helps.

MR. PEARSON: Yes. Obviously, the green areas, the green lines, are basically everything that's there already. The yellow areas are structures, are what we would be proposing.

It is also kind of hard to see, but there's a couple yellow lines that basically delineate the dune habitat, and what we would probably consider is armoring at the beach, natural armoring, that is. Next slide.

So basically just a cross-section of the previous slide. I think maybe it kind of makes things a little easier to see, dimension-wise. The fence is about -- it's about -- it's offset about five feet from the vegetation line. It's also approximately 126 feet from the mean high waterline. So that would be the nearest point to the mean high water, and the furthest point from the CCSL. Next slide.

This basically just shows hardened structures in the general area up and down the beach from Mr. Bowein's house. As you can see by that drawing, the closest we would be coming to the mean high waterline is about 123 feet. La Playa is already at 112. There is one or two others down the beach that are a little closer as well.

Next slide. So these are some pictures that I took when I've been to the property. I did a listed species survey as part of the PE petition. As you can see we wouldn't be impacting any dune vegetation, any sand dunes, any kind of natural armoring as part of this project.

You know, there is a very clear line of dune vegetation. We wouldn't be touching that at all. Furthermore, we would be enhancing it. We will be removing any kind of exotic vegetation that is on the dune. I didn't really see any when I was out there, but if at any point we do find any, we'll have it removed and we will do plantings to restore any kind of space that's left from the exotic vegetation. Next slide, please.

HEARING EXAMINER DICKMAN: I have a quick question. I'm unaware of this. Are there any ECL's there? Was there any nourishment on this beach, erosion control lines, or anything like that that you know of? If you don't know, we'll get to it later.

MR. PEARSON: I'm not aware of any. We might be able to answer that on some of the other slides.

HEARING EXAMINER DICKMAN: We'll get to that later.

MR. BOWEIN: It's on the survey.



HEARING EXAMINER DICKMAN: One second, sir, just one second. This is your client; correct?

MR. PEARSON: Yes. Correct.

HEARING EXAMINER DICKMAN: So he can come up later. If you want to stand behind him.

MR. PEARSON: Yes, he is welcome to talk.

HEARING EXAMINER DICKMAN: Yeah, once you're finished with your presentation he can add to it. Sorry to interrupt you, but I want to keep the record clean, if you don't mind.

MR. PEARSON: Not a problem at all. So this was basically just intended to show sort of the size of the beach. This is a 2020 aerial. I believe that says 135 feet from -- this is a -- I should note this is another GIS measurement. So I would expect it to be within a couple feet of accuracy.

I also took a measurement of the canal just as a control measurement. So as you can see the canal is 100 feet -- about 100 feet as well. If you can go to the next slide as well.

This is a 1994 aerial basically showing that the measurements really haven't deviated any since then. The canal, again, about 100 feet, the beach about four or five feet of difference, but that's well within the normal range of tide swing, so that doesn't strike me as a large deviation at all.

If you can go to the next slide as well. This is a 1973 aerial. You can see the beach really hasn't changed that much. I wasn't able to measure this with our GIS Program, but just eyeballing it, I think you can actually kind of tell that the beach really has not changed much in the last 50 years.

HEARING EXAMINER DICKMAN: Looks like La Playa lost their tennis courts.

MR. PEARSON: Gained some currently. So those were some of the concerns I anticipated might come up, if anyone was to oppose the project. I already really addressed them. I think the dune vegetation, we really probably won't have to take any out. If we do, it will be restored with new plantings.

Coastal armoring, we're really -- we're not impacting the dune at all, so I really don't anticipate any kind of impacts to, you know, armoring up the dune that would help prevent, you know, washout from storms, or flooding or storm surge, and it's, you know -- he is well within his property lines. He's not impacting any side setbacks.

I don't really think any of the neighbors will see this project at all, so I don't really see this impacting any of the neighbors' views either.

HEARING EXAMINER DICKMAN: Okay.

MR. PEARSON: And I think that about sums it up for us.

HEARING EXAMINER DICKMAN: Does your applicant -- does your client have -- you wanted to say something?

MR. PEARSON: Sure.

MR. BOWEIN: I was just going to point out one thing.

HEARING EXAMINER DICKMAN: Come on up then. Give us your name.

MR. BOWEIN: Yeah. I wasn't sworn in.

HEARING EXAMINER DICKMAN: Oh, you want to give him the oath?

LLOYD BOWEIN,

the Witness herein, having been first duly sworn, was examined and testified as follows:

MR. BOWEIN: Yes. Yes, my name is Lloyd Bowein. Been here since '65, but anyway, on one of the surveys that you have, it does have the erosion control line.

HEARING EXAMINER DICKMAN: So there has been beach nourishment?

MR. BOWEIN: There is two that I'm aware of. I wish they would stop fluffing the beach, that means blowing the sand away and washing it out, because now we actually have a second shoreline.

HEARING EXAMINER DICKMAN: Right. Got you. I was just curious. So there is, it's my understanding the Army, the Corps of Engineers requires ECL, when there's nourishment, so the public has some rights to the beach down there.

MR. BOWEIN: Right. Yeah, and I think they misinterpret that with the thing at Mariah Bay

and also at the Ritz Carlton. They're still using the mean high tide or vegetation line when they should be using the erosion control line, but we haven't had any issues with that in that area of La Playa, but the people do whatever they want, and we've sort of done that.

HEARING EXAMINER DICKMAN: Thank you for that.

MR. BOWEIN: But basically like I say, La Playa, even next door to me that house is beyond where the pool is going. There is no cage or nothing and no complaints.

HEARING EXAMINER DICKMAN: Okay. Okay. Thank you. Very much.

MR. PEARSON: I stand corrected on that, I guess.

HEARING EXAMINER DICKMAN: That's okay. I had a feeling. Anybody from the public here to speak? County staff have anything else based on anything I said?

MS. COOK: Again, Jaime Cook, Principal Environmental Specialist with the Development Review Division.

HEARING EXAMINER DICKMAN: Microphone?

MS. COOK: Again, Jaime Cook, Principal Environmental Specialist with the Development Review Division. Staff recommends approval of the application, based on the justifications that neighboring properties have structures within a similar distance beyond the CCSL line.

HEARING EXAMINER DICKMAN: Does anyone meet that line? There is older --

MS. COOK: Correct. The line was established in 1974, so any structures built before that was exempt from having to meet that requirement.

HEARING EXAMINER DICKMAN: Right. Okay. So on the dunes, I know there's emphasis on the dunes and GMP. Are you satisfied with dune impact or dune vegetation or replacement going to happen?

MS. COOK: Yes, prior to the Certificate of Occupancy for the swimming pool, they would have to remove all of the exotics from the dune and plant any supplemental native plantings in those bare areas.

HEARING EXAMINER DICKMAN: Okay. On the photographs I saw sea grapes and sea oats. I guess the sea oats are the ones that are protected; right?

MS. COOK: Yes, but those are both native plants.

HEARING EXAMINER DICKMAN: All right. Good. Make sure the sea oats grow up to 20 feet. Just kidding.

MR. BOWEIN: If the tractor would stop running them over, it would help.

HEARING EXAMINER DICKMAN: Okay. And he would like no more renourishment, so make sure it stops at his property line.

MS. COOK: It's not me.

MR. BOWEIN: The renourishment is okay, it's the fluffing.

HEARING EXAMINER DICKMAN: Okay. Great. You've gotta watch out for sea turtles. All right. This is pretty cut and dried, and nobody from the public, Jeremy?

MR. FRANTZ: No one here in the room or on Zoom.

HEARING EXAMINER DICKMAN: All right. So I'm going to close the hearing, and I don't have any other questions. I have -- well, let me make sure I have all the exhibits that we need before everybody walks away, and then I have to figure it out later. Bear with me. Attachments, survey and site plan. Okay. So I have the survey, the sketch of the boundary, the survey Page 1 of 2, and then I also have just, looks like location page, just various, different aerial photographs with measurements, dimensions, pretty much everything you presented.

MR. PEARSON: I didn't have any comments on this one, so there was really nothing for me to additionally prepare.

HEARING EXAMINER DICKMAN: For staff purposes, I'm going to use these as attachments.

MS. COOK: Yes, sir.

HEARING EXAMINER DICKMAN: I'll use these as attachments to the decision. Okay?

MS. COOK: Okay. Thank you.

HEARING EXAMINER DICKMAN: Nice to meet you, Ms. Cook. Thank you. Appreciate

it. Thank you, sir.

MR. PEARSON: Thank you.

HEARING EXAMINER DICKMAN: All right. Any breaks, Jeremy, or can we keep going?

MR. FRANTZ: Been fine, thanks for the check-in.

HEARING EXAMINER DICKMAN: All right. We are on our last item. This is Item F. We have Parker. Come on up. We're going to have County staff introduce this, and then we'll have the applicant. Parker, were you sworn in?

MR. KLOPF: I was not sworn in.

HEARING EXAMINER DICKMAN: Okay. Let's do that.

PARKER KLOPF,

the Witness herein, having been first duly sworn, was examined and testified as follows:

THE WITNESS: Yes, ma'am.

HEARING EXAMINER DICKMAN: Please tell me how to pronounce your last name.

MR. KLOPF: Klopf.

HEARING EXAMINER DICKMAN: Klopf. I would have done that.

MR. KLOPF: For the record, my name is Parker Klopf, Senior Planner with the Collier County Zoning Department. We're here to give the introduction for the comparable use determination for the suburban propane distribution facility in the White Lake Industrial Corp. Park at the northeastern intersection of I75 and Collier Boulevard.

HEARING EXAMINER DICKMAN: And just in layman's term, this is not a listed item, and you want to compare it to something else; right?

MR. KLOPF: Correct. The use is not specifically listed by the SIC code, but there is comparable uses within the PUD that would allow a similar use and scope. This is a determination to allow this use.

HEARING EXAMINER DICKMAN: Perfect. Got it. Thank you. All right.

MR. BECK: Hi. Good morning. I'm Jarod Beck, a certified planner with Stantec Consulting, and I am the agent for the applicant. I have been sworn in. And we do have a fairly brief presentation, if we can move to the second slide on that, Jeremy, that will begin with the site location.

So this is one of a very limited number of industrial areas within Collier County that does allow for a wide range of industrial uses. The industrial zoning districts in general are among the more limited ones within Collier County.

When this PUD was being established, one of the drivers behind it, or the intent behind it, was its location and proximity both to I75 as well as Collier Boulevard, which will provide transportation access for both of our local and regionals distribution facilities. You also notice the very southern perimeter of the PUD and just north of 75, is White Lake Boulevard, that may be known as one of the -- or the access route which is fairly heavily travelled to and from the Collier County landfill.

Now, our particular site, which has been outlined in red within this overall PUD is about 1.22 acres and this is generally the last, or one of the last, parcels to be developed within the overall White Lake Corporate Park PUD. Can we go to the next slide?

The PUD itself allows for two different uses; one being commercial, the second being industrial, which is what we would be looking at. The very western tip, the smallest portion, is the commercial, and then the remainder of it is the industrial.

As you can see, most of the PUD has been built out, predominantly warehousing. There is manufacturing facilities, distribution, some other type of outdoor storage uses and whatnot. I would add sort of as a side note to this, one of my colleagues, Tim Hancock, who works for Stantec Development, and has worked for many, many years in Collier County, so I reached out to him on this project to see if he happened to know anything about it. Turns out when it was written in 2001 he was the one that wrote it, and so one of the comments he had made was that, you know, not only is industrial fairly limited within Collier County, but this is the exact type of use it was intended to support or accommodate.

So if we can go to the next slide, Jeremy. Looking specifically at the site and the end

development, this will be fairly minimal on the overall property. This is a wholesale propane distribution facility.

When it's completed there will be only two storage tanks, roughly 66 feet in length by nine feet in width. There will be simply one single-story building, roughly 1,500 square feet. That will be in part storage, as well as office space for no more than two employees, and one one-way circular drive through the property. That by and large is all that will be developed on the site.

Incidental to that, of course, being previously disturbed, the site itself is predominantly exotic plant material, and during the environment assessment it was determined there was no particular habitat concern.

There was also a minor traffic study done on this site projecting no more than 10 to 11 vehicle trips per day, and considering the employee base within the area, the distribution nature of the many uses, there really should be no impacts with that.

I would note that there are a couple other sites similar to this in the Collier County that we can touch more on the C3 and C4 Zoning Districts, roughly the same size, but perhaps a bit more intense, in terms of their site development.

Now, while this application is on the use, I did also bring a copy if you'd like to see of the 50 percent site planning, just to understand how minimal this overall development will be. Jeremy, could we go to the next slide? And just looking a little more immediate to the site parcel, you can see there is manufacturing distributions and warehousing all around it, and then one of what, I think would be just about one of the last parcels, to be developed to the west.

Jeremy, could we go to the last slide, and this is where we will kind of pause for a second and sort of make more of the comparison. Collier County has a hierarchical zone system classification. So, for example, a C2 would be more intense than a C1, and C3 more intense than a C2, so on and so forth, going up to the industrial.

Again, this PUD was attempted to capture a wide range of industrial uses, so when you see specific uses that were included for the specific PUD, they're common in the industrial land use category. So, for example, fabricated metal products, motor freight transportation, warehousing, as well as the wholesale trade and whatnot, those are allowed within the PUD specifically, but also within the Industrial Zoning District.

When I take a look at a few others as we were going through this application, and I point specifically to petroleum and chemical bulk stations, those are far more substantial than what this is in their size and their intensity and impact. That is by right allowed within the PUD and also a conditional use within the Industrial Zoning District, and we added one more in here to take a look at and that is the fuel detailer -- or dealers, rather, including LP Gas, that is something that is allowed as a conditional use within the C4 Zoning District, far less intensive than what we have within this overall PUD.

And so when we look at all these land uses, and the proposed wholesale propane distribution facilities, you know, we feel that this fits, certainly appropriate, comparable and compatible, and our request then today is for you to deem that this use would be comparable and compatible to those listed specifically in the PUD.

HEARING EXAMINER DICKMAN: Okay. Thank you. Do you want to reserve a little time --

MR. BECK: Sure.

HEARING EXAMINER DICKMAN: -- in case you need to?

MR. BECK: I see that there's a lot of people here that want to talk.

HEARING EXAMINER DICKMAN: Oh, but you don't know how many people are out in the internet world.

MR. BECK: And there are representatives of the owner as well.

HEARING EXAMINER DICKMAN: All right. Appreciate that. Mr. Klopff, you want to come up and talk to your staff report?

MR. KLOPF: Sure. Can you hear me?

HEARING EXAMINER DICKMAN: I can.

MR. KLOPF: Based on my review I found that in conjunction with what he said, that this distribution facility fits the nature of the PUD being other similar uses such as propane -- or chemical storage and motor freight transportation as allowed within the PUD.

I saw no issue with allowing this use within the PUD. It seemed to fit the character and nature of the surrounding uses PUD, and I just deem it to be supported.

HEARING EXAMINER DICKMAN: Okay. Were there any objections to this? Is there any -- what's the notice requirement for asking for -- is this strictly an internal administrative issue or --

MR. KLOPF: There was a mailer that went out, and there was an ad in the newspaper that was put out. I didn't receive any comments, or objections or concerns from any member of the public at all.

HEARING EXAMINER DICKMAN: Okay.

MR. BECK: There are also two 4x8 signs posted, one on the property facing out to the main street, as well as facing towards White Lake Boulevard.

MR. KLOPF: That means one facing Plover and one facing White Lake.

HEARING EXAMINER DICKMAN: Thank you. I personally don't think I need a site plan or proposed site plan for this. I think basically you're just trying to describe the use --

MR. BECK: Right.

HEARING EXAMINER DICKMAN: -- in conjunction with what's already there, and I do have -- I mean, am I being asked to just state that, or I see some strike-through underlined language somewhere, but it's just basically addressing the use. We're not changing any language in the PUD?

MR. BECK: We're not changing any language in the PUD. The strike-through language that you have was simply our iteration of the park as we've gone through the approval. The request specific to you is solely to deem that this land use is comparable and compatible.

HEARING EXAMINER DICKMAN: Okay. Got it. So as far as exhibits do you have any preference, approval, Exhibit A, zoning verification letter. Okay. All right. I'm just asking because this is the first type of this item before me, so I just wanted to ask those questions. Okay. Staff recommending approval. Any rebuttal to that approval recommendation?

MR. BECK: We support it.

HEARING EXAMINER DICKMAN: Yeah. No. You're good. How it was phrased by my law professor, know when you're ahead and don't say anything. Okay.

Anybody out there in person that wants to speak to this? I see none. No one is rushing up to the podium, and, Jeremy, can you tell me about the ether world?

MR. FRANTZ: We have no one in the ether world.

HEARING EXAMINER DICKMAN: Okay. Great. We're going to close this item. I don't have any additional questions. I fully understand what's being asked of me, and I will get a decision rendered as quickly as I can.

MR. BECK: Very good. Thank you.

MR. KLOPF: Thank you, sir.

HEARING EXAMINER DICKMAN: Very good. Thank you, everyone. Perfect. That was a good, full agenda. Appreciate that. Staff, thank you very much. I do want to -- Jeremy, why don't you come on up, too, and I just want to, under "other business" kind of want to be brought up to speed on where you guys are with the Administrative Code.

I just so happened, it was just by happenstance for me to be able to watch the December Planning Commission section where you, Jeremy, and Heidi were talking about the Administrative Code, and part of it there were questions about the Hearing Examiner.

You know, I don't have an issue one way or the other, but I would like to know kind of -- because I've got my own observations, having waded through this for the last couple of months, and kind of like to know what -- have you had a second presentation already, or are you having another one, and what's the process?

MR. FRANTZ: So for the record, Jeremy Frantz, Land Development Code Manager with the

Zoning Division, and just to give a little bit of background for the record again, back in December we brought an Administrative Code Amendment to the Planning Commission for review. That wasn't a required review by Land Development Code, but we were requesting to bring it back to the Planning Commission by the Board of County Commissioners.

When we brought that amendment to the Planning Commission, we did have not any recommended changes to the process for the Hearing Examiner, or for any of the land use type -- sorry -- land use petition types that come to the Hearing Examiner or the Planning Commission.

The amendments that were brought forward were more clean-up type of items. It was our first for the comprehensive review of the Administrative Code since its creation -- well, since its kind of redesign back in 2013.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. FRANTZ: The comments that the Planning Commission made, as you know, they asked us to look at some of these petition types, especially just like today where there's a petition type that could potentially go to either the Hearing Examiner, or through the process that would take it to the Planning Commission and the board.

So the Planning Commission made some of their own comments about what they'd like to see, or potential changes to the process.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. FRANTZ: Staff hasn't formalized our research and recommendation yet. I plan to go back to the Planning Commission with a little bit of background about the types of petitions that come here --

HEARING EXAMINER DICKMAN: Uh-huh.

MR. FRANTZ: -- As well as those that go to the Planning Commission. Give them a little bit of maybe some examples of exactly what types of requests come through those petition types that could go either direction.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. FRANTZ: And I expect, you know, I don't want to necessarily put a specific direction on the record, but I expect that staff will make a recommendation to perhaps introduce more consistency, and I think that's probably fair, not only for the applicants, but also for the public who might want to attend a meeting --

HEARING EXAMINER DICKMAN: Uh-huh.

MR. FRANTZ: -- to make sure that we don't have, you know, say there was something that came up at that hearing this morning, to have that item suddenly go to another review process --

HEARING EXAMINER DICKMAN: Uh-huh.

MR. FRANTZ: -- is maybe not so fair for either -- either party there.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. FRANTZ: So we will probably make a recommendation to introduce some consistency there; however, we are happy to take whatever recommendation thoughts you have, and also present those to the Planning Commission Board as this moves forward.

HEARING EXAMINER DICKMAN: Uh-huh.

MR. FRANTZ: We haven't received any recommendations from the board themselves. As I mentioned, the Administrative Code would have just gone directly to the board. When we brought it to them, they didn't make any comments about the substance, but asked us to bring it to the Planning Commission for a recommendation first.

HEARING EXAMINER DICKMAN: Okay.

MR. FRANTZ: So hopefully that's not more information than you need.

HEARING EXAMINER DICKMAN: No. No. So you don't have a date certain when you're heading back to the Planning Commission?

MR. FRANTZ: We don't, and, ultimately, I think it would probably be beneficial to, when we do have our ultimate research and recommendations put together for the Planning Commission, that we would also come and present that to you as well --

HEARING EXAMINER DICKMAN: Uh-huh.

MR. FRANTZ: -- and so that when we do finally bring those amendments to the board, we can provide them recommendations from both the Hearing Examiner and Planning Commission.

HEARING EXAMINER DICKMAN: So, yeah, I would really appreciate that if you can give me a, kind of a notice. I mean, it's not for me to direct staff on whether you choose to have a passthrough through me, that's totally your, I guess, the administration's decision.

I'm not -- I have no ability to do that, nor would I. Obviously, you know that I'm not a county employee, that I report, you know, directly to the county commission on that issue, but I think just for your information, obviously, I've -- you know, using the Administrative Code, the Land Development Code, the Plan, the GMP, throughout the, how long have I been here? I guess we've had maybe six or seven hearings, you know, I've noticed things, obviously, as a lawyer, and one of the things that I have observed, and I'm going to refer to this as, like, land development or Administrative Code 2.0, you know, because I think the first one, and even the code establishing the Hearing Examiner I think was a first good step with the idea of someone that had experience on the Planning Commission, and also a lot of experience internally and countywide.

For me and knowing how other hearing examiners work in other counties, and as a lawyer very familiar with quasi-judicial procedures and things like that, I'm very focused on fairness, as you said, I refer to it as due process, but also understanding that the County is a party, the applicant is a party, and, you know, that I am not part of the County staff, and not part of that process of developing a staff report.

I don't do that, you know I don't do that, and that would be highly inappropriate for me to develop a staff report and do that kind of thing. A couple of things that, you know, take into consideration that I find -- so, in other words, hopefully think through the eyes of how do we develop codes and -- well, codes from the Administrative Code and Land Development Code to not me, but encapsulate someone if you wanted an attorney here and to actually have those quasi-judicial hearings, and somebody that's not involved with staff, not involved with, you know, being, you know, involved with some kind of political entity, which I am not.

But a couple of things that I wish you would think about, that phrase "great public importance." I'm never going to try to define what the heck that is, I don't.

So I know that that was a discussion at the Planning Commission, and, in fact, I thought they did a great job of, you know, analyzing that, and thinking about that, but I am not making a discretionary decision on that.

If it's put in front of me and there are objections, there's no way I can tell whether or not that's of great public importance, and in fact, that type of item, the conditional use item is only where that comes up, and, you know, that's why I mentioned earlier that I'm making it routine to send -- when you send me the agendas to review for any conflicts for me, that's really all I do is look for any potential conflicts that I might have. I also send that the Board of County Commission so they can review it, and you remember we talked about putting the district number on there, so that each commissioner and their aids can, you know, see it, and perhaps exercise that discretion that they have to determine, "Hey, this is of great public importance. Maybe I need to redirect this to the Planning Commission."

I think that works. It probably can be improved a little bit better, maybe that phrase, which I find as a lawyer to be very vague, what is great public -- the actual words great public importance, so something for you to think about.

The other thing is this idea of waiving the NIMS, the neighborhood information meetings. You know you -- it's been given to me. I didn't ask for it. It's been given to me as a responsibility.

I do think that that needs to be thought about, in terms of who makes that decision, because, again, I'm -- I'm seeing myself as a neutral, totally unbiased decisionmaker, and I think that's very important for fairness in being here.

And to the extent that you guys are addressing that, maybe the idea of like who is -- who is the proper person to make that decision, and, you know, there's two ways it can go. It can be administratively done, you know, and find some objective way of doing it or somebody else. But to

protect the sanctity of neutrality and unbiasedness, whatever you can do for the Hearing Examiner, I'm not thinking just of me, I'm thinking of anybody else that comes along, I think that's the most important, because if something is appealed from the Hearing Examiner, the record is going to be here, and it's all going to be based on due process, what evidence was provided based on the criteria that's listed.

So in your deliberations with all the staff, legal staff, planning staff, things like that, those are really the two things that I'm finding are really vague and not part of what I think I should be doing, because I'm just not -- you know, as a lawyer, I want to be seen as a quasi-judge in a quasi-judicial hearing, and I don't even have an office here. So do you understand what I'm saying?

MR. FRANTZ: I understand.

HEARING EXAMINER DICKMAN: And I imagine those are things you guys have talked about.

MR. FRANTZ: Yeah, and, ultimately, we're probably on the same page with the comments you're making now. Ultimately, the process will be, you know, we will bring some research to the Planning Commission Board, as well as a recommendation. The Planning Commission will give their recommendation to the board, and the board will ultimately make that decision.

So, you know, they may have their own opinion how they want to see this office working, but yeah, from the staff perspective, we certainly want to make sure that our record is clear for those cases where we might have an appeal, and that, you know, staff can stand behind the process and --

HEARING EXAMINER DICKMAN: Right.

MR. FRANTZ: -- so we will be looking at all those things when we move forward.

HEARING EXAMINER DICKMAN: Yeah, and the other thing I notice, I was reviewing my notes before, I think zoning verification letter is also in the list of things. It looked like -- so you've got the Land Development Code, which gives the jurisdiction of four or five things, but then the Administrative Code highly expands that, and I've always seen a zoning verification letter, not this, you know, what we just did, as an administrative issue, where a property owner wants to go, you know, without having to go through meeting code and a map and rely on that to buy a multimillion dollar property, they would ask for in the administration, give me a zoning verification letter, and in my experience it's always been, "I disagree with that letter, so I want to appeal it, and where do I appeal it to?"

That's just been kind of my experience in other jurisdictions, so something to think about, but there's other things and I may make -- I may draft something to help the County, based on my observations, but, again, I view this as, you know, 2.0, because I think it was developed, the 1.0 version, as a good way to take smaller noncontroversial issues, if you would, that would cost more for someone to go through the whole Planning Commission, BCC process, and direct them to this process.

But this process still has to be quasi-judicial, and I really hope that that message gets across that for me, as a lawyer, regulated under the Florida Bar, and also under County rules, and my contract with the County, I take that very serious, and, you know, want to be a neutral quasi-judge here when I'm talking to people.

MR. FRANTZ: Yeah, understood and again --

HEARING EXAMINER DICKMAN: Does that help?

MR. FRANTZ: -- I think we're on the same page there, and so we'll probably be making recommendations along those lines.

HEARING EXAMINER DICKMAN: Okay.

MR. FRANTZ: And, again, like I said, we'll bring back, you know, maybe as an informational item, the materials that will be going to the Planning Commission, and we'll probably just put that on your agenda, so that you're aware that it's coming.

HEARING EXAMINER DICKMAN: It's your decision. I'm not asking you to, nor can I --

MR. FRANTZ: No. Yeah. You know, it's not a requirement that we bring Administrative Code amendments to the Hearing Examiner, but in order to give the Planning Commission and the board a full picture of exactly what kind of changes we would be recommending, I think it would be helpful to



also get the feedback from the current Hearing Examiner, and, you know, we'll, you know, make sure that it's clear that that information is where it is.

HEARING EXAMINER DICKMAN: Yeah, and if you need justification for that, my contract, and also the code, does state other -- other things that the county commission would want me to be involved in. So there's kind of a caveat to that regard.

So in the event that you do want me to do that, I'm happy to do it, because I see this as -- this is something that has to live longer than I am here, and, you know, or, you know, not gone away, that's fine. That's not my decision, but, you know, I think it's a good thing that it's being discussed, and I just wanted to give you that feedback, and if you could just let me know if you guys are going to bring that up at another hearing, and that way I can watch it, or if somebody wanted me to be there to also provide through my eyes, you know, whatever observation I have, but I did want to make it perfectly clear and I think I have today, that, you know, as far as that great public importance, I'm not exercising a lot of discretion here.

I know that the prior Hearing Examiner was -- had a different skill set, and I personally am not -- I'm trying to make everything as objective as possible, and I'm not picking and choosing, you know, what I think, but I'm also not going to shirk my responsibility, just because there's a letter in opposition; that's how I see it.

So, you know, those are the real things, like the NIM waivers, and that idea of great public importance, I'm strictly going to rely on you guys putting stuff on the agenda, and if I don't have a conflict, I'm going to hear it, unless someone at the county commission says we'd rather escalate this to the Planning Commission.

MR. FRANTZ: Understood. Appreciate the discussion. Ultimately, we'll take our direction from the board, and that might end up resulting in some ordinance change, as well as admin code changes. We'll see how that all plays out and make sure we keep you informed through the process.

HEARING EXAMINER DICKMAN: Thank you, and I do think it's probably a good idea -- or it is a good idea and probably a good appropriate time to do it, at least from the Hearing Examiner.

I know you're doing other stuff, but from the Hearing Examiner point of view, I think it's perfect timing to just update that. So, thanks, that's all I wanted is to get a little information.

MR. FRANTZ: Thank you.

HEARING EXAMINER DICKMAN: I appreciate the dialogue. Thank you.

MR. FRANTZ: Uh-huh.

HEARING EXAMINER DICKMAN: All right. Anything else? What's the next meeting date for the Hearing Examiner is --

MR. BELLOWS: That would be the --

HEARING EXAMINER DICKMAN: Unless there is other public comment out there? None.

MR. FRANTZ: No other public comment. I'm pulling up the next list of items scheduled for the Hearing Examiner.

HEARING EXAMINER DICKMAN: The 28th? Okay. Perfect. 2021. That's kind of creepy.

MR. FRANTZ: We only have one item scheduled that day.

HEARING EXAMINER DICKMAN: Come on, Jeremy.

MR. FRANTZ: We schedule these as they become ready for hearing. So sometimes we have a lot to get ready, a lot come ready at the same time, and other times --

HEARING EXAMINER DICKMAN: I'm just joking. You know I'm joking. I know. All right. I'm going to adjourn the meeting. Thank you, everyone. Happy New Year and have a good day.


\* \* \* \* \*

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 11:35 a.m.

COLLIER COUNTY HEARING EXAMINER



\_\_\_\_\_  
ANDREW W.J. DICKMAN, HEARING EXAMINER

These minutes approved by the Hearing Examiner on 2/16/21, as presented  or as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF U.S. LEGAL SUPPORT, INC., BY JANICE R. MALINE,  
COURT REPORTER AND NOTARY PUBLIC.