

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
May 13, 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: Ray Bellows, Zoning Manager
Mike Sawyer, Senior Planner
Summer Brown Araque, Environmental Specialist

EXHIBITS DESCRIPTION

- 1 Notice of hearing
- 2 Agenda item 4.A and the full report and the backup
- 3 Revisions to the test of the PUD document

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PROCEEDINGS

HEARING EXAMINER MARK STRAIN: Good morning, everyone. Welcome to the May 13th meeting of the Collier County Hearing Examiner.

If everybody would please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER MARK STRAIN: Thank you. I have some housekeeping announcements. 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 the Hearing Examiner will render a decision within 30 days.

Review of the agenda. This is a continued meeting from May 8th at the request of the Hearing Examiner. And I do appreciate the considerations by the applicant for moving the meeting here. There was a situation last Thursday that was kind of unavoidable, so we had to continue.

Next item is the approval of the prior meeting minutes on -- there were two sets of minutes presented. One was April 10th, 2014. The other is April 24th, 2014. Both minutes are acceptable as presented. They will be recorded in that manner.

We have one advertised public hearing for today. It's Petition No. PDI-PL20130000644, The Royal Wood Golf and Country Club Planned Unit Development.

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 MARK STRAIN: Okay. I have reviewed all of the material. And for my disclosures, I've had numerous discussions with various staff members and the most -- primarily with Mike Sawyer. I've had many discussions with the applicant over a series of months as this has gone through the process.

I have been to the site, took a look at it. I've discussed some issues with the utility department and their concerns.

And, with that, I'll turn this over to the applicant. And, Wayne, I have reviewed everything and reviewed the packet. So your presentation can be as long or as brief as you want to enter for the record.

MR. ARNOLD: Thank you. For the record, I'm Wayne Arnold with Grady Minor and Associates. With me today is Tim Hayes, who is the club manager of Royal Wood Country Club.

This, again, is an insubstantial change application for Royal Wood. We're trying to create two new preserve areas in order to expand the clubhouse tract and allow them some flexibility in moving forward.

We have offered some minor changes. One to a setback on the clubhouse tract that would allow rather than a 50-foot setback, a 25-foot setback to a road. We're not changing the setback to a residence.

And we had revised some text in section -- let me get my glasses on so I can see. Section 7.3, development regulations for the park preserve area. And we had added language with regard to setback encroachments. And I'll read it for the record because we did make one minor change from the applicant's package.

And in it, it says: Setback encroachments, including wall, and plural, walls, parking areas, adjacent single-family homes and other structures are permitted and not subject to LDC preserve setbacks.

In that sentence the word "permitted", we've discussed with staff and the Hearing Examiner about changing the word "permitted" to "allowed". I have made that change and I have copies for the record if the

Hearing Examiner and the court reporter would like a copy.

Otherwise, the change is pretty minor. We appreciate working with staff to create these preserve areas. And I'll answer any questions.

HEARING EXAMINER MARK STRAIN: Okay. And as far as the copies, one would be -- for the court reporter would be helpful. I do want to have one suggestion and maybe I need Mike.

After I had read this again a couple of times, the rewrite of that paragraph to change the word "permitted" to "allowed" I think works better. And it follows: And not subject to the LDC preserve setbacks.

We might want to add for clarification, comma, however all other standards shall apply. And the only reason I'm thinking is I wouldn't want anybody to consider this a release of all setback -- setback standards. Because we do have a standards table that require certain setbacks for accessory and principal within the PUD. I think they fully intend to comply with those, but it was just the preserve standards that were of concern.

Is that -- do you see any problems from a staff perspective with that?

MR. SAWYER: For the record, Mike Sawyer, project manager for the petition. I don't see a problem adding that. It might be a potential good safeguard.

At any rate, the standard development table and requirements within the PUD would still have to be met with or without that. I don't think it's a bad idea to add that though.

HEARING EXAMINER MARK STRAIN: Okay. Wayne, do you see any problems with that?

MR. ARNOLD: No, sir. No objection to that.

HEARING EXAMINER MARK STRAIN: I don't want anybody to think that you're walking away from all the standards. I know you fully intend to apply the development standards that are listed either in the PUD or the fall-back position in the LDC. So I thought that might be a good way of making sure whoever reads that would catch that.

MR. ARNOLD: And, just to clarify, just so we walk away all understanding the same language, it was to add -- strike the period, add a comma, however all other standards shall apply?

HEARING EXAMINER MARK STRAIN: Correct.

MR. ARNOLD: Okay. Good.

HEARING EXAMINER MARK STRAIN: Okay. Is there anything else you want to add, Wayne, or are you done?

MR. ARNOLD: No.

HEARING EXAMINER MARK STRAIN: Okay. Mike, is there a staff report? Any comments?

MR. SAWYER: Yes. Again, Mike Sawyer, project manager. We have got the staff reports last revised April 25th. Staff is recommending approval of the petition.

HEARING EXAMINER MARK STRAIN: Okay. And you're fine with the modified language that we just talked about?

MR. SAWYER: Yes.

HEARING EXAMINER MARK STRAIN: Okay.

MR. SAWYER: And I've talked with other staff members and we're all in agreement.

HEARING EXAMINER MARK STRAIN: Summer, did you have anything you wanted to add?

MS. ARAQUE: No.

HEARING EXAMINER MARK STRAIN: Okay. Well, with that, there is no members of the public here to speak. So we will close the public hearing. And a decision will be rendered within 30 days.

I fully expect to have this rendered by the end of the week. Once it's recorded, you'll be sent an e-mail, a copy, and we'll go forward from there.

Anybody have anything else for today's meeting?

(No response.)

HEARING EXAMINER MARK STRAIN: If not, this meeting is adjourned. Thank you all for attending.

MR. BELLOWS: Thank you.

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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 6-12-2014 as presented ✓ or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
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