

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
March 10, 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
Daniel Smith, Principal Planner
Rachel Beasley, Planner
Heidi Ashton-Cicko, Managing Assistant County Attorney

EXHIBITS

DESCRIPTION	PAGE
BDE-PL2015000039	
A - Staff Report	4
B - Legal Advertisement	4
BD-PL20150001024	
A - Staff Report	6
B - Legal Advertisement	6

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PROCEEDINGS

HEARING EXAMINER STRAIN: Okay. Good morning, everyone. Welcome to the March 10th 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.

A few housekeeping matters: Individual speakers will be limited to five minutes unless otherwise waived. All decisions are final unless appealed to the Board of County Commissioners, and the decision will be rendered within 30 days.

Review of the agenda: We have two advertised public hearings, 4A and 4B. There are no others being added or changed at this time.

Approval of the prior minute meetings: I've reviewed those, and they're fine to be recorded as they are; February 11, 2016 minutes.

***And that will take us to the first advertised public hearing. It's Item 4A.

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: And I should have started out by announcing it's BDE-PL2015000039. It's for a boat dock extension at 323 Barefoot Beach Boulevard.

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

(No response.)

HEARING EXAMINER STRAIN: Disclosures on my part: I've reviewed the files, and I've not had a need to talk to anybody else so -- Dan, is this one yours?

MR. SMITH: Yes.

HEARING EXAMINER STRAIN: Yeah. You and I did speak about it yesterday. You asked me if I had any issues, and I really didn't have any to bring up at the time.

So Exhibit A will be the staff report. Exhibit B will be the legal ad.

Mr. Turley, you're representing the applicant. Would you mind -- do you mind saying your name for the record.

MR. TURLEY: For the record, my name is David Turley, representing the Robin family.

HEARING EXAMINER STRAIN: Okay. Do you have -- I've read the entire staff report. I have no, really, questions other than some comments. Is there anything you want to add to the staff report?

MR. TURLEY: Not at this time.

HEARING EXAMINER STRAIN: Okay. I notice there were no objections. Have you received any objections to this application?

MR. TURLEY: No, I have not.

HEARING EXAMINER STRAIN: And I'll ask staff the same question, but I can't find any that are on record.

And I notice that the only criteria you didn't meet was the water depth, but that's because you tried to avoid the mangroves and went out further; is that correct?

MR. TURLEY: That's correct.

HEARING EXAMINER STRAIN: Okay. I don't have any other questions, David, so I appreciate it. And that was another thorough submittal, so thank you for that.

MR. TURLEY: Thank you very much.

HEARING EXAMINER STRAIN: Okay. Is there a staff report?

MR. SMITH: There is a staff report. Staff recommends approval.

HEARING EXAMINER STRAIN: And, Dan, did you have any objections received since the issuance of the staff report or anything?

MR. SMITH: No, I did not.

HEARING EXAMINER STRAIN: Okay. And is there anybody here from the public for this matter? I don't recognize anyone being here.

Okay. With that, we'll close the hearing, and a motion -- or a decision will be rendered within 30 days, most likely within the next week.

MR. TURLEY: Thank you very much.

HEARING EXAMINER STRAIN: Thank you, Mr. Turley.

***The next item up is Item 4B. It's boat dock PL20150001024. It's 206 San Matteo Drive, boat dock extension.

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: Okay. Disclosures on my part: I've reviewed the files, and I spoke with staff just as the meeting started.

One question I have of staff, this is shown on -- let me find the right document. It's a BD instead of BDE. Is there a significance for that change in designation?

MS. BEASLEY: No, there is not.

HEARING EXAMINER STRAIN: Okay. So this technically should be BDE then; is that right?

MS. BEASLEY: I believe so. Most of them are, yes.

HEARING EXAMINER STRAIN: Yeah, most of them are, yes.

MS. BEASLEY: Yes.

HEARING EXAMINER STRAIN: Okay. Now, as far as representing -- the applicant is Greg Orick, Greg Orick II Marine Construction. Would you mind approaching the mike and stating for the record your name and that you're representing them.

MS. LINDSLEY: My name is Holly Lindsley, and I'm representing Mr. Scott at 206 San Mateo.

HEARING EXAMINER STRAIN: Okay. Did staff receive anything recognizing Ms. Lindsley as the representative of Mr. -- the property owner? And you work for Orick Marine then?

MS. LINDSLEY: Yes, I do.

HEARING EXAMINER STRAIN: Okay.

MS. ASHTON-CICKO: The affidavit of authorization is for Greg Orick II Marine Construction, Inc.

HEARING EXAMINER STRAIN: And she works for Greg II Marine Construction, Inc.; is that what you stated?

MS. LINDSLEY: Yes, sir.

MS. ASHTON-CICKO: So that's sufficient.

HEARING EXAMINER STRAIN: Okay. You've not had -- you've got two letters of -- or statements of no objections from the neighbors.

MS. LINDSLEY: Yes, sir.

HEARING EXAMINER STRAIN: Have you received any objections other than -- any objections or other notifications?

MS. LINDSLEY: No, sir.

HEARING EXAMINER STRAIN: Okay. As far as additions to the staff report, do you have anything you want to add to the record?

MS. LINDSLEY: No, sir.

HEARING EXAMINER STRAIN: Thank you.

And there is one item that I discussed with staff that I'd like them to kind of weigh in on at this point. I notice that you're required to replant the conservation easement along the back side, but there was no timing for that replanting. Typically, those are required to be replanted before the CO is obtained on the dock, and that stipulation is one that staff would like to add, if I'm not mistaken.

MS. BEASLEY: That is correct.

HEARING EXAMINER STRAIN: Do you have any objection to that stipulation?

MS. LINDSLEY: No, sir.

HEARING EXAMINER STRAIN: Okay. Other than that, I don't have any questions or comments. And if you don't have anything you want to add, then at this point I do thank you.

MS. LINDSLEY: Okay.

HEARING EXAMINER STRAIN: And we'll move to staff report. Is there a staff report, Rachel?

MS. BEASLEY: Yes, there is, and it's recommending approval with the stipulation that the reservation work is detailed, and the approved restoration plan must be completed by time of certificate of completion for the dock.

HEARING EXAMINER STRAIN: Okay. And that works. And, again, there was no objections received.

Is there any members of the public here?

(No response.)

HEARING EXAMINER STRAIN: Seeing none, we will close this hearing, and a decision will be rendered within 30 days but most likely within seven to 10 days.

Thank you for attending. I sure appreciate it.

And with that, this meeting is -- there's no other business for this meeting, so the meeting's 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 9:07 a.m.

COLLIER COUNTY HEARING EXAMINER


MARK STRAIN, HEARING EXAMINER

ATTEST

DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 4-14-16, as presented ✓
or as corrected _____.

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