

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY HEARING EXAMINER  
Naples, Florida  
June 26, 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  
Fred Reischl, ACIP, Senior Planner  
Kay Deselem, AICP, Principal Planner

HEARING EXAMINER STRAIN: Good morning, everyone. Everybody, good morning.

If you all stop talking now for a minute. Thank you.

Good morning. Welcome to the June 26th meeting of the Collier County Hearing Examiner.

For some housekeeping items, individual speakers today will be limited to five minutes unless otherwise waived.

Decisions are final unless appealed to the Board of County Commissioners.

And a decision on today's matters will be rendered within 30 days.

Would everybody please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: Thank you.

Review of the agenda. We have two advertised public hearings today. There are no approved prior meeting minutes available, so we've move right into the advertised public hearings. And the first one is Petition No. BD-PL20130002506. It's for the Keith and Shannan Jacoby boat dock extension.

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

(All speakers were duly sworn.)

HEARING EXAMINER STRAIN: As far as disclosures go, I have talked with staff on this issue and I have talked with the applicant just before the meeting. So if the applicant would like to come up to the speaker?

Please identify yourself.

MR. NELSON: Good morning. For the record, Ben Nelson with Nelson Reconstruction on behalf of our client, Keith and Shannan Jacoby.

And I have nothing to present to you this morning. You've got the packet before you. I think it's a pretty simple dock extension and a replacement of a lift.

And if you have any questions, I would be more than glad to answer them for you.

HEARING EXAMINER STRAIN: And I do have a couple of comments.

The first one is I'm going to announce the Exhibit A for this will be the legal advertisement. I think we've provided that to the court reporter.

Exhibit B will be the staff report that was just referenced. And I have read the entire staff report, so a presentation certainly isn't needed, unless you want to add anything else to the record. And I believe by your indication you didn't have anything else to add.

And then that leaves a question I found on one of -- on Page 6 of the secondary criteria. It was a correction to the reference to the width of a vessel being 55 feet. I think that meant the length of the vessel?

MR. REISCHL: Correct. Fred Reischl, Planning/Zoning.

The dock will not accommodate a 55-foot wide boat. That was a typo. I did mean length on that.

HEARING EXAMINER STRAIN: And I found another issue that referenced -- I'm moving to it right now -- that there were two docks. This is, it looks like, the previous by the aerial, Ben, there were two docks on the property; is that right?

MR. NELSON: No, there's one dock and two lifts. There was one dock on the property and what there was, there's a lift on each side of it. One of the lifts is going to be taken off of it. They both pull in frontwards. And the boat that he wants to put in there now won't fit in that lift. So what they're going to do is take the one lift off, extend that dock down that way. Which won't extend out any further than the existing dock that's there. And then put the lift on the front of the dock, which is more commensurate with what is going on in the neighborhood there, which is exactly what is being done in the area.

HEARING EXAMINER STRAIN: I notice that your new configuration is still less intrusion into the bay than the property next door, which has quite --

MR. NELSON: Yeah, they're fortunate enough here on this lot to have enough water depth to allow that, yeah.

HEARING EXAMINER STRAIN: Okay. I don't have any other issues. I didn't see anything else in staff report that I need to question. Thank you for your presentation, and we will get to you within 30 days.

MR. NELSON: Thank you.

HEARING EXAMINER STRAIN: Thank you.

\*\*\*Next item up is Petition No. PDI-PL20140000504, 6900 Airport Pulling Road, LLC, for the Naples View RPUD.

Everyone wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.  
(All speakers were duly sworn.)

HEARING EXAMINER STRAIN: And disclosures. On my part I spoke with Alexis Crespo who represents the applicant a couple different times, including this morning. I also had communications with David Pezzullo of the Walden Oaks project. And I had forwarded him the staff report for any comments that he might have on behalf of that neighborhood. I notice he's here today.

So with that, there are two exhibits that we will utilize. One will be -- Exhibit A will be the legal advertisement, and Exhibit B will be the staff report.

Now, I have read the staff report, and it might -- and Alexis, I know you're going to be making the presentation. Because the members of the public here are interested, you may want to go over some of the succinct details in the presentation -- in your presentation. Okay?

MS. CRESPO: Certainly.

Good morning. For the record, Alexis Crespo with Waldrop Engineering, representing the applicant.

Our request before you today is fairly simple in nature. We're looking to reduce the density for an approved PUD known as Naples View. The approved density is 66 units currently, just under six units per acre through the bonus density provisions in the Growth Management Plan.

We are requesting to reduce that down to 33 units, three units per acre, thereby removing the bonus density criteria and commitment for vehicular/pedestrian/bicycle interconnect to the north. We do feel that the reduced density will address concerns we heard at earlier NIMs, and increase compatibility with our neighbors, Walden Oaks, who we enjoy a wonderful relationship with over the past several years.

We are in agreement with the staff report. I would note that they are supportive of removing the vehicular interconnect. They have requested that a pedestrian interconnect still be provided internal to the project.

The only location that would be appropriate is very close to the Airport Pulling frontage, approximately 100 to 200 feet east of that existing Airport Road sidewalk.

Since that pedestrian system exists today, we would respectfully request that no internal pedestrian or bicycle interconnect be required, based on that system at play.

I would also like to note, we have had email correspondence and phone correspondence with Mr. Pezzullo and other members of the HOA. We have met with him approximately three times throughout this PDI process. We clarified that our boundary marker sign deviation will be attached to a wall and will not impact visibility from those entering and exiting Walden Oaks onto Airport Pulling.

And we also discussed an important point to them is our landscaping along our shared boundaries. And we discussed providing them with our preliminary site enhancement plans and working with them further to ensure the plannings and what's being proposed will be assets to both communities.

Currently we are not proposing a wall in between the two lakes on our shared southern border of fences shown on our SDP plan. We would reserve the right to do a wall in the future if needed to ensure compatibility, but I can put on the record now that our SDP plans show a fence with plantings in that location of note.

So that conclude be my presentation. I'm happy to answer any questions.

HEARING EXAMINER STRAIN: Okay, and I don't have any questions at this time. I have read the packet, and between the conversations we've had with you and the way you've resolved some of the issues David had written about, hopefully when he speaks we're all on the same page.

MS. CRESPO: Thank you.

HEARING EXAMINER STRAIN: Thank you.

And Ray, is there any registered public speakers?

MR. BELLOWS: David Pezzullo.

MR. PEZZULLO: Good morning. My name is David Pezzullo. I live at 6884 Lone Oak Boulevard in Walden Oaks, which surrounds the 6900 Airport Pulling Road property, or what we call Naples View, on three sides.

As a member of the committee on Naples View for Walden Oaks, I've been working with a group of Walden Oaks residents and the master board of Walden Oaks to try to reach the best arrangement and agreement for Walden Oaks regarding the development of Naples View.

Having met with the developer and Waldrop Engineering on a number of occasions, as Alexi already detailed, and with the benefit of Mr. Strain's advice regarding law and precedent, we are convinced that the changes being proposed here that imply less density and less traffic are very much in the best interest of Walden Oaks. Therefore, we would like to enthusiastically support these changes being proposed.

We have some minor concerns which Alexi brought up to address with the developer regarding buffers and signage. And I've been assured by the developer and Waldrop Engineering that we will continue to work together to address these concerns as they develop their plans more specifically.

We thank Mr. Strain for always being available to help us understand the process and options and facilitating thoughtful discussion between ourselves and the developer's representatives, and we look forward to cooperating with the developer and Waldrop Engineering to help bring the project to completion. Thank you very much.

HEARING EXAMINER STRAIN: Thank you, David.

And you reminded me of one thing. I did attend a large meeting with your community, my goodness, it was a long, long time ago, in which this idea was starting to gel up at that time. And I can't remember how many people were at that meeting; it was quite large.

MR. PEZZULLO: Yeah, I think we had 70.

HEARING EXAMINER STRAIN: Great. Thank you very much.

Is there any other member of the public who would like to speak?

MS. KNECHT: I just have a question.

HEARING EXAMINER STRAIN: Come on up to the mic and please identify yourself and we'll try to answer your questions. You'll have to be sworn in.

(Speaker was duly sworn.)

MS. KNECHT: Eileen Knecht. K-N-E-C-H-T.

I just have a question regarding -- and I just want this on my record anyway -- the entrance into this development, where will it be?

HEARING EXAMINER STRAIN: It's not changing from the entrance that was originally proposed for the development. I know at one time it was going to be considered to be hooked up with your -- I'm assuming you're in Walden Oaks?

MS. KNECHT: Yeah.

HEARING EXAMINER STRAIN: Yeah, and that is not part of this application.

So unless Alexis, maybe you can come and clarify it for the record after this lady sits down and finishes.

Is there anything else you had to ask, ma'am?

MS. KNECHT: No, that's it.

HEARING EXAMINER STRAIN: Well, we will get your question answered.

What's that, Heidi?

MS. ASHTON-CICKO: The master plan shows the location.

HEARING EXAMINER STRAIN: Right, the master plan does show it hasn't changed from the original plan; is that correct?

MS. CRESPO: Correct. When James Nulf and his partner purchased the property, they were looking at alternative access points. We did meet with Walden Oaks to discuss the potential to tie into Lone Oak Boulevard as our main entrance to the community. It was clear there was going to be some heartburn from the HOA on that modified entrance to the development, and we decided to stay with the current access point from Airport Pulling Road which exists today. So we are not changing that from what is approved.

HEARING EXAMINER STRAIN: Okay. And I believe then that answers the lady's question.

MS. KNECHT: Thank you very much.

HEARING EXAMINER STRAIN: You're welcome.

Is there anybody else that would like to speak on this matter from the audience?

(No response.)

HEARING EXAMINER STRAIN: Kay, do you have a staff report?

MS. DESELEM: Yes, sir. For the record, Kay Deselem with Zoning.

You do have the staff report. It was last revised May 5 of 2014. It goes over the requested actions in detail as to exactly what items are being changed in the PUD. And it shows as map and explanation of the geographic location. And it explains the purpose and description of the map and text changes.

Staff has provided an analysis beginning on Page 3 of that criteria, which is required to meet the standards of a PUD amendment or change of this caliber wherein it's not a full-blown amendment to the PUD.

And we have provided findings of fact in support of the prior action when it was rezoned. And the County Attorney's Office has reviewed it and approved it to form.

Staff is recommending approval of this. And that's all I have. If you have questions, I'd be happy to go over them.

HEARING EXAMINER STRAIN: Thank you, Kay. I thought the report was real thorough. Thank you.

And Heidi, did you have something you wanted to --

MS. ASHTON-CICKO: Just if there's a speaker slip, if you would like to enter that into the record as Exhibit C.

HEARING EXAMINER STRAIN: Will do. We have one speaker slip that Ray had called, and that will be provided to the court reporter. We'll enter that as Exhibit C.

And Heidi, now that's the first time we've entered a speaker slip. We don't do that at the Planning Commission. Is there a reason it needs to be done here? We don't separately enter those. They're just accumulated and -- is this -- why would we be needing that as a process?

MS. ASHTON-CICKO: Well, I'm assuming that the speaker slips are given to the clerk at the --

MR. BELLOWS: For the record, Ray Bellows.

I have been providing them after each item to the court reporter.

MS. ASHTON-CICKO: So just to make it part of your record of the proceeding. That's why.

HEARING EXAMINER STRAIN: Should we be doing that at the Planning Commission level, formally accepting those into the record?

MS. ASHTON-CICKO: I don't think you need to.

HEARING EXAMINER STRAIN: Why do we do it here?

MS. ASHTON-CICKO: Because if you don't give it to the court reporter, it's not going to be part of the record, it's just going to be thrown out. And it's got the information and what -- their concerns about the project. It's the form that we're using for your HEX. You don't use the same form for the Planning Commission.

HEARING EXAMINER STRAIN: Well, the only difference is it says Planning Commission on it.

MS. ASHTON-CICKO: I don't believe that's correct. It does say whether they're for or against the project for the HEX, so --

HEARING EXAMINER STRAIN: Okay. The only reason I'm trying to focus on it is because we're going to -- I have not previously entered those into the record, entered those as exhibits. They've been provided to the court reporter but not entered as exhibits. But we'll do that from now on.

MS. ASHTON-CICKO: This is the first speaker slip that has -- first speaker we've had.

MR. BELLOWS: That might be correct.

MS. ASHTON-CICKO: Unless there was one when I wasn't here.

HEARING EXAMINER STRAIN: No, it's probably the first one that has actually utilized the speaker slips.

David's thorough, he goes to the Internet and finds all these forms and makes sure they're filled out.

But knowing that, we will continue with that process from here forward. Thank you for the clarification.

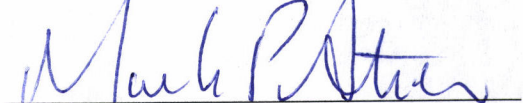
Okay, with that there are -- I have no other issues. And we will close this hearing and in 30 days or less than 30 days a decision will be rendered and sent to the applicant. And if anybody else would like a copy of that decision, please provide your email address to one of the staff members and we'll see that you get that.

Thank you all for attending.  
There is no other business, so with that, this meeting is adjourned.

\*\*\*\*\*

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:20 a.m.

COLLIER COUNTY HEARING EXAMINER

  
MARK STRAIN, HEARING EXAMINER

ATTEST:  
DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 7-24-2014 as presented  or  
as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF  
GREGORY COURT REPORTING SERVICES, INC.  
BY CHERIE' R. NOTTINGHAM, CSR, COURT REPORTER AND NOTARY PUBLIC