

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
January 14, 2016

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
Rachel Beasley, Planner
Eric Johnson, Principal Planner
Heidi Ashton-Cicko, Managing Assistant County Attorney

EXHIBITS

DESCRIPTION	PAGE
VA-PL20150001166	
A - Staff Report	5
B - Legal Advertisement	5
SV-PL20150002301	
A - Staff Report	12
B - Legal Advertisement	12

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PROCEEDINGS

HEARING EXAMINER STRAIN: Everybody, good morning. If you-all don't mind taking your seats.

Welcome to the Thursday, January 14th 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: Thank you.

I have some housekeeping announcements to make. Speakers will be limited to five minutes unless otherwise waived. Decisions are final unless appealed to the Board of County Commissioners, and the decision will be rendered within 30 days.

With the amount of cases we have today, these will probably be resolved within 10 days, so hopefully we won't be taking the full 30.

With that in mind, review of the agenda; there are no changes. There are two public hearings scheduled for today.

***The approval of the prior minutes; I have reviewed the December 10th minutes. They're approved to be recorded as submitted, which takes us to the first advertised public hearing. It's Petition No. VA-PL20150001166, the Alberto Bolanos variance in Golden Gate Estates.

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.

We will move right into that application. My first question is going to be, are there any members of the public here wishing to speak on this item?

(No response.)

HEARING EXAMINER STRAIN: And I see none, so will the applicant's representative please come to the microphone.

Good morning. You are?

MS. THOMSON: I'm Kyla Thomson, and I represent the petitioners, Alberto and Maria Bolanos.

HEARING EXAMINER STRAIN: And for my disclosures, I have talked with staff, I've reviewed the files, and I've met and talked with Kyla this morning as well as Jeff Wright on the telephone.

Exhibit A today will be the staff report. Exhibit B will be the legal description.

And, Ms. Thomson, the reason I asked you to come forward is there's -- I've reviewed everything, so I don't need you to make a formal presentation. There are no members of the public here interested in this. So since I have read everything, I don't need you to repeat it, so we can move forward with that.

There are some staff comments or staff recommendations. I wanted to know if you had any objections to those.

MS. THOMSON: No, we do not.

HEARING EXAMINER STRAIN: Okay.

MS. THOMSON: We do not.

HEARING EXAMINER STRAIN: Okay. Let me make sure there's nothing else that I have of you, and then I do have a couple questions of staff.

I was going to get into a couple other items if there were members of the public here that had any concerns. Since they're not here, I'll refrain from doing that.

And that's the only question I have of you. Thank you very much.

MS. THOMSON: Thank you.

HEARING EXAMINER STRAIN: Mr. Johnson, I'd like to clarify a couple things in your staff report. One of them was that the minimum setback in Golden Gate Estates -- I'm trying to find the page that I found that on.

MR. JOHNSON: Eric Johnson. Page 5 of 9. It's under A, as in alpha.

HEARING EXAMINER STRAIN: That's it. In that page you mentioned that the minimum setback in Golden Gate Estates is 30 feet. I just wanted to make sure you were aware of 2.03.01, and I think it's Section D of the Estates zoning element which talks about nonconforming lots in Golden Gate Estates.

Prior to sometime in the '70s, people were allowed to subdivide to acre-and-a-quarter lots as minimum. Some of those got down to widths of 75 feet. It was realized at that time that those lots could not sustain 30-foot setbacks. Obviously, out of 75 feet you'd have 60 feet in setbacks.

So any nonconforming lot below 150 feet, I believe is the distance, is 10 percent of the lot width. So, in essence, we do have some cases where lot widths will be less than 30 feet. And the reason that's important to this applicant's situation and the way you wrote the report is they are only asking for a couple-foot variance, 2.4, I believe, from a 30-foot setback.

The fact that we do have existing setbacks in Golden Gate Estates, much less, makes this less concerning from my viewpoint, and I wanted to at least get that on record.

Do you agree with those statements, Eric, as far as the setbacks go?

MR. JOHNSON: I'm being told to agree.

HEARING EXAMINER STRAIN: Okay. Ray, as the zoning director, do you concur with my analysis of the setback?

MR. BELLOWS: Yes, you are correct.

HEARING EXAMINER STRAIN: Okay. Thank you.

And then the other thing I notice in your Page 4 under Growth Management GMP plan consistency -- I'm not sure who wrote this -- the subdistrict is -- it's the second sentence. The subdistrict is to provide for mostly residential development on a maximum density of one dwelling unit per 225 acres.

Again, the exception to that is acre-and-a-quarter lots that were platted prior to whatever date that cutoff was on.

And I believe that may be all I've got at this time. Yes, it is.

Okay. With that, are there any members of the public that wish to speak on this item?

(No response.)

HEARING EXAMINER STRAIN: Eric, do you have any comments from staff's side?

MR. JOHNSON: Yes, I do. I just wanted to point out that, as indicated in the staff report, the property's zoned E, as in Estates. It's located in the Residential Estates Future Land Use Map, Golden Gate Area Master Plan Future Land Use Map, associated with Building Permit PR-DB20141122065. I've outlined in the staff report how it relates to LDC Section 9.04.03.

Photo 7 of 9, or actually the photograph that I took, which is on 7 of 9 of the staff report, is actually due east. And the petition did have an objection from that property owner.

Now, I neglected to take a picture of how the structure would appear from the actual house on the abutting property owner. This picture is just due east.

The Wagners' house is a little bit north of this house, north of this photo. So I just wanted to point that out.

HEARING EXAMINER STRAIN: And I noticed the objection. They responded basically to the information letter that was sent out. It says, yes, I have an objection to this variance. Do you have any specific code-related objection they're logging just other than the fact they object?

MR. JOHNSON: Anything that's specific that they're asking about?

HEARING EXAMINER STRAIN: I mean, their objection basically says they object. Do you have any more insight into why they're objecting?

MR. JOHNSON: No.

HEARING EXAMINER STRAIN: Is it a view issue? Is it anything involving this structure that you are aware of?

MR. JOHNSON: I remember having a conversation with Mr. Wagner. I don't remember exactly what his -- you know, what his position is other than he's objecting to it. If I were to say my thoughts, then -- I don't want to, you know, misinterpret.

HEARING EXAMINER STRAIN: Well, I'm just looking for any documentation you may have. You don't have any documentation, or you haven't had a conversation specific to defining the objection? That's all I was looking for.

MR. JOHNSON: I think it was just -- I'll hang my hat on the letter that I received and the phone call.

HEARING EXAMINER STRAIN: Okay. Thank you.

Is that all for the staff report?

MR. JOHNSON: You know, in retrospect, I would have liked to have taken a picture of the structure to the house and seeing that -- the obstruction or vista, but it is what it is.

HEARING EXAMINER STRAIN: Well, there's about 27-plus feet distance still there with whatever material is in that location. So we're talking a 2.4-foot variance, which I'm not sure a photograph's going to have that much of an impact on that ratio between what they're asking for, the difference between a 30-foot setback down to 27 feet. So I didn't find that a problem not to have that photograph you're talking about.

MR. JOHNSON: Ultimately, we're still recommending approval.

HEARING EXAMINER STRAIN: Okay. Thank you.

And with that, if there's nobody else, no other comments, we will close the public hearing, and a decision will be rendered within 30 days, most likely within the next 10 days.

Thank you very much for your time today.

***The next petition is number S -- sign variance, SV-PL20150002301. It's WCI Communities, LLC, for the LaMorada residential development parcel.

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

HEARING EXAMINER STRAIN: Are there any members of the public here to discuss this item? (No response.)

HEARING EXAMINER STRAIN: None. Okay.

And, Mr. Arnold, I assume you are the representative of the applicant.

MR. ARNOLD: I am. I'm Wayne Arnold with Q. Grady Minor & Associates representing WCI Communities. I have Kevin McKyton, who's with WCI, if you had any specific questions.

HEARING EXAMINER STRAIN: My disclosures are staff -- I've talked with staff, I've reviewed the files, and I have talked with Mr. Arnold a couple of times.

Exhibit A will be the staff report. Exhibit B will be the legal description.

And, Wayne, I know you've been to these meetings before, and you know that unless I -- unless some members of the public show up, I'm not inclined to need a presentation. I have read everything.

So with that, I'll move directly into any questions I may have involving you, and I think the only one I made a note of is the staff recommendations.

I think some clarification's needed on the recommendations. It says there will be no signed project access on Immokalee Road. In your request for this, one of the basis for your request was that you weren't going to have any signs at your secondary entrance on Immokalee Road.

MR. ARNOLD: Correct.

HEARING EXAMINER STRAIN: When you said you weren't going to have any signs, what specifically were you referring to? Because there's a lot of different kinds of signs.

MR. ARNOLD: The residential entry signs that otherwise they would qualify for under the Land Development Code.

HEARING EXAMINER STRAIN: Like a wall or a ground sign?

MR. ARNOLD: That's correct. There would be, typically, the residential project name on either side of the entrance. They're foregoing that for this corner sign that would be the boundary marker sign.

HEARING EXAMINER STRAIN: Okay. And, Rachel, from staff's perspective, would you have any problem clarifying your recommendation to reflect specifically the type of sign that they're saying they're not going to be coming in and asking for? Because the way it's written now, it could even be traffic signs. It could be any kind of sign whatsoever.

MS. BEASLEY: Sure. Rachel Beasley, for the record.

Yes, there are different categories of signs. And I said sign project access, so -- which would be an entrance sign, so I could clarify that more specifically if need be, yes.

HEARING EXAMINER STRAIN: Okay. They may come in at some point in the future and want a temporary sign or something else of the nature. I don't think the intention was to eliminate any kind of sign whatsoever, but I hope it wasn't --

MS. BEASLEY: No, it wasn't.

HEARING EXAMINER STRAIN: Okay. Just if we get that clarification, then I think that's the only issue I've had in review of your application. Other than that, I'm fine.

MR. ARNOLD: Thank you.

HEARING EXAMINER STRAIN: I don't have any more questions of you, Wayne. Thank you.

MR. ARNOLD: Thank you.

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

MS. BEASLEY: Yes. The staff report was submitted with the recommendation of approval contingent on the condition that there would be the clarification on the entrance sign that I will later clarify.

HEARING EXAMINER STRAIN: Yeah. Would you email me the clarification, because I'd like that exact language subject to staff's review.

MS. BEASLEY: Yes.

HEARING EXAMINER STRAIN: Okay. Thank you.

And with that, I don't have any other questions. Are there members of the public here to speak?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, we'll close the public hearing, and a decision will be rendered within 30 days, most likely within 10.

MR. ARNOLD: Thank you.

HEARING EXAMINER STRAIN: Thank you-all for attending today.

There are no other items on our agenda today. So are there any other public comments?

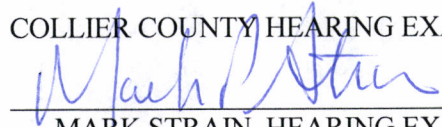
(No response.)

HEARING EXAMINER STRAIN: Nobody's here.

With that, we'll adjourn the meeting. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:13 a.m.

COLLIER COUNTY HEARING EXAMINER



MARK STRAIN, HEARING EXAMINER

ATTEST

DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 1-28-16, as presented ✓
or as corrected _____.

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