

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
April 24, 2014

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 MARK STRAIN

Also Present: Heidi Ashton-Cicko, Managing Assistant County Attorney
Ray Bellows, Zoning Manager
Mike Sawyer, Senior Planner

HEARING EXAMINER STRAIN: Good morning, everyone. Welcome to the April 24th meeting of the Collier County Hearing Examiner.

If everybody would please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: Thank you. We have some announcements to make.

Individual speakers will be limited to five minutes unless otherwise waived. All materials used during presentation at the hearing will become a permanent part of the record.

Decisions are final unless appealed to the Board of County Commissioners, and a decision will be rendered within 30 days on any actions brought forward.

The approval of the minutes from the prior meeting, I've read them over. They look fine, so they'll be approved, the March 27, 2014, minutes.

And then I have a general announcement on the advertised public hearing that was to be first on today's agenda. It was Petition No. BDE-PL20130001765. It was for Standard Pacific of Florida GP for Haldeman's Landing. That was a boat dock extension.

Because of the heightened public concern of that action, it was moved to the Collier County Planning Commission. It will be heard by the Collier County Planning Commission sometime in June, is what we're expecting.

It's going to be readvertised and renoticed, and that meeting will be with a panel of -- I think there's seven members on the Planning Commission now, and it will be at the Board of County Commission chambers, the main courthouse complex down on 41 and Airport Road.

But it will be in June, and everybody interested, there will be advertisements.

Ray?

MR. BELLOWS: We do have someone who signed up today to speak on this item. I don't know if you want to hear any comments from him at this time or just defer to the Planning Commission.

HEARING EXAMINER STRAIN: Yeah. That's the best, because we are not hearing it --

MR. BELLOWS: Okay.

HEARING EXAMINER STRAIN: -- so there'd be no need to put anything on record at this meeting. It's not going to be sent to the Planning Commission. You really will need to attend the Planning Commission meeting to hear that particular item.

That was done at the request of many citizens who have shown interest and concern on this project. There was asked to take a look at the advertising in items like that. All that has been reviewed. It will be readvertised, and it will be moved to the June meeting -- some June meeting of the Planning Commission.

So if you're here for that particular hearing, we will not be hearing that today. Thank you.

MR. BELLOWS: And, please, you can call the assigned planner, Fred Reischl, for more information on when it will be scheduled for sure. It looks like a June meeting, though.

HEARING EXAMINER STRAIN: And the meetings of the Planning Commission in June are on Thursday as well. They're the first and third Thursday. We just don't know which one yet will hit the time.

***Okay. The remaining petition today is PDI-PL20130001849, GL Homes of Naples Associates II, Limited, for the Terafina Planned Unit Development, also known as Riverstone.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

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

HEARING EXAMINER STRAIN: Okay. As far as my part for disclosures, I talked to Kevin Raddery (phonetic) yesterday. I'm not sure we even talked about this particular petition. We were talking about another.

Other than that, staff, and I've read the staff report, and I relooked through the history of their PUD and various articles that are a matter of record.

So with that in mind, I have read the entire staff report. Unless the applicant has additional information they'd like to put on record beyond the staff report -- and that certainly will be up to them -- I don't have anything else that I need to ask.

And who's representing? Is that you, Bruce?

MR. ANDERSON: Mr. Duane and I.

HEARING EXAMINER STRAIN: Okay. Do you have any other items that you want to put on record in regards to this matter?

MR. ANDERSON: No, sir.

HEARING EXAMINER STRAIN: Okay. With that, then we'll -- Exhibit A will be the legal ad; Exhibit B will be the staff report.

And I had one question I wanted to ask of staff. And, Mike, I wasn't here yesterday, so I'm going to give it to you today.

There's some notes on Page 3 of the PUD underneath the standards table. It's actually Note No. 6, the new note that was added -- I just want to make sure. It says for a corner lot it shall be defined as a lot wherein two yards directly abut road right-of-way. That could not apply to a through lot, could it?

MR. SAWYER: No, because it's specific -- I'm sorry. For the record, Mike Sawyer, project manager for the petition.

No, because it's specific to a corner lot.

HEARING EXAMINER STRAIN: Okay. I just wanted to make sure, because if it was a through lot, we'd have a -- we couldn't use a side setback on the rear, and I wanted to make sure that it wouldn't apply that way.

MR. SAWYER: Correct. We've -- staff has also reviewed all of the current platting for the -- for the project, and there have not been any of those types of lots.

HEARING EXAMINER STRAIN: I looked at that, too, yeah, but they could do a replat, and I just wanted to make sure, if that were to be part of it.

MR. SAWYER: Most definitely.

HEARING EXAMINER STRAIN: Does the staff have any other report on this one?

MR. SAWYER: Not at this time.

HEARING EXAMINER STRAIN: Okay. Are there any members of the public that wish to speak on this matter?

(No response.)

HEARING EXAMINER STRAIN: Okay. With that, we will close the public hearing, and a decision will be rendered within 30 days by statute, but most likely within five or six days, by the early part of next week.

And I believe that's the last thing on the agenda. Does anybody -- nothing else from staff. At that, the meeting is adjourned, and --

MR. BAILEY: Could I ask one question?

HEARING EXAMINER STRAIN: Yes, sir. You'll have to come up to the mike and identify yourself.

MR. BAILEY: Bill Bailey. I'm here on the Haldeman Landing petition. And when will that be rescheduled?

HEARING EXAMINER STRAIN: I just -- yeah. I don't know if you were here a minute ago.

MR. BAILEY: No.

HEARING EXAMINER STRAIN: Okay. You missed -- for the rest of the people that were here. That has been moved to the Collier County Planning Commission. It will have to be scheduled by that board. It will be readvertised.

MR. BAILEY: And renotified?

HEARING EXAMINER STRAIN: And renotified, yes, sir.

MR. BAILEY: Thank you, sir, very much.

HEARING EXAMINER STRAIN: Okay. If there's nothing further, this meeting is adjourned. Thank you all for attending.

MR. ANDERSON: Thank you.

April 24, 2014 HEX Meeting

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:06 a.m.

COLLIER COUNTY HEARING EXAMINER



MARK STRAIN, HEARING EXAMINER

ATTEST:
DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 5-13-14 as presented ✓ or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
GREGORY COURT REPORTING SERVICES, INC.
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC