

January 28, 2021

TRANSCRIPT OF THE SPECIAL SET
MEETING OF THE COLLIER COUNTY
HEARING EXAMINER
Naples, Florida
January 28, 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 SPECIAL SET SESSION at 2800 North Horseshoe Drive, Room 609/610, Naples, Florida, with the following people present:

HEARING EXAMINER ANDREW DICKMAN

ALSO PRESENT: Raymond V. Bellows, Zoning Manager
Nancy Gundlach, Principal Planner

PROCEEDINGS

HEARING EXAMINER DICKMAN: Good morning, everyone. Today's January 28, 2021. Special Magistrate Hearing. Why don't we go ahead and get started with the Pledge of Allegiance. (The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER DICKMAN: Okay, thank you very much. We have a very short agenda today. I will make my introduction brief. My name is Andrew Dickman. I'm the Hearing Examiner hired by the Board of County Commissioners. I'm not an employee of the County. I am 20-plus year attorney. A member of the Florida Bar, specializing in land use. Today's hearing is quasi-judicial, which means that if you're going to offer evidence testimony into the record, you need to be sworn in by our court reporter over here. The court reporter is taking down every word that we say. Unfortunately, she is not able to interpret head nods and hand gestures and things of that nature so try to avoid that. She essentially is in control of this meeting, because when she can't hear you, she is going to tell you to stop so she can understand everything you're saying; is that right? She's nodding yes. Caught you. All right.

So the way we're going to do this is have the County introduce the item, just introduce the item. Applicant will come up here to the podium, then Applicant will explain the situation, put anything into the record that's necessary. I'll ask the County to present their staff report and recommendations, if any. And then any public hearing that's out there on the side, we'll have that. I'll close and any item, any questions that I have will go from there. Did I miss anything, Ray?

MR. BELLOWS: No, I think that's it.

HEARING EXAMINER DICKMAN: Okay, that's clear. Hopefully we can get through this fairly easily. All right. So we have one item, Item A. First of all, let's review the agenda. Anything new? Anybody asking for a continuance? Perfect. Then let's have -- why don't we go onto Item 3A, Item 3A. Nancy, are you handling this one?

MS. GUNDLACH: Yes, I am.

MR. BELLOWS: And I can read in the title. It's basically the petitioner's requesting an insubstantial change to the Enbrook Planned Unit Development to clarify the minimum floor area for the Amenity Area of the Principal Structure. And Wayne Arnold is the Agent and he will, if he has anything to put on the record.

HEARING EXAMINER DICKMAN: How are you, Mr. Arnold.

MR. ARNOLD: Good morning.

(The speakers were duly sworn and indicated in the affirmative.)

MR. ARNOLD: I do. Good morning, Mr. Hearing Examiner. I'm Wayne Arnold, Certified Planner with Q. Grady Minor and Associates. I'm here representing Four Star Development and D. R. Horton with an insubstantial change to the Enbrook PUD. There was a, as you mentioned previously, typographical error in the development table for the Amenities Center. It was incorrectly stated the minimum size of the building would be 10,000 square feet and it was intended to be 1,000 square feet. So we've removed a zero from the development standards table to reflect that. The Amenities Center is in plan review and it is somewhere around 3500 square feet, the building that they're proposing to construct. You did waive the neighborhood information meeting. I think Nancy indicated to me she had one member of the public phone her. We received no calls from the public. And obviously, this has no external impact and none of the home lots have been sold to date, so there's no impact on any of the homeowners. They haven't marketed this as a 10,000 square foot clubhouse, which would be kind of unprecedented for a small community that it is.

HEARING EXAMINER DICKMAN: Okay.

MR. ARNOLD: We would support Staff's recommendation of approval.

HEARING EXAMINER DICKMAN: Okay. I just want to be clear here. We're looking -- I'm looking at the Exhibit B, the Enbrook RPUD Development Standards. Looks like the only change on the table is under "Principal Structures," on page 3 of 13, "Principal Structures." And you're

changing the Amenity Area from minimum floor area per unit from, the strike through is 10,000 and the underline is 1,000. That's the only change?

MR. ARNOLD: That is correct.

HEARING EXAMINER DICKMAN: Okay, great. Hi, Nancy.

MS. GUNDLACH: Hello. That is correct.

HEARING EXAMINER DICKMAN: That is correct, okay. Do you recommend approval of this?

MS. GUNDLACH: Yes. Good morning, Mr. Hearing Examiner. Staff is recommending approval of the Enbrook PDI proposed change.

HEARING EXAMINER DICKMAN: Okay, great. This seems to be extremely cut and dry. I understand the reason for this. It's a lot, I guess, work for everyone to be here and do this. I understand the County Attorney's reasoning for it. I think it's better safe than sorry, give everybody due process. Unfortunately, this is what happens when zeros are left off. Let's hope our local banks don't do that from time to time. In comparison, this is not a big problem.

So I have nothing else to ask. I understand completely what's happening and I can probably get this out fairly quickly to you.

MR. ARNOLD: We appreciate that very much. Thank you.

HEARING EXAMINER DICKMAN: Anything else from anybody? Jeremy, do you have anybody out there that's wants to talk about the zero?

MR. FRANTZ: Sadly, no.

HEARING EXAMINER DICKMAN: Sadly, no? All righty then.

MR. ARNOLD: Thank you.

HEARING EXAMINER DICKMAN: Thank you for keeping our morning light with a little laughter. I hope everybody has a nice day. Enjoy your weekend. And we will see you in two weeks, right?

MR. BELLOWS: Hopefully we'll have more on the agenda.

HEARING EXAMINER DICKMAN: More excitement, more fireworks? Okay. Take care, Mr. Arnold.

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:10 a.m.

COLLIER COUNTY HEARING EXAMINER



ANDREW DICKMAN, HEARING EXAMINER.

2/16/21



These minutes approved by the Hearing Examiner on _____, as presented _____ or as corrected _____

TRANSCRIPT PREPARED ON BEHALF OF U.S. LEGAL SUPPORT, INC.,
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