

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
July 13, 2017

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

PROCEEDINGS

HEARING EXAMINER STRAIN: Good morning, everyone. Welcome to the Thursday, July 13th meeting of the Collier County Hearing Examiner's Office.

If everybody will please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: Some housekeeping matters to announce. Speakers will be limited to five minutes unless otherwise waived. Decisions of the Hearing Examiner are final unless appealed to the Board of County Commissioners, and a decision will be rendered within 30 days.

With that, we'll review the agenda. There's only two items advertised for today. There are no changes to the agenda. So with that, we'll move directly into our advertised public hearings.

***The first one is 3A. It's Petition No. NUA-PL20160003227. It's the Caribbean Mobile Home Park, LLC. It was continued from the June 22nd meeting.

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: As far as my disclosures go, I have talked to staff several -- a couple times; the applicant's representative and I have met. We've corresponded back and forth; and I've reviewed all the files to date. And one item that came in this morning is a revision to an exhibit that will potentially be used for this decision.

At the request of the County Attorney's Office, some of the shading was cleared up so it could be recorded properly if it ends up being used.

So with that, first of all, are there any members of the public here who are here for this item that are not with the applicant or associated with this application?

(No response.)

HEARING EXAMINER STRAIN: Okay. With that, that will shorten our meeting considerably.

I don't need a presentation. Laura, if you'll come up and identify yourself for the record, I'd appreciate that.

MS. DeJOHN: Good morning. Laura DeJohn with Johnson Engineering. I'm here today on behalf of the applicant. And we also do have the General Manager of Caribbean Park here if there are any questions.

HEARING EXAMINER STRAIN: I have a couple of questions regarding the staff's recommendations. There were two recommendations. One was the maximum building height shall not exceed 30 feet for the eight sites. Do you have any objection to that?

MS. DeJOHN: We do not.

HEARING EXAMINER STRAIN: Okay. The second one -- and I'm going to suggest a modification on this one. It currently reads, the replacement mobile home and modular units on the eight sites shall not encroach further than what exists today or any known setbacks that were previously approved.

The ambiguity of the last part of that sentence is a little concerning, so I was going to suggest to change it. The replacement mobile home and modular units on the eight sites shall not encroach further than what exists today or as shown on the site plan.

Do you have any objection to that?

MS. DeJOHN: That's a good solution.

HEARING EXAMINER STRAIN: Eric, as the staff member who wrote the recommendation, do you have any problem with that?

MR. JOHNSON: No, sir.

HEARING EXAMINER STRAIN: Okay. I reviewed everything else, and I don't have any other questions. It's pretty straightforward, so...

And I do appreciate the amount of effort both you and staff went to to dig up some of those old -- back in the 1960s were some of the building permits. That's good research. And I do note that back in those days the setbacks were substantially different than they are today.

MS. DeJOHN: Right. Yeah, and we do appreciate the work Eric, did because he helped put a lot of information together to find some old records for us.

HEARING EXAMINER STRAIN: Okay. Thank you.

MS. DeJOHN: Thank you.

HEARING EXAMINER STRAIN: I don't have any other questions, Laura, so I appreciate your time.

Eric, do you have a staff report?

MR. JOHNSON: Staff recommends approval based on the changes that you've mentioned.

HEARING EXAMINER STRAIN: Okay. Thank you. Are there any members of the public here who would like to discuss the Caribbean Mobile Home Park application?

(No response.)

HEARING EXAMINER STRAIN: Okay. Hearing none, we'll close the public hearing, and a decision on this will be rendered within 30 days; most likely within about a week or so. I think it will be a lot quicker than that.

So thank you for your time. That's all there is to it. We appreciate your time today.

***That takes us to our second item up today, which is Petition No. ZLTR(CUD)-PL20170001085. It's called the Rook at Naples I, LLC.

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.

My disclosures: I've talked with staff, I had a discussion with the applicant's rep, and I reviewed the files in this case.

Are there any members of the public here wishing to discuss this item? It's Artesa Pointe. It's the comparable/compatible analysis for a beauty salon on 951, or at least one of the outbuildings. Anybody here for this item from members of the public?

(No response.)

HEARING EXAMINER STRAIN: Okay. Kristina, would you mind coming up; identifying yourself for the record.

MS. JOHNSON: Good morning. Kristina Johnson with JR Evans Engineering representing the applicant for this petition.

HEARING EXAMINER STRAIN: Thank you.

And there are no staff recommendations. It's a straight review of comparable/compatible. I did want to put a couple things on record.

I checked the size of your facility, and it's proposed at 2,320 feet, and I thought it was interesting that inside the Walmart salon, Walmart, there is a salon that's 939 feet. So I certainly agree with staff's position that it is a comparable/compatible use for that particular PUD. One already exists there.

MS. JOHNSON: Right.

HEARING EXAMINER STRAIN: It would be hard to say it isn't.

I also notice that Walmart used to own the property that this particular facility's on that you're asking about. And when they sold the property in 2014, they provided a series of restrictions in the deed, but a restriction on a salon was not one of those incorporated, so I didn't see a conflict there. And I don't see anybody from Walmart here opposing this, so my assumption is that we're good at that side of it.

I had asked staff -- and I'll just say this for the record, again, in my meeting with them -- that we take a look at possibly incorporating some criteria for comparable/compatibles as we go in the future. We're getting more of these, and I want to make sure we don't deviate from what is comparable/compatible to something that is a zoning change.

And so, I know this doesn't particularly involve you, Kristina, but it's something that staff and I discussed as a result of this, and I hope that we finally get to do that.

Other than that, I don't have any other questions, so thank you.

MS. JOHNSON: Great. Thank you.

HEARING EXAMINER STRAIN: Eric, I guess you're filling in for Rachel?

MR. JOHNSON: Yes, sir. I have nothing more to add other than what the staff recommendation is.

HEARING EXAMINER STRAIN: Thank you.

Are there any members of the public here wishing to speak on this item?

(No response.)

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

That takes us to the last couple items on our agenda. There's no other business listed.

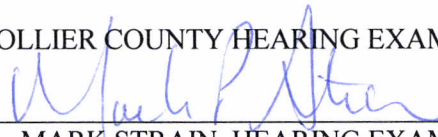
Is there any public comments?

(No response.)

HEARING EXAMINER STRAIN: And seeing no members of the public here, this meeting is adjourned. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:07 a.m.

COLLIER COUNTY HEARING EXAMINER



MARK STRAIN, HEARING EXAMINER

ATTEST

DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 7-25-17, as presented ✓
or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
U.S. LEGAL SUPPORT, INC., BY
TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.