

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
August 27, 2015

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: Raymond V. Bellows, Zoning Manager
Fred Reischl, Principal Planner
Heidi Ashton-Cicko, Managing Assistant County Attorney

EXHIBITS

DESCRIPTION	PAGE
PDI-PL20140002486	
A - Staff Report	4
B - Legal Advertisement	4
C - Revised Copy "Exhibit A" from Mr. Vanasse	4

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PROCEEDINGS

HEARING EXAMINER STRAIN: Good morning, everyone. Welcome to the Thursday, August 27th meeting of the Collier County Hearing Examiner's Office.

If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: Okay. Some housekeeping matters to start the day. Individual speakers will be limited to five minutes unless otherwise waived. All decisions are final unless appealed to the Board of County Commissioners, and a decision is rendered within 30 days.

And with that, we'll move into review of the agenda. There is one item on today's agenda, someone noted on the overhead screen, Legacy Lakes. It's a Habitat for Humanity project.

I've received minutes electronically for July 23, 2015. They're good to be filed as submitted.

And with that, we'll move into our first and only advertised public hearing. It's Petition No. PDI-PL20140002486, Habitat for Humanity of Collier County, Inc., Legacy Lakes RPUD.

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: Thank you.

And as far as my disclosures go, I spoke with the representatives for the applicant, reviewed all the files that were provided to me, plus any I could find, talked to staff, and I've had a conversation with the district commissioner.

There will be, currently, three exhibits. Exhibit A will be the staff report, Exhibit B will be the legal ad, and Exhibit C will be the revised documents that were provided a copy to the court reporter this morning, and most of those I have on the overheads that we'll walk through here in a few minutes.

I will be needing -- and before you start your presentation, Patrick, we'll need a brief presentation. We have members of the public here, so I want to make sure they're up to speed on everything you're requesting.

I'm going to show several of the items on the overhead that were in the packet, and then when you finish, we'll go through some questions I have that still remain, so...

This is the revised master plan that was -- it was in the packet. There was a couple small tweaks added to this. The cross-sections -- since there was another exhibit that referenced cross-sections, we needed to know how those applied. They weren't on the master plan. They are now.

One of the notes attempted to redefine open space. There was no need for that, so that was removed.

This is the table that was supplied. It's been modified with some setbacks. The language in red is a suggestion that I'm proposing they consider for Footnote No. 2.

This is the cross-sections that were previously unallocated. There's some cleanup needed on those so the setbacks coincide with the table.

This is some of the pages that needed changes, and one of the changes was made on Utilities A, but the water management paragraph didn't have the changes caught up to it, so that needs to get corrected.

And that, I believe, is the last piece that I've got at this point.

So, Patrick, I can move to any of those if you want to use any. And that's something -- we don't have overhead in this room, so I try to put as many relevant graphics as I can on the slides to present so the applicant

can use them if need be. I do have some other questions, but we can move through everything after your presentation.

MR. VANASSE: Okay. Thank you.

For the record, my name is Patrick Vanasse. I'm a certified planner with RWA. I'll keep the presentation pretty brief. I think we've got one person from the public, and I think everybody else is staff here or with the applicant team so -- and I think this gentleman attended our NIM, so I think he's already aware of some of the changes we're asking for.

First of all, we're asking to change the name from Habitat Woodcrest PUD to Legacy Lakes. Habitat bought the property a few years back and had no immediate plans during the downturn, but just recently they've decided to move forward with this project.

A lot of the stuff that Habitat currently does or has done in the past is single-family attached dwellings. And they're going with some new product, which are narrow single-family detached dwellings. And one of the reasons they wanted to make the change to the PUD was to accommodate those units, and that was the impetus for the amendment. And as we looked through the document we made a few other tweaks.

So, again, we changed the name of the PUD. The client name was revised also throughout for Habitat for Humanity. You pointed out that we had missed one in there, so we made that correction.

We did some internal reconfiguration of the master plan. One of the things that we did is we relocated the recreational tract from the entrance to the northeast right by Woodcrest, and we put that at the end of the cul-de-sac. We figure there's -- you know, the entrance right there at Woodcrest is a high traffic area, and having children play at the end of the cul-de-sac where there's less traffic would be a safer, better configuration.

We also reconfigured the cul-de-sac which was a -- I think the -- it was slanted upwards, and we reconfigured that. We also changed the lake configuration slightly. We did some cleanup on the master plan itself. In the past, some of the requirements was that you put -- I think the legal description was on there and some cross-sections, and those are now attached exhibits to the document, so there was no need to have those on there.

And, finally, we made some slight changes on the land development -- development standards. Again, to accommodate the single-family narrow product, we had 40-foot-wide lots, and we reduced that to 36 feet.

By doing so, we adjusted some of the side yards -- minimum side-yard setbacks from six feet to five feet, and then in making that change, we then had to change the minimum separation between buildings from 12 feet to 10 feet.

So that summarizes the various changes we've done.

And one more thing also, I think the overall acreage changed just a little bit. We -- as part of the original PUD, there was a commitment for right-of-way for Woodcrest improvements which occurred. Some of that right-of-way was conveyed, and it makes a small, small change to the overall acreage.

HEARING EXAMINER STRAIN: Patrick, because the gentleman is here from Crystal Lakes and he was someone who I met just before the meeting started, where is Crystal Lakes? I mean, I know. But just for everybody's benefit, where is Crystal Lakes in relationship to your boundaries?

MR. VANASSE: Crystal Lakes is north of us, I would say; north and west of us. But I don't think -- they do not abut Woodcrest Drive, and probably less than a quarter of a mile from us, I would imagine.

HEARING EXAMINER STRAIN: Okay. Fred, did you have something you want to add?

MR. REISCHL: Thank you, Mr. Strain. Fred Reischl, zoning division.

Crystal Lake is west. Bent Creek Preserve is directly north of you.

HEARING EXAMINER STRAIN: Bent Creek's got some changes they're looking at, too.

Okay. As far as your setbacks and standards go, I checked them against the minimum standard for, like, clustered housing, which a lot of this is considered. And you are in line with those.

I have some questions, Patrick, that I'm going to go through.

MR. VANASSE: Okay.

HEARING EXAMINER STRAIN: Some may be staff's, but I'll ask you, and if you can't, staff might be able to answer.

MR. VANASSE: Okay.

HEARING EXAMINER STRAIN: One of the comments in the staff report was revise Commitment

C under environmental to delete the percentage of native vegetation. Please note the acreage has not been revised. If the acreage hasn't been revised, why are you concerned about deleting the note for native vegetation; percentage, at least? Do you --

MR. VANASSE: What exhibit?

HEARING EXAMINER STRAIN: It's Commitment C.

MR. VANASSE: Commitment C.

HEARING EXAMINER STRAIN: And I did -- it is -- I mean, it did get revised and, I mean, I don't necessarily have a problem with the revision. I'm just -- I want to understand the intent. If you're going to leave the acreage the same, what does it matter whether the percentage is there or not? And maybe, Fred, if you can help him, since you reviewed it as well.

MR. VANASSE: If I recall, that may have been a request from staff. I don't know if we requested to make that change as part of the application, and I just can't recollect exactly how it occurred.

MR. REISCHL: That might have been. During my review, since the acreage didn't change, it didn't matter to my review that the percent was gone.

HEARING EXAMINER STRAIN: I don't necessarily think we ought to remove things if we don't know why we're removing them. It doesn't hurt having -- Patrick, do you see a reason why it couldn't stay like it reads?

MR. VANASSE: As I said, my recollection is I think staff may have requested it and --

MR. REISCHL: Because as the acreage got smaller with the percent change, is that --

MR. VANASSE: Yes.

MR. REISCHL: -- the rationale?

MR. VANASSE: I think maybe since the overall acreage has changed slightly, it could have -- you know, on a -- from a decimal standpoint, it could have been slightly different. That could have been it.

HEARING EXAMINER STRAIN: But if the overall acreage changed --

MR. VANASSE: It would have been --

HEARING EXAMINER STRAIN: -- because of that right-of-way, your -- your minimum would have gone down, wouldn't it have?

MR. VANASSE: Yeah.

HEARING EXAMINER STRAIN: Fifteen percent of a smaller number would be --

MR. VANASSE: What we were -- yeah, we'd be providing more from a percentage standpoint. Like I said, I really can't recall how that occurred. Either way, I don't think we had any desire to get that removed.

HEARING EXAMINER STRAIN: Like I said, it's not an issue that's concerning. I was just trying to understand the reasoning behind it, and I couldn't figure it out.

Either way it will work; 1.68 or whatever the number is is what's got to remain.

Number 2, footnote, do you have any objections to adding that? I didn't create whole 'nother slide just to add the footnote, but at the end of the footnote, as it reads now, it currently says, "No structure shall be permitted in the required 20-foot lake maintenance easement or," and I would suggest adding LBEs, landscape buffer easements.

MR. VANASSE: We don't have a problem, and it's kind of become the standard right now, so we're fine with that.

HEARING EXAMINER STRAIN: Right. You removed the -- No. 2 on here used to be the reference to open space. That's now gone.

MR. VANASSE: Uh-huh.

HEARING EXAMINER STRAIN: Your cross-sections are now shown.

And the only other note I had left after the clarifications that you already are going to do here, to make sure it's consistent with the table, is to change that to your new entity.

And those are all the comments I have at this time.

And with that, Patrick, I'll see if there's a staff report, and then we'll move to public speakers.

MR. VANASSE: Okay. I actually have a few little tweaks that I'd like to bring forward, just --

HEARING EXAMINER STRAIN: Let's walk through them then.

MR. VANASSE: Yeah. You know, I think you had told us you had some -- a few little cleanups, so I went back last night and looked through this thoroughly and noticed just a few little details that would probably be good cleanup items. So if you go to the footnotes to the development table.

HEARING EXAMINER STRAIN: I've got the development table, but I didn't type out all the footnotes.

MR. VANASSE: So what we did is we changed the side-yard setbacks, and our development table allows for single-family attached and single-family detached. Our immediate concern was really the single-family detached, but as part of this process, we also changed one for single-family attached to five feet.

We omitted (sic) to change Footnote No. 3, and what Footnote No. 3 says is where a detached single-family unit is proposed adjacent to an attached single-family dwelling unit, a minimum 12-foot building separation shall be maintained.

If you look at the development standards, we went to five feet and minimum separation 10 feet. So for consistency sake, my thought is we could just remove Footnote No. 3. It doesn't apply anymore.

HEARING EXAMINER STRAIN: I fully agree. That would be fine.

MR. VANASSE: Okay. And if you have a copy of the cross-sections -- they're not very clear, and I have --

HEARING EXAMINER STRAIN: Well, that's the best I could do off the documents I had.

MR. VANASSE: Yeah. And all we could find going back through our files was a PDF, and that's why it's not very clear. We couldn't find the exact CAD file. But we've reworked it, and we'll be emailing that to you.

This was really associated with showing the buffers and the deviation of where the wall would be within the buffer, so that was carried forward. We omitted (sic) to change the minimum setbacks that is shown for the buildings. They still show six feet. That should be five. So we've made those corrections.

And I think some of those lines weren't clearly identified as project boundary and property line, so we've cleaned that up and will be emailing that to you.

HEARING EXAMINER STRAIN: I think you showed me those before the meeting started --

MR. VANASSE: Yeah.

HEARING EXAMINER STRAIN: -- and they look consistent with what you just said, so that will be great.

MR. VANASSE: That's it.

HEARING EXAMINER STRAIN: Okay. Thank you very much, Patrick.

Fred, do you have any staff report?

MR. REISCHL: Thank you, Mr. Strain. Fred Reischl, zoning division.

I received a phone call yesterday from the gentleman that lives in the single-family home directly west of the project, and he just wanted to know if there were going to be any changes to the preserve. I said they would stay the same, and he was very happy.

Staff has listened to and I spoke to you about these proposed changes, and we have no objection and we recommend approval.

HEARING EXAMINER STRAIN: Okay. Thank you, Fred.

With that, is there any members of the public that would like to speak on this matter?

(No response.)

HEARING EXAMINER STRAIN: Okay.

Patrick, I have one other question. It's kind of not on topic, but it is in a way.

MR. VANASSE: Okay.

HEARING EXAMINER STRAIN: I heard you are going to be leaving RWA.

MR. VANASSE: I will not be leaving RWA, but I will be going to a part-time status. I'm going to be staying on taking on a bit of a different role. I am actually starting a new niche building and development company that is going to be looking at building pocket neighborhoods. If you're not familiar with those, they're small infill projects. They're going to be green building, walkable porch-front type of communities with coastal architecture in keeping with your local environment, your local context.

And we hope to start off, you know, small with maybe some one-off projects here and there to prove

the concept, demonstrate how -- the type of quality we can build, and we are going to be using modular construction, and we are looking at providing both wood construction and recycled steel.

HEARING EXAMINER STRAIN: Okay.

MR. VANASSE: So an interesting concept. We're looking forward to it. We may have to work with staff and the county at looking at the code and how -- what kind of deviations may or may not be needed. But we're looking forward to it. I think it will be something different for this market, and I'm excited about it.

HEARING EXAMINER STRAIN: It sounds good. It's something that sounds like it's got a strategy for the future. And with you at the helm, I'm sure it will come out very well. It's been a pleasure working with you at the different stages, both here and at the Planning Commission, so I sure do wish you the best of luck, Patrick.

MR. VANASSE: Thank you. Appreciate it.

HEARING EXAMINER STRAIN: Thank you for your past frame of mind to always try to cooperate.

MR. VANASSE: And I'll still be around. And I've got Ashley here with me, so you'll see Ashley way more. And she's been doing a great job for us, and I'm sure she'll keep working well with staff and doing a great job for her clients.

HEARING EXAMINER STRAIN: Well, I was wondering why your company would steal one of the most competent people in the county away from us, and now I know why. It was a strategy, so --

MR. VANASSE: And I'm sure you'd much rather see her face than mine, so it's a benefit for everyone.

HEARING EXAMINER STRAIN: But I bet I'll see both in the future. So thank you, Patrick. I appreciate all your efforts.

Okay. With that, there is no public comment, and we will close this public hearing. I'll have a decision rendered within 30 days, most likely within a week to 10 days if everything goes well.

I will need the cleanup documents from you as fast as you can produce them and make sure we copy our planner with them, and we'll be good.

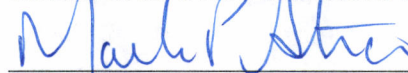
Does anybody else have any other issues for today's meeting?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, this meeting is adjourned. Thank you all.

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 10-8-15, as presented ✓
or as corrected _____.

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