

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

HEARING EXAMINER STRAIN: Okay, welcome everybody to the August 14th meeting of the Collier County Hearing Examiner. If you'd all please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: Okay, there's some housekeeping announcements. The individual speakers are limited to five minutes unless otherwise waived. Decisions are final unless appealed to the Board of County Commissioners. And a decision will be rendered within 30 days.

Usually that's a lot quicker. We've been getting most decisions out within a week to 10 days, depending on responses needed by the applicant.

Review of the agenda: There's five petitions up today, so we'll work our way through in order. There's no changes to that.

Approval of the minutes: There's two sets of minutes that were reviewed: July 10th, 2014 and July 24th, 2014. Both of those are approved for recording as submitted.

And that takes us to our first advertised public hearing.

As we announce each public hearing, if those of you who wish to speak on the matter could please rise when it's announced to be sworn in by the court reporter. And then we'll hear testimony after that point.

First petition up is Petition No. PDI-PL20140001133, G.L. Homes of Naples Associates, and it's involving 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.

(All speakers were duly sworn.)

HEARING EXAMINER STRAIN: Okay, disclosures. On my part, I spoke with staff, I've reviewed the various file documents, and I have talked to the petitioner this morning just before the meeting.

We'll start out with the exhibits. The first exhibit, Exhibit A, will be the staff report that has been supplied for this. I have read the entire report.

And the second exhibit will be the legal advertisement.

With that in mind, we may have another one as we get into the discussion.

At this point I'll open the presentation up to the applicant, if they feel they need to add anything to the record.

I have reviewed, like I said, the staff report, so I'll ask you questions specific to that review. But if you want to make any presentation, you're more than welcome.

Are there any members of the public here for this item?

(No response.)

HEARING EXAMINER STRAIN: So it's just us.

MR. RATTERREE: For the record, Kevin Ratterree with G.L. Homes of Naples Associates.

We're here this morning on behalf of the development. This relates to a modification to the PUD provision to allow standard windows on the zero lot line side. We had permitted and enclosed 26 of these houses at the time an interpretation came out. We're now seeking to allow that as part of the PUD.

There's a separate distinct discussion about the issue of opaque windows in future projects.

Ray, I don't know if you want to do that now or if you want to do that associated with Parklands. It's your choice.

MR. BELLOWS: Let's do it now.

MR. RATTERREE: Okay. As part of this process we obtained an interpretation or a determination from the Collier County Zoning Department that our use of standard windows on a zero lot line side was prohibited under the code associated with the provisions of cluster development.

As I stated earlier, with Riverstone we had already permitted and closed on a certain number of homes. We had permits that were on file. He were asked, while we went through this process to permit them legally, to notify all potential buyers of those particular units that if this provision was not changed we would have to convert back to glass block.

Through that process we started to look at alternative products that would meet the intent of the code relative to no doors or windows on the zero lot line side. And we came across a product, which I have -- have sample will travel -- this morning. And this is the product. As you can see, you can clearly see my fingers or see the shadow of my fingers when you have it pressed up against the glass. But as you move it away from the

glass you can't see anything behind it.

For Riverstone obviously we needed to have a standard window because that's what we have sold, that's what the models were built at and that's what the buyers bought from. But for Parklands and for the Temple Citrus project, we wanted to at least come up with what we called a happy medium, which is a non-operable window on the zero side that uses this opaque glass that you couldn't see through rather than glass block.

Our marketing and other research is indicating that the glass block is becoming a little bit passe from a development standpoint. People want to go with a more modern-looking product. So we were proposing this.

We met with Ray this morning. Ray will certainly tell you his opinion on it and get that on record. But if we could get the interpretation that this effectively meets the intent of the provision that you not have a quote, unquote, window on the zero lot line side, we would then be able to use this product in Parklands and in Temple Citrus; we would not be looking to do a standard window in those two projects.

HEARING EXAMINER STRAIN: Okay, Ray?

MR. BELLOWS: Correct. For the record, Ray Bellows, Manager with the Zoning Services section.

The intent of the code is to prevent zero lot line or type of cluster type developments that have impacts or possible impacts of doors or openings onto the zero side. But the idea of having a nonfunctional glass panel, opaque glass panel, that has the same opacity or same functionality as glass block, that would seem to be -- give staff the comfort that the intent of those provisions apply. Whether you agree or not with the definition, the impacts of those same type of dwelling units are the same. And we felt that there could have been a picking and choosing of mitigation of those impacts if we were to call that a window.

But the idea that the opaque solid glass panel has the same functionality as glass block, they serve the same purpose, that we would deem that not a window.

HEARING EXAMINER STRAIN: Okay, but you're still using under the assumption that the PUD itself is required to because of the cluster development provisions within the Land Development Code.

MR. BELLOWS: I think all that would need to be done is to make the distinction between those two. Because they're designed and impact the same way.

HEARING EXAMINER STRAIN: The applicant today is not -- for this particular project, I know he's referring to another project that's coming up next. But for this particular project they're not restricting the use of the windows to the example provided. They could put any kind of windows up.

Which then leads to the question: Why is our code requiring a zero lot line product to be void of windows on a zero lot line when that's not consistent with the standard building code?

And I'm just wondering, you said intent. Does anybody know what the original intent was when we put that in the code probably decades --

MR. BELLOWS: That was before I got here, and I've been here 25 years.

HEARING EXAMINER STRAIN: Well, and this issue hasn't come up until recently. I know from past history that it hasn't been as restrictive as it seems now to be, because we've got a lot of people coming through the system to change these PUDs.

I don't know what it would take, Ray, to get someone to file an OI to settle this once and for all, but I think if that doesn't happen we may want to look at amending the Land Development Code at the next cycle of amendments to correct --

MR. BELLOWS: Yeah, I definitely would be glad to look into it, along with Mike Bosi, our Director, and we can come up with either an LDC amendment or figure out if the OI is not the best route.

HEARING EXAMINER STRAIN: But in lieu of the OI we could always just amend the code.

MR. BELLOWS: Correct.

HEARING EXAMINER STRAIN: So that could be a less costly way to do it for the public.

MR. BELLOWS: Yes, definitely.

HEARING EXAMINER STRAIN: As far as today's meeting goes, the deviation that they're asking for is specifically that cluster development division 402.04.D.1. And the only thing I'd like to suggest to the applicant, if staff concurs, is this particular deviation was written up in a different manner than some of the others that this has been applied for. They actually have a sentence added to the request that says: The proposed deviation is to allow windows but not doors on the zero lot line portion of the dwelling units limited

to living areas except for bedrooms and bathrooms.

I don't know why we would care if they limited it to just living areas like a living room. And does staff have any opinion on that?

MR. BELLOWS: I don't object.

HEARING EXAMINER STRAIN: Okay. I would suggest that when the deviation -- when the decision is rendered on this we would address that particular sentence. Limiting it to the living rooms isn't really necessary. So I think more of a blanket application would be more appropriate. And we'll pursue the Land Development Code possibly as a change for any future projects you may have.

With that, I had no other questions on this particular application. I do know -- I think staff and I talked, there is one correction needed on findings number 16.

MR. SAWYER: Yes, for the record, Mike Sawyer, Project Manager for the petition.

You are correct. On attachment D, which is the original PUD findings from the original PUD approval, number 16 actually references Calusa Island Village instead of the Terafina project. So -- or the Terafina PUD. So we would make that correction at this point.

HEARING EXAMINER STRAIN: Is there anything you want to add to the record, Mike?

MR. SAWYER: No, other than you do have the staff report last revised July 21st, 2014. Staff is recommending approval, and we do not see any problem with the more reduced version of the proposed deviation.

HEARING EXAMINER STRAIN: Okay, with that I'll ask if there's any member of the public wish to speak on this item?

(No response.)

HEARING EXAMINER STRAIN: Okay, hearing none, we will conclude the hearing on this request for a deviation for Terafina, and a decision will be rendered within 30 days.

***With that we'll move on to Petition No. 2 -- actually, it's 4.B. Petition No. PDI-PL20140000248, Parklands Associates, LLLP. Parklands Residential Planned Unit Development.

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: Disclosures. On my part I've talked with staff, I've reviewed extensive files on this matter and received -- we have received one letter of objection and I'll explain that to the applicant as we get into the case.

The exhibits so far would be Exhibit A would be the staff report. Exhibit B will be the legal advertisement. And I had asked the applicant for some clarifications to the disclosures for the entities involved in the project. I received that via email through the County Attorney's Office. And I've got a copy here to leave with the court reporter as Exhibit C.

And with that, are there any -- Kevin, since there is no members of the public here to speak, I have thoroughly reviewed the staff report. The presentation is to the extent you want to make it.

MR. RATTERREE: Just for the record, Kevin Ratterree with Parklands Associates I, LLLP.

We're in support of the staff recommendation.

HEARING EXAMINER STRAIN: Okay. There was -- are you aware of the letter of objection?

MR. RATTERREE: Yes, sir. That was forwarded to me by the project manager at the zoning department. It pertained to a buyer within the Riverstone community, which is directly south of the Parklands project, concerning that the modification was somehow allowing us to develop in close proximity to their home because we had represented to that purchaser that there was a preserve buffer on the north side.

I brought with me a copy of the approved master plan by the Board of County Commissioners. The modifications that are being sought do not in any way, shape or form change the BCC approved master plan. As you'll note, that area directly north of Riverstone continues to be shown as preserve. It's not part of the proposal relative to being able to develop in that area.

HEARING EXAMINER STRAIN: And I did pull up the Collier County Tax Appraiser's website, used the measuring device, and it is over 600 feet. And I believe that meets the intent of what the gentleman thought was the issue here today. So with that, I think that his objection has been fully addressed.

Staff -- I asked staff for a correction of a review date. The County Attorney's review was just as an X.

MS. GUNDLACH: It was on July 17th.

HEARING EXAMINER STRAIN: Okay, thank you.

I also notice that the applicant has agreed to separately plat the landscape buffer easements and lake maintenance easements.

Ray, this was an issue that I know we and staff have talked extensively about. And it's something that Planning Commission as well as this office has hoped to see more solidified in the code. When we look at code items, this is another item we may want to consider inserting into the code, where appropriate, and run it through the stakeholder groups and the process that we normally do for land development amendments.

MR. BELLOWS: I'll raise it with Caroline.

HEARING EXAMINER STRAIN: Thank you.

And with that, I don't have any other questions.

Does staff have any presentation to make at this time?

MS. GUNDLACH: For the record, Nancy Gundlach, Principal Planner with the Department of Planning and Zoning.

And staff is recommending approval of this petition.

HEARING EXAMINER STRAIN: Okay, with that is there any members of the public wish to speak?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, we'll close this case and thank you. A decision will be rendered again within 30 days but hopefully a lot less.

MR. RATTERREE: Thank you.

HEARING EXAMINER STRAIN: ***Next item up is Petition No. VA-PL20140000891, David Burke for the Sorrento Gardens Unit No. 3, Block H, Lot 8. It's for a var -- actually two, maybe three variance requests.

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: Disclosures. On my part I spoke with staff and extensively reviewed the files and actually went to the Internet and pulled up some references that the applicant had supplied in the staff report.

And exhibits for this will be Exhibit A will be the staff report and Exhibit B will be the legal advertisement.

Nancy, the various letters of support, did you have those on file -- do you have those with you?

MS. GUNDLACH: I have them with me.

HEARING EXAMINER STRAIN: And there were three letters of support?

MS. GUNDLACH: Correct.

HEARING EXAMINER STRAIN: Okay. With that, I'll ask the applicant if they'd like to make a presentation or have any comments. Because I certainly have some questions. And I've read the staff report, I've read your entire application, so you don't have to repeat that unless you feel like you do. And there's no members of the public here wishing to speak on your item, so it's strictly up to you at this point.

MR. BURKE: Would you like me to just answer your questions?

HEARING EXAMINER STRAIN: That would be fine. If you want to approach it that way, that would be great.

You supplied a site plan that showed a couple -- a rectangle and a square. The rectangle I'm assuming being the pool --

MR. BURKE: Yes, sir.

HEARING EXAMINER STRAIN: -- and the square being the tiki hut.

MR. BURKE: Well, I wasn't sure quite what term to use. It would just be a structure that would be cohesive with the home itself. About 15 by 15. So just a square providing shade. Because when the home was built in '88, there isn't a lanai, there's not a current pool that's there. So I just wanted a place where my family and I could grill out, we could set the table, and when my niece is over she can swim and she can have time in the pool and also in the shade as well.

HEARING EXAMINER STRAIN: And it looks like based on your layout you really need three variances: Two for the rear setback, one for the tiki and one for the pool.

MR. BURKE: Correct.

HEARING EXAMINER STRAIN: And the one for the side setback.

MR. BURKE: Correct.

HEARING EXAMINER STRAIN: The outline that was there for your tiki hut, being a square 15 feet, that is the outline of the roof?

MR. BURKE: Correct.

HEARING EXAMINER STRAIN: Okay. So the supporting structures would be underneath it.

MR. BURKE: Yes, sir.

HEARING EXAMINER STRAIN: In looking at your layout, and I did go on-line, and you had provided a sampling of Rock Cliff Road. Actually there was a house that I saw in your -- was that, Nancy, from the applicant?

MS. GUNDLACH: Yes, it was.

HEARING EXAMINER STRAIN: Okay. That showed I guess what you thought you wanted to do from a house on Rock Cliff Road in Austin, Texas.

MR. BURKE: Right. I was on -- there's an application called Houzz, and I had been using that just to get ideas for the backyard. And I also, I did print out -- there's another home that's two blocks over from where I live that does have a structure out back. And I'm not looking to really build another house, just a structure that's going to provide shade.

HEARING EXAMINER STRAIN: Well, and the reason your application, when you included that, I thought that was interesting, because the visual, even though your picture of it wasn't as clear as the one I've pulled off the -- actually, it was a site called Land West, they were apparently the designer or contractor of these particular units.

And then I went, figuring they were in Austin and the name of the house was Rock Cliff, I thought there might be a development named that. Turns out it's a road.

MR. BURKE: Right.

HEARING EXAMINER STRAIN: And the aerials today are so good you can track all the houses and look at their pools. And I looked at the pools and I looked at the houses on Rock Cliff and found at least two that appeared to have the layout that you're seeking.

And the difference is, though, and it clearly shows it on the layout, the pool deck looks to be about four feet or more wide. And the distance that the tiki is set back from the pool is comparable to the width of the deck.

And your request, you want your tiki separated by 17 feet, which pushes it into the side yard setback. And therein lies the problem. I couldn't find a justification in your application for a 17-foot separation between the tiki and the pool. And I didn't know if you had a reason for that why you needed that much when the actual example you supplied didn't show that.

MR. BURKE: Right. What I did was just the diagram of my lot, because I don't have the space that these homes have, I just wanted to maximize my outdoor area so that I didn't have everything pushed together. Because I wanted the area outside to be safe so, you know, you wouldn't come off the tiki hut and have the pool right there. It was more of a safety concern for me.

HEARING EXAMINER STRAIN: I understand. And part of that safety concern was your justification for a variance. See, a variance is a little more difficult of a threshold to overcome than say a deviation or something like that. A variance requires proof of hardship. And it can't be one that's self-created.

And I've read through the document, it looks like you intend -- your parents live there and one or more of them are wheelchair bound?

MR. BURKE: My grandfather, yes.

HEARING EXAMINER STRAIN: Okay. And I would concur, that's a hardship and justifies the eight-foot separation between the house and the pool. It sure makes it less likely they're going to wander too much and --

MR. BURKE: Yes.

HEARING EXAMINER STRAIN: -- end up in the water, which would be a terrible thing.

Keeping that in mind, though, if you had eight feet or more between the pool and the tiki, you would still have that safe zone that you're trying to justify your rear setback with.

So based on that it's hard to find a justification for the side setback. I understand your arguments for the rear, but I have not been able to find a really good cause for the side setback, especially when the tiki is supported by poles or walls. And the roof can overhang up to three feet into the side setback. So even if you moved it in 18 inches and you had a three-foot overhang, you'd still be okay. And you've got more than that to move it in by, because you've got a 17-foot distance between the pool and that.

MR. BURKE: I'd be more than happy to do that. What you're saying makes perfect sense. This is my first time doing this, I was a little green.

HEARING EXAMINER STRAIN: Well, no, I just -- I'm trying -- we try to work with everybody. And if there's a problem, we try to find a compromise. On this particular one because of the variance requirements it makes it real hard to have some flexibility in things like this unless you have a clear way of showing it's a hardship. And I think your rear applications can justify that, but I couldn't see it in your side.

And so that would be more than likely the way the decision comes down, but I wanted to make you aware of that concern that I had right from the beginning.

MR. BURKE: Thank you.

HEARING EXAMINER STRAIN: And let me check and see if there's any other questions on this one.

No, that's it.

Nancy, do you have anything you wanted to add for staff report?

MS. GUNDLACH: Just that we're in agreement with our discussions here this morning and we support the rear yard setback for the tiki hut as well.

HEARING EXAMINER STRAIN: Okay, thank you.

And with that, if there's no public speakers, then this case will be closed and within 30 days or hopefully a lot less you'll have a decision emailed to you or supplied to you one way or another.

MR. BURKE: Thank you very much.

HEARING EXAMINER STRAIN: Thank you, sir, appreciate it.

***Next petition up is Petition No. DRD-PL20130002648. The petitioner is Lee County Electric Cooperative and it's for a property on the west side of 951, south of Manatee.

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

(All speakers were duly sworn.)

HEARING EXAMINER STRAIN: Okay, my disclosures on this part. I did attend the pre-application with FP&L and I've had many discussions with staff. I have researched the files and the historical documents on this, and I am pleased to see FP&L coming into this process, because they certainly expedited what was going to be an alternative.

So with that -- I'm sorry, the applicant. I have read the staff report in detail. If you have anything you'd like to add for the record, please come to the mic.

MS. DeJOHN: Thank you. Good morning. Laura DeJohn with Johnson Engineering here today on behalf of the applicant, LCEC.

We too have read the staff report. We appreciate staff's analysis and recommendations. We agree with the recommendations. I'm here to address any issues you might have. But I think our narrative and our supporting documents or application give you a full explanation on the request and the situation of the property.

HEARING EXAMINER STRAIN: And I did go back through the historical documents you provided, as well as looked some up on my own. I concur with the timing. It certainly looks real well for the code at the time to provide what you are asking for.

I do notice that staff's recommendations include that an access easement be recorded after the approval of the site plan with deviations and before the issuance of a right-of-way permit. Do you have any objections to that?

MS. DeJOHN: No. One relevant part of this application is the fact that there is no development

proposed. The request is simply to allow for the lot split as it would have been allowed at the time of the development of the site. No other development is proposed. So we can definitely fit within the parameters of the condition given. It just is something we've pointed out in correspondence to staff that there would not necessarily be a right-of-way permit sought for this site; therefore, the way the phrasing of the condition is that easement be recorded before right-of-way permitting. We can live with that but we don't expect to do any right-of-way permitting. We will be recording the easement. And if there's some wordsmithing that can be done to that condition to make it more accurate, we support that. But we can also live with it the way it's written.

HEARING EXAMINER STRAIN: I appreciate you making us aware of that.

John Podczerwinsky is here and maybe he can help us identify if this is the appropriate mechanism to trigger the recordation of that easement. Thank you.

MR. PODCZERWINSKY: Good morning, Commissioner -- I'm sorry, Examiner.

HEARING EXAMINER STRAIN: Anything nowadays, John, works, you know.

MR. PODCZERWINSKY: John Podczerwinsky, Transportation Planning, for the record.

I agree with Laura, that if they're not going to seek a right-of-way permit that we may not have an appropriate mechanism for that. In this case I sort of want to defer to the County Attorney's Office and find out if maybe they have a more appropriate process that we should follow to stay in line with that stipulation.

HEARING EXAMINER STRAIN: Okay. And it might be something as simple as within so many days of the issuance of the decision.

Heidi?

MS. ASHTON-CICKO: Yeah, I would have it be before Site Development Plan approval.

MR. REISCHL: Fred Reischl, Planning/Zoning.

There is no site development plan except for the split. So is that --

HEARING EXAMINER STRAIN: Well, I think the site plan with deviations had to happen because of a site -- an SDI, or SIP.

MR. REISCHL: SIP.

HEARING EXAMINER STRAIN: Right.

MR. REISCHL: It's just going to be the split basically.

HEARING EXAMINER STRAIN: But the SIP isn't approved until this process is over with. So I think what Heidi is saying is they can take as long as they want but they're not going to get the SIP until that access easement is recorded.

MR. REISCHL: Okay.

HEARING EXAMINER STRAIN: Okay, is that a summary?

MS. ASHTON-CICKO: Yeah, you can -- that's one way of doing it, if that's acceptable to the applicant.

HEARING EXAMINER STRAIN: Laura?

MS. JOHNSON: Yeah, just to make sure I understand, so the site plan with deviations would be approved today.

HEARING EXAMINER STRAIN: Well, it will be approved within -- you'll have a written decision with 30 days, most likely a week to 10 days.

MS. JOHNSON: As a result of this hearing, we would get approval -- or there would be consideration, a site plan with deviations, and then the SIP would linger until such time that you see a recordation of the access easement.

HEARING EXAMINER STRAIN: Right.

MS. JOHNSON: Okay.

HEARING EXAMINER STRAIN: Yeah, when staff receives the access easement, assuming that they've finished with their final review of the SIP, then as long as nothing else is holding it up it would be issued.

MS. JOHNSON: That's agreeable.

HEARING EXAMINER STRAIN: Okay, good. That will work for everybody.

Fred, do you have any further comments on the staff report format?

MR. REISCHL: No, that clears up my question. Thanks.

HEARING EXAMINER STRAIN: Okay. The changes then, we would slightly have to change your recommendation to accommodate what we've just talked about. You don't have any problems with those?

MR. REISCHL: No.

HEARING EXAMINER STRAIN: Okay. Any members of the public wish to speak on this item? (No response.)

HEARING EXAMINER STRAIN: Okay, with that we will close the hearing on this matter and a decision will be rendered within 30 days. Thank you.

***Next item up is Petition No. PUD-CUD-PL201400000487. It's 3603 Westview LLC. It's for the Westview Plaza PUD.

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: Disclosures. On my part I have talked with staff a couple different times. I've done a lot of file research on the PUD as a whole as well as the parcel they're asking for the request on.

So with that in mind, Exhibit A will be the staff report and Exhibit B will be the legal advertisement. And if the applicant wishes to make a further recommendation for the record, please come on up.

I do have a few questions. I have thoroughly read the staff report, so --

MS. JENKINS: Anita Jenkins with J.R. Evans Engineering, representing the applicant.

And Mr. Chairman, I don't have anything to add to our report, but I'm happy to answer questions.

HEARING EXAMINER STRAIN: Okay, one item I do want to add is Exhibit C, and it will be one that the County Attorney has already supplied the court reporter with. It's the actual comparable compatible use determination that was not included in the packet. But we've subsequently had it supplied and that will be added to the packet as Exhibit C.

And the questions I have, Anita, I had one of your -- I wanted to find out if you had caught that the impervious calculations on this particular project were written into the PUD, they are different than what South Florida Water Management District may necessarily request.

And I have found out from our engineering staff you did catch that and your project is consistent with that portion of the PUD.

I did notice that in your letter to staff you said a couple things that I'd like some clarification on. It says, one of your sentences read: The existing uses permitted within the PUD already include warehousing, storage, manufacturing and distribution of goods. A storage facility is the same as the existing warehouse and storage facilities that exist within the PUD.

Your indoor storage is going to need SIC classification 4225. I didn't see that in the principal uses of the PUD. So how are you indicating that's an already existing use in the PUD?

MS. JENKINS: I believe warehousing was different than the storage in the SIC. No?

HEARING EXAMINER STRAIN: 4225 is labeled as general warehouse and storage.

MS. JENKINS: Okay.

HEARING EXAMINER STRAIN: General warehousing and storage is how that's listed.

So I know that the other companies there have probably a storage section or place they keep stuff, but it isn't quite the same as a principal use of 4225. That's more an accessory use to what they're already doing.

So I think just to be correct, you're really wanting the verification that a comparable compatible use of a 4225 is consistent with the PUD.

MS. JENKINS: Correct.

HEARING EXAMINER STRAIN: Okay. Make sure I've got all my questions asked. I think I do. I certainly do.

Okay, I don't have anything else to add to it, so thank you.

And is there any further comments from staff?

MR. REISCHL: Fred Reischl, Planning and Zoning.

No, I think everything was covered, and I apologize for omitting the zoning verification letter.

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HEARING EXAMINER STRAIN: Wasn't a problem, I just -- it was easy to not see it, so I figured something was wrong. It worked out fine, Fred, I just wanted to make sure we had it on the record so it becomes part of the staff report that way.

So would any members of the public wish to speak on this item?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, we'll close this petition and a decision will be rendered within 30 days, hopefully a lot less.

Thank you. And with that, there is no other business, so this meeting of the Hearing Examiner will be adjourned. Thank you very much.

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:35 a.m.

COLLIER COUNTY HEARING EXAMINER


MARK STRAIN, HEARING EXAMINER

ATTEST:

DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 9-25-2014 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