

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY HEARING EXAMINER  
Naples, Florida  
January 25, 2018

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  
Scott Stone, Assistant County Attorney

HEARING EXAMINER STRAIN: Everybody, good morning. Welcome to the Thursday, January 25th meeting of the Collier County Hearing Examiner's Office.

If everybody will please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: Thank you.

A few housekeeping matters. Speakers will be 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.

We have one case today and that's the second hearing of that case. Your decision will be out rather quickly.

With that, the other part of the agenda is review the agenda itself. We have two items, 3.A and 3.B, both continued from two weeks ago. 3.B will need to be continued again. It's Petition No. PDI-PL20160003482. And that will be continued to the February 22nd meeting. There's no meeting on the first meeting in February, so it will be the 22nd.

And the item -- I've talked to the applicant about this particular case. There's a possibility it could go to the Planning Commission at some point between now and the next time it's heard. If the applicant chooses to maybe expedite the process by moving it to the Planning Commission, you'll be more than welcome to call in, we'll get staff direction and it can be done.

In the meantime, the advertising that's already been put in place for the Hearing Examiner's Office will remain in place for that meeting on the 22nd, unless otherwise directed.

Does anybody -- I know the applicant's here. Are there any questions from you guys?

(No response.)

HEARING EXAMINER STRAIN: Okay. With that, that item 3.B will be continued to February 22nd. Thank you.

That brings us to the only remaining advertised public hearing. It's a continuation of Petition No. PDI-PL20170002544, the Livingston Pro Center. And it's also known as the Hiwassee PUD. It's on Livingston Road just south of Pine Ridge.

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 to various members of staff, including other departments such as our appraisal department. I've discussed the issues with the applicant and County Attorney's Office over what to measure the property lines from.

A lot of new information was provided, some issues from the last meeting as directed were worked out.

And any members of the public here specifically for this item?

(No response.)

HEARING EXAMINER STRAIN: Okay, seeing none, Bob, we don't have to do another presentation. Let's simply move into the document itself.

If you could just mind going over the changes real quick for the record, then the one I asked you about this morning as well.

MR. MULHERE: Sure. For the record, Bob Mulhere with Hole-Montes here on behalf of the applicant.

There was some really minor changes. There was a question about whether in fact the PUD boundary was the property line. So originally the highlighted section said Livingston Road, 25 feet measured from the property line.

Since there was some question about that, although the legal description in the PUD clearly defines that as the property line, we've changed that to reflect the phraseology of PUD boundary. So that will make it clear.

We've done it on both of those two setbacks, Livingston Road as well as Eatonwood Lane. There is a legal description in the PUD that matches, so...

The other change, I'll show you the minor changes on the master plan too, was at the last hearing that you had requested a condition that deviation related to foundation plantings be restricted to the actual use of the property, which is automobile self-storage. You suggested that we remove the reference in parenthesis there SIC Code 4225, which we're happy to do, just in case anything changes in the future. It doesn't quite have to be that specific, it's self-explanatory without that parenthetical phrase. So we would remove that and then send it to you after this meeting.

Just to show you the changes on the master plan, they reflect the same changes in the PUD document. Highlighted in yellow. It's a little hard to see. I'm not sure how to zoom it so I'm not going to even try.

HEARING EXAMINER STRAIN: That's fine, Bob.

MR. MULHERE: Right here, 25 feet measured from the PUD boundary from Livingston. And from Eatonwood, 24 feet measured from the PUD boundary. So it matches the PUD document.

That is the extent of the changes.

I did want to also mention at the last meeting we had a representative here from Kensington who spoke in favor of the project, represented the master association.

HEARING EXAMINER STRAIN: They also sent a letter of no objection as well on that.

Scott?

MR. STONE: Bob, there was one additional change. On Exhibit A-1, there was a labeling change.

MR. MULHERE: Yes, thank you.

MR. STONE: On the top left. Instead of property line it --

MR. MULHERE: Oh, PUD boundary. Yeah, right here. Thank you. Thanks for pointing that out, Scott.

I have just the reference to the setbacks, which, you know, serve just to clarify where they're measured from.

HEARING EXAMINER STRAIN: Anything else from your department, Scott?

MR. STONE: No.

HEARING EXAMINER STRAIN: I have no other questions, Bob. Everything was handled since the last meeting. So I think from that perspective I don't have anything else to add to it.

Turn to staff. Is there any -- based on the information you've seen today, Fred, which some of it just happened this morning in regards to striking of the SIC Code, does staff have any objections or changes to their position on it?

MR. REISCHL: Thank you, Mr. Strain. Fred Reischl with Planning and Zoning.

No objections to what's been presented this morning. And my recommendation continues from last meeting for approval.

HEARING EXAMINER STRAIN: Are there any members of the public here who would like to speak on this item?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, Bob, everything is complete as necessary. That will end the particular discussion on this case and I will have a decision rendered probably no later than next week.

MR. MULHERE: Thank you.

HEARING EXAMINER STRAIN: Okay, thank you, sir.

With that, that's the only item on the advertised public hearings on the agenda.

The other item is any other business?

(No response.)

HEARING EXAMINER STRAIN: I have none to discuss.

Are there any public comments?

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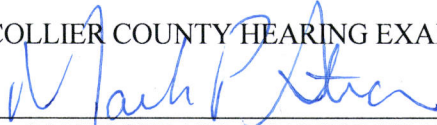
(No response.)

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

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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



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MARK STRAIN, HEARING EXAMINER

ATTEST:

DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 2-8-18 as presented  or as corrected \_\_\_\_\_.

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